



Federal Register

**Monday,
December 9, 2002**

Part IX

Department of Housing and Urban Development

Semiannual Regulatory Agenda

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
24 CFR Subtitles A and B
[Docket No. FR-4756-N-02]
Semiannual Regulatory Agenda
AGENCY: Department of Housing and Urban Development.

ACTION: Semiannual regulatory agenda.

SUMMARY: In accordance with section 4(b) of Executive Order 12866, "Regulatory Planning and Review," as amended, HUD is publishing its agenda of regulations already issued or that are expected to be issued over the next several months. The agenda also includes rules currently in effect that are under review, and describes those regulations that may affect small entities as required by section 602 of the Regulatory Flexibility Act. The purpose of publication of the agenda is to encourage more effective public participation in the regulatory process by providing the public with early information about pending regulatory activities.

FOR FURTHER INFORMATION CONTACT: Aaron Santa Anna, Assistant General Counsel for Regulations, Office of General Counsel, Department of Housing and Urban Development, Room 10276, 451 Seventh Street SW., Washington, DC 20410, (202) 708-3055. (This is not a toll-free number.) A telecommunications device for hearing- and speech-impaired individuals (TTY) is available at 1-800-877-8339 (Federal Information Relay Service).

SUPPLEMENTARY INFORMATION:

Executive Order 12866, "Regulatory Planning and Review" (58 FR 51735), as amended by Executive Order 13258 (67 FR 9385), requires each agency to publish semiannually an agenda of (1) regulations that the agency has issued or expects to issue, and (2) rules currently in effect that are under agency review. The Regulatory Flexibility Act (5 U.S.C. 601-612) requires each agency to publish semiannually a regulatory agenda of rules expected to be proposed or promulgated that are likely to have a significant economic impact on a substantial number of "small entities," meaning small businesses, small organizations, or small governmental jurisdictions.

Executive Order 12866, as amended, and the Regulatory Flexibility Act each permits incorporation of the agenda required by these two authorities with any other prescribed agenda. Therefore, the agenda set out below combines the information required by Executive Order 12866, as amended, and the Regulatory Flexibility Act. In addition, the agenda contains certain information not required by either the Executive Order or by the Regulatory Flexibility Act which the Department considers useful, both better to inform the public and to enhance the Department's own inventory control over its body of regulations.

Section 610(c) of the Regulatory Flexibility Act requires each agency to publish annually a list of the rules that have a significant economic impact on a substantial number of small entities, and that are to be reviewed in accordance with the requirements of section 610 during the succeeding 12 months. Existing regulations that HUD proposes to amend by rules described and published in this agenda are reviewed in accordance with the principles of section 610 of the Regulatory Flexibility Act. The purpose of the review is to determine whether the rule should be continued without change, amended, or rescinded. Proposed changes to existing regulations provide the opportunity for the Department to conduct a section 610 review.

The Department also is subject to certain rulemaking requirements set forth in the Department of Housing and Urban Development Act (42 U.S.C. 3531 *et seq.*). Section 7(o) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)) requires that the Secretary transmit to the congressional committees having jurisdictional oversight of HUD (the Senate Committee on Banking, Housing and Urban Affairs and the House Committee on Banking and Financial Services) a semiannual agenda of all rules or regulations which are under development or review by the Department. A rule appearing on the agenda cannot be published for comment before or during the first 15 calendar days after transmittal of the agenda. Section 7(o) provides that if, within that period, either committee notifies the Secretary that it intends to review any rule or regulation which appears on the agenda, the Secretary must submit to both committees a copy

of the rule or regulation, in the form it is intended to be proposed, at least 15 calendar days before it is published for comment. The semiannual agenda published today is the agenda transmitted to the committees in compliance with this requirement.

HUD has attempted to list in this agenda all regulations and regulatory reviews pending at the time of publication, except for minor and routine or repetitive actions, but some may have been inadvertently omitted, or may have arisen too late to be included in the published agenda. There is no legal significance to the omission of an item from the agenda. Also, where dates are provided for the next rulemaking actions, the dates are estimates and are not commitments to act on or by the date shown.

In some cases, HUD has withdrawn rules that were placed on previous agendas and for which there has been no publication activity. Withdrawal of a rule does not necessarily mean that HUD will not proceed with the rulemaking. Withdrawal allows HUD to further assess the subject matter and determine whether rulemaking for this subject matter is appropriate. Following this review, the Department may determine that certain rules listed as withdrawn under this agenda are appropriate. If that determination is made, the rules will be included in a succeeding semiannual agenda.

In addition, for a few rules that have been published as proposed or interim rules, and therefore require further rulemaking, HUD has identified the timing of the next action stage as "undetermined." These are rules that are still under review by HUD for which a determination of the next action stage and timing of the next action stage has not yet been made.

The format of the agenda remains unchanged from previous years. HUD's agenda items are divided first by program office. Within each program office, the agenda items are divided into five groups: (i) pre-rulemaking actions; (ii) publication or other implementations of notices of proposed rulemaking; (iii) publications or other implementations of final rules; (iv) long-term rules; and (v) completed actions. Within each grouping, rules are listed in chronological order by the part number of the CFR affected. Where a rule affects

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multiple parts of the CFR, the rule is listed by the first affected part number.

For this edition of the Department's regulatory agenda, the most important significant regulatory actions are included in **The Regulatory Plan**, which appears in part II of this issue of the **Federal Register**. **The Regulatory Plan** entries are listed in the table of contents

below and are denoted by a bracketed bold reference, which directs the reader to the appropriate sequence number in part II.

Since the purpose of publication of the agenda is to encourage more effective public participation in the regulatory process by providing the public with early information about the

Department's future regulatory actions, HUD invites all interested members of the public to comment on the rules listed in the agenda.

Dated: September 12, 2002.

Alphonso Jackson,
Deputy Secretary.

Office of the Secretary—Proposed Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 1126 | 24 CFR 5.603 Exclusion of Veterans' Disability Compensation for Service-Connected Disability From Income (FR-4746) | 2501-AC86 |
| 1127 | 24 CFR 8 Nondiscrimination Based on Disability; Multifamily Homeownership Projects (FR-4776) | 2501-AC87 |
| 1128 | 24 CFR 25 Inflation Adjustment of Civil Money Penalty Amounts (FR-4787) | 2501-AC91 |
| 1129 | 24 CFR 203 Treble Damages for Failure To Engage in Loss Mitigation (FR-4553) | 2501-AC66 |
| 1130 | 24 CFR 81 The Secretary of HUD's Regulation of Fannie Mae and Freddie Mac (FR-4790) (Reg Plan Seq No. 66) | 2501-AC92 |
| 1131 | 24 CFR 92 Participation in HUD Programs by Faith-Based Organizations; Providing for Equal Treatment for All HUD Program Participants (FR-4782) (Reg Plan Seq No. 65) | 2501-AC89 |

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

Office of the Secretary—Final Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 1132 | 24 CFR 1 Rule To Conform Regulatory Definitions; Civil Rights Restoration Act (FR-4587) | 2501-AC70 |
| 1133 | 24 CFR 5 Temporary Assistance to Needy Families (TANF); Conforming Changes to Annual Income Requirements for HUD's Public Housing and Section 8 Assistance Programs (FR-4635) | 2501-AC77 |
| 1134 | 24 CFR 24 Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (FR-4692) | 2501-AC81 |
| 1135 | 24 CFR 58 Environmental Review Procedures for Entities Assuming HUD's Environmental Responsibilities (FR-4523) | 2501-AC83 |
| 1136 | 24 CFR 888 Fair Market Rents Programs: Increased Fair Market Rents for Certain Areas and Higher Payment Standards (FR-4606) | 2501-AC75 |

Office of the Secretary—Long-Term Actions

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 1137 | 24 CFR 5 Electronic Document Retention and Consumer Disclosure Requirements in HUD-Related Transactions (FR-4686) | 2501-AC79 |
| 1138 | 24 CFR 28 Adjustment of HUD's Civil Money Penalties Pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 (FR-4555) | 2501-AC67 |
| 1139 | 24 CFR 40 Accessibility Standards for Design, Construction and Alteration of Certain Facilities Financed With Public Funds (FR-4317) | 2501-AC47 |
| 1140 | 24 CFR 42 Prohibition Against Lump-Sum Relocation Assistance Payments, and Exclusion of Aliens Not Legally Present From Eligibility for Relocation Payments (FR-4773) | 2501-AC88 |
| 1141 | 24 CFR 81 The Secretary of HUD's Regulation of Fannie Mae and Freddie Mac; Prohibiting the Purchase of Certain Loans With High Costs and/or Predatory Features (FR-4614) | 2501-AC76 |
| 1142 | 24 CFR 84 Adoption of Revisions to OMB Circular A-110 (FR-4573) | 2501-AC68 |

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Office of the Secretary—Completed Actions

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 1143 | 24 CFR 5 Uniform Financial Reporting Standards for HUD Housing Programs, Additional Entity Filing Requirements (FR-4681) | 2501-AC80 |
| 1144 | 24 CFR 15 Testimony of HUD Employees in Legal Proceedings (FR-4783) | 2501-AC90 |
| 1145 | 24 CFR 17 Administrative Wage Garnishment (FR-4711) | 2501-AC85 |
| 1146 | 24 CFR 92 HOME Investment Partnerships Program (FR-4111) | 2501-AC30 |

Office of Housing—Proposed Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 1147 | 24 CFR 25 Single Family Mortgage; Lender Compliance and Accountability (FR-4761) | 2502-AH87 |
| 1148 | 24 CFR 200.54(b) Distribution of Tax Credit Proceeds (FR-4792) | 2502-AH91 |
| 1149 | 24 CFR 202 Revisions to FHA Credit Watch/Termination Initiative (FR-4625) | 2502-AH60 |
| 1150 | 24 CFR 202.5 Establishment of Loan Originator Registry and Establishment of Servicing Approval Agreements (FR-4764) | 2502-AH88 |
| 1151 | 24 CFR 202.2 Duties and Responsibilities of Loan Correspondents and Sponsors (FR-4762) | 2502-AH90 |
| 1152 | 24 CFR 203.18 Limitation of FHA-Insured Loans to Nonprofit Agencies (FR-4702) | 2502-AH71 |
| 1153 | 24 CFR 203.60 FHA Inspector Roster (FR-4720) | 2502-AH76 |
| 1154 | 24 CFR 203 Lender Accountability for Appraisals (FR-4722) | 2502-AH78 |
| 1155 | 24 CFR 203.50 Up-Front Mortgage Insurance Premiums for Loans Insured Under 24 CFR 203(k) and 234(c) of the National Housing Act (FR-4749) | 2502-AH82 |
| 1156 | 24 CFR 203.49 Eligibility of Adjustable Rate Mortgages (ARMs) (FR-4745) | 2502-AH84 |
| 1157 | 24 CFR 203.43 (b)(1) Home Equity Conversion Mortgages (HECM); Cooperative Housing Developments (FR-4777) | 2502-AH89 |
| 1158 | 24 CFR 203 Eligibility of Mortgages on Hawaiian Homelands Insured Under Section 247 (FR-4779) | 2502-AH92 |
| 1159 | 24 CFR 200.208 FHA Appraiser Watch Initiative (FR-4744) (Reg Plan Seq No. 68) | 2502-AH81 |
| 1160 | 24 CFR 236 Section 236 Excess Rental Charges (FR-4689) | 2502-AH68 |
| 1161 | 24 CFR 291 Disposition of HUD-Owned Single Family Assets in Asset Control Areas (FR-4471) (Reg Plan Seq No. 67) | 2502-AH40 |
| 1162 | 24 CFR 291, Subpart F Disposition of HUD-Acquired Single Family Property; Officer/Teacher Next Door Sales Programs (FR-4712) | 2502-AH72 |
| 1163 | 24 CFR 880 Distributions to Nonprofit Owners of Certain HUD-Assisted Multifamily Rental Projects (FR-4602) | 2502-AH52 |
| 1164 | 24 CFR 891 Mixed Finance Development for Supportive Housing for the Elderly or Persons With Disabilities and Other Changes to 24 CFR Part 891 (FR-4725) | 2502-AH83 |

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

Office of Housing—Final Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 1165 | 24 CFR 200 Appraiser Qualifications for Placement on FHA Single Family Appraiser Roster (FR-4620) (Reg Plan Seq No. 69) | 2502-AH59 |
| 1166 | 24 CFR 200 Section 223f Supplemental Cost Certification (FR-4793) | 2502-AH93 |
| 1167 | 24 CFR 203 Prohibition of Property Flipping in HUD's Single Family Mortgage Insurance Programs (FR-4615) | 2502-AH57 |
| 1168 | 24 CFR 203 Upfront Mortgage Insurance Premiums: Remittance Requirements (FR-4690) | 2502-AH67 |
| 1169 | 24 CFR 203 Amendments to the Section 203(k) Rehabilitation Loan Insurance Program (FR-4701) | 2502-AH73 |
| 1170 | 24 CFR 206 Insurance for Mortgages To Refinance Existing HECMs (FR-4667) | 2502-AH63 |
| 1171 | 24 CFR 207 Mortgage Insurance Premiums in Multifamily Housing Programs (FR-4679) | 2502-AH64 |
| 1172 | 24 CFR 234 FHA Approval of Condominium Developments Located in the Commonwealth of Puerto Rico for Mortgage Insurance Under the Section 234(c) Program (FR-4713) | 2502-AH80 |
| 1173 | 24 CFR 245 Tenant Participation in State-Financed, HUD-Assisted Housing Developments (FR-4611) | 2502-AH55 |
| 1174 | 24 CFR 401 Authority To Waive Regulations Under Part 401 (FR-4791) | 2502-AH94 |
| 1175 | 24 CFR 402 Renewal of Expiring Section 8 Project-Based Assistance Contract (FR-4551) | 2502-AH47 |
| 1176 | 24 CFR 3280 Manufactured Home Construction and Safety Standards (FR-4376) | 2502-AH23 |

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Office of Housing—Final Rule Stage (Continued)

| Sequence Number | Title | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 1177 | 24 CFR 3500 et seq RESPA—Improving the Process for Obtaining Mortgages (FR-4727) (Reg Plan Seq No. 70) | 2502-AH85 |

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

Office of Housing—Long-Term Actions

| Sequence Number | Title | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 1178 | 24 CFR Ch II Sale of Unoccupied and Substandard HUD-Held Housing to Local Governments and Community Development Organizations (FR-4658) | 2502-AH61 |
| 1179 | 24 CFR 242 Mortgage Insurance for the Refinancing of Existing Debt of Existing Hospitals (FR-4618) | 2502-AH58 |
| 1180 | 24 CFR 401 Release of Information to Tenants and Other Parties Pursuant to MAHRA (FR-4531) | 2502-AH45 |
| 1181 | 24 CFR 401 Mark-to-Market Program Amendments (FR-4751) | 2502-AH86 |

