DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6164–N–02]

Notice of Regulatory Waiver Requests Granted for the Second Quarter of Calendar Year 2019

AGENCY: Office of the General Counsel,HUD.

ACTION: Notice.

SUMMARY: Section 106 of the Department of Housing and Urban Development Reform Act of 1989 (the HUD Reform Act) requires HUD to publish quarterly Federal Register notices of all regulatory waivers that HUD has approved. Each notice covers the quarterly period since the previous Federal Register notice. The purpose of this notice is to comply with the requirements of section 106 of the HUD Reform Act. This notice contains a list of regulatory waivers granted by HUD during the period beginning on April 1, 2019 and ending on June 30, 2019.

FOR FURTHER INFORMATION CONTACT: For general information about this notice, contact Aaron Santa Anna, Acting Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, 451 7th Street SW, Room 10282, Washington, DC 20410–0500, telephone 202–708–5300 (this is not a toll-free number). Persons with hearing- or speech-impairments may access this number through TTY by calling the toll-free Federal Relay Service at 800–877–8339.

For information concerning a particular waiver that was granted and for which public notice is provided in this document, contact the person whose name and address follow the description of the waiver granted in the accompanying list of waivers that have been granted in the second quarter of calendar year 2019.

SUPPLEMENTARY INFORMATION: Section 106 of the HUD Reform Act added a new section 7(q) to the Department of Housing and Urban Development Act (42 U.S.C. 3535(q)), which provides that:

1. Any waiver of a regulation must be in writing and must specify the grounds for approving the waiver;
2. Authority to approve a waiver of a regulation may be delegated by the Secretary only to an individual of Assistant Secretary or equivalent rank, and the person to whom authority to waive is delegated must also have authority to issue the particular regulation to be waived;
3. Not less than quarterly, the Secretary must notify the public of all waivers of regulations that HUD has approved, by publishing a notice in the Federal Register. These notices (each covering the period since the most recent previous notification) shall:
   a. Identify the project, activity, or undertaking involved;
   b. Describe the nature of the provision waived and the designation of the provision;
   c. Indicate the name and title of the person who granted the waiver request;
   d. Describe briefly the grounds for approval of the request; and
   e. State how additional information about a particular waiver may be obtained.

Section 106 of the HUD Reform Act also contains requirements applicable to waivers of HUD handbook provisions that are not relevant to the purpose of this notice.

This notice follows procedures provided in HUD's Statement of Policy on Waiver of Regulations and Directives issued on April 22, 1991 (56 FR 16337). In accordance with those procedures and with the requirements of section 106 of the HUD Reform Act, waivers of regulations are granted by the Assistant Secretary with jurisdiction over the regulations for which a waiver was requested. In those cases in which a General Deputy Assistant Secretary granted the waiver, the General Deputy Assistant Secretary was serving in the absence of the Assistant Secretary in accordance with the office's Order of Succession.

This notice covers waivers of regulations granted by HUD from April 1, 2019 through June 30, 2019. For ease of reference, the waivers granted by HUD are listed by HUD program office (for example, the Office of Community Planning and Development, the Office of Fair Housing and Equal Opportunity, the Office of Housing, and the Office of Public and Indian Housing, etc.). Within each program office grouping, the waivers are listed sequentially by the regulatory section of title 24 of the Code of Federal Regulations (CFR) that is being waived. For example, a waiver of a provision in 24 CFR part 58 would be listed before a waiver of a provision in 24 CFR part 570.

Where more than one regulatory provision is involved in the grant of a particular waiver request, the action is listed under the section number of the first regulatory requirement that appears in 24 CFR and that is being waived. For example, a waiver of both § 58.73 and § 58.74 would appear sequentially in the listing under § 58.73.

Waiver of regulations that involve the same initial regulatory citation are in
time sequence beginning with the earliest-dated regulatory waiver. Should HUD receive additional information about waivers granted during the period covered by this report (the second quarter of calendar year 2019) before the next report is published (the third quarter of calendar year 2019), HUD will include any additional waivers granted for the second quarter in the next report.

Accordingly, information about approved waiver requests pertaining to HUD regulations is provided in the Appendix that follows this notice.

Dated: September 12, 2019.

