Nature of Requirement: 24 CFR 570.204(c)(1) provides the requirements for qualifying as a "neighborhood-based nonprofit organization."

Granted by: Andrew Cuomo, Assistant Secretary for Community Planning & Development.

Date Granted: April 1, 1994; April 22,

Reasons Waived: This waiver provides consistency between the CDBG and HOME programs with regard to nonprofit organizations, and recognizes such CHDOs as qualified special subrecipients under § 570.204(c)(1), eligible to carry out new construction of housing where needed to revitalize neighborhoods damaged by the earthquake and the Midwest floods.

## 35. Regulation: 24 CFR 570.207(a)(1)

Project/Activity: Waiver of restrictions on the repair or reconstruction of buildings used for the general conduct of government at 42 USC 5305 (a)(2) and (a)(14), and 24 CFR 570.207(a)(1) for CDBG entitlement grantees receiving funding under the Emergency Supplemental Appropriations Act of 1994 (Pub. L. 103–211) for emergency expenses resulting from the January 1994 earthquake in Southern California or the Midwest floods of 1993.

Nature of Requirement: 24 CFR 570.207(a)(1) prohibits providing CDBG assistance to activities for buildings, or portions thereof, used for the general conduct of government.

Granted by: Andrew Cuomo, Assistant Secretary for Community Planning & Development.

Date Granted: April 1, 1994; April 22, 1994.

Reasons Waived: Waiver is required because of the significant damage to public buildings.

### 36. Regulation: 24 CFR 570.207(b)(3)

Project/Activity: Waiver of prohibitions on new housing construction at 24 CFR 570.207(b)(3) for the CDBG entitlement program, for CDBG entitlement grantees receiving funding under the Emergency Supplemental Appropriations Act of 1994 (Pub. L. 103–211) for emergency expenses resulting from the January 1994 earthquake in Southern California or the Midwest floods of 1993.

Nature of Requirement: Prohibits use of funds for new housing construction except for assisted housing under section 17 of the United States Housing Act of 1937, housing constructed by a special subrecipient, pursuant to § 570.204(a), and last resort housing under the Uniform Relocation Act pursuant to 24 CFR Part 42.

Granted by: Andrew Cuomo, Assistant Secretary for Community Planning & Development.

Date Granted: April 1, 1994; April 22, 1994.

Reasons Waived: Because of the large number of housing units destroyed in the Midwest floods and the Northridge earthquake, the flexibility to permit grantees to directly provide new construction assistance is essential in furthering the purposes of disaster recovery.

#### 37. Regulation: 24 CFR 570.208(a)(4)

Project/Activity: Waiver of job retention documentation requirements for CDBG entitlement grantees receiving funding under the Emergency Supplemental Appropriations Act of 1994 (Pub. L. 103–211) for emergency expenses resulting from the January 1994 earthquake in Southern California or the Midwest floods of 1993.

Nature of Requirement: The provisions at 24 CFR 570.208(a)(4), for the CDBG Entitlement program that units of general local government are required, for job retention activities, to document that either or both of the following conditions apply to at least 51 percent of the jobs at the time CDBG assistance is provided: (1) The jobs are known to be held by low or moderate income persons, or (2) the jobs can be expected to turn over within two years and be filled by or made available to low or moderate income persons upon turnover. Instead, units of local governments will be able to presume that the majority of jobs retained as a result of the CDBG funds meet one or both of these conditions. Only the portions of these provisions pertaining to job retention are being waived.

Granted by: Andrew Cuomo, Assistant Secretary for Community Planning & Development.

Date Granted: April 1, 1994; April 22, 1994.

Reasons Waived: From the high estimates of businesses and jobs lost, it is clear that large numbers of persons will have been out of work and experiencing severe financial hardship. The majority of jobs retained as a result of CDBG assistance can therefore be presumed to benefit persons who are, or will soon become, low or moderate-income persons due to job loss.

#### 38. Regulation: 24 CFR 570.208(b)

Project/Activity: Waiver of requirements not mandated by statute at 24 CFR 570.208(b) that qualify activities as aiding in the prevention or elimination of slums or blight for CDBG entitlement grantees receiving funding under the Emergency Supplemental Appropriations Act of 1994 (Pub. L. 103–211) for emergency expenses resulting from the January 1994 earthquake in Southern California.

Nature of Requirement: 24 CFR 570.208(b) provides the criteria for activities that will be considered to aid in the prevention or elimination of slums or blight on an area basis, on a spot basis, and in an urban renewal area.

Granted by: Andrew Cuomo, Assistant Secretary for Community Planning & Development.

Date Granted: April 1, 1994. Reasons Waived: This waiver provides the grantee the latitude to address slum and blighted areas effected by the earthquake.

## 39. Regulation: 24 CFR 570.606(c)(1)

Project/Activity: Waiver of one-forone replacement requirements at 42 USC 5304(d)(2) and 24 CFR 570.606(c)(1) for low and moderate income dwelling units (1) damaged by the disaster, (2) for which CDBG funds are used for demolition, and (3) which are not suitable for rehabilitation, for CDBG entitlement grantees receiving funding under the Emergency Supplemental Appropriations Act of 1994 (Pub. L. 103–211) for emergency expenses resulting from the January 1994 earthquake in Southern California or the Midwest floods of 1993.

Nature of Requirement: 24 CFR 570.606(c)(1) requires that all occupied and vacant occupiable low/moderate income dwelling units that are demolished or converted to a use other than as low/moderate income dwelling units in connection with a CDBG activity must be replaced with low/moderate income dwelling units.

Granted by: Andrew Cuomo, Assistant Secretary for Community Planning & Development.

Date Granted: April 1, 1994; April 22, 1994.

Reasons Waived: Not waiving this provision would discourage grantees from demolition and clearance of dwelling units that would otherwise be appropriate for CDBG assistance. Such inaction would inhibit recovery efforts and add to health and safety problems.

# 40. Regulation: 24 CFR 570.606(C)(2)

Project/Activity: Waiver of requirement to provide "section 104(d)" relocation assistance to the owners of real property purchased under a qualified buyout program, as defined in section 4(b) of Pub. L. 103–181, for CDBG entitlement grantees receiving funding under the Emergency Supplemental Appropriations Act of 1994 (Pub. L. 103–211) for emergency