Office of Housing—Completed Actions

| Sequence Number | Title | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 1182 | 24 CFR 203 Nonprofit Organization Participation in Certain FHA Single-Family Activities; Placement and Removal Procedures (FR-4585) | 2502-AH49 |
| 1183 | 24 CFR 203 Single-Family Mortgage Insurance; Section 203(k) Consultant Placement and Removal Procedures (FR-4592) | 2502-AH51 |
| 1184 | 24 CFR 3280 Implementation of Manufactured Housing Improvement Act of 2000 (FR-4665) | 2502-AH62 |

Office of Housing—Discontinued Entries

| Regulation Identification Number | Title | Date | Comments |
|----------------------------------|--|------------|-----------|
| 2502-AG87 | 24 CFR 200 Delegation of Insuring Authority to Direct Endorsement Mortgagees (FR-4169) | 09/04/2002 | Withdrawn |
| 2502-AH36 | 24 CFR 891 Supportive Housing for the Elderly and Persons With Disabilities; Duration of Capital Advance (FR-4466) | 08/28/2002 | Withdrawn |
| 2502-AH70 | 24 CFR 203 Prohibition of Predatory Lending Practices: Limit on FHA Single-Family Loan Fees (FR-4700) | 08/29/2002 | Withdrawn |
| 2502-AH75 | 24 CFR 207, 255 Agreements for Using FHA's Total Mortgage Scorecard (FR-4717) | 09/04/2002 | Withdrawn |
| 2502-AH77 | 24 CFR 880 Special Rent Adjustments (FR-4721) | 09/16/2002 | Withdrawn |

Office of Community Planning and Development—Proposed Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 1185 | 24 CFR 570 CDBG Brownfields/Slum/Blight (FR-4699) | 2506-AC12 |
| 1186 | 24 CFR 574 Housing Opportunities for Persons With AIDS (HOPWA) (FR-4708) | 2506-AC11 |
| 1187 | 24 CFR 583 Supportive Housing Program (FR-4616) | 2506-AC07 |

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Office of Community Planning and Development—Final Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 1188 | 24 CFR 570 CDBG Program for States; Community Revitalization Strategy Requirements and Miscellaneous Technical Amendments (FR-4081) | 2506-AB83 |
| 1189 | 24 CFR 570 Prohibition on Use of CDBG Assistance for Job-Pirating Activities (FR-4556) | 2506-AC04 |
| 1190 | 24 CFR 583 Supportive Housing Program — Increasing Operating Cost Percentage (FR-4576) | 2506-AC05 |
| 1191 | 24 CFR 598 Designation of Renewal Communities and Third Round Empowerment Zones (FR-4663) | 2506-AC09 |

Office of Community Planning and Development—Completed Actions

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 1192 | 24 CFR 570 Community Development Block Grant-Assisted Demolition of HUD-Owned Housing Units (FR-4698) .. | 2506-AC10 |

Office of Fair Housing and Equal Opportunity—Final Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 1193 | 24 CFR 100 Fair Housing Act Regulation; Conforming Amendment; Update To Reflect Current Edition of American National Standards Institute (ANSI) (FR-4554) | 2529-AA88 |

Office of Fair Housing and Equal Opportunity—Long-Term Actions

| Sequence Number | Title | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 1194 | 24 CFR 100 Fair Housing Act Regulations Amendments: Standards Governing Sexual Harassment (FR-4597) | 2529-AA89 |
| 1195 | 24 CFR 115 Certification and Funding of State and Local Fair Housing Enforcement Agencies (FR-4748) | 2529-AA90 |
| 1196 | 24 CFR 135 Economic Opportunities for Low- and Very-Low-Income Persons (FR-2898) | 2529-AA49 |

Office of Administration—Final Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 1197 | 48 CFR 2401 HUD Acquisition Regulation (FR-4705) | 2535-AA26 |

Office of the Inspector General—Proposed Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 1198 | 24 CFR 2004 Office of Inspector General Subpoenas and Production in Response to Subpoenas or Demands of Courts or Other Authorities (FR-4742) | 2508-AA13 |

Office of the Inspector General—Completed Actions

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 1199 | 24 CFR 2002 Implementation of the Freedom of Information Act (FR-4716) | 2508-AA12 |

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Office of Public and Indian Housing—Proposed Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 1200 | 24 CFR 902 Changes to the Public Housing Assessment System (PHAS)(FR-4707) (Reg Plan Seq No. 72) | 2577-AC32 |
| 1201 | 24 CFR 903 Streamlining and Deregulation of Public Housing Agency Plans (FR-4788) (Reg Plan Seq No. 73) | 2577-AC40 |
| 1202 | 24 CFR 905 Public Housing Capital Fund Program (FR-4507) | 2577-AC16 |
| 1203 | 24 CFR 941 Mixed-Finance Public Housing Development (FR-4499) | 2577-AC09 |
| 1204 | 24 CFR 945 Designated Housing (FR-4755) | 2577-AC36 |
| 1205 | 24 CFR 960.204 Denial of Admission and Termination of Tenancy of Fugitive Felons (FR-4758) | 2577-AC38 |
| 1206 | 24 CFR 964 Resident Participation in Public and Section 8 Housing (FR-4657) | 2577-AC26 |
| 1207 | 24 CFR 970 Public Housing Program — Demolition or Disposition of Public Housing Projects (FR-4598) | 2577-AC20 |
| 1208 | 24 CFR 972 Conversion of Developments From Public Housing Stock; Methodology for Comparing Costs of Public Housing and Tenant-Based Assistance (FR-4718) | 2577-AC33 |
| 1209 | 24 CFR 983 Project-Based Voucher Program (FR-4636) (Reg Plan Seq No. 71) | 2577-AC25 |
| 1210 | 24 CFR 1000 Implementation of Statutory Revisions to NAHASDA (FR-4750) | 2577-AC37 |
| 1211 | 24 CFR 1000 NAHASDA Housing Assistance for Native Hawaiians (FR-4668) | 2577-AC27 |

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

Office of Public and Indian Housing—Final Rule Stage

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 1212 | 24 CFR 902 Deregulation for Small Public Housing Agencies (FR-4753) (Reg Plan Seq No. 74) | 2577-AC34 |
| 1213 | 24 CFR 906 Public Housing Homeownership Programs (FR-4504) | 2577-AC15 |
| 1214 | 24 CFR 941 Public Housing Development Total Development Cost (TDC) (FR-4489) | 2577-AC05 |
| 1215 | 24 CFR 972 Required Conversion of Development From Public Housing Stock (FR-4475) | 2577-AC01 |
| 1216 | 24 CFR 972 Voluntary Conversion of Developments From Public Housing Stock (FR-4476) | 2577-AC02 |
| 1217 | 24 CFR 982 Section 8 Housing Choice Voucher Program; Expansion of Payment Standards Protection (FR-4586) | 2577-AC18 |
| 1218 | 24 CFR 982 Section 8 Homeownership Program; Pilot Program for Homeownership Assistance for Disabled Families (FR-4661) | 2577-AC24 |
| 1219 | 24 CFR 982 Section 8 Homeownership Program: Downpayment Assistance Grants and Streamlining Amendments (FR-4670) | 2577-AC28 |
| 1220 | 24 CFR 982 Housing Choice Voucher Program Homeownership Option: Eligibility of PHA Owned or Controlled Units (FR-4759) | 2577-AC39 |
| 1221 | 24 CFR 985 Revisions to SEMAP Lease-Up Indicator (FR-4604) | 2577-AC21 |

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

Office of Public and Indian Housing—Long-Term Actions

| Sequence Number | Title | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 1222 | 24 CFR 990 Operating Fund Allocation Formula (FR-4425) | 2577-AB88 |

Office of Public and Indian Housing—Completed Actions

| Sequence Number | Title | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 1223 | 24 CFR 5 Implementation of Public Law 106-504: Eligibility of Citizens of the Freely Associated States for Federally Assisted Housing (FR-4754) | 2577-AC35 |
| 1224 | 24 CFR 903 Public Housing Agency Plans: Deconcentration—Amendment to Established Income Range Definition (FR-4677) | 2577-AC31 |
| 1225 | 24 CFR 982 Exception Payment Standard To Offset Increase in Utility Costs In the Housing Choice Voucher Program (FR-4672) | 2577-AC29 |

Department of Housing and Urban Development (HUD)
Office of the Secretary (HUDSEC)

Proposed Rule Stage

1126. EXCLUSION OF VETERANS' DISABILITY COMPENSATION FOR SERVICE-CONNECTED DISABILITY FROM INCOME (FR-4746)

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 42 USC 1437a (b)(4)

CFR Citation: 24 CFR 5.603; 24 CFR 5.609; 24 CFR 92.203; 24 CFR 583.315

Legal Deadline: None

Abstract: This rule would exclude service-related veterans' disability payment from the calculation of income for eligibility and tenant rent purposes in HUD-assisted housing programs.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 12/00/02 | |
| Final Action | 06/00/03 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Patricia Arnaudo, Senior Housing Program Manager, Office of Public and Assisted Housing Delivery, Department of Housing and Urban Development, Office of Public and Indian Housing, 451 7th Street SW., Washington, DC 20410
Phone: 202 708-0744

RIN: 2501-AC86

1127. • NONDISCRIMINATION BASED ON DISABILITY; MULTIFAMILY HOMEOWNERSHIP PROJECTS (FR-4776)

Priority: Substantive, Nonsignificant

Legal Authority: 29 USC 794; 42 USC 3535(d); 42 USC 5309

CFR Citation: 24 CFR 8

Legal Deadline: None

Abstract: This rule clarifies the applicability of HUD's accessibility requirements (nondiscrimination based on disability) to multifamily homeownership projects receiving financial assistance from HUD. In addition, this rule conforms this part to statutory changes by replacing the term "handicap" with "disability" and by removing obsolete references.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/02 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Cheryl Kent, Special Advisor for Disability Policy, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity
Phone: 202 708-1734

RIN: 2501-AC87

1128. • INFLATION ADJUSTMENT OF CIVIL MONEY PENALTY AMOUNTS (FR-4787)

Priority: Other Significant

Legal Authority: 12 USC 1708(c), 1708(d), 1709(s), 1735(f)-14; 42 USC 3535(d); 28 USC 1264; 31 USC 3801

CFR Citation: 24 CFR 25; 24 CFR 28; 24 CFR 30

Legal Deadline: None

Abstract: This rule makes several changes with respect to the Department's civil money penalty regulations. Specifically, this rule makes inflation adjustments to the civil money penalties imposed by the Department.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/02 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Agency Contact: Phillip A. Murray, Director, Office of Lender Activities and Program Compliance, Department of Housing and Urban Development, Office of Housing
Phone: 202 708-1515

RIN: 2501-AC91

1129. TREBLE DAMAGES FOR FAILURE TO ENGAGE IN LOSS MITIGATION (FR-4553)

Priority: Other Significant

Legal Authority: 12 USC 1715u; 12 USC 1735f-14; 42 USC 3535(d)

CFR Citation: 24 CFR 203; 24 CFR 30

Legal Deadline: None

Abstract: This rule would implement sections 601(f), (g), and (h) of the fiscal

year 1999 HUD Appropriations Act (Pub. L. 105-276, approved October 21, 1998). These sections amend the National Housing Act, which establishes the basic framework for HUD's single family mortgage insurance programs. Specifically, section 601(f) amends section 230 of the National Housing Act (42 U.S.C. 1715u) (entitled Authority to Assist Mortgagors in Default) to provide that, upon default of an insured single family mortgage, lenders must engage in loss mitigation activities for the purpose of providing an alternative to foreclosure. Further, sections 601(g) and (h) amend section 536 of the National Housing Act (12 U.S.C. 1735f-14) (entitled Civil Money Penalties Against Mortgagees, Lenders, and Other Participants in FHA Programs) to provide for the imposition of treble civil money penalties on lenders that fail to engage in loss mitigation activities, as required under amended section 230.

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| ANPRM | 12/06/00 | 65 FR 76520 |
| ANPRM Comment Period End | 02/05/01 | |
| NPRM | 02/00/03 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Michael Reyes, Office of the Deputy Assistant Secretary for Single Family Housing, Department of Housing and Urban Development, Office of the Secretary
Phone: 405 553-7576

RIN: 2501-AC66

1130. • THE SECRETARY OF HUD'S REGULATION OF FANNIE MAE AND FREDDIE MAC (FR-4790)

Regulatory Plan: This entry is Seq. No. 66 in part II of this issue of the **Federal Register**.

RIN: 2501-AC92

HUD—HUDSEC

Proposed Rule Stage

1131. • PARTICIPATION IN HUD PROGRAMS BY FAITH-BASED ORGANIZATIONS; PROVIDING FOR EQUAL TREATMENT FOR ALL HUD PROGRAM PARTICIPANTS (FR-4782)

Regulatory Plan: This entry is Seq. No. 65 in part II of this issue of the **Federal Register**.

RIN: 2501-AC89

**Department of Housing and Urban Development (HUD)
Office of the Secretary (HUDSEC)**

Final Rule Stage

1132. RULE TO CONFORM REGULATORY DEFINITIONS; CIVIL RIGHTS RESTORATION ACT (FR-4587)

Priority: Other Significant

Legal Authority: 42 USC 2000d-1; 42 USC 2000d-7; 42 USC 3535(d)

CFR Citation: 24 CFR 1; 24 CFR 8; 24 CFR 146

Legal Deadline: None

Abstract: Title VI of the Civil Rights Act of 1964 (Title VI), section 504 of the Rehabilitation Act of 1972 (Section 504), and the Age Discrimination Act of 1975 (Age Discrimination Act) prohibit discrimination on the basis of race, color, national origin, disability, and age in programs or activities that receive Federal financial assistance. In 1988, the Civil Rights Restoration Act (CRRRA) added definitions of “program or activity” and “program” to Title VI, and it added a definition of “program or activity” to Section 504 and the Age Discrimination Act. The promulgation of this rule incorporates the CRRRA’s definition of “program or activity” and “program” into title VI, section 504, and Age Discrimination Act regulations.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|---------|
| Final Action | 12/00/02 | |
| Final Action Effective | 01/00/03 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Elizabeth Frank, Deputy Director, Office of Enforcement, Department of Housing and Urban Development, Office of the Secretary, Office of Fair Housing and Equal Opportunity

Phone: 202 708-0836

RIN: 2501-AC70

1133. TEMPORARY ASSISTANCE TO NEEDY FAMILIES (TANF); CONFORMING CHANGES TO ANNUAL INCOME REQUIREMENTS FOR HUD’S PUBLIC HOUSING AND SECTION 8 ASSISTANCE PROGRAMS (FR-4635)

Priority: Other Significant

Legal Authority: 42 USC 1437a; 42 USC 1437c; 42 USC 1437d; 42 USC 1437f; 42 USC 1437n; 42 USC 3535(d); ...