J. Paul Compton Jr.,
General Counsel.

APPENDIX

Listing of Waivers of Regulatory Requirements Granted by Offices of the Department of Housing and Urban Development April 1, 2019 through June 30, 2019

<table>
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<tr>
<th>Date Granted</th>
<th>Project/Activity</th>
<th>Reason Waived</th>
<th>Nature of Requirement</th>
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<tr>
<td>June 12, 2019.</td>
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<td>David C. Woll, Jr.</td>
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<tr>
<td>Acting Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 402–4521.</td>
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Regulation: 24 CFR 51.104(b)(2). Project/activity: Delamarre Apartments—Celebration, Florida. The construction of a mixed-use project to create 379 housing units of market-rate housing and a clubhouse under HUD’s Section 221(d)(4) mortgage insurance program.

Nature of Requirement: The regulation at 24 CFR 51.104(b)(2) requires an environmental impact statement for projects in unacceptable noise zones. The Assistant Secretary may waive the EIS requirement in cases where noise is the only environmental issue and no outdoor noise sensitive activity will take place on the site. In such cases, an environmental review shall be made pursuant to the requirements of 24 CFR parts 50.

Granted By: David C. Woll, Jr. Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: June 12, 2019.

Reason Waived: The project will further the HUD mission and will advance HUD program goals to develop viable, sustainable communities and affordable housing. The project will repair the utilities so that the interior, protect the interiors, and outdoor, noise-sensitive uses will be protected by noise barriers to ensure HUD’s exterior noise goal.

Based on the environmental assessments, no adverse environmental impact will result from this development in an unacceptable noise zone.


Regulation: 24 CFR 91.105(c)(2); 24 CFR 91.105(k) and 24 CFR 91.115(c)(2) and (k) and 24 CFR 91.115(c)(2) and (k) and 24 CFR 91.115(c)(2) and (j) set forth the citizen participation plan requirements for local governments and states, respectively. For substantial amendments to the consolidated plan, the regulations require the recipient to follow its citizen participation plan to provide citizens, for both local government and state plans, and units of general local government, for state plans, with reasonable notice and opportunity to comment. The citizen participation plan must state how reasonable notice and opportunity to comment will be given.

Granted: By David C. Woll, Jr., Acting Assistant Secretary for Community Planning and Development.

Date Granted: April 2, 2019.

Reason Waived: Given the need to expedite actions to respond to the disaster, HUD waives the 30-day public comment requirement of 24 CFR 91.105(c)(2) and (k) and 91.115(c)(2) and (j) and reduces the public comment period to seven days. In reducing the comment period to seven days, HUD is balancing the need to quickly assist families dealing with the aftereffects of the hurricane while continuing to provide reasonable notice and opportunity for citizens to comment on the proposed uses of ESG Program funds.

In addition, HUD recognizes that the destruction wrought by Hurricane Michael makes it difficult for the recipient to provide notice to citizens in accordance with its citizen participation plan. Therefore, HUD waives 24 CFR 91.105(c)(2) and (k) and 91.115(c)(2) and (j) to allow the recipient to determine what constitutes reasonable notice and opportunity to comment.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

Regulation: 24 CFR 91.105(c)(2); 24 CFR 91.105(k) and 24 CFR 91.115(c)(2) and 24 CFR 91.115(c)(2) and (k) and 24 CFR 91.115(c)(2) and (j) and 24 CFR 91.115(c)(2) and (i) to allow the recipient to determine what constitutes reasonable notice and opportunity to comment.

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Project/Activity: The California wildfires caused substantial damage to neighborhoods throughout Butte, Los Angeles, and Ventura counties. Consequently, many individuals and families residing in the declared-disaster area were affected, including the current beneficiaries of the ESG Program and families eligible to receive ESG assistance. The state inquired about the availability of certain regulatory waivers of ESG Program requirements to facilitate recovery and assist individuals and families affected by the disaster.

Nature of Requirement: An ESG Program recipient may amend an approved consolidated plan in accordance with 24 CFR 91.105. Substantial amendments to the consolidated plan, such as the addition of new activities or a change in the use of ESG Program funds from one eligible activity to another, are subject to the citizen participation process in the recipient’s citizen participation plan. The citizen participation plan must provide citizens with 30 days to comment on substantial amendments.

