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SUPPLEMENTARY INFORMATION: In August and September, 2008, Hurricanes Ike and Gustav struck the United States, causing catastrophic damage to property, loss of life, and the displacement of tens of thousands of individuals from their homes and communities.

As HUD is responsible for administering the Housing Choice Voucher (HCV) Program, the nation's largest tenant-based rental subsidy program, and has also successfully implemented the Katrina Housing Assistance Payments Program (KDHP), the Disaster Voucher Program (DVP), and DHAP, FEMA has requested that HUD design a program for eligible families affected by Hurricanes Ike and Gustav that is modeled after those four programs.

In September 2008, HUD and FEMA executed an Interagency Agreement (IAA) under which HUD shall act as the servicing agency of the DHAP-Ike. HUD will utilize its existing network of local PHAs to administer the program. These PHAs administer the HCV program and as a result have the necessary local market knowledge and expertise in assisting families through a tenant-based subsidy program. In addition, through their administration of the KDHP, DVP, and DHAP, the PHAs are experienced in working with significant numbers of families that have been displaced by disasters.

Pursuant to FEMA's grant authority, grants will be provided to local PHAs to administer DHAP-Ike on behalf of FEMA. Under DHAP-Ike, PHAs will make rental assistance payments on behalf of eligible families to participating landlords for a period not to exceed 17 months, with all rental assistance payments ending with the March 2010 subsidy payment. In order to prepare the family for this eventuality, case management services are provided for the entire duration of DHAP-Ike. These case management services include assisting participants to identify non-disaster supported housing solutions such as other affordable housing options that may be available for income eligible families.

In addition, beginning on May 1, 2009, families will be required to pay a portion of rent of \$50, which will increase by an additional \$50 each subsequent month. This gradual

increase in the family share will further prepare the family to assume full responsibility for their housing costs at the end of DHAP-Ike.

PHA responsibilities for DHAP-Ike include calculating the monthly rent subsidy and making monthly rent subsidy payments on behalf of participating families, determining income eligibility for continued assistance under DHAP-Ike, performing housing quality standards inspections when necessary, applying appropriate subsidy standards for families, and determining rent reasonableness for certain units. The PHA is also responsible for terminating the family's participation in the DHAP-Ike if the family fails to comply with the family obligations of the program or in accordance with DHAP-Ike operating requirements.

More detailed information about DHAP-Ike and the governing operating requirements for the program can be accessed via the HUD Web site at <http://www.hud.gov/offices/pih/publications/ike.cfm>. Any subsequent revisions or amendments to those requirements and any further supplemental information will also be made available on the above Web site.

Dated: December 9, 2008.

Paula O. Blunt,

General Deputy Assistant Secretary for Public and Indian Housing.

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5067-N-04]

Extension of HUD's Implementation Guidance for Section 901 of the Emergency Supplemental Appropriations To Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006, as Revised by Section 11003 of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 To Include Calendar Years 2008 and 2009 Program Funds

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: This notice supplements three earlier notices published in the **Federal Register** that provided guidance to public housing agencies (PHAs) on implementing the authority provided to HUD by section 901 of the "Emergency Supplemental Appropriations to

Address Hurricanes in the Gulf of Mexico and Pandemic Influenza Act, 2006" (Pub. L. 109-148, approved December 30, 2005). This authority allows PHAs in the most heavily impacted areas of Louisiana and Mississippi affected by Hurricanes Katrina and Rita to combine Housing Choice Voucher and public housing operating and capital funds to flexibly and efficiently facilitate disaster recovery in those areas. Such authority was provided for calendar years (CYs) 2006 and 2007. This notice advises of the extension of such authority through CYs 2008 and 2009 by section 11003 of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Pub. L. 110-329, approved September 30, 2008). Eligible PHAs with a continued need for assisting families who were receiving housing assistance under the Act immediately prior to Hurricane Katrina or Rita and were displaced from their housing by the hurricanes and are interested in using authority provided under the extended section 901 authority must submit a 2008 Notice of Intent and Fungibility Plan in accordance with the July 28, 2006, October 30, 2006, and August 6, 2007 **Federal Register** notices. Further information on HUD processing of CYs 2008 and 2009 section 901 fungibility will be posted to the Office of Public and Indian Housing Web site at: <http://www.hud.gov/offices/pih/>.

DATES: Eligible PHAs must submit their CY 2008 Notices of Intent and Fungibility Plans no later than January 31, 2009.

FOR FURTHER INFORMATION CONTACT: For technical assistance and other questions concerning the Notice of Intent and section 901 Fungibility Plan, PHAs should contact their local HUD Public Housing Hub in New Orleans, Louisiana, or Jackson, Mississippi; or Bessy Kong, Deputy Assistant Secretary for Policy, Program, and Legislative Initiatives, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 4116, Washington, DC 20410-5000, telephone 202-708-0614 or 202-708-0713, extension 2548 (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 Information Relay Service at (800) 877-8339.