CFR Citation: 24 CFR 5

Legal Deadline: None

Abstract: This rule updates and clarifies HUD’s annual income requirements for its public housing and Section 8 assistance programs. Specifically, this rule clarifies that annual income includes payments under the Temporary Assistance for Needy Families (TANF) program, but only to the extent such payments qualify as “assistance” under the TANF program regulations issued by the Department of Health and Human Services and are not otherwise excluded under HUD’s regulation. The clarifications will make the annual income requirements easier to understand for both program participants and public housing agencies. These changes will also ensure greater conformity between HUD’s annual income requirements and the TANF program regulations. The final rule follows publication of an April 20, 2001 proposed rule, and takes into consideration the public comments received on the proposed rule.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 04/20/01 | 66 FR 20368 |

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM Comment Period End | 06/19/01 | |
| Final Action | 12/00/02 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Patricia Arnaudo, Senior Housing Program Manager, Office of Public and Assisted Housing Delivery, Department of Housing and Urban Development, Office of Public and Indian Housing, 451 7th Street SW., Washington, DC 20410
Phone: 202 708-0744

RIN: 2501-AC77

1134. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (FR-4692)

Priority: Other Significant

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 21; 24 CFR 24

Legal Deadline: None

Abstract: This rule will make substantive changes and amendments to the Governmentwide nonprocurement common rule for debarment and suspension and the Governmentwide rule implementing the Drug Free Workplace Act of 1988. This rule is part of a common rule on debarment and suspension that would limit the mandatory lower tier application of an exclusion to the first procurement level under a nonprocurement covered transaction. Also, the common rule on debarment and suspension would set the dollar threshold on prohibited lower-tier

HUD—HUDSEC

Final Rule Stage

procurement transactions with excluded persons at \$25,000.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/22/02 | 67 FR 48006 |
| NPRM Comment Period End | 09/20/02 | |
| Final Action | 01/00/03 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Dane Narode, Deputy Chief Counsel for Administrative Proceedings, Department of Housing and Urban Development, Enforcement Center

Phone: 202 708-2350

RIN: 2501-AC81

1135. ENVIRONMENTAL REVIEW PROCEDURES FOR ENTITIES ASSUMING HUD'S ENVIRONMENTAL RESPONSIBILITIES (FR-4523)

Priority: Substantive, Nonsignificant

Legal Authority: 12 USC 1707 note; 25 USC 4115; 42 USC 1437o(i)(1); 42 USC 1437o(i)(2); 42 USC 1437x; 42 USC 3535(d); 42 USC 3547; 42 USC 4332; 42 USC 4852; 42 USC 5304 (g); 42 USC 11402; 42 USC 12588; ...

CFR Citation: 24 CFR 58; 24 CFR 574; 24 CFR 582; 24 CFR 583; 24 CFR 941; 24 CFR 968; 24 CFR 970; ...

Legal Deadline: None

Abstract: This rule would update the list of programs and statutory

authorities for which other entities may assume HUD's environmental responsibilities and make other changes to update the regulations on assumption of HUD's environmental responsibilities.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 06/26/02 | 67 FR 43207 |
| NPRM Comment Period End | 08/26/02 | |
| Final Action | 12/00/02 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Walter Prybyla, Deputy Director for Policy Environmental Review Division, Department of Housing and Urban Development, Office of Community Planning and Development
Phone: 202 708-1201

RIN: 2501-AC83

1136. FAIR MARKET RENTS PROGRAMS: INCREASED FAIR MARKET RENTS FOR CERTAIN AREAS AND HIGHER PAYMENT STANDARDS (FR-4606)

Priority: Economically Significant

Legal Authority: 42 USC 1437a; 42 USC 1437c; 42 USC 1437f; 42 USC 3535(d)

CFR Citation: 24 CFR 888; 24 CFR 982; 24 CFR 985

Legal Deadline: None

Abstract: This rule follows the interim final rule that implemented HUD's new fair market rent (FMR) policy. The new FMR policy targets relief to areas where higher FMRs are needed to help families, assisted under HUD's Housing Choice Voucher Program as well as other HUD programs, find and lease decent and affordable housing. The new FMR policy increases FMRs needed to promote residential choice, help families move closer to areas of job growth, and deconcentrate poverty. The increased FMR applies to all the HUD programs that use FMRs in that metropolitan area.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| Interim Final Rule | 10/02/00 | 65 FR 58870 |
| Interim Final Rule Comment Period End | 11/16/00 | |
| Interim Final Rule Effective | 12/01/00 | |
| Final Action | 12/00/02 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State, Local

Agency Contact: Gerald J. Benoit, Director, Real Estate and Housing Performance Division, Department of Housing and Urban Development, Office of Public and Indian Housing
Phone: 202 708-0477

RIN: 2501-AC75

Department of Housing and Urban Development (HUD) Office of the Secretary (HUDSEC)

Long-Term Actions

1137. ELECTRONIC DOCUMENT RETENTION AND CONSUMER DISCLOSURE REQUIREMENTS IN HUD-RELATED TRANSACTIONS (FR-4686)

Priority: Other Significant

Legal Authority: 12 USC 1701 et seq; 12 USC 1715Z-13a; 12 USC 2601 to 2617; 15 USC 1701 to 1706; 15 USC 7001 to 7006; ...

CFR Citation: 24 CFR 5

Legal Deadline: None

Abstract: This rule will implement the Electronic Signature Act which allows agencies to issue regulations, pursuant

to their existing regulatory authority, interpreting section 101 of E-SIGN (15 U.S.C. 7001) and setting performance standards for the accuracy, integrity, and accessibility of electronically retained documents. The rule will set performance standards for the accessibility, integrity and accuracy of electronically retained documents.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Koren McKenzie-John, Attorney-Advisor, Multifamily Mortgage Division, Department of Housing and Urban Development, Office of the General Counsel
Phone: 202 708-4090

RIN: 2501-AC79

HUD—HUDSEC

Long-Term Actions

1138. ADJUSTMENT OF HUD'S CIVIL MONEY PENALTIES PURSUANT TO THE FEDERAL CIVIL PENALTIES INFLATION ADJUSTMENT ACT OF 1990 (FR-4555)**Priority:** Substantive, Nonsignificant**Legal Authority:** 28 USC 2461 note; 31 USC 3701 note**CFR Citation:** 24 CFR 28; 24 CFR 30; 24 CFR 3282; 24 CFR 3500; 24 CFR 81**Legal Deadline:** None

Abstract: This final rule would adjust for inflation the maximum amounts of HUD's civil money penalties, as required by the Federal Civil Money Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note), as amended by the Debt Collection Improvement Act of 1996 (31 U.S.C. 3701 note). HUD is required to adjust the maximum amounts of its civil money penalties at least once every 4 years. HUD last adjusted these maximum amounts in a final rule that became effective October 24, 1996 (61 FR 50208). Accordingly, HUD must adjust the maximum amounts of its civil money penalties before October 24, 2000.

Timetable: Next Action Undetermined**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Undetermined

Agency Contact: Dane Narode, Deputy Chief Counsel for Administrative Proceedings, Department of Housing and Urban Development, Enforcement Center
Phone: 202 708-2350

RIN: 2501-AC67**1139. ACCESSIBILITY STANDARDS FOR DESIGN, CONSTRUCTION AND ALTERATION OF CERTAIN FACILITIES FINANCED WITH PUBLIC FUNDS (FR-4317)****Priority:** Other Significant**Legal Authority:** 42 USC 3535(d); 42 USC 4151 et seq**CFR Citation:** 24 CFR 40; 24 CFR 41**Legal Deadline:** None

Abstract: The U.S. Architectural and Transportation Barriers Compliance Board (Access Board), of which HUD is a voting member, is revising and updating its accessibility guidelines for

buildings and facilities covered by the Americans with Disabilities Act and the Architectural Barriers Act (ABA). The guidelines cover new construction and alterations and serve as the basis for enforceable standards issued by other Federal agencies, including HUD. HUD, as one of the four standard setting agencies, must adopt standards that are equivalent to or stricter than those guidelines issued by the Access Board. Thus, HUD must both update its regulations for the ABA at 24 CFR 40 and 41, and must also update/replace its Uniform Federal Accessibility Standards (UFAS) with standards equivalent to or stricter than the Access Board's guidelines.

Timetable: Next Action Undetermined**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None

Agency Contact: Milton Turner, Director, Program Compliance and Disability Rights Support Division, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity
Phone: 202 708-2333

RIN: 2501-AC47**1140. • PROHIBITION AGAINST LUMP-SUM RELOCATION ASSISTANCE PAYMENTS, AND EXCLUSION OF ALIENS NOT LEGALLY PRESENT FROM ELIGIBILITY FOR RELOCATION PAYMENTS (FR-4773)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 3535(d), 3537c, 4601, 5304, and 12705(b)**CFR Citation:** 24 CFR 42**Legal Deadline:** None

Abstract: The purpose of this rule is to update HUD's relocation regulations to conform to two statutory changes. The first change prohibits lump-sum payments except for moving expenses, downpayments on a replacement residence, and the incidental expenses related to these two eligible types of payments. The second statutory change excludes aliens who are not lawfully present in the United States from eligibility for relocation payments.

Timetable: Next Action Undetermined**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Joan Morgan, Office of Affordable Housing Programs, Department of Housing and Urban Development, Office of Community Planning and Development
Phone: 202 708-2470

RIN: 2501-AC88**1141. THE SECRETARY OF HUD'S REGULATION OF FANNIE MAE AND FREDDIE MAC; PROHIBITING THE PURCHASE OF CERTAIN LOANS WITH HIGH COSTS AND/OR PREDATORY FEATURES (FR-4614)****Priority:** Other Significant. Major under 5 USC 801.**Legal Authority:** 12 USC 1451 et seq; 12 USC 1716 et seq; 12 USC 4501 et seq; 42 USC 3535(d)**CFR Citation:** 24 CFR 81**Legal Deadline:** None

Abstract: A report issued in June 2000 by HUD and the Department of Treasury entitled "Curbing Predatory Home Mortgage Lending" noted that by providing a source of funding, entities that purchase or securitize loans with high cost and/or predatory features are, knowingly or unknowingly, supporting the activities of predatory loan originators. The report recommended regulatory restrictions that would prohibit the two Government-Sponsored Enterprises (GSEs), Fannie Mae and Freddie Mac, from purchasing certain types of loans with high costs and/or predatory features altogether. Through this rulemaking, HUD will establish regulatory restrictions, consistent with the GSEs' voluntary restrictions, that will prohibit the GSEs from purchasing certain loans with high costs and/or predatory features.

Timetable: Next Action Undetermined**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Sandra Fostek, Director, Office of Government Sponsored Enterprise Oversight, Department of Housing and Urban Development, Office of Housing
Phone: 202 708-2224

RIN: 2501-AC76

HUD—HUDSEC

Long-Term Actions

1142. ADOPTION OF REVISIONS TO OMB CIRCULAR A-110 (FR-4573)**Priority:** Other Significant**Legal Authority:** 42 USC 3535(d)**CFR Citation:** 24 CFR 5; 24 CFR 44; 24 CFR 45; 24 CFR 84; 24 CFR 85**Legal Deadline:** None

Abstract: This document presents the final revision to the codification, at 24 CFR part 84, of Office of Management and Budget (OMB) Circular A-110, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations." OMB issued a final revision to Circular A-110 on September 30, 1999, as required by

Public Law 105-227. This rule provides uniform administrative requirements for all grants and cooperative agreements to institutions of higher education, hospitals, and other nonprofit organizations. FR-4258 (RIN 2501-AC39), which makes final an interim rule that adopted revised OMB Circular A-133 to obtain consistency and uniformity among Federal agencies for the audit of States, local governments, and nonprofit organizations expending Federal awards, is also merged with this rule.

Timetable:

| Action | Date | FR Cite |
|------------------------------|----------|-------------|
| Interim Final Rule | 05/11/00 | 65 FR 30498 |
| Interim Final Rule Effective | 06/12/00 | |

| Action | Date | FR Cite |
|--------------------|--------------|---------|
| Interim Final Rule | 07/10/00 | |
| Comment Period End | | |
| Next Action | Undetermined | |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Barbara Dorf, Director, Office of Departmental Grants Management and Oversight, Department of Housing and Urban Development, Office of Administration
Phone: 202 708-0667

RIN: 2501-AC68
**Department of Housing and Urban Development (HUD)
Office of the Secretary (HUDSEC)**

Completed Actions

1143. UNIFORM FINANCIAL REPORTING STANDARDS FOR HUD HOUSING PROGRAMS, ADDITIONAL ENTITY FILING REQUIREMENTS (FR-4681)**Priority:** Substantive, Nonsignificant**CFR Citation:** 24 CFR 5; 24 CFR 202**Completed:**

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 08/15/02 | 67 FR 53450 |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Stacey Kniff
Phone: 202 708-4932

RIN: 2501-AC80

authorize the Secretary of HUD or the General Counsel to authorize an employee to testify as an expert or opinion witness in matters in which the United States is a party as well as in matters exclusively among private parties.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 10/23/02 | 67 FR 65276 |
| Final Action Effective | 11/22/02 | |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Carole W. Wilson, Associate General Counsel for Litigation and Fair Housing Enforcement, Department of Housing and Urban Development, Office of the General Counsel
Phone: 202 708-0570

RIN: 2501-AC90**Completed:**

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/18/02 | 67 FR 47433 |
| Final Action Effective | 08/19/02 | |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Samuel B. Rothman
Phone: 202 708-4184

RIN: 2501-AC85**1144. • TESTIMONY OF HUD EMPLOYEES IN LEGAL PROCEEDINGS (FR-4783)****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 42 USC 3535(d)**CFR Citation:** 24 CFR 15**Legal Deadline:** None

Abstract: This rule amends HUD's regulations regarding the testimony or employees in legal proceedings to

1145. ADMINISTRATIVE WAGE GARNISHMENT (FR-4711)**Priority:** Substantive, Nonsignificant**CFR Citation:** 24 CFR 17**1146. HOME INVESTMENT PARTNERSHIPS PROGRAM (FR-4111)****Priority:** Other Significant**CFR Citation:** 24 CFR 92**Completed:**

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 10/01/02 | 67 FR 61752 |
| Final Action Effective | 10/31/02 | |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** State, Local

Agency Contact: Mary Kolesar
Phone: 202 708-2470

RIN: 2501-AC30

Department of Housing and Urban Development (HUD)
Office of Housing (OH)

Proposed Rule Stage

1147. • SINGLE FAMILY MORTGAGE; LENDER COMPLIANCE AND ACCOUNTABILITY (FR-4761)

Priority: Other Significant

Legal Authority: 12 USC 1703; 12 USC 1708(c); 12 USC 1708 (d); 12 USC 1709; 12 USC 1709(s); 12 USC 1715(b); 12 USC 1735;; 12 UDC 1735(f)-14; 42 USC 3535(d)