Regulations at 24 CFR 91.105(c)(2) and (k) and 24 CFR 91.115(c)(2) and (i) set forth the citizen participation plan requirements for local governments and states, respectively. For substantial amendments to the consolidated plan, the regulations require the recipient to follow its citizen participation plan to provide citizens, for both local government and state plans, and units of general local government, for state plans, with reasonable notice and opportunity to comment. The citizen participation plan must state how reasonable notice and opportunity to comment will be given.

Granted By: David C. Woll, Jr., Acting Assistant Secretary for Community Planning and Development.
Date Granted: April 2, 2019.

Reason Waived: Given the need to expedite actions to respond to the disaster, HUD waives the citizen participation requirement of 24 CFR 91.105(c)(2) and (k) and 91.115(c)(2) and (i) and reduces the public comment period to seven days. In reducing the comment period to seven days, HUD is balancing the need to quickly assist families dealing with the aftereffects of the wild fires while continuing to provide reasonable notice and opportunity for citizens to comment on the proposed uses of ESG Program funds.

In addition, HUD recognizes that the destruction wrought by the California wild fires makes it difficult for the recipient to provide notice to citizens in accordance with its citizen participation plan. Therefore, HUD waives 24 CFR 91.105(c)(2) and (k) and 91.115(c)(2) and (i) to allow the recipient to determine what constitutes reasonable notice and opportunity to comment.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 402–5716.

• Regulation: 24 CFR 91.105(c)(2) and 24 CFR 91.115(i).

Project/Activity: Northern Mariana Islands’ Plan Amendments for use of CDBG funding.
Nature of Requirement: The citizen participation plan (part of the Consolidated Plan) must provide residents and units of general local government with reasonable notice and an opportunity to comment on consolidated plan substantial amendments. The citizen participation plan must provide a period, of not less than 30 calendar days, to receive comments on the consolidated plan substantial amendment before the consolidated plan substantial amendment is implemented. The waiver reduced this period to not less than seven days.

Granted By: David C. Woll, Jr., Principal Deputy Assistant Secretary, Office of Community Planning and Development.
Date Granted: January 29, 2019.

Reason Waived: In reducing the comment period to seven, HUD is balancing the need to quickly assist families dealing with the after-effects of the tropical storm [FEMA–4404–DR] while continuing to provide reasonable notice and opportunity for citizens to comment on the proposed uses of the Northern Mariana CDBG funds.

Contact: James Höiennmann, Deputy Director, State and Small Cities Division, Office of Block Grant Assistance, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 402–5716.

• Regulation: 24 CFR 91.115(c)(2) and 24 CFR 91.115(i).

Project/Activity: State of Nebraska’s Plan Amendments for use of CDBG funding.

Nature of Requirement: The citizen participation plan (part of the Consolidated Plan) must provide residents and units of general local government with reasonable notice and an opportunity to comment on consolidated plan substantial amendments. The citizen participation plan must provide a period, of not less than 30 calendar days, to receive comments on the consolidated plan substantial amendment before the consolidated plan substantial amendment is implemented. The waiver reduced this period to not less than seven days.

Granted By: David C. Woll, Jr., Acting Assistant Secretary for Community Planning and Development.
Date Granted: April 2, 2019.

Reason Waived: In reducing the comment period to seven, HUD is balancing the need to quickly assist families dealing with the after-effects of the flood [DR–4420] while continuing to provide reasonable notice and opportunity for citizens to comment on the proposed uses of the State of Nebraska’s CDBG funds.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708–2684.

• Regulation: 24 CFR 576.106(a); 24 CFR 576.105(a)(5); and 24 CFR 576.105(b)(2).– Term limits on Rental Assistance and Housing Relocation and Stabilization Services.

Project/Activity: Hurricane Michael and subsequent flooding caused substantial damage to neighborhoods throughout Florida’s Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Leon, Liberty, Taylor, Wakulla, and Washington counties. Consequently, many individuals and families residing in the declared-disaster area were affected, including the current beneficiaries of the ESG Program and families eligible to receive ESG assistance. The state has inquired about the availability of certain regulatory waivers of ESG Program requirements to facilitate recovery and assist individuals and families affected by the disaster.

On October 19, 2018, the aforementioned Florida counties were included in a major disaster declaration (FEMA–DR–4399) under Title IV of the Stafford Act.

