43. REGULATION: 24 CFR 583.150(b). PROJECT/ACTIVITY: The San Francisco Housing Authority requested a waiver to allow residents of a 73 unit Supportive Housing project to be assisted with Section 8 project-based certificates.

NATURE OF REQUIREMENT: The regulations at 24 CFR 583.150(b) state that HUD will not assist a facility with Transitional Housing funds if residents of the structure receive assistance under the United States Housing Act of 1937.

GRANTED BY: Andrew Cuomo, Assistant Secretary for Community Planning & Development.

DATE GRANTED: June 7, 1995. REASONS WAIVED: It was determined that the loss of 73 units and the accompanying supportive services for the

homeless would result in a severe hardship for the targeted population, and therefore, the waiver was granted.

44. REGULATION: 24 CFR 882.408(d)(1)&(3).

PROJECT/ACTIVITY: New York City, New York requested a waiver of the Section 8 Moderate Rehabilitation regulations at 24 CFR 882.408(d)(1)&(3).

NATURE OF REQUIREMENT: The City requested a waiver of the Section 8 Moderate Rehabilitation regulations at § 882.408(d)(1) which limit changes in the initial contract rent and § 882.408(d)(3) which only allows the revised contract rent to exceed the FMR when it is determined "in accordance with paragraph (d)(1)" that it is necessary to exceed the FMR.

GRANTED BY: Andrew Cuomo, Assistant Secretary for Community Planning & Development.

DATE GRANTED: June 29, 1995.

REASONS WAIVED: The waiver was granted for good cause because the increased rent allowed the hiring of a 24-hour security for a SRO project for the mentally impaired in a high crime area.

Note to Reader: The person to be contacted for additional information about the waivergrant items in this listing is: John Comerford, Director, Financial Management Division, Office of Assisted Housing, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 708–1872.

45. REGULATION: 24 CFR 990.104. PROJECT/ACTIVITY: Housing Authority of the City of Salem, OR. In determining the operating subsidy eligibility a request was made to exclude a source of income from the PFS calculation.

NATURE OF REQUIREMENT: The PFS regulation requires all sources of income to be reported when calculating the subsidy eligibility.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing. DATE GRANTED: February 27, 1995.

REASON WAIVED: In order to benefit the Resident Council rental fees for space on the roof of one of the highrise buildings of the HA will not be included in the PFS subsidy eligibility calculation and the Resident Council will be named the payee of the rental fee.

46. REGULATION: 24 CFR 990.108(e).

PROJECT/ACTIVITY: Housing Authority of the Township of Irvington. A request was made to prevent a loss of operating subsidy when converting 34 efficiency units to 17 one bedroom units.

NATURE OF REQUIREMENT: When unit months are lost through combining small units into larger units they must be removed from the calculation of unit months available in the PFS subsidy calculation.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing.

DATE GRANTED: February 28, 1995. REASON WAIVED: Because of problems the HA has experienced filling vacant efficiency units for the elderly the HA converted them to one bedroom units which it could rent to elderly couples. In order to support the HAs efforts to reduce vacancies, approval was granted for the HA to include the number of unit months which would be lost through this conversion in future PFS calculations.

47. REGULATION: 24 CFR 990.108(e). PROJECT/ACTIVITY: Akron Metropolitan Housing Authority. A request was made to prevent a loss of operating subsidy when converting efficiency units to one bedroom units.

NATURE OF REQUIREMENT: When unit months are lost through combining small units into larger units they must be removed from the calculation of unit months available in the PFS subsidy calculation.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing. DATE GRANTED: February 28, 1995.

REASON WAIVED: Because of problems the HA has experienced filling vacant efficiency units for the elderly the HA converted them to one bedroom units which it could rent to elderly couples. In order to support the HAs efforts to reduce vacancies, approval was granted for the HA to include the number of unit months which would be lost through this conversion in future PFS calculations.

48. REGULATION: 24 CFR 990.109(b)(3)(iv).

PROJECT/ACTIVITY: Chicago Housing Authority. A request was made to use 85% for the HA's projected occupancy percentage when calculating its PFS operating subsidy eligibility.

NATURE OF REQUIREMENT: The regulation requires a Low Occupancy PHA without an approved Comprehensive Occupancy Plan (COP) to use a projected occupancy percentage of 97%.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing. DATE GRANTED: April 20, 1995.

REASON WAIVED: As acknowledged in the five-year Memorandum of Agreement (MOA) between HUD and the HA the key to achieving any of the vacancy reduction performance targets is the approval of the waiver. In order to be supportive of the MOA the HA was authorized to use 85% as the projected occupancy percentage with the limitation that 60% of the additional operating subsidy funds received be used on specific, identifiable actions to increase occupancy.

49. REĞULATION: 24 CFR 990.118(d). PROJECT/ACTIVITY: Buffalo, NY, Municipal Housing Authority. A request was made to consider the HAs Comprehensive Occupancy Plan terminated and to use Part VII of the Form HUD-52728-A to determine its occupancy percentage. NATURE OF REQUIREMENT: The PFS

NATURE OF REQUIREMENT: The PFS regulation requires a PHA to use the Occupancy Percentage in its approved Comprehensive Occupancy Plan.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing. DATE GRANTED: April 28, 1995.

REASON WAIVED: Part VII of the Form HUD-52728-A allows the HA to reduce a 97% occupancy rate by the number of units that are in a funded, on-schedule modernization program. The HA believes that it would do better under these rules than under its COP which has become outdated, therefore the duration of the COP has been waived to allow the HA to use the newer rules.

50. REGULATION: 24 CFR 990.109(b)(3)(iv).

PROJECT/ACTIVITY: Kinsley, KS, Housing Authority. A request was made to use the HAs actual occupancy rate of 79% and recalculate its operating subsidy eligibility.

NATURE OF REQUIREMENT: The regulation requires a Low Occupancy PHA without an approved Comprehensive Occupancy Plan to use a projected occupancy percentage of 97%.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing. DATE GRANTED: May 15, 1995.

REASON WAIVED: The HA was allowed to use its actual occupancy percentage to prevent undue hardships while it continues its efforts to reduce vacancies.

51. REGULATION: 24 CFR 990.109(3)(iv). PROJECT/ACTIVITY: Housing Authority of the City of Lafayette, LA. A request was made to use the HAs actual occupancy rate of 87 percent for its 1995 fiscal year and 93 percent for its 1996 fiscal year.

NATURE OF RÉQUIREMENT: The regulation requires a Low Occupancy PHA without an approved Comprehensive Occupancy Plan to use a projected occupancy percentage of 97%.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing. DATE GRANTED: July 13, 1995.

REASON WAIVED: The Department declared the HA in breach of the Annual Contributions Contract and took possession of all property and assets of the HA. In order to carry out plans to return the HA to local control a waiver was granted to support efforts to reduce the number of vacant units in the HA.

Note to Reader: The person to be contacted for additional Information about the waivergrant items in this listing is: Gary VanBuskirk, Director, Homeownership Division, Office of Community Relations and Involvement, Department of Housing and Urban Development, 451 Seventh Street SW—Room 4112, Washington, DC 20410–5000, (202) 708–4233.

52. REGULATION: 24 CFR 904 Subpart B (Turnkey III Homeownership Opportunity Program) and Corresponding Provisions of the Turnkey III Handbook (7495.3).

PROJECT/ACTIVITY: The Terre Haute, Indiana Housing Authority, Turnkey III