CFR Citation: 24 CFR 25; 24 CFR 202

Legal Deadline: None

Abstract: The rule would allow the Department to be more restrictive as to who can be an owner or officer of an FHA-approved lending entity, better hold the owners and principal officers and loan officers accountable for noncompliance, clarify duties and responsibilities of all parties involved in the loan origination process, and update FHA's lender requirements to reflect current operating practices in the mortgage industry. The rule would make several other nonsubstantive corrections and clarifications to the regulations.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/02 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Phillip A. Murray, Director, Office of Lender Activities and Program Compliance, Department of Housing and Urban Development, Office of Housing, P3214, 451 7th Street SW., Washington, DC 20410
Phone: 202 708-1515

RIN: 2502-AH87

1148. • DISTRIBUTION OF TAX CREDIT PROCEEDS (FR-4792)

Priority: Substantive, Nonsignificant

Legal Authority: 12 USC 1702 to 1715z-21; 42 USC 3535(d)

CFR Citation: 24 CFR 200.54(b)

Legal Deadline: None

Abstract: This rule amends 24 CFR 200.54(b) to provide that low-income housing tax credit syndication proceeds and historic tax credit syndication proceeds will be treated in the same manner as funds provided by a grant or loan from a Federal, State or local government agency or instrumentality

to the extent that these proceeds do not have to be fully disbursed before the disbursement of mortgage proceeds.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/02 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Michael McCullough, Director, Office of Multifamily Development, Department of Housing and Urban Development, Office of Housing
Phone: 202 708-1142

RIN: 2502-AH91

1149. REVISIONS TO FHA CREDIT WATCH/TERMINATION INITIATIVE (FR-4625)

Priority: Other Significant

Legal Authority: 12 USC 1703; 12 USC 1709; 12 USC 1715b; 42 USC 3535(d)

CFR Citation: 24 CFR 202

Legal Deadline: None

Abstract: This rule would make several amendments to HUD's regulations for the Federal Housing Administration (FHA) Credit Watch/Termination Initiative. Under the Credit Watch/Termination Initiative, HUD identifies mortgagees with unsatisfactory performance levels and takes ameliorative action at an early stage. The proposed rule will state that mortgagees will be responsible for using HUD's Electronic Neighborhood Watch Early Warning System to monitor their performance. Among other changes, the rule would also prohibit a mortgagee that has received a notice of proposed termination of its origination approval agreement from establishing a new branch for the origination of FHA-insured mortgages in the lending area covered by the proposed termination. The rule would establish that the default and claim thresholds underlying the Credit Watch/Termination Initiative apply to both underwriting and originating mortgagees.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 02/00/03 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Phillip A. Murray, Director, Office of Lender Activities and Program Compliance, Department of Housing and Urban Development, Office of Housing, P3214, 451 7th Street SW., Washington, DC 20410
Phone: 202 708-1515

RIN: 2502-AH60

1150. • ESTABLISHMENT OF LOAN ORIGINATOR REGISTRY AND ESTABLISHMENT OF SERVICING APPROVAL AGREEMENTS (FR-4764)

Priority: Other Significant

Legal Authority: 12 USC 1703; 12 USC 1709; 12 USC 1715b; 42 USC 3535(d)

CFR Citation: 24 CFR 202.5

Legal Deadline: None

Abstract: This rule would authorize the Department to establish a loan originator registry and a servicing approval agreement for FHA-approved lenders. The loan originator registry would limit registration of a loan originator to one FHA-approved lender at a time and give the Department the ability to monitor a loan originator's loan performance. The rule would provide for sanctions against loan originators for poor performance. Also, the rule would clarify that a loan originator must be an employee of a lender. This rule also would create a servicing approval agreement that would require FHA approval. The Department believes that the servicing agreement would enhance its authority to supervise the servicing of FHA-insured mortgages and to take action against mortgagees that fail to perform required servicing functions.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/02 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Phillip A. Murray, Director, Office of Lender Activities and Program Compliance, Department of Housing and Urban Development, Office of Housing, P3214, 451 7th Street SW., Washington, DC 20410
Phone: 202 708-1515

RIN: 2502-AH88

HUD—OH

Proposed Rule Stage

1151. • DUTIES AND RESPONSIBILITIES OF LOAN CORRESPONDENTS AND SPONSORS (FR-4762)**Priority:** Other Significant**Legal Authority:** 12 USC 1703, 1709, 1710; 12 USC 1715b; 12 USC 1715y; 42 USC 3535(d)**CFR Citation:** 24 CFR 202.2; 24 CFR 202.8(b)(7); 24 CFR 207.255(b) (11)**Legal Deadline:** None

Abstract: This rule would describe the duties and responsibilities of FHA-approved loan correspondents and sponsors. The Department believes it necessary to delineate clearly the different responsibilities and duties of loan correspondents and sponsors to ensure compliance with FHA program requirements. The rule also would define the terms "origination" and "underwriting."

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 02/00/03 | |

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Phillip A. Murray, Director, Office of Lender Activities and Program Compliance, Department of Housing and Urban Development, Office of Housing, P3214, 451 7th Street SW., Washington, DC 20410
Phone: 202 708-1515

RIN: 2502-AH90**1152. LIMITATION OF FHA-INSURED LOANS TO NONPROFIT AGENCIES (FR-4702)****Priority:** Other Significant**Legal Authority:** 12 USC 1709; 42 USC 3535(d)**CFR Citation:** 24 CFR 203.18; 24 CFR 203.36; 24 CFR 291.210(a)**Legal Deadline:** None

Abstract: This rule limits nonprofit corporations to ten outstanding single family insured loans at any one time. In addition, the rule limit nonprofits to loans secured by properties with no more than one dwelling unit.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/02 | |

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Organizations**Government Levels Affected:** None

Agency Contact: Margaret Burns, Director, Program Support Division, Department of Housing and Urban Development, Office of Housing
Phone: 202 708-0317

RIN: 2502-AH71**1153. FHA INSPECTOR ROSTER (FR-4720)****Priority:** Other Significant**Legal Authority:** 12 USC 1709; 42 USC 3535(d)**CFR Citation:** 24 CFR 200.170; 24 CFR 200.171; 24 CFR 200.172**Legal Deadline:** None

Abstract: This rule establishes the criteria for inclusion on, and removal from, the FHA Inspector Roster. FHA officials will review the credentials of individuals desiring placement on this Roster or recertification to the Roster. The rule also identifies when a mortgagee must use the services of those individuals appearing on the Roster.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 10/12/02 | 67 FR 63198 |
| NPRM Comment | 12/09/02 | |
| Period End | | |
| Final Action | 06/00/03 | |

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Vance Morris, Director, Office of Single Family Program Development, Department of Housing and Urban Development, Office of Housing
Phone: 202 708-2121

RIN: 2502-AH76**1154. LENDER ACCOUNTABILITY FOR APPRAISALS (FR-4722)****Priority:** Other Significant**Legal Authority:** 12 USC 1708 to 1710; 12 USC 1715b; 12 USC 1715u; 12 USC 1735f-14; 42 USC 3535(d)**CFR Citation:** 24 CFR 25; 24 CFR 203**Legal Deadline:** None

Abstract: This rule clarifies and strengthens HUD's regulations concerning the responsibilities of lenders approved by the Federal Housing Administration (FHA) in the selection of appraisers to perform appraisals on properties that will be the security for FHA-insured mortgages. First, the rule provides that lenders are to be held strictly accountable for the quality of appraisals on properties securing FHA-insured mortgages. Further, the rule specifically provides that lenders that submit appraisals to HUD that do not meet FHA requirements are subject to the imposition of sanctions by the HUD Mortgage Review. The rule would apply to both sponsor lenders, who underwrite loans, and loan correspondent lenders, who originate loans on behalf of their sponsors. HUD believes these proposed changes will help protect the FHA Insurance Fund, ensure better compliance with appraisal standards, and help to ensure that homebuyers receive an accurate statement of appraised value.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 11/00/02 | |
| NPRM Comment | 01/00/03 | |
| Period End | | |

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None

Agency Contact: Vance Morris, Director, Office of Single Family Program Development, Department of Housing and Urban Development, Office of Housing
Phone: 202 708-2121

RIN: 2502-AH78**1155. UP-FRONT MORTGAGE INSURANCE PREMIUMS FOR LOANS INSURED UNDER 24 CFR 203(K) AND 234(C) OF THE NATIONAL HOUSING ACT (FR-4749)****Priority:** Other Significant**Legal Authority:** 12 USC 1709(c); 42 USC 3535(d)**CFR Citation:** 24 CFR 203.50; 24 CFR 203.284; 24 CFR 203.285**Legal Deadline:** None

Abstract: This rule amends 24 CFR part 203 to require an up-front payment at the beginning of the loan of the

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Proposed Rule Stage

insurance premium for loans insured under sections 203(k) and 234(c) of the National Housing Act. Formerly, these loans required only monthly premium payments.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/02 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: James Beavers, Loan Specialist (Realty), Department of Housing and Urban Development, Office of Housing, Room 9270, 451 7th Street, SW, Washington, DC 20410
Phone: 202 708-2121

RIN: 2502-AH82

1156. ELIGIBILITY OF ADJUSTABLE RATE MORTGAGES (ARMS) (FR-4745)

Priority: Other Significant

Legal Authority: 12 USC 1715z-16; 42 USC 3535(d)

CFR Citation: 24 CFR 203.49

Legal Deadline: None

Abstract: This rule would implement section 206 of HUD's FY 2002 Appropriations Act and enhance home buying opportunities through additional product offerings, "hybrid ARMs," tailored to the financial conditions of lenders. Except for additional provisions for the frequency and magnitude of the interest rate changes, these products would be subject to existing regulatory requirements at 24 CFR 203.49.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/02 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Vance Morris, Director, Office of Single Family Program Development, Department of Housing and Urban Development, Office of Housing
Phone: 202 708-2121

RIN: 2502-AH84

1157. • HOME EQUITY CONVERSION MORTGAGES (HECM); COOPERATIVE HOUSING DEVELOPMENTS (FR-4777)

Priority: Substantive, Nonsignificant

Legal Authority: 12 USC 1715b; 12 USC 1715z to 1720;; 42 USC 3535(d)

CFR Citation: 24 CFR 203.43 (b)(1); 24 CFR 206.45 (b)

Legal Deadline: None

Abstract: This rule would expand the Home Equity Conversion Mortgage (HECM) program to cover approved cooperative housing developments. The rule would implement an amendment to the National Housing Act that authorizes HUD to insure HECM mortgages in cooperative housing developments. The expansion of the HECM program, in the Department's view, would contribute to the effort to broaden reverse mortgage financing opportunities for elderly homeowners.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 02/00/03 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Vance Morris, Director, Office of Single Family Program Development, Department of Housing and Urban Development, Office of Housing
Phone: 202 708-2121

RIN: 2502-AH89

1158. • ELIGIBILITY OF MORTGAGES ON HAWAIIAN HOMELANDS INSURED UNDERSECTION 247 (FR-4779)

Priority: Other Significant

Legal Authority: 12 USC 1709; 12 USC 1710; 12 USC 1715b; 12 USC 1715u; 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None

Abstract: This rule would amend the regulations that define the terms "native Hawaiian" and "eligibility of mortgagor" to conform them to the revised definitions enacted by a recent statutory change to the National Housing Act.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/02 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Vance Morris, Director, Office of Single Family Program Development, Department of Housing and Urban Development, Office of Housing
Phone: 202 708-2121

RIN: 2502-AH92

1159. FHA APPRAISER WATCH INITIATIVE (FR-4744)

Regulatory Plan: This entry is Seq. No. 68 in part II of this issue of the **Federal Register**.

RIN: 2502-AH81

1160. SECTION 236 EXCESS RENTAL CHARGES (FR-4689)

Priority: Other Significant

Legal Authority: 12 USC 1715z-1; 42 USC 3535(d)

CFR Citation: 24 CFR 236

Legal Deadline: None

Abstract: This rule would establish the terms and conditions to permit owners of projects receiving section 236 rental assistance to participate in retaining some or all of their excess charges for project use. In addition, it would permit owners to retain excess charges for non-project use after a determination by HUD that the project is well maintained housing in good condition and that the owner has not engaged in material adverse financial or managerial actions or omissions.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/12/02 | 67 FR 52526 |
| NPRM Comment Period End | 10/11/02 | |
| Final Action | 02/00/03 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Janice Nimmer, Housing Project Manager, Department of Housing and Urban Development, Office of Housing
Phone: 202 708-3944

RIN: 2502-AH68

HUD—OH

Proposed Rule Stage

1161. DISPOSITION OF HUD-OWNED SINGLE FAMILY ASSETS IN ASSET CONTROL AREAS (FR-4471)

Regulatory Plan: This entry is Seq. No. 67 in part II of this issue of the **Federal Register**.

RIN: 2502-AH40

1162. DISPOSITION OF HUD-ACQUIRED SINGLE FAMILY PROPERTY; OFFICER/TEACHER NEXT DOOR SALES PROGRAMS (FR-4712)

Priority: Other Significant

Legal Authority: 12 USC 1701 et seq; 42 USC 1441; 42 USC 1441a; 42 USC 1551a; 42 USC 3535(d)

CFR Citation: 24 CFR 291, subpart F

Legal Deadline: None

Abstract: This rule codifies the policies and procedures concerning the Teacher Next Door (TND) Sales Program. The TND Sales Program has been operating since December 7, 1999 as a temporary program. This rule establishes the TND Sales Program as a permanent part of HUD's single family property disposition program. Through the TND Sales Program, HUD makes HUD-acquired single family properties available to eligible teachers for purchase at a discount from the list price. The TND Sales Program is closely modelled after HUD's Officer Next Door (OND) Sales Program, which provides the same benefits to eligible law enforcement officers. In addition to codifying the TND Sales Program, the rule would also clarify and revise certain requirements applicable to both the OND and TND Sales Programs. Among other such changes, the proposed rule would: (1) expand eligibility for the OND Sales Program to include Native American tribal police officers; (2) cap the total number of HUD-acquired homes that will be sold in a fiscal year under the OND/TND Sales Program; (3) establish new requirements regarding refinancing.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 03/00/03 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: State, Local, Tribal

Agency Contact: Joseph McCloskey, Director, Office of Single Family Asset Management, Department of Housing and Urban Development, Office of Housing, Room 9172
Phone: 202 708-1672

RIN: 2502-AH72

1163. DISTRIBUTIONS TO NONPROFIT OWNERS OF CERTAIN HUD-ASSISTED MULTIFAMILY RENTAL PROJECTS (FR-4602)

Priority: Other Significant

Legal Authority: 12 USC 1710 to 1715

CFR Citation: 24 CFR 880; 24 CFR 881; 24 CFR 883

Legal Deadline: None

Abstract: This rule adds an exception to HUD's current Section 8 regulations that prohibit any distributions to nonprofit owners of projects receiving project-based assistance. HUD may now permit distributions of surplus cash to owners of projects with expiring Section 8 project-based assistance contracts who agree to renew their contracts, if distributions are necessary to ensure continued participation of the owners in the Section 8 program.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 06/00/03 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Willie Spearmon, Director, Office of Housing Assistance

and Grant Administration, Department of Housing and Urban Development, Office of Housing
Phone: 202 708-3000

RIN: 2502-AH52

1164. MIXED FINANCE DEVELOPMENT FOR SUPPORTIVE HOUSING FOR THE ELDERLY OR PERSONS WITH DISABILITIES AND OTHER CHANGES TO 24 CFR PART 891 (FR-4725)

Priority: Other Significant

Legal Authority: PL 106-569, sec 831 to 834 (Am. Homeownership & Economic Opportunity Act of 2000)

CFR Citation: 24 CFR 891

Legal Deadline: None

Abstract: This rule permits for-profit limited partners to partner with a non-profit general partner in developing assisted housing for elderly and disabled using a mixed finance model, where HUD funding and non-Federal funding sources are combined in a single project. This rule would implement this program, providing for rules for the use of different funding sources, application procedures, procedures for the dispersal of funds, and other matters involved in program implementation.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/02 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Aretha Williams, Housing Project Manager, Department of Housing and Urban Development, Office of Housing, Room 6142, Washington, DC 20410
Phone: 202 708-2866

RIN: 2502-AH83

Department of Housing and Urban Development (HUD)
Office of Housing (OH)

Final Rule Stage

1165. APPRAISER QUALIFICATIONS FOR PLACEMENT ON FHA SINGLE FAMILY APPRAISER ROSTER (FR-4620)

Regulatory Plan: This entry is Seq. No. 69 in part II of this issue of the **Federal Register**.