Nature of Requirement: The ESG regulation at 24 CFR 576.106(a) prohibits a program participant from receiving more than 24 months of ESG rental assistance during any three-year period. Section 576.105(a)(5) prohibits a program participant from receiving more than 24 months of utility payments under ESG during any three-year period. Section 576.105(b)(2) limits the provision of housing stability case management to 30 days while the program participant is seeking permanent housing and 24 months while the program participant is living in permanent housing.

Granted By: David C. Woll, Jr., Acting Assistant Secretary for Community Planning and Development.
Date Granted: April 2, 2019.

Reason Waived: Waiving the 24 month caps on rental assistance, utility payments, and housing stability case management...
assistance will assist individuals and families, both those already receiving assistance and those who will receive assistance subsequent to the date of this memorandum to maintain stable permanent housing in place or in another area and help them return to their hometowns, as desired, when additional permanent housing is available.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

- Regulation: 24 CFR 576.106(a); 24 CFR 576.105(a)(5); and 24 CFR 576.105(b)(2) — Term limits on Rental Assistance and Housing Relocation and Stabilization Services.

Project/Activity: The California wildfires caused substantial damage to neighborhoods throughout Butte, Los Angeles, and Ventura counties. Consequently, many individuals and families residing in the declared-disaster area were affected, including the current beneficiaries of the ESG Program and families eligible to receive ESG assistance. The state has inquired about the availability of certain regulatory waivers of ESG Program requirements to facilitate recovery and assist individuals and families affected by the disaster.

Date Granted: April 2, 2019.

Reason Waived: HUD has determined that the rental vacancy rate in affected areas after hurricanes is extraordinarily low. Waiving the rental vacancy rate in affected areas after hurricanes is extraordinarily low. Waiving the rental vacancy rate in affected areas after hurricanes is extraordinarily low. Waiving the rental vacancy rate in affected areas after hurricanes is extraordinarily low. Waiving the rental vacancy rate in affected areas after hurricanes is extraordinarily low.


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Granted By: David C. Woll, Jr., Acting Assistant Secretary for Community Planning and Development.

Date Granted: April 2, 2019.

Reason Waived: Waiving the 24 month caps on rental assistance, utility payments, and housing stability case management assistance will assist individuals and families, both those already receiving assistance and those who will receive assistance subsequent to the date of this memorandum to maintain stable permanent housing in place or in another area and help them return to their hometowns, as desired, when additional permanent housing is available.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.


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On October 19, 2018, the aforementioned Florida counties were included in a major disaster declaration (FEMA–DR–4399) under Title IV of the Stafford Act.

Nature of Requirement: Under 24 CFR 576.106(d)(1), rental assistance cannot be provided unless the total rent is equal to or less than the FMR established by HUD, as provided under 24 CFR part 888, and complies with HUD’s standard of rent reasonableness, as established under 24 CFR 982.507.

Granted By: David C. Woll, Jr., Acting Assistant Secretary for Community Planning and Development.

Date Granted: April 2, 2019.

Reason Waived: HUD has determined that the rental vacancy rate in affected areas after hurricanes is extraordinarily low. Waiving the FMR restriction will make more units available to individuals and families in need of permanent housing.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.


Project/Activity: The California wildfires caused substantial damage to neighborhoods throughout Butte, Los Angeles, and Ventura counties. Consequently, many individuals and families residing in the declared-disaster area were affected, including the current beneficiaries of the ESG Program and families eligible to receive ESG assistance. The state has inquired about the availability of certain regulatory waivers of ESG Program requirements to facilitate recovery and assist individuals and families affected by the disaster.

Nature of Requirement: Under 24 CFR 576.106(d)(1), rental assistance cannot be provided unless the total rent is equal to or less than the FMR established by HUD, as provided under 24 CFR part 888, and complies with HUD’s standard of rent reasonableness, as established under 24 CFR 982.507.

Granted By: David C. Woll, Jr., Acting Assistant Secretary for Community Planning and Development.

Date Granted: May 31, 2019.

Reason Waived: The waiver will permit program participants residing in PSH projects defunded in the FY 2018 CoC Program Competition permanent housing to be served by other CoC Program-funded projects by waiving prioritization requirements and allowing program participants to self-certify their homeless status at the time they entered the defunded PSH project.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

- Regulation: 24 CFR 576.3 and 24 CFR 578.51(l)(1).

