

RHS, RBS, RUS, FSA, USDA

this subpart and the applicable provisions of State laws. Under no circumstances will State forms be developed as replacements for the forms referred to in this subpart.

§ 1930.138 Supervisory actions for distressed projects.

MFH projects experiencing high vacancy rates which would lead to project failure can apply for a special servicing market rate rent change in accordance with paragraph IX of exhibit C of this subpart.

§§ 1930.139–1930.140 [Reserved]

§ 1930.141 Materials to be provided borrower/applicant.

To enable borrowers and applicants to meet the intent of this subpart, they will be supplied with one reproducible copy of the following FmHA or its successor agency under Public Law 103–354 exhibits and forms and materials as they are issued and/or updated:

- (a) Exhibits B and B-1 thru 14 of this subpart, when applicable.
- (b) Exhibits C, C-1, and C-2 of this subpart.
- (c) Exhibits D and D-1 of this subpart.
- (d) Exhibit E of this subpart.
- (e) Exhibits H and H-1 of this subpart.
- (f) Exhibit I of this subpart.
- (g) Exhibit J of this subpart, when applicable.
- (h) Subpart L of part 1944 of this chapter.
- (i) Booklet entitled “Audit Program.”
- (j) For farm LH borrowers and/or applicants, exhibit B of subpart D of part 1944 of this chapter in addition to the preceding items of this section.
- (k) The following forms:
 - (1) Form FmHA or its successor agency under Public Law 103–354 1930–7 and attached exhibit A-6 of subpart E of part 1944, if applicable.
 - (2) Form FmHA or its successor agency under Public Law 103–354 1930–8.
 - (3) Form FmHA or its successor agency under Public Law 103–354 1944–7, “Multiple Family Housing Interest Credit and Rental Assistance Agreement.”
 - (4) Form FmHA or its successor agency under Public Law 103–354 1944–29,

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“Project Worksheet for Interest Credit and Rental Assistance.”

(5) Form FmHA or its successor agency under Public Law 103–354 1944–8.

(6) Form FmHA or its successor agency under Public Law 103–354 1910–5, “Request for Verification of Employment.”

§ 1930.142 Complaints regarding discrimination in use and occupancy of MFH.

Any tenant or prospective tenant seeking occupancy or use of RRH, RCH, LH, or related facilities who believes he or she has been discriminated against because of race, color, religion, sex, national origin, age, familial status, or handicap may file a complaint in person with, or by mail to the Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development (HUD), Washington, DC 20410, or any HUD office, or to the Administrator, FmHA or its successor agency under Public Law 103–354, USDA, Washington, DC 20250. If the complaint is made to an FmHA or its successor agency under Public Law 103–354 County, Servicing, or State Office, it must be directed to the Director of Equal Opportunity Staff (EOS), National Office by the FmHA or its successor agency under Public Law 103–354 employee in charge of that office. When a complaint is sent to FmHA or its successor agency under Public Law 103–354-EOS by a FmHA or its successor agency under Public Law 103–354 Servicing Office, the State Director will be made aware of the complaint.

(a) Personnel in FmHA or its successor agency under Public Law 103–354 field offices will provide assistance to the aggrieved party when filling out required forms and filing a complaint.

(b) Each complaint must contain the following information:

- (1) The name and address of the respondent (complainant).
- (2) The name and address of the aggrieved person.
- (3) A description and the address of the dwelling which is involved, if appropriate.
- (4) A concise statement of the facts, including pertinent dates, constituting the alleged discriminatory housing practice.

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(c) Participants in FmHA or its successor agency under Public Law 103-354's housing program failing to comply with the requirements of Title VIII of the Civil Rights Act of 1968 as amended by the Fair Housing Amendments Act of 1988, and the respective Affirmative Fair Housing Marketing Plan will make themselves liable to sanction authorized by law, regulations, agreements, rules and/or policies governing the program pursuant to which the application was made. All complaints will be handled in accordance with prescribed procedure. Victims of alleged discriminatory housing practices may seek reparations through HUD or by private lawsuit.

§ 1930.143 Delegation of responsibility and authority.

(a) The Administrator may on an individual state basis, authorize the State Director to contract out selective fact gathering, nondecision making servicing actions in this subpart.

(b) The State Director may delegate in writing any authority delegated to the State Director in this subpart unless otherwise restricted, to those State staff members who, in the opinion of the State Director, have been adequately trained and who demonstrate their knowledge in understanding and administering the MFH policies and procedures of FmHA or its successor agency under Public Law 103-354. The State Director may further delegate such authority in like manner to Servicing Offices by either of two options:

(1) To individual Servicing Office staff members, including the Servicing Official.

(2) To the position of Servicing Official, the incumbent of which may further delegate specified authority to identified Servicing Office staff members. A copy of such delegation will be filed with the State Director.

(c) Individual delegation of responsibility and authority may be limited or expanded in scope, or revoked, as deemed appropriate by the State Director, or the Servicing Official when applicable, and will be prepared according to FmHA or its successor agency under Public Law 103-354 Instruction 2006-F (available in any FmHA or its suc-

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cessor agency under Public Law 103-354 office).

§ 1930.144 Exception authority.

The Administrator may, in individual cases, make an exception to any requirements of this subpart not required by the authorizing statute if he/she finds that application of such requirement would adversely affect the interest of the Government or adversely affect the accomplishment of the purposes of the MFH program or result in undue hardship by applying the requirement. The Administrator may exercise the authority at the request of the State Director or the Assistant Administrator for Housing. The request must be supported by data that demonstrates the adverse impact, citing the particular requirement involved and recommending proper alternative course(s) of action, and outlining how the adverse impact could be mitigated.

§ 1930.145 Appeals.

Only the borrower, or the borrower's representative (as defined in subpart B of part 1900 of this chapter), can appeal an FmHA or its successor agency under Public Law 103-354 decision. The borrower's management agent may not request an appeal unless he/she has been designated as the borrower's representative. This means he/she must be authorized in writing by the borrower to act for the borrower in the administrative appeal, as required by subpart B of part 1900 of this chapter (this may be addressed in the management agreement). The borrower's request for review of an alleged adverse decision must be made to FmHA or its successor agency under Public Law 103-354 in written form. Appeals and reviews will be handled in accordance with directions set forth in subpart B of part 1900 of this chapter.

§§ 1930.146-1930.149 [Reserved]

§ 1930.150 OMB control number.

The reporting and recordkeeping requirements contained in this regulation have been approved by the Office of Management and Budget and have been assigned OMB control number