RIN: 2502-AH59

1166. • SECTION 223F SUPPLEMENTAL COST CERTIFICATION (FR-4793)

Priority: Other Significant

Legal Authority: 12 USC 1701 to 1715z-20

CFR Citation: 24 CFR 200

Legal Deadline: None

Abstract: This regulation will eliminate the supplemental cost certification requirement for FHA loans insured pursuant to section 223f where repairs are required after endorsement of the loan. This change will eliminate an unnecessary burden to the public. At closing/endorsement, an escrow is established sufficient to complete all repairs, and inspection of repairs is required. Once repairs are completed, the balance of escrow is returned to the owner by the mortgagee. If repairs are not completed, the mortgagee uses the balance of escrow.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 12/00/02 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Michael McCullough, Director, Office of Multifamily Development, Department of Housing and Urban Development, Office of Housing
Phone: 202 708-1142

RIN: 2502-AH93

1167. PROHIBITION OF PROPERTY FLIPPING IN HUD'S SINGLE FAMILY MORTGAGE INSURANCE PROGRAMS (FR-4615)

Priority: Other Significant

Legal Authority: 12 USC 1709; 12 USC 1710; 12 USC 1715b; 12 USC 1715u; 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None

Abstract: This rule addresses property "flipping," the practice whereby a property recently acquired is resold for a considerable profit with an artificially inflated value, often abetted by a lender's collusion with the appraiser. Specifically, the final rule will establish certain new requirements regarding the eligibility of properties for FHA mortgage insurance. The regulatory amendments made by this rule will comply with congressional mandates to maintain the FHA Insurance Fund in a sound actuarial manner. The new requirements will make flipped properties ineligible for FHA financing, thus precluding FHA home purchasers from becoming victims of property flipping. The rule follows publication of a September 5, 2001 proposed rule, and takes into consideration the public comments received on the proposed rule.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/05/01 | 66 FR 46502 |
| NPRM Comment Period End | 11/05/01 | |
| Final Action | 12/00/02 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Vance Morris, Director, Office of Single Family Program Development, Department of Housing and Urban Development, Office of Housing
Phone: 202 708-2121

RIN: 2502-AH57

1168. UPFRONT MORTGAGE INSURANCE PREMIUMS: REMITTANCE REQUIREMENTS (FR-4690)

Priority: Other Significant

Legal Authority: 42 USC 3535(d); 12 USC 1709

CFR Citation: 24 CFR 203

Legal Deadline: None

Abstract: This rule will change the remittance period of mortgage insurance premiums. The rule will also implement a more precise definition of when the remittance period begins.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/21/02 | 67 FR 54312 |
| NPRM Comment Period End | 10/21/02 | |
| Final Rule | 12/00/02 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Vance Morris, Director, Office of Single Family Program Development, Department of Housing and Urban Development, Office of Housing
Phone: 202 708-2121

RIN: 2502-AH67

1169. AMENDMENTS TO THE SECTION 203(K) REHABILITATION LOAN INSURANCE PROGRAM (FR-4701)

Priority: Other Significant

Legal Authority: 12 USC 1709; 12 USC 1710; 12 USC 1715b; 12 USC 1715u; 42 USC 3535 (d)

CFR Citation: 24 CFR 203

Legal Deadline: None

Abstract: This rule will make two amendments to HUD's regulations for the Section 203(k) Rehabilitation Loan Insurance Program. The 203(k) Program is the Federal Housing Administration's (FHA's) primary program for the rehabilitation and repair of single family properties. The rule will limit 203(k) rehabilitation loan insurance to one-unit properties. This rule will also cap the total cost of rehabilitation to twenty percent of the single family mortgage limit established by HUD for a one-unit home in a "high cost area." These changes would simplify the 203(k) Program for both lenders and homebuyers, and strengthen HUD's capacity to safeguard the FHA mortgage insurance fund. This rule follows publication of an August 21, 2002 proposed rule, and takes into consideration the public comments received on the proposed rule.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/21/02 | 67 FR 54308 |
| NPRM Comment Period End | 10/21/02 | |
| Final Action | 03/00/03 | |

Regulatory Flexibility Analysis Required: No

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Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Vance Morris, Director, Office of Single Family Program Development, Department of Housing and Urban Development, Office of Housing
Phone: 202 708-2121

RIN: 2502-AH73

1170. INSURANCE FOR MORTGAGES TO REFINANCE EXISTING HECMS (FR-4667)

Priority: Other Significant

Legal Authority: 12 USC 1715b; 12 USC 1715z; 1720; 42 USC 3535(d)

CFR Citation: 24 CFR 206

Legal Deadline: Final, Statutory, June 27, 2001, Section 201 of the American Homeownership and Economic Opportunity Act of 2000 requires that HUD issue final regulations within 180 days of enactment.

Abstract: This rule amends HUD's regulations for the Home Equity Conversion Mortgage (HECM) Program to implement the amendments made by section 201(a) of the American Homeownership and Economic Opportunity Act of 2000. The HECM Program enables older homeowners to withdraw some of the equity in their homes in the form of payments for life, a fixed term, or at intervals through a line of credit. Section 201(a) authorizes HUD to offer mortgage insurance for refinancing of existing HECMs, and provides consumer safeguards for such refinancings. This rule follows publication of a June 5, 2001 proposed rule, and takes into consideration the public comments received on the proposed rule.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 06/05/01 | 66 FR 30278 |
| NPRM Comment Period End | 07/05/01 | |
| Final Action | 03/00/03 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Vance Morris, Director, Office of Single Family Program Development, Department of Housing and Urban Development, Office of Housing

Phone: 202 708-2121

RIN: 2502-AH63

1171. MORTGAGE INSURANCE PREMIUMS IN MULTIFAMILY HOUSING PROGRAMS (FR-4679)

Priority: Other Significant

Legal Authority: 12 USC 1701z-11(e); 12 USC 1709(c)(1); 12 USC 1713; 12 USC 1715b; 42 USC 3535(d)

CFR Citation: 24 CFR 207

Legal Deadline: None

Abstract: This rule amends the regulations for HUD's multifamily mortgage insurance programs by revising 24 CFR part 207 to permit the Secretary to set mortgage insurance premiums (MIPs) at any rate within his statutory authority, rather than setting specific MIP rates by regulation. Under this rule, HUD will be able to set mortgage insurance premiums at any rate between one-fourth and one percent of the outstanding principal balance of the insured loan. For several insured housing programs, this underwriting change will eliminate the need for positive credit subsidy. Promulgation of this rule will allow HUD to avoid a shutdown of these mortgage insurance programs.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Interim Final Rule | 07/02/01 | 66 FR 35070 |
| Interim Final Rule Effective | 08/01/01 | |
| Interim Final Rule Comment Period End | 08/31/01 | |
| Final Action | 11/00/02 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, Federal, State

Agency Contact: Michael McCullough, Director, Office of Multifamily Development, Department of Housing and Urban Development, Office of Housing
Phone: 202 708-1142

RIN: 2502-AH64

1172. FHA APPROVAL OF CONDOMINIUM DEVELOPMENTS LOCATED IN THE COMMONWEALTH OF PUERTO RICO FOR MORTGAGE INSURANCE UNDER THE SECTION 234(C) PROGRAM (FR-4713)

Priority: Substantive, Nonsignificant

Legal Authority: 12 USC 1715b; 12 USC 1715y; 42 USC 3535(d)

CFR Citation: 24 CFR 234

Legal Deadline: None

Abstract: This rule would amend the Department's regulations under part 234 to provide that the date of recordation for purposes of obtaining FHA approval of a condominium development in the Commonwealth of Puerto Rico for mortgage insurance under the 234(c) program is the date the condominium legal documents are presented to the Commonwealth Registry of the Property.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/21/02 | 67 FR 54316 |
| NPRM Comment Period End | 10/21/02 | |
| Final Action | 02/00/03 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Vance Morris, Director, Office of Single Family Program Development, Department of Housing and Urban Development, Office of Housing
Phone: 202 708-2121

RIN: 2502-AH80

1173. TENANT PARTICIPATION IN STATE-FINANCED, HUD-ASSISTED HOUSING DEVELOPMENTS (FR-4611)

Priority: Other Significant

Legal Authority: 12 USC 1715z-1a; 12 USC 1715z-1b; 42 USC 3535(d)

CFR Citation: 24 CFR 245

Legal Deadline: None

Abstract: HUD's current regulations protecting the statutory right of tenants in HUD-assisted and insured multifamily housing developments to organize and participate in the operation of the development do not currently cover State-financed housing developments that receive assistance under certain HUD programs. However,

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the statutory right of tenants to organize includes those State-financed housing developments. This rule will extend the protection of tenant organization to include State-financed developments assisted under certain HUD programs.

This rule also makes a minor technical correction to a citation in the existing tenant participation regulation. Section 245.135(a)(3) of the rule intended to cross-reference 24 CFR part 24, subpart G; the CFR part was omitted.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 06/18/02 | 67 FR 41582 |
| NPRM Comment Period End | 08/19/02 | |
| Final Rule | 12/00/02 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, Office of Housing
Phone: 202 708-3000

RIN: 2502-AH55

1174. • AUTHORITY TO WAIVE REGULATIONS UNDER PART 401 (FR-4791)

Priority: Substantive, Nonsignificant

Legal Authority: 12 USC 1715z-1; 12 USC 1735f-19(b); 42 USC 1437f; 42 USC 3535(d)

CFR Citation: 24 CFR 401

Legal Deadline: None

Abstract: This rule revises 24 CFR 401.3, indicating that the Assistant Secretary for Housing-Federal Housing Commissioner, and not the Director of the Office of Multifamily Housing Assistance Restructuring (OMHAR), can waive regulations under part 401 of title 24 of the Code of Federal Regulations.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 11/00/02 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Eliot Horowitz, Attorney Advisor/Office of the Assistant Secretary for Housing, Department of Housing and Urban Development, Office of Housing
Phone: 202 708-1490

RIN: 2502-AH94

1175. RENEWAL OF EXPIRING SECTION 8 PROJECT-BASED ASSISTANCE CONTRACT (FR-4551)

Priority: Other Significant

Legal Authority: 12 USC 1715z-1; 12 USC 1735f-19(b); 42 USC 1437(c)(8); 42 USC 1437f note; 42 USC 3535(d)

CFR Citation: 24 CFR 401; 24 CFR 402

Legal Deadline: None

Abstract: This rule will replace interim part 402, which was published on September 11, 1998, together with interim part 401 that established the Mark-to-Market program. Subsequently HUD decided to separate the two parts and publish final part 401 separately, although the current rule makes minor conforming amendments to part 401 as well. Final part 402 will set forth the regulations governing the renewal of expiring Section 8 project-based assistance contracts, whether the projects rents are above or below market, except for renewals made as part of a mark-to-market restructuring plan under part 401.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| Final Action | 12/00/02 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Agency Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, Office of Housing

Phone: 202 708-3000

RIN: 2502-AH47

1176. MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS (FR-4376)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 3535(d); 42 USC 5403; 42 USC 5424

CFR Citation: 24 CFR 3280

Legal Deadline: None

Abstract: This rule will amend the Federal Manufactured Home Construction and Safety Standards (FMHCSS) to update many of the standards that are incorporated by reference therein. These reference standards, which are developed by voluntary consensus or industry groups, provide necessary technical standards for the FMHCSS. These amendments will keep the FMHCSS current with the industries that use these reference standards by incorporating the latest edition of these standards and new relevant standards.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 10/30/98 | 63 FR 58570 |
| NPRM Comment Period End | 12/29/98 | |
| Final Action | 12/00/02 | |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Elizabeth Cocke, Acting Director, Office of Consumer and Regulatory Affairs, Department of Housing and Urban Development, Office of Housing
Phone: 202 708-6409

RIN: 2502-AH23

1177. RESPA—IMPROVING THE PROCESS FOR OBTAINING MORTGAGES (FR-4727)

Regulatory Plan: This entry is Seq. No. 70 in part II of this issue of the **Federal Register**.

RIN: 2502-AH85

Department of Housing and Urban Development (HUD)
Office of Housing (OH)

Long-Term Actions
1178. SALE OF UNOCCUPIED AND SUBSTANDARD HUD-HELD HOUSING TO LOCAL GOVERNMENTS AND COMMUNITY DEVELOPMENT ORGANIZATIONS (FR-4658)
Priority: Other Significant**Legal Authority:** 12 USC 1715z-11a; 42 USC 3535(d)**CFR Citation:** 24 CFR ch II**Legal Deadline:** None

Abstract: This proposed rule would provide for a program to sell properties that are vacant or substandard to local governments and community development corporations. The properties must be used for community revitalization purposes and must be held in the HUD inventory for at least 6 months.

Timetable: Next Action Undetermined**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Joseph McCloskey, Director, Office of Single Family Asset Management, Department of Housing and Urban Development, Office of Housing
Phone: 202 708-1672

RIN: 2502-AH61

1179. MORTGAGE INSURANCE FOR THE REFINANCING OF EXISTING DEBT OF EXISTING HOSPITALS (FR-4618)
Priority: Other Significant**Legal Authority:** 12 USC 1715b; 12 USC 1715n; 12 USC 1715z-7; 42 USC 3535(d)**CFR Citation:** 24 CFR 242**Legal Deadline:** None

Abstract: This rule will implement section 223(f) of the National Housing

Act, which authorizes the Secretary of HUD to insure mortgages executed in connection with refinancing the debt of existing multifamily properties and health care facilities. This rule will implement this authority with respect to acute care hospitals. The purpose of the section 223(f) program is to provide hospitals the opportunity to refinance their long-term debt so that the hospitals can reduce their annual debt service and thus improve their financial viability. This in turn will further the congressional policy of assisting urgently needed hospitals that treat and care for persons who are acutely ill or injured and who otherwise require medical care and related services customarily furnished only by hospitals.