Project/Activity: Family Support Center of South Sound (FSCSS) provides program participants with Rapid Re-Housing (RRH) assistance that includes short- and medium-term rental assistance, ranging from three months to nine months, while also providing supportive services to help increase participant income through employment and the acquisition of mainstream benefits.

Nature of Requirement: The “permanent housing” definition at 24 CFR 578.3 and the lease requirement for permanent housing rental assistance at 24 CFR 578.51(l)(1) require program participants to have a lease with an initial term of at least one year, which is renewable for terms that are a minimum of one month long and is terminable only for cause.
leases that have an initial term of less than one year, so long as the leases have an initial term of more than one month, are renewable for terms that are a minimum of one month long and are onlyterminable for cause.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

Reason Waived: The Los Angeles Metro area is the most cost-burdened in the United States. According to the Joint Center for Housing Studies, 48 percent of all residents in Los Angeles County pay more than 30 percent of their income on rent and 82 percent of the lowest income residents pay more than 50 percent of their income on rent. Additionally, according to the U.S. Census Bureau 2016 American Community Survey, the rental vacancy rate for Los Angeles was 2.0 percent. Landlords are also refusing to accept households experiencing homelessness served by these agencies because of the 12-month lease requirement while those that are accepting other households with similar characteristics and backgrounds that are not enrolled in their projects. Waiving these provisions will allow the recipient expedite voucher utilization and better coordinate with landlords in an area with low vacancy rates and housing providers that aren’t willing to enter into one-year lease agreements. Program participants residing in rapid re-housing units may enter into leases that have an initial term of at least one month, which is renewable for terms that are a minimum of one month long and is terminable only for cause.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

Reason Waived: This jurisdiction has incredibly low vacancy rates ranging from 2.87 to 4.37 percent over the past couple years. In addition, rents in this area have increased at a rate of 6.37 to 10.5 percent in comparison to a national average of 1.4 to 3.5 percent annually. Finding affordable housing units in a market where many landlords have expressed a preference for entering into lease agreements of less than one year is a challenge. Waiving these provisions will allow the recipient to better coordinate with landlords in an area with low vacancy rates and housing providers that aren’t willing to enter into one-year lease agreements.

Program participants residing in permanent supportive housing units may enter into leases that have an initial term of less than one year, so long as the leases have an initial term of more than one month, are renewable for terms that are a minimum of one month long and are only terminable for cause.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

Reason Waived: This requirement establishes a prescriptive process for verifying and documenting a person’s ‘chronically homeless’ status, as it only allows for self-certification if the preferred evidence has proved unobtainable, and the intake worker’s due diligence to obtain the preferred evidence has been documented.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

Reason Waived: The prescriptive requirements for verifying and documenting ‘chronically homeless’ status were written for persons presenting as chronic homeless at time of initial intake, when the preferred evidence under the rule would most likely be available and obtainable. The requirements were not meant to be applied to already living residents of permanent supportive housing who only now are being asked for evidence they were chronically homeless when they entered their permanent supportive housing. It seems overly burdensome to require these persons or their intake workers to dig around for the preferred evidence now—as many as ten years after the person was homeless. In this case, the time and costs required to dig up the preferred evidence at this point outweighs the extra assurance any evidence obtainable at this point would provide over a self-certification.
For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

  **Project/Activity:** BoaSecurities, Inc.
  **Reason Waived:** (BoaAS) eligibility for approval as a sponsor of Ginnie Mae guaranteed structured securities.
  **Date Granted:** April 24, 2019.
  **Contact:** Patricia M. Burke, Acting Director, Office of Multifamily Production, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410, telephone (202) 402–7992.

**Nature of the Requirement:** The regulation at 24 CFR 330.20(a)(2)(ii)(D) establishes certain eligibility requirements for an entity applying for approval as a Ginnie Mae Sponsor. An applicant must have at least $250 million in shareholders’ equity or partners’ capital, which must be evidenced by the sponsor’s audited financial statements, which must have been issued within the preceding 12-month period.

