

## Request for Waiver to Extend Deadline

June 10, 1997

MEMORANDUM FOR: Herbert L. Roberts, Director, CPD Los Angeles Office, 9DD  
FROM: Jacquie M. Lawing, General Deputy Assistant Secretary for CPD

**SUBJECT: Community Development Block Grant (CDBG) Program  
City of Baldwin Park, CA  
Request for Waiver to Extend Deadline for One-for-One  
Replacement of 15 Units of Low/Moderate-Income Housing**

This is in response to your memorandum of December 27, 1996, supporting the City of Baldwin Park's request for a waiver of 24 CFR 570.606(c)(1)(ii)(D) to extend the deadline for replacing 15 units of low- and moderate-income housing. The housing was demolished during March 1993 as part of the Morgan Park Expansion Project, and the cited regulation requires that these units should have been replaced by March 1996. As of the date of your memorandum, the City had not replaced the 15 units.

The City states that it is working on various options to replace the units. With new personnel, particularly a new City Manager and Community Development Director, the City also claims that it will be better organized to comply with the requirement.

The Department does not grant waivers after a violation of the regulations has occurred. However, I agree with your assessment that the objective for all parties concerned is to provide the 15 units of low/moderate-income housing which, according to the City's 1996 Consolidated Plan, is much needed.

When a violation of the regulations has occurred, a finding of noncompliance must be made. The regulation at 24 CFR 570.910 further authorizes HUD to take actions to prevent a continuation of the performance deficiency; mitigate, to the extent possible, the adverse effects or consequences of the deficiency; and prevent a recurrence of the deficiency.

For corrective actions in this case, I support your Office's recommendation to request that the City prepare and follow a plan for replacing the 15 units, including actions, timetables and milestones necessary to replace the units. The units should be replaced by June 30, 1998. The City should be advised in writing that failure to provide the replacement units as specified may result in HUD pursuing further sanctions against the community under the authority of 24 CFR 570.911 and 570.913.

Please contact the Entitlement Communities Division at (202) 708-1577 if you have any questions.