Timetable: Next Action Undetermined**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Roger Miller, Acting Director for Office of Insured Health Facilities, Department of Housing and Urban Development, Office of Housing
Phone: 202 708-0599

RIN: 2502-AH58

1180. RELEASE OF INFORMATION TO TENANTS AND OTHER PARTIES PURSUANT TO MAHRA (FR-4531)
Priority: Other Significant**Legal Authority:** 42 USC 1437f note**CFR Citation:** 24 CFR 401**Legal Deadline:** None

Abstract: The rule is designed to provide tenants and other interested parties with access to the information needed for meaningful participation in the development of a restructuring plan, while ensuring appropriate

protection of legitimate interest of project owners in confidential and proprietary business information.

Timetable: Next Action Undetermined**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Andrew Fay, Enforcement Liaison Specialist, Department of Housing and Urban Development, Office of Multifamily Assistance Restructuring
Phone: 202 708-0001

RIN: 2502-AH45

1181. MARK-TO-MARKET PROGRAM AMENDMENTS (FR-4751)
Priority: Other Significant**Legal Authority:** PL 107-116, title VI**CFR Citation:** 24 CFR 401**Legal Deadline:** None

Abstract: This rule would make conforming changes to the mark-to-market regulations as necessary to fully implement the Mark-to-Market Program Extension Act of 2001, enacted as title VI of Pub. L. 107-116.

Timetable: Next Action Undetermined**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, Office of Housing
Phone: 202 708-3000

RIN: 2502-AH86

Department of Housing and Urban Development (HUD)
Office of Housing (OH)

Completed Actions
1182. NONPROFIT ORGANIZATION PARTICIPATION IN CERTAIN FHA SINGLE FAMILY ACTIVITIES; PLACEMENT AND REMOVAL PROCEDURES (FR-4585)
Priority: Other Significant**CFR Citation:** 24 CFR 200**Completed:**

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 06/06/02 | 67 FR 39238 |
| Final Action Effective | 07/08/02 | |

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: Vance Morris
Phone: 202 708-2121

RIN: 2502-AH49

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Completed Actions

1183. SINGLE FAMILY MORTGAGE INSURANCE; SECTION 203(K) CONSULTANT PLACEMENT AND REMOVAL PROCEDURES (FR-4592)**Priority:** Other Significant**CFR Citation:** 24 CFR 200; 24 CFR 203**Completed:**

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 08/09/02 | 67 FR 52378 |
| Final Action Effective | 09/09/02 | |
| Final Comment Period | 10/08/02 | |
| End | | |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Vance Morris
Phone: 202 708-2121**RIN:** 2502-AH51**1184. IMPLEMENTATION OF MANUFACTURED HOUSING IMPROVEMENT ACT OF 2000 (FR-4665)****Priority:** Other Significant**CFR Citation:** 24 CFR 3284**Completed:**

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 04/15/02 | 67 FR 18397 |
| Final Action | 08/13/02 | 67 FR 52832 |
| Final Action Effective | 09/12/02 | |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Elizabeth Cocke
Phone: 202 708-6409**RIN:** 2502-AH62**Department of Housing and Urban Development (HUD)
Office of Community Planning and Development (CPD)**

Proposed Rule Stage

1185. CDBG BROWNFIELDS/SLUM/BLIGHT (FR-4699)**Priority:** Other Significant**Legal Authority:** 42 USC 3535(d); 42 USC 5301 et seq**CFR Citation:** 24 CFR 570**Legal Deadline:** None

Abstract: This rule will improve the ability of entitlement communities and States' grant recipients to use Community Development Block Grant (CDBG) funds for brownfields activities. The rule will clarify the eligibility of activities involving the cleanup and development of environmentally contaminated properties under section 105(a) of the Housing and Community Development Act of 1974, as amended. The rule also will increase CDBG recipients' flexibility to undertake activities meeting the national objective of preventing or eliminating slums or blighting conditions. The criteria for meeting the slum/blight national objective will be revised to specifically recognize economic obsolescence of buildings and the presence of environmental contaminants as blighting influences on an area or property. This rule will further clarify the list of activities that may be undertaken to address the slum/blight national objective criteria on a spot basis. Finally, this rule makes corresponding changes in the eligibility regulations governing the Section 108 Loan Guarantee component of the CDBG program.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/02 | |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** State, Local**Agency Contact:** Steve Johnson, Director, State and Small Cities Division, Department of Housing and Urban Development, Office of Community Planning and Development
Phone: 202 708-1322**RIN:** 2506-AC12**1186. HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) (FR-4708)****Priority:** Other Significant**Legal Authority:** 42 USC 12901 et seq**CFR Citation:** 24 CFR 574**Legal Deadline:** None

Abstract: The Housing Opportunities for Persons With AIDS (HOPWA) program was authorized in 1992 by title VIII, subtitle D, of the Cranston-Gonzalez National Affordable Housing Act/the AIDS Housing Opportunity Act. The program is designed to provide States and localities with resources and incentives to provide long-term comprehensive strategies for meeting the housing needs of persons with HIV/AIDS. This update to the regulation is intended to respond to the increased program knowledge in administering housing programs for persons living with HIV/AIDS.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/03 | |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** David Vos, Director, Office of HIV/AIDS Housing, Department of Housing and Urban Development, Office of Community Planning and Development
Phone: 202 708-1934**RIN:** 2506-AC11**1187. SUPPORTIVE HOUSING PROGRAM (FR-4616)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 11381; 42 USC 11389; 42 USC 3535(d)**CFR Citation:** 24 CFR 583**Legal Deadline:** None

Abstract: The Department of Housing and Urban Development is proposing to amend the Supportive Housing Program regulations. The regulations will be updated to clarify existing program requirements and to add new program requirements in accordance with recent statutory changes including requirements for some local matching funds and for permanent housing. Additionally, this rule will make the Supportive Housing Program regulations clearer and allow for the full flexibility of the McKinney Act.

HUD—CPD

Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/02 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** Local**Agency Contact:** John D. Garrity, Director, Office of Special Needs Assistance Programs, Department of

Housing and Urban Development, Office of Community Planning and Development

Phone: 202 708-4300

RIN: 2506-AC07

Department of Housing and Urban Development (HUD)

Final Rule Stage

Office of Community Planning and Development (CPD)

1188. CDBG PROGRAM FOR STATES; COMMUNITY REVITALIZATION STRATEGY REQUIREMENTS AND MISCELLANEOUS TECHNICAL AMENDMENTS (FR-4081)**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 11331 to 11388; 42 USC 12701 to 12711; 42 USC 12741 to 12756; 42 USC 12901 to 12912; 42 USC 3535(d); 42 USC 3601 to 3619; 42 USC 5300 to 5320**CFR Citation:** 24 CFR 570; 24 CFR 91**Legal Deadline:** None**Abstract:** This rule integrates the Community Revitalization Strategies concept with the State CDBG program. This concept will provide States additional flexibility in meeting certain requirements regarding the program's national objectives and public benefit. This rule also makes several technical amendments to correct errors from previous rulemaking and to enhance and clarify the regulation.**Timetable:**

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Interim Final Rule | 10/22/96 | 61 FR 54914 |
| Interim Final Rule Effective | 11/21/96 | |
| Interim Final Rule Comment Period End | 02/16/97 | |
| Final Action | 02/00/03 | |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None**Agency Contact:** Steve Johnson, Director, State and Small Cities Division, Department of Housing and Urban Development, Office of Community Planning and Development
Phone: 202 708-1322**RIN:** 2506-AB83**1189. PROHIBITION ON USE OF CDBG ASSISTANCE FOR JOB-PIRATING ACTIVITIES (FR-4556)****Priority:** Other Significant**Legal Authority:** 42 USC 3535(d); 42 USC 5301 to 5320**CFR Citation:** 24 CFR 570**Legal Deadline:** None**Abstract:** This rule will implement section 588 of the Quality Housing and Work Responsibility Act of 1998 by revising HUD's regulations for the Community Development Block Grant (CDBG) program. Section 588 prohibits State and local governments from using CDBG funds for "job pirating" activities that are likely to result in significant job loss. Job pirating, in this context, refers to the use of CDBG funds to lure or attract a business and its jobs from one community to another community. The rule follows publication of an October 24, 2000 proposed rule, and takes into consideration the public comments received on the proposed rule.**Timetable:**

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 10/24/00 | 65 FR 63756 |
| NPRM Comment Period End | 12/26/00 | |
| Final Action | 03/00/03 | |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State, Local**Agency Contact:** Richard J. Kennedy, Office of Block Grant Assistance, Department of Housing and Urban Development, Office of Community Planning and Development
Phone: 202 708-3587**RIN:** 2506-AC04**1190. SUPPORTIVE HOUSING PROGRAM — INCREASING OPERATING COST PERCENTAGE (FR-4576)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 11389; 42 USC 3535(d)**CFR Citation:** 24 CFR 583**Legal Deadline:** None**Abstract:** This rule amended the Supportive Housing Program regulations by changing the number of years for which the grant can cover 75 percent of operating costs from the first two years to all years of the grant term. This rule will be made final as part of FR-4616, revising the Supportive Housing Program generally.**Timetable:**

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Interim Final Rule | 05/12/00 | 65 FR 30822 |
| Interim Final Rule Effective | 06/12/00 | |
| Interim Final Rule Comment Period End | 07/11/00 | |
| Final Action | 12/00/02 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** Local**Agency Contact:** John D. Garrity, Director, Office of Special Needs Assistance Programs, Department of Housing and Urban Development, Office of Community Planning and Development
Phone: 202 708-4300**RIN:** 2506-AC05**1191. DESIGNATION OF RENEWAL COMMUNITIES AND THIRD ROUND EMPOWERMENT ZONES (FR-4663)****Priority:** Other Significant**Legal Authority:** PL 106-554; 26 USC subchapter U; 26 USC subchapter X; 42 USC 3535(d)

HUD—CPD

Final Rule Stage

CFR Citation: 24 CFR 598; 24 CFR 599

Legal Deadline: Final, Statutory, April 23, 2001, Community Renewal Tax Relief Act of 2000 requires Renewal Communities regulations no later than 4 months after the date of enactment, December 21, 2000.

Abstract: Renewal Communities: This part of the rule will implement section 101 of the Community Renewal and Tax Relief Act of 2000 by setting forth policies and procedures applicable to the designation of Renewal Communities, authorized under subchapter X of the Internal Revenue Code of 1986.

Empowerment Zones: Third Round - This part of the rule will implement section 111 of the Community Renewal and Tax Relief Act of 2000 by setting forth policies and procedures applicable to the third round of designations of urban empowerment zones, authorized under subchapter U of the Internal Revenue Code 1986.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Interim Final Rule | 07/09/01 | 66 FR 35850 |
| Interim Final Rule Effective | 08/08/01 | |
| Interim Final Rule Comment Period End | 09/07/01 | |
| Final Action | 12/00/02 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Pamela Glekas, Director, Empowerment Zones/Empowerment Communities Initiative, Department of Housing and Urban Development, Office of Community Planning and Development
Phone: 202 708-6339

RIN: 2506-AC09

**Department of Housing and Urban Development (HUD)
Office of Community Planning and Development (CPD)**

Completed Actions

**1192. COMMUNITY DEVELOPMENT
BLOCK GRANT-ASSISTED
DEMOLITION OF HUD-OWNED
HOUSING UNITS (FR-4698)**

Priority: Substantive, Nonsignificant

CFR Citation: 24 CFR 570

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/17/02 | 67 FR 47212 |
| Final Action Effective | 08/16/02 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Sue Miller
Phone: 202 708-1577

RIN: 2506-AC10

**Department of Housing and Urban Development (HUD)
Office of Fair Housing and Equal Opportunity (FHEO)**

Final Rule Stage

**1193. FAIR HOUSING ACT
REGULATION; CONFORMING
AMENDMENT; UPDATE TO REFLECT
CURRENT EDITION OF AMERICAN
NATIONAL STANDARDS INSTITUTE
(ANSI) (FR-4554)**

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 3535(d); 42 USC 3600 to 3620

CFR Citation: 24 CFR 100

Legal Deadline: None

Abstract: Subpart D of HUD's Fair Housing Act regulations (24 CFR part 100), which address the accessibility requirements of the Fair Housing Act, has not been updated since 1991. These regulations reference compliance with

the building standards of the American National Standards Institute (ANSI), but the reference to the ANSI edition of 1986 has long been superseded by two more recent editions of 1992 and 1998. Although parties subject to the Fair Housing Act regulations may continue to refer to the 1986 edition of ANSI, the regulations need to be updated to also offer compliance with the 1992 and 1998 editions as a safe harbor for compliance. This rule will update the regulations to provide that compliance with the appropriate requirements of the 1986, 1992 or 1998 editions of ANSI A117.1 suffices to satisfy the accessibility requirements of the Fair Housing Act.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Notice | 03/23/00 | 65 FR 15740 |
| Interim Final Rule | 12/00/02 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Agency Contact: Cheryl Kent, Special Advisor for Disability Policy, Office of Enforcement, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity
Phone: 202 708-2333

RIN: 2529-AA88

**Department of Housing and Urban Development (HUD)
Office of Fair Housing and Equal Opportunity (FHEO)**
Long-Term Actions
**1194. FAIR HOUSING ACT
REGULATIONS AMENDMENTS:
STANDARDS GOVERNING SEXUAL
HARASSMENT (FR-4597)**

Priority: Other Significant

Legal Authority: 42 USC 3535(d); 42 USC 3600 to 3620

CFR Citation: 24 CFR 100

Legal Deadline: None

Abstract: This final rule would amend HUD's Fair Housing regulations to clarify the standards the Department will use in sexual harassment cases.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 11/13/00 | 65 FR 67666 |
| NPRM Comment Period End | 01/12/01 | |
| Next Action Undetermined | | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: David Enzel, Deputy Assistant Secretary for Enforcement and Programs, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity
Phone: 202 619-8046

RIN: 2529-AA89

**1195. CERTIFICATION AND FUNDING
OF STATE AND LOCAL FAIR
HOUSING ENFORCEMENT AGENCIES
(FR-4748)**

Priority: Other Significant

Legal Authority: 42 USC 3601 to 3619; 42 USC 3535(d)

CFR Citation: 24 CFR 115

Legal Deadline: None

Abstract: The Fair Housing Assistance Program (FHAP) provides assistance to

State and local fair housing enforcement agencies to build an intergovernmental enforcement structure to further fair housing. HUD provides assistance to State and local fair housing enforcement agencies that administer fair housing laws that are substantially equivalent to the Fair Housing Act (Title VIII of the Civil Rights Act of 1968; 42 USC 3601-3619). The FHAP program provides support for complaint processing, training, technical assistance, education and outreach, data and information systems and other activities that will further fair housing within the State or local agency's jurisdiction. HUD intends to update its part 115 regulations with respect to both the certification of substantially equivalent agencies and the overall administration of the FHAP program.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State, Local