**Grantor:** A. John Kasper, Acting Assistant Secretary for Housing—Federal Housing Commissioner.

**Reason Waived:** The waiver was granted to allow preservation of 102 units that are 100% affordable, where there is a high demand for affordable housing in the Hough neighborhood near downtown Cleveland, OH. This project constitutes one manageable, marketable, real estate entity and each parcel (or combination of contiguous parcels) has at least 5 units.

**Contact:** Patricia M. Burke, Acting Director, Office of Multifamily Production, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410, telephone (202) 402–5693.

- **Regulation:** 24 CFR 200.73(c).
  **Project/Activity:** Riverside Park Homes, FHA Project Number 042–11332, Cleveland, Ohio. The subject project consists of 20 buildings containing a combined 90 units; however, 18 of the 20 buildings have less than 5 units. The sponsor, Enterprise Real Estate Capital, LLC, is seeking FHA financing to renovate 90 affordable units.

**Grantors:** Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

**Date Granted:** June 17, 2019.

**Reason Waived:** This waiver was granted to allow preservation of 90 units that are 100% affordable, where there is a high demand for affordable housing in the Hough neighborhood near downtown Cleveland, OH. This project constitutes one manageable, marketable, real estate entity and each parcel (or combination of contiguous parcels) has at least 5 units.

**Contact:** Patricia M. Burke, Acting Director, Office of Multifamily Production, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410, telephone (202) 402–7992.

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  **Project/Activity:** Riversides Park Homes, FHA Project Number 042–11332, Cleveland, Ohio. The subject project consists of 20 buildings containing a combined 90 units; however, 18 of the 20 buildings have less than 5 units. The sponsor, Enterprise Real Estate Capital, LLC, is seeking FHA financing to renovate 90 affordable units.

**Nature of the Requirement:** The 24 CFR part 200.73(c) which states that a site must contain no less than 5 rental dwelling units. Section 3.1.O.1.C.O of the MAP Guide permits a project with two or more noncontiguous parcels of land when the parcels comprise one marketable, manageable real estate entity and each parcel (or combination of contiguous parcels) has at least 5 units.

**Grantors:** Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

**Date Granted:** June 17, 2019.

**Reason Waived:** This waiver was granted to allow preservation of 90 units that are 100% affordable, where there is a high demand for affordable housing in the Hough neighborhood near downtown Cleveland, OH. This project constitutes one manageable, marketable, real estate entity and each parcel (or combination of contiguous parcels) has at least 5 units.

**Contact:** Patricia M. Burke, Acting Director, Office of Multifamily Production, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410, telephone (202) 402–7992.

- **Regulation:** 24 CFR 266.200(b)(2).
  **Project/Activity:** 542(c) Risk Sharing Program regulations waiver was granted on February 7, 2019 for forty (40) projects through the end of fiscal year 2019 (i.e. HUD issuance of a firm approval letter by September 30, 2019) for the revised definition of Substantial Rehabilitation published in the MAP Guide on January 16, 2016, to the Massachusetts Housing Finance Agency (MassHousing), Boston, MA, no project names listed.

**Nature of the Requirement:** The Waiver of 24 CFR 266.200(b)(2), Substantial Rehabilitation. The Department will permit the revised definition of substantial rehabilitation (S/R) as described in the revised MAP Guide published on January 29, 2016, such that S/R is: Any scope of work that either (a) Exceeds in aggregate cost a sum equal to the ‘base per unit limit’ times the applicable High Cost Factor, or (b) Replacement of two or more building systems. ‘Replacement’ is when the cost of replacement work exceeds 50 percent of the cost of replacing the entire system.

**The High Cost Factors for 2017 were recently published through a Housing Notice**
Based Section 8 Housing Assistance Payments, if at any time MHP determines that a project’s excess funds (surplus cash) after project operations, reserve requirements and permitted distributions are met, MHP must place the excess funds into a separate internal account. Renewal of a HAP Contract the excess funds can be used to reduce future HAP payments or other project operations/purposes. When the HAP Contracts expires, is terminated, or any extensions are terminated, any unused funds remaining in the Residual Receipt Account at the time of the contract’s termination must be returned to HUD.