SUPPLEMENTARY INFORMATION: On July 28, 2006, at 71 FR 42996, HUD published a notice (FR-5067-N-01) entitled, "Implementation Guidance for section 901 of the Emergency

Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006.” Section 901 of the Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Pub. L. 109–148, approved December 30, 2005) authorizes HUD to allow PHAs to combine assistance provided under sections 9(d) and 9(e) of the United States Housing Act of 1937 (Act) and assistance provided under section 8(o) of the Act, for the purpose of facilitating the prompt, flexible and efficient use of funds provided under these sections of the Act to assist families who were receiving housing assistance under the Act immediately prior to Hurricane Katrina or Rita and were displaced from their housing by the hurricanes. Section V.A. of the July 28, 2006, notice, entitled, “General Procedures for Combining Public Housing and Voucher Funds under section 901,” provided instructions for PHAs interested in implementing the flexibility in funding authorized in section 901.

On October 30, 2006, at 71 FR 63340, HUD published a notice (FR–5067–N–02) that extended the period for PHAs located within the most heavily impacted areas of Louisiana and Mississippi that are subject to a declaration by the President of a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in connection with Hurricanes Katrina or Rita to submit Notices of Intent and Fungibility Plans in accordance with the July 28, 2006, notice. In addition to extending the PHA submission deadline, the October 30, 2006, notice removed the restriction that the combined funding may not be spent for uses under the Housing Choice Voucher program.

On August 6, 2007, at 72 FR 45657, HUD published a notice (FR–5067–N–03) that extended section 901 fungibility through CY 2007 pursuant to section 4803 of the U.S. Troop Readiness, Veterans’ Care, Katrina Recovery, and Iraq Accountability Appropriations Act (Pub. L. 110–28, approved May 25, 2007).

Today’s **Federal Register** notice revises the earlier notices to incorporate the extension of section 901 fungibility from calendar year CY 2007 to calendar years 2006, 2007, 2008, and 2009, as authorized by section 11003 of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Pub. L. 110–329, approved September 30, 2008).

As noted earlier in today’s notice, eligible PHAs interested in combining

CY 2008 funds must submit a 2008 Notice of Intent and Fungibility Plan in accordance with the July 28, 2006, notice, and subsequent **Federal Register** notices. Further information on HUD processing of CY 2008 and CY 2009 Section 901 flexibility may be found on the Office of Public and Indian Housing Web site at <http://www.hud.gov/offices/pih>.

Notices and Plans should be submitted to the following addresses and contacts, as listed in the July 28, 2006, notice: PHAs should submit one copy to the Public Housing Director of the HUD office in New Orleans, Louisiana or Jackson, Mississippi, as applicable, and the original to HUD Headquarters, Office of Public and Indian Housing, Office of Policy, Program, and Legislative Initiatives, 451 7th Street, SW., Room 4116, Washington, DC 20410–5000, Attention: Bessy Kong/Sherry McCown.

Dated: December 9, 2008.

Paula O. Blunt,

General Deputy Assistant Secretary for Public and Indian Housing.

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5269–N–01]

Waiver of Regulations Issued by HUD Restatement of Policy

AGENCY: Office of the Secretary, HUD.

ACTION: Notice.

SUMMARY: This notice reiterates HUD’s statement of policy concerning the procedures that govern the waiver of regulations and directives issued by HUD. This policy was first announced by notice published in 1991, following enactment of the Department of Housing and Urban Development Reform Act of 1989. In 2001, HUD published a notice that clarified how these procedures are implemented during a period of Administration transition. This notice consolidates the information and procedures provided by the two notices, and updates information and terminology to reflect current HUD operations and procedures.

FOR FURTHER INFORMATION CONTACT: For Regulations: Camille E. Acevedo, Associate General Counsel for Legislation and Regulations, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street, SW., Room 10282, Washington, DC 20410–0500, telephone number 202–708–1793. (This is not a

toll-free number.) For Directives: Dorothy Fason, Departmental Directives Management Officer, Office of Administration, Department of Housing and Urban Development, 451 7th Street, SW., Room 10139, Washington, DC 20410, telephone 202–708–3054. (This is not a toll-free number.) Persons with hearing or speech impairments may access these numbers through TTY by calling the toll-free Federal Information Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

Section 106 of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101–235, approved December 15, 1989) added a new section 7(q) to the Department of Housing and Urban Development Act. (See 42 U.S.C. 3535(q).) This provision specifies that all waivers of HUD regulations:

- Must be in writing and indicate the grounds for granting the waiver;
- May be delegated by the Secretary only to an individual of Assistant Secretary or equivalent rank, who is authorized to issue the regulation to be waived; and

- Must provide notification to the public through a notice published at least quarterly in the **Federal Register**. (See 42 U.S.C. 3535(q)(1) through (3).)

Section 7(q) also provides that any waiver of a provision of a HUD handbook (which is included in HUD’s definition of “directive”) must be in writing, specify the grounds for the waiver, and be indexed and made available for public inspection for a period of 3 years. (See 42 U.S.C. 3535(q)(4).)

Section 7(q) contains only procedural requirements with respect to waivers of regulations and handbooks. These include requirements governing the form and content of a waiver, who may grant the waiver, and public notification of the waiver. Section 7(q) made no change in the substantive grounds upon which, or the circumstances in which, HUD may grant a waiver.

II. Statement of Policy on Waiver of Regulations and Directives

This statement sets forth HUD’s policy and procedures governing the waivers of HUD regulations and directives. These procedures are consistent with the requirements of section 7(q) of the Department of Housing and Urban Development Act, as added by section 106 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3535(q)). HUD’s regulation at 24 CFR 5.110 also sets forth HUD’s