Agency Contact: Myron Newry, Director, FHIP/FHAP Support Division, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity
Phone: 202 708-0800

RIN: 2529-AA90

**1196. ECONOMIC OPPORTUNITIES
FOR LOW- AND VERY-LOW-INCOME
PERSONS (FR-2898)**

Priority: Other Significant

Legal Authority: 12 USC 1701u; 42 USC 1450; 42 USC 3301; 42 USC 3535(d)

CFR Citation: 24 CFR 135

Legal Deadline: None

Abstract: The regulations at 24 CFR part 135 were revised substantially to incorporate the statutory amendments in the Housing and Community Development Act of 1992, to reflect certain changes in the design of the Department's programs that are subject to the section 3 regulations, to clarify the obligations of individuals and entities subject to the requirements of section 3, and to simplify the Department's administration of section 3 requirements. The final rule may make further revisions in response to public comment.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| NPRM | 10/08/93 | 58 FR 52534 |
| Notice | 11/09/93 | 58 FR 59423 |
| Notice Comment Period End | 12/08/93 | |
| Interim Final Rule | 06/30/94 | 59 FR 33886 |
| Interim Final Rule Effective | 08/01/94 | |
| Interim Final Rule Comment Period End | 08/29/94 | |
| Extension of Effective Period of Interim Rule | 05/31/95 | 60 FR 28325 |
| Extension Effective | 06/30/96 | |
| Next Action Undetermined | | |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Local

Agency Contact: Valerie Hayes, Director, Office of Management & Policy, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity
Phone: 202 708-3685

RIN: 2529-AA49

**Department of Housing and Urban Development (HUD)
Office of Administration (OA)**
Final Rule Stage
**1197. HUD ACQUISITION
REGULATION (FR-4705)**

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 41 USC 251; 42 USC 3535(d)

CFR Citation: 48 CFR 2401

Legal Deadline: None

Abstract: This rule will implement miscellaneous changes to the HUD Acquisition Regulation (HUDAR) including but not limited to corrections of regulatory citations due to revisions made to the Federal Acquisition Regulation (FAR) since the last publication of the HUDAR; revisions reflecting changes in the Department's

requirements regarding organizational conflict of interest, ratification of unauthorized commitments; and disclosure of information provided to contractors.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 11/00/02 | |

HUD—OA

Final Rule Stage

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Edward L. Girovasi Jr., Director, Policy & Field Operations Division, Office of the Chief Procurement Officer, Department ofHousing and Urban Development, Office of Administration
Phone: 202 708-0294**RIN:** 2535-AA26**Department of Housing and Urban Development (HUD)
Office of the Inspector General (HUDIG)**

Proposed Rule Stage

1198. OFFICE OF INSPECTOR GENERAL SUBPOENAS AND PRODUCTION IN RESPONSE TO SUBPOENAS OR DEMANDS OF COURTS OR OTHER AUTHORITIES (FR-4742)**Priority:** Routine and Frequent**Legal Authority:** Inspector General Act of 1976 as authorized (5 USC app.) and 42 USC 3537(d)**CFR Citation:** 24 CFR 2004**Legal Deadline:** None**Abstract:** This rule would amend the regulations of the Office of Inspector General (OIG) to implement the statutory requirements concerning the issuance of OIG subpoenas and responses to subpoenas issued to OIG employees in proceedings where OIG is not a party.**Timetable:**

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/20/02 | 67 FR 59428 |
| NPRM Comment Period End | 11/19/02 | |
| Final Action | 02/00/03 | |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Bryan Saddler, Counsel to the Inspector General, Department of Housing and Urban Development, Office of the Inspector General, Room 8260, 451 7th Street, SW, Washington, DC 20410
Phone: 202 708-1613**RIN:** 2508-AA13**Department of Housing and Urban Development (HUD)
Office of the Inspector General (HUDIG)**

Completed Actions

1199. IMPLEMENTATION OF THE FREEDOM OF INFORMATION ACT (FR-4716)**Priority:** Substantive, Nonsignificant**CFR Citation:** 24 CFR 2002**Completed:**

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 07/17/02 | 67 FR 47216 |
| Final Action Effective | 08/16/02 | |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Bryan Saddler
Phone: 202 708-1613**RIN:** 2508-AA12**Department of Housing and Urban Development (HUD)
Office of Public and Indian Housing (PIH)**

Proposed Rule Stage

1200. CHANGES TO THE PUBLIC HOUSING ASSESSMENT SYSTEM (PHAS)(FR-4707)**Regulatory Plan:** This entry is Seq. No. 72 in part II of this issue of the **Federal Register**.**RIN:** 2577-AC32**1202. PUBLIC HOUSING CAPITAL FUND PROGRAM (FR-4507)****Priority:** Other Significant**Legal Authority:** 42 USC 1437g; 42 USC 3535(d)**CFR Citation:** 24 CFR 905**Legal Deadline:** None**Abstract:** This rule will implement the regulatory framework for the Capital Fund Program that will govern the use of the assistance made available through the Capital Fund formula. The new rule at part 905 will replace and remove several other rules that currently govern a PHA's use of HUD assistance including part 941 - Public Housing Development and part 968 - Public Housing Modernization. This

rule will continue and expand the streamlining of procedures and requirements initiated under the Comprehensive Grant and Comprehensive Improvement programs at part 968.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/02 | |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** William Thorson, Director, Office of Capital Improvements, Department of Housing**1201. ● STREAMLINING AND DEREGULATION OF PUBLIC HOUSING AGENCY PLANS (FR-4788)****Regulatory Plan:** This entry is Seq. No. 73 in part II of this issue of the **Federal Register**.**RIN:** 2577-AC40

HUD—PIH

Proposed Rule Stage

and Urban Development, Office of Public and Indian Housing
Phone: 202 708-1640

RIN: 2577-AC16

1203. MIXED-FINANCE PUBLIC HOUSING DEVELOPMENT (FR-4499)

Priority: Other Significant

Legal Authority: 42 USC 1437z-7; 42 USC 3535(d)

CFR Citation: 24 CFR 905

Legal Deadline: None

Abstract: This rule will implement amendments to the Department's Mixed Finance Program to reflect statutory changes enacted on October 21, 1998. Also, the rule will revise the Mixed Finance Program so that the program conforms to HUD's new Capital Fund regulations and will clarify the specific program requirements and procedures that apply to the Mixed Finance Program, including operating-subsidy-only mixed-finance developments.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 03/00/03 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Milan Ozdinec, Deputy Assistant Secretary, Office of Public Housing Investments, Department of Housing and Urban Development, Office of Public and Indian Housing
Phone: 202 401-8881

RIN: 2577-AC09

1204. • DESIGNATED HOUSING (FR-4755)

Priority: Other Significant

Legal Authority: 42 USC 1437c

CFR Citation: 24 CFR 945

Legal Deadline: None

Abstract: This rule provides streamlined requirements for Public Housing Agencies (PHAs) that plan to designate projects for elderly families only, disabled families only, or elderly and disabled families.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 03/00/03 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Patricia Arnaudo, Senior Housing Program Manager, Office of Public and Assisted Housing Delivery, Department of Housing and Urban Development, Office of Public and Indian Housing, 451 7th Street SW., Washington, DC 20410
Phone: 202 708-0744

RIN: 2577-AC36

1205. DENIAL OF ADMISSION AND TERMINATION OF TENANCY OF FUGITIVE FELONS (FR-4758)

Priority: Other Significant

Legal Authority: 42 USC 13661 (c); 42 USC 1437d (l); 42 USC 1437f (d)(1)(B)

CFR Citation: 24 CFR 960.204; 24 CFR 966.4; 24 CFR 982.310; 24 CFR 982.553

Legal Deadline: None

Abstract: This rule amends the regulation for public housing and Section 8 programs to provide for denial of admission and termination of tenancy for fugitive felons.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 03/00/03 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Patricia Arnaudo, Senior Housing Program Manager, Office of Public and Assisted Housing Delivery, Department of Housing and Urban Development, Office of Public and Indian Housing, 451 7th Street SW., Washington, DC 20410
Phone: 202 708-0744

RIN: 2577-AC38

1206. RESIDENT PARTICIPATION IN PUBLIC AND SECTION 8 HOUSING (FR-4657)

Priority: Other Significant

Legal Authority: 42 USC 1437c-1; 42 USC 1437r; 42 USC 1437t; 42 USC 1437z-6; 42 USC 3535(d); 42 USC 1437d; 42 USC 1437g; 42 USC 1437l; 42 USC 1437; 12 USC 1715z-1b(a)

CFR Citation: 24 CFR 964

Legal Deadline: None

Abstract: This rule would update existing provisions of 24 CFR 964 and incorporate new provisions of the Quality Housing and Work Responsibility Act of 1998 related to resident/tenant participation. In particular, the rule would establish policies, procedures, and requirements for participating in the Resident Opportunities and Self-Sufficiency (ROSS) Program. Additionally, the proposed rule contains expanded definitions and other general information sections as part of HUD's long-standing efforts to support resident organizations and resident self-sufficiency.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 02/00/03 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Jeraldene White, Senior Program Manager, Department of Housing and Urban Development, Office of Public and Indian Housing
Phone: 202 708-4214

RIN: 2577-AC26

1207. PUBLIC HOUSING PROGRAM — DEMOLITION OR DISPOSITION OF PUBLIC HOUSING PROJECTS (FR-4598)

Priority: Other Significant

Legal Authority: 42 USC 1437p; 42 USC 3535(d)

CFR Citation: 24 CFR 970

Legal Deadline: None

Abstract: This rule will revise HUD's regulations regarding demolition and disposition of public housing projects, in accordance with section 531 of the Quality Housing and Work Responsibility Act of 1998 (Pub. L. 105-276). This rule will establish the general and specific requirements for HUD approval of demolition and disposition applications, relocation of residents, resident participation in the form of consultation and opportunity to purchase, new requirements regarding resident relocation, the PHA Plan and local government consultation and a new authority for a PHA to demolish a small number of their units without

HUD—PIH

Proposed Rule Stage

a formal application under certain circumstances, referred to as “de minimis” demolition.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/02 | |

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Ainars Rodins, Director, Special Applications Center, Department of Housing and Urban Development, Office of Public and Indian Housing
Phone: 312 353-6236

RIN: 2577-AC20

1208. CONVERSION OF DEVELOPMENTS FROM PUBLIC HOUSING STOCK; METHODOLOGY FOR COMPARING COSTS OF PUBLIC HOUSING AND TENANT-BASED ASSISTANCE (FR-4718)

Priority: Other Significant

Legal Authority: 42 USC 1437t; 1437z-5; 3535(d)

CFR Citation: 24 CFR 972

Legal Deadline: None

Abstract: This rule would establish the cost methodology that Public Housing Agencies (PHAs) must use under HUD's programs for the required and voluntary conversion of public housing developments to tenant-based assistance. Both programs require that PHAs, before undertaking any conversion activity, compare the cost of providing tenant-based assistance with the cost of continuing to operate the development as public housing. The cost methodology would be codified as an appendix to HUD's regulations for the required and voluntary conversion programs at 24 CFR part 972. The cost methodology was originally contained in HUD's July 23, 1999 proposed rule on voluntary conversions (although the methodology also applies to required conversions). HUD has decided to significantly revise the proposed cost methodology, based both on the public comments received on the proposed rule and upon further consideration of the cost factors that should be assessed by PHAs in making conversion determinations. Accordingly, HUD has decided to issue this new rule, which will provide the public with an additional opportunity to comment on

the methodology that will be used for the required cost comparisons.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 02/00/03 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Rod Solomon, Deputy Assistant Secretary for Policy, Program and Legislative Initiatives, Department of Housing and Urban Development, Office of Public and Indian Housing
Phone: 202 708-0713

RIN: 2577-AC33

1209. PROJECT-BASED VOUCHER PROGRAM (FR-4636)

Regulatory Plan: This entry is Seq. No. 71 in part II of this issue of the **Federal Register**.

RIN: 2577-AC25

1210. IMPLEMENTATION OF STATUTORY REVISIONS TO NAHASDA (FR-4750)

Priority: Other Significant

Legal Authority: 25 USC 4101 et seq; 42 USC 3535(d)

CFR Citation: 24 CFR 1000

Legal Deadline: None

Abstract: This rule would implement statutory amendments made to the Native American Housing Assistance and Self-Determination Act of 1996 (25 USC 4101 et seq) (NAHASDA) by the American Homeownership and Economic Opportunity Act (Pub.L. 106-569, approved December 27, 2000) and the Omnibus Indian Advancement Act (Pub.L. 106-568, approved December 27, 2000). (With minor exceptions, these two laws made identical amendments to NAHASDA). The rule will update the NAHASDA regulations to conform to self-implementing statutory amendments not reflected in the regulations.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 01/00/03 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Tribal

Agency Contact: Ted Key, Acting Deputy Assistant Secretary for Native American Programs, Department of Housing and Urban Development, Office of Public and Indian Housing, Washington, DC 20741
Phone: 202 401-7914

RIN: 2577-AC37

1211. NAHASDA HOUSING ASSISTANCE FOR NATIVE HAWAIIANS (FR-4668)

Priority: Other Significant

Legal Authority: 12 USC 1715z-13a; 25 USC 4101 et seq; 42 USC 3535(d)

CFR Citation: 24 CFR 1006; 24 CFR 1007

Legal Deadline: Final, Statutory, October 1, 2001.

Section 807 of the American Homeownership and Economic Opportunity Act of 2001 requires that HUD issue final regulations by October 1, 2001.

Abstract: This rule implements the provisions contained in title V, subtitle B of the American Homeownership and Economic Opportunity Act of 2000. These provisions add a new title VIII to the Native American Housing Assistance and Self-Determination Act (NAHASDA) of 1996. Under NAHASDA, HUD provides grants, loan guarantees, and technical assistance to Indian tribes and Alaska Native villages for the development and operation of low-income housing in Indian areas. New title VIII expands the scope of NAHASDA to include housing assistance to Native Hawaiians, and establishes statutory requirements specific to Native Hawaiian assistance. Part 1006 of this rule will implement the Native Hawaiian Housing Block Grant Program. Part 1007 will implement the Native Hawaiian Housing Loan Guarantee Program. HUD will publish a separate rule with additional program administration requirements.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Interim Final Rule | 06/13/02 | 67 FR 40774 |
| Interim Final Rule Effective | 07/15/02 | |
| Interim Final Rule Comment Period End | 08/12/02 | |
| NPRM | 11/00/02 | |

HUD—PIH

Proposed Rule Stage

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Ted Key, Acting Deputy Assistant Secretary for Native American Programs, Department of Housing and Urban Development,

Office of Public and Indian Housing, Washington, DC 20741
Phone: 202 401-7914

RIN: 2577-AC27

Department of Housing and Urban Development (HUD)

Final Rule Stage

Office of Public and Indian Housing (PIH)

1212. DEREGULATION FOR SMALL PUBLIC HOUSING AGENCIES (FR-4753)

Regulatory Plan: This entry is Seq. No. 74 in part II of this issue of the *Federal Register*.