**Grant** By: Brian D. Montgomery, Assistant Secretary for Housing—Federal Housing Commissioner.

**Date Granted:** June 18, 2019.

**Reason Waived:** MassHousing has been working with developers to finalize financing proposals; however, they will not be able to process all forty (40) projects before the end of fiscal year 2019 (i.e. HUD issuance of a firm approval letter by September 30, 2019). By granting the extension of the waiver to the end of fiscal year 2021 (September 30, 2021), it will allow enough time to complete the process.

**Contact:** Patricia M. Burke, Acting Director Office of Multifamily Production, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410, telephone (202) 402–5693.

- **Regulation:** 24 CFR 266.200(c)(2).
- **Project/Activity:** Section 542(c) Risk-Sharing Program regulations waiver was granted on February 7, 2019 for forty (40) projects through the end of fiscal year 2019 (i.e. HUD issuance of a firm approval letter by September 30, 2019) for the revised definition of Substantial Rehabilitation published in the MAP Guide on January 16, 2016, to the Massachusetts Housing Finance Agency (MassHousing), Boston, MA, no project names listed.

**Nature of Requirement: The Waiver of 24 CFR 266.200(c)(2), Existing Projects “Equity Take-outs”**. The Department will permit the insured mortgage to exceed the sum of the total cost of acquisition, cost of financing, cost of repairs, and reasonable transaction costs, or “equity take-outs” in refinances of MassHousing-financed projects and those outside MassHousing’s portfolio if the result is preservation with the following conditions: 1. Occupancy is no less than 93 percent for previous 12 months; 2. No defaults in the last 12 months of the HFA loan to be refinanced; 3. A 20-year affordable housing deed restriction placed on title that conforms to the Section 542(c) statutory definition; 4. A Property Capital Needs Assessment (PCNA) must be performed and funds escrowed for all necessary repairs, and reserves funded for future capital needs; and 5. For projects subsidized by Section 8 Housing Assistance Payment (HAP) contracts:
   a. Owner agrees to renew HAP contract(s) for 20-year term, (subject to appropriations and statutory authorizations, etc.), and
   b. In accordance with regulations in 24 CFR 883.306(e), and Housing Notice 2012–14—Use of “New Regulation” Section 8 Housing Assistance Payments (HAP) Contracts Residual Receipts of Offset Project.

**V. Regulatory Waivers Granted by the Office of Public and Indian Housing**

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

- **Regulation:** 24 CFR 5.801.
- **Project/Activity:** Cashonot Metropolitan Housing Authority (OH037).

**Nature of Requirement: The regulation establishes certain reporting compliance dates. The audited financial statements are required to be submitted to the Real Estate Assessment (REAC) no later than nine months after the housing authority’s (HA) fiscal year end (FYE), in accordance with the Single Audit Act and OMB Circular A–133.**

**Granted By:** R. Hunter Kurtz, Principal Deputy Assistant Secretary for Public and Indian Housing.

**Date Granted:** June 14, 2019.

**Reason Waived:** The Cashonot Metropolitan Housing Authority (HA) requested to waive the reporting requirements for submitting its audited financial information to extend the due date of its fiscal year end date of (FYE) June 30, 2018, because the HUD Office of Inspector General (HDOG) is in possession of most of the HA’s records, due to an ongoing investigation into the HA and its employees. As a result, the Auditor of the State of Ohio had instructed the independent auditor to hold the audit report until the HUDOG investigation is completed. Accordingly, the HA was granted a six-month extension, until September 30, 2019, to complete and submit its FYE June 30, 2018, audited financial data to the Department. This Financial Assessment Subsystem (FASS) audited waiver (extension) does not apply to Single Audit submissions required by the Federal Audit Clearinghouse.

**Contact:** Dee Ann R. Walker, Program Manager, NASS, Real Estate Assessment Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street SW, Suite 100, Washington, DC 20410, telephone (202) 475–7908.

- **Project/Activity:** New York City Housing Authority in New York, New York. The PHA requested a waiver of 24 CFR 983.301(f)(2)(ii) to establish a site-specific utility allowance for all project-based voucher units at Hope Gardens.

**Nature of Requirement:** The regulation 24 CFR 983.301(f)(2)(ii) states that the PHA may not establish or apply different utility allowance amounts for the PBV program. The same PHA utility allowance schedule applies to both the tenant-based and PBV programs.

**Granted By:** R. Hunter Kurtz, Principal Deputy Assistant Secretary for Public and Indian Housing.

**Date Granted:** April 16, 2019.

**Reason Waived:** New York City Housing Authority has demonstrated that the utility allowance provided under the HCV Program would discourage conservation and ultimately lead to inefficient use of HAP funds at Hope Gardens.

**Contact:** Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4216, Washington, DC 20410, telephone (202) 708–0477.

- **Project/Activity:** Schenectady Housing Authority in Schenectady, New York. The PHA requested a waiver of 24 CFR 983.301(f)(2)(ii) to establish a site-specific utility allowance for all project-based voucher units at Yates Village Phase I.

**Nature of Requirement:** The regulation 24 CFR 983.301(f)(2)(ii) states that the PHA may not establish or apply different utility allowance amounts for the PBV program. The same PHA utility allowance schedule applies to both the tenant-based and PBV programs.

**Granted By:** R. Hunter Kurtz, Principal Deputy Assistant Secretary for Public and Indian Housing.

**Date Granted:** April 16, 2019.

**Reason Waived:** Schenectady Housing Authority has demonstrated that the utility allowance provided under the HCV Program would discourage conservation and ultimately lead to inefficient use of HAP funds at Yates Village Phase I.

**Contact:** Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4216, Washington, DC 20410, telephone (202) 708–0477.

- **Regulation:** 24 CFR 982.503(b)(1)(i).
- **Project/Activity:** The Housing Authority of Pittsburgh, in Pittsburgh Pennsylvania requested a waiver of 24 CFR 982.503(b)(1)(i).
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6179–D–01]

Order of Succession for the Office of the Chief Financial Officer

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of Order of Succession.

SUMMARY: In this notice, the Secretary designates the Order of Succession for the Office of the Chief Financial Officer. Today’s Order of Succession supersedes all prior Orders of Succession for the Office of the Chief Financial Officer.

DATES: September 12, 2019.

FOR FURTHER INFORMATION CONTACT: Michelle Hollins, Director, Office of the Chief Financial Officer Management Staff, Office of the Chief Financial Officer, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4216, Washington, DC 20410, telephone number (202) 708-0477.

SUPPLEMENTARY INFORMATION: The Secretary is issuing this Order of Succession of officials authorized to perform the functions and duties of the Office of the Chief Financial Officer when—by reason of absence, disability, or vacancy in office—the Chief Financial Officer is not available to exercise the powers or perform the duties of the office. This Order of Succession is subject to the provisions of the Federal Vacancies Reform Act of 1998 (5 U.S.C. 3345–3349d).

Today’s publication supersedes all prior Orders of Succession for the Office of the Chief Financial Officer. Accordingly, the Secretary designates the following Order of Succession:

Section A. Order of Succession

Subject to the provisions of the Federal Vacancies Reform Act of 1998, during any period when—by reason of absence, disability, or vacancy in office—the Chief Financial Officer is not available to exercise the powers or perform the duties of the Chief Financial Officer the following officials within the Office of the Chief Financial Officer are hereby designated to exercise the powers and perform the duties of the office:

(1) Deputy Chief Financial Officer.
(2) Assistant Chief Financial Officer for Budget.
(3) Assistant Chief Financial Officer for Accounting.
(4) Assistant Chief Financial Officer for Systems.
(5) Assistant Chief Financial Officer for Financial Management.
(6) Director, Fort Worth Accounting Center.
(7) Director, Funds Control Division, Fort Worth Accounting Center.
(8) Director, Payments and Collection Division, Fort Worth Accounting Center.
(9) Branch Chief, Intragovernmental, Collection and General Ledger Reconciliation Branch, Payments and Collection Division, Fort Worth Accounting Center.

These officials shall perform the functions and duties of the office in the order specified herein, and no official shall serve unless all the other officials whose positions titles precede his/her in this order are unable to act by reason of absence, disability, or vacancy in office. No individual who is serving in an office listed above in an acting capacity shall act as the Chief Financial Officer pursuant to this Order of Succession.

Section B. Authority Superseded

This Order of Succession supersedes any prior Orders of Succession for the Chief Financial Officer.

Authority: Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: September 12, 2019.

Benjamin S. Carson, Sr.,
Secretary.

[FR Doc. 2019–20226 Filed 9–18–19; 8:45 am]

BILLING CODE 4210–67–P