RIN: 2577-AC34

1213. PUBLIC HOUSING HOMEOWNERSHIP PROGRAMS (FR-4504)

Priority: Other Significant

Legal Authority: 42 USC 1437z-4; 42 USC 3535(d)

CFR Citation: 24 CFR 906

Legal Deadline: None

Abstract: This rule will set forth the requirements and procedures governing a new statutory homeownership program to be administered by public housing agencies. Under this rule, a PHA makes public housing dwelling units available for purchase by low-income families as their principal residences.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/14/99 | 64 FR 49932 |
| NPRM Comment Period End | 11/15/99 | |
| Final Action | 12/00/02 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Milan Ozdinec, Deputy Assistant Secretary, Office of Public Housing Investments, Department of Housing and Urban Development, Office of Public and Indian Housing
Phone: 202 401-8881

RIN: 2577-AC15

1214. PUBLIC HOUSING DEVELOPMENT TOTAL DEVELOPMENT COST (TDC) (FR-4489)

Priority: Other Significant

Legal Authority: 42 USC 1437b; 42 USC 1437c; 42 USC 1437g; 43 USC 3535(d)

CFR Citation: 24 CFR 941

Legal Deadline: None

Abstract: This rule will amend HUD's regulations governing Total Development Cost (TDC) for the development of public housing. The amendments will implement changes made to the statutory TDC requirements. Among other changes, this rule will limit the amount of public housing funds that a public housing agency may use to pay for housing construction costs. The rule will also provide that demolition and environmental hazard remediation costs are included in TDC only to the extent that such costs are associated with the replacement of public housing units on the project site.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|------------|
| NPRM | 01/04/01 | 66 FR 1008 |
| NPRM Comment Period End | 03/05/01 | |
| Final Action | 11/00/02 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: William Thorson, Director, Office of Capital Improvements, Department of Housing and Urban Development, Office of Public and Indian Housing
Phone: 202 708-1640

RIN: 2577-AC05

1215. REQUIRED CONVERSION OF DEVELOPMENT FROM PUBLIC HOUSING STOCK (FR-4475)

Priority: Other Significant

Legal Authority: 42 USC 1437z-5; 42 USC 3535(d)

CFR Citation: 24 CFR 972

Legal Deadline: None

Abstract: This rule implements a revision to the statute that authorizes HUD's public housing and Section 8 housing assistance programs. The revision requires Public Housing Agencies (PHAs) to identify distressed public housing developments that must be converted to tenant-based assistance. If it would be more expensive to modernize and operate a distressed development for its remaining useful life than to provide tenant-based assistance to all residents, or the PHA cannot assure the long-term viability of a distressed development, then the PHA must develop and carry out a five-year plan to remove the development from its public housing inventory, and convert it to tenant-based assistance. This rule follows publication of a July 23, 1999 proposed rule, and takes into consideration the public comments received on the proposed rule.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 07/23/99 | 64 FR 40232 |
| NPRM Comment Period End | 09/21/99 | |
| Final Action | 02/00/03 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Rod Solomon, Deputy Assistant Secretary for Policy, Program and Legislative Initiatives, Department of Housing and Urban Development, Office of Public and Indian Housing
Phone: 202 708-0713

RIN: 2577-AC01

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Final Rule Stage

1216. VOLUNTARY CONVERSION OF DEVELOPMENTS FROM PUBLIC HOUSING STOCK (FR-4476)**Priority:** Other Significant**Legal Authority:** 42 USC 1437t; 42 USC 3535(d)**CFR Citation:** 24 CFR 972**Legal Deadline:** None

Abstract: This rule implements a revision to the statute authorizing HUD's public housing and Section 8 housing assistance programs. The revision authorizes Public Housing Agencies (PHAs) to convert a development to tenant-based assistance by removing the development (or a portion of a development) from its public housing inventory and providing for relocation of the residents or provision of tenant-based assistance to them. This action is permitted only when that change would be cost effective, be beneficial to residents of the development and the surrounding area, and not have an adverse impact on the availability of affordable housing. This rule follows publication of a July 23, 1999 proposed rule, and takes into consideration the public comments received on the proposed rule.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 07/23/99 | 64 FR 40240 |
| NPRM Comment Period End | 09/21/99 | |
| Final Rule | 06/22/01 | 66 FR 33616 |
| Final Rule Effective | 07/23/01 | |
| Final Action | 02/00/03 | |

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Rod Solomon, Deputy Assistant Secretary for Policy, Program and Legislative Initiatives, Department of Housing and Urban Development, Office of Public and Indian Housing Phone: 202 708-0713

RIN: 2577-AC02**1217. SECTION 8 HOUSING CHOICE VOUCHER PROGRAM; EXPANSION OF PAYMENT STANDARDS PROTECTION (FR-4586)****Priority:** Other Significant**Legal Authority:** 42 USC 1437f; 42 USC 3535(d)**CFR Citation:** 24 CFR 982**Legal Deadline:** None

Abstract: This rule amends HUD's regulations for the Housing Choice Voucher Program to expand the regulatory payment standard protection against subsidy reduction. The previous regulations limited payment standard protection to the first 24 months of the lease term. This rule provides that a family is not subject to a subsidy reduction until the second regular reexamination of family income and composition following the payment standard reduction. This protection extends for the duration of the lease term. This rule follows publication of a July 10, 2000 interim rule, and takes into consideration the public comments received on the interim rule.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Interim Final Rule | 07/10/00 | 65 FR 42508 |
| Interim Final Rule Effective | 08/09/00 | |
| Interim Final Rule Comment Period End | 09/08/00 | |
| Final Action | 03/00/03 | |

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Gerald J. Benoit, Director, Real Estate and Housing Performance Division, Department of Housing and Urban Development, Office of Public and Indian Housing Phone: 202 708-0477

RIN: 2577-AC18**1218. SECTION 8 HOMEOWNERSHIP PROGRAM; PILOT PROGRAM FOR HOMEOWNERSHIP ASSISTANCE FOR DISABLED FAMILIES (FR-4661)****Priority:** Other Significant**Legal Authority:** 42 USC 1437f; 42 USC 3535(d)**CFR Citation:** 24 CFR 982**Legal Deadline:** None

Abstract: This rule implements the three-year pilot program authorized by section 302 of the American Homeownership and Economic Opportunity Act of 2000 (Pub.L. 106-569, approved December 27, 2000). A public housing agency (PHA) may elect to provide homeownership assistance

to a disabled family under the pilot program, rather than under the Housing Choice Voucher Program homeownership option. Under the pilot program, a PHA provides homeownership assistance to a disabled family residing in a home purchased and owned by one or more members of the family. The final rule incorporates the requirements for the pilot program in HUD's regulations for the homeownership option. In addition to the amendments implementing section 302, HUD has taken the opportunity afforded by this rule to make several clarifying and technical amendments to its September 12, 2000 final rule establishing the homeownership option. This final rule follows publication of a June 22, 2001 interim rule, and takes into consideration the public comments received on the interim rule.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Interim Final Rule | 06/22/01 | 66 FR 33610 |
| Interim Final Rule Effective | 07/23/01 | |
| Interim Final Rule Comment Period End | 08/21/01 | |
| Final Action | 12/00/02 | |

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Gerald J. Benoit, Director, Real Estate and Housing Performance Division, Department of Housing and Urban Development, Office of Public and Indian Housing Phone: 202 708-0477

RIN: 2577-AC24**1219. SECTION 8 HOMEOWNERSHIP PROGRAM; DOWNPAYMENT ASSISTANCE GRANTS AND STREAMLINING AMENDMENTS (FR-4670)****Priority:** Other Significant**Legal Authority:** 42 USC 1437f; 42 USC 3535(d)**CFR Citation:** 24 CFR 982**Legal Deadline:** None

Abstract: This rule implements section 301 of the American Homeownership and Economic Opportunity Act of 2000, which amends the "homeownership option" under the Housing Choice

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Voucher Program. Under section 301, a Public Housing Agency (PHA) may, in lieu of paying a monthly homeownership assistance payment on behalf of a family, provide homeownership assistance for the family in the form of a single grant to be used toward the downpayment required in connection with the purchase of the home. Implementation of these downpayment assistance grants is anticipated for Federal fiscal year 2003. In addition to implementation of section 301, this final rule also clarifies and streamlines several regulatory requirements applicable to both downpayment grants and monthly homeownership assistance payments provided under the homeownership option. This rule follows publication of a June 13, 2001 proposed rule and takes into consideration the public comments received on the proposed rule.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 06/13/01 | 66 FR 32198 |
| NPRM Comment Period End | 08/13/01 | |
| Final Action | 11/00/02 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State, Local

Agency Contact: Gerald J. Benoit, Director, Real Estate and Housing Performance Division, Department of Housing and Urban Development, Office of Public and Indian Housing
Phone: 202 708-0477

RIN: 2577-AC28

1220. HOUSING CHOICE VOUCHER PROGRAM HOMEOWNERSHIP OPTION: ELIGIBILITY OF PHA OWNED OR CONTROLLED UNITS (FR-4759)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 1437f; 42 USC 3535(l)

CFR Citation: 24 CFR 982

Legal Deadline: None

Abstract: This rule provides that units owned or substantially controlled by a public housing agency (PHA) are eligible for purchase under the Housing Choice Voucher Program homeownership option. The inclusion of PHA owned or controlled properties among properties eligible for purchase under the homeownership option will expand the availability of housing and affordable homeownership opportunities for voucher families participating in the homeownership option. The rule also establishes procedures to remove potential conflicts of interest where the PHA is the seller. Specifically, the rule provides that an independent entity must perform certain administrative duties for which the PHA would normally be responsible. These provisions are modeled on the requirements for PHA-owned units in the voucher rental program.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Interim Final Rule | 10/28/02 | 67 FR 65864 |
| Interim Final Rule Effective | 11/27/02 | |
| Interim Final Rule Comment Period End | 12/27/02 | |
| Final Rule | 03/00/03 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State, Local

Agency Contact: Gerald J. Benoit, Director, Real Estate and Housing Performance Division, Department of Housing and Urban Development, Office of Public and Indian Housing
Phone: 202 708-0477

RIN: 2577-AC39

1221. REVISIONS TO SEMAP LEASE-UP INDICATOR (FR-4604)

Priority: Other Significant

Legal Authority: 42 USC 1437a; 42 USC 1437c; 42 USC 1437f; 42 USC 3535(d)

CFR Citation: 24 CFR 985

Legal Deadline: None

Abstract: This rule revises the way HUD measures and verifies performance under the lease-up indicator for the Section 8 Management Assessment Program (SEMAP). The rule revises the lease-up standard to measure the higher of the percent of units leased during the Public Housing Agency's (PHA) SEMAP rating period or the percent of available budget authority expended during the PHA's SEMAP rating period. In addition, this rule also revises the SEMAP regulations to provide for automated signature of the required SEMAP certification. The rule follows publication of an October 1, 2001, interim rule, and takes into consideration the public comments received on the interim rule.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Interim Final Rule | 10/01/01 | 66 FR 50004 |
| Interim Final Rule Effective | 10/31/01 | |
| Interim Final Rule Comment Period End | 11/30/01 | |
| Final Action | 02/00/03 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Gerald J. Benoit, Director, Real Estate and Housing Performance Division, Department of Housing and Urban Development, Office of Public and Indian Housing
Phone: 202 708-0477

RIN: 2577-AC21

Department of Housing and Urban Development (HUD)

Office of Public and Indian Housing (PIH)

Long-Term Actions

1222. OPERATING FUND ALLOCATION FORMULA (FR-4425)

Priority: Other Significant

Legal Authority: 42 USC 1437g; 42 USC 3535(d)

CFR Citation: 24 CFR 990

Legal Deadline: None

Abstract: This final rule will follow publication of a March 29, 2001 interim rule that governs the determination of

funding distribution to public housing agencies under the Operating Fund. The Conference Report to HUD's FY 2000 Appropriations Act (Pub. L. 106-74, approved October 20, 1999) directs

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Long-Term Actions

HUD to contract with the Harvard University Graduate School of Design to conduct a study of the cost incurred in operating well run public housing and provides the results to the negotiated rulemaking committee and the appropriate congressional committees. As portions of the study are completed, HUD is meeting with representatives of the negotiated rulemaking committee that helped HUD develop the Operating Fund proposed rule, as well as other interested parties. These meetings have also been open to the public. HUD will develop the final rule once the cost study is completed,

taking into account the input from interested members of the public.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|--------------|-------------|
| Notice | 02/03/99 | 64 FR 5570 |
| Notice Comment Period End | 03/05/99 | |
| NPRM | 07/10/00 | 65 FR 42488 |
| NPRM Comment Period End | 08/09/00 | |
| Interim Final Rule | 03/29/01 | 66 FR 17276 |
| Interim Final Rule Effective | 04/30/01 | |
| Interim Final Rule Comment Period End | 05/29/01 | |
| Next Action | Undetermined | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Stephen Sprague, Funding and Financial Management Division, Department of Housing and Urban Development, Office of Public and Indian Housing
Phone: 202 708-1872

RIN: 2577-AB88

**Department of Housing and Urban Development (HUD)
Office of Public and Indian Housing (PIH)**

Completed Actions

1223. IMPLEMENTATION OF PUBLIC LAW 106-504: ELIGIBILITY OF CITIZENS OF THE FREELY ASSOCIATED STATES FOR FEDERALLY ASSISTED HOUSING (FR-4754)

Priority: Substantive, Nonsignificant

CFR Citation: 24 CFR 5; 24 CFR 960.206; 24 CFR 960.207; 24 CFR 960.407

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Rule | 10/23/02 | 67 FR 65272 |
| Final Action Effective | 11/22/02 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Agency Contact: Rod Solomon
Phone: 202 708-0713

RIN: 2577-AC35

1224. PUBLIC HOUSING AGENCY PLANS: DECONCENTRATION—AMENDMENT TO ESTABLISHED INCOME RANGE DEFINITION (FR-4677)

Priority: Other Significant

CFR Citation: 24 CFR 903

Completed:

| Reason | Date | FR Cite |
|----------------------|----------|-------------|
| Final Action | 08/06/02 | 67 FR 51030 |
| Final Rule Effective | 09/05/02 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local

Agency Contact: Rod Solomon
Phone: 202 708-0713

RIN: 2577-AC31

1225. EXCEPTION PAYMENT STANDARD TO OFFSET INCREASE IN UTILITY COSTS IN THE HOUSING CHOICE VOUCHER PROGRAM (FR-4672)

Priority: Substantive, Nonsignificant

CFR Citation: 24 CFR 982

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 09/04/02 | 67 FR 56688 |
| Final Action Effective | 10/04/02 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Local

Agency Contact: Gerald J. Benoit
Phone: 202 708-0477

RIN: 2577-AC29

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