

Subpart C—Management and Supervision of Multiple Family Housing Borrowers and Grant Recipients
ment published at 69 FR 69104, Nov. 26, 2004.

SOURCE: 58 FR 40868, July 30, 1993, unless otherwise noted.

EFFECTIVE DATE NOTE: At 69 FR 69104, Nov. 25, 2004, §§1930.101–1930.150 (Subpart C) was removed, effective February 24, 2005.

§1930.101 General.

This subpart prescribes the policies, authorizations, and procedures for management and supervision of all of the following Farmers Home Administration (FmHA) or its successor agency under Public Law 103-354 Multiple Family Housing (MFH) loan and grant recipients:

- (a) Farm Labor Housing (LH).
- (b) Rural Rental Housing (RRH) including congregate housing.
- (c) Rural Cooperative Housing (RCH).
- (d) Rural Housing Site Loans (RHS).
- (e) Special provisions and exceptions.
- (1) Unless otherwise specified in this subpart and except for exhibit C of this subpart, individual type RRH borrowers who were not required by program regulation to execute a loan agreement are exempted from the requirements of this subpart as long as the borrower is not in default of any program requirement, security instrument, payment, or any other agreement with FmHA or its successor agency under Public Law 103-354. However, these borrowers must provide evidence of tenant income eligibility by properly completing Form FmHA or its successor agency under Public Law 103-354 1944-8, "Tenant Certification," for each tenant as required by the Forms Manual Insert (FMI), except in LH situations where the tenant is not paying rent.
- (2) The State Director may require any borrower determined to be in default of any program requirement, security instrument, payment, or other agreement with FmHA or its successor agency under Public Law 103-354, or when otherwise failing to meet the program objectives, to comply with any appropriate section of this subpart to

assure that the loan objectives are met.

(3) For RHS borrowers, the following sections of this subpart do not apply: §§1930.108, 1930.122, and 1930.141.

§1930.102 Definitions.

Acceptable tolerance. For the purpose of this subpart, acceptable tolerance means actual financial activity as expressed in numeric terms that is operating within plus or minus 5 percent of projected or forecasted estimates.

Adviser to the board. An individual or organization who will work with and provide guidance to a cooperative board of directors.

Borrowers. Borrowers means owners who may be individuals, partnerships, cooperatives, trusts, public agencies, private or public corporations, and other organizations who have received a loan or grant from FmHA or its successor agency under Public Law 103-354 for LH, RRH, RCH, or RHS purposes.

Consumer cooperative. A corporation which is organized under the cooperative laws of a State or Federally recognized Indian tribe; will own and operate the housing on a cooperative basis solely for the benefit of the members; will operate at cost and, for this purpose, any patronage refunds accruing to members in accordance with subpart E of part 1944 of this chapter will not be considered gains or profits; and will restrict membership in the housing to eligible persons and, to any extent the cooperative and FmHA or its successor agency under Public Law 103-354 permit, to others in special circumstances.

FmHA or its successor agency under Public Law 103-354. FmHA or its successor agency under Public Law 103-354 means the United States of America acting through the Farmers Home Administration or its successor agency under Public Law 103-354 or FmHA or its successor agency under Public Law 103-354's predecessor agencies.

Governing body. Governing body means those elected or appointed officials of an organization or public agency type borrower responsible for the operations of the project.

Management. Management is the overall direction given by the borrower or the borrower's agent to meet the needs of the tenants or members, maintain

the project, and provide sound and economical project operation.

Member. A person who has executed documents pertaining to a cooperative housing type of living arrangement and has made a commitment to upholding the cooperative concept.

Occupancy agreement. A contract setting forth the rights and obligations of the cooperative member and the cooperative, including the amount of the monthly occupancy charge and the other terms under which the member will occupy the housing.

Office of the General Counsel (OGC). OGC means the Regional Attorney, Associate Regional Attorney, or Assistant Regional Attorney in the field office of the Office of the General Counsel of the United States Department of Agriculture (USDA).

Office of Inspector General (OIG). OIG means the Office of Inspector General of the USDA.

Patronage capital refund. Amounts received by the cooperative in excess of operating costs and expenses which have been assigned to members' patronage capital accounts each year of membership in the cooperative.

Project. A project is the total number of rental housing units that are operated under one management plan with one loan agreement/resolution. (The rental units may have been developed originally with separate initial loans and separate loan agreements/resolutions, now consolidated into one operational project under §1965.68 of subpart B of part 1965 of this chapter.)

Servicing Office. The FmHA or its successor agency under Public Law 103-354 office designated by the State Director to service MFH accounts.

Servicing Official. The individual who by job description or other qualification is designated by the State Director with delegated responsibility to service MFH accounts.

State Director. For the purpose of this subpart, State Director also includes the Rural Housing Chief, Multiple Family Housing Coordinator, Rural Housing Specialist, and other qualified State staff when delegated responsibilities under this subpart according to §1930.143 and the provisions of FmHA or its successor agency under Public Law 103-354 Instruction 2006-F, (available in

any FmHA or its successor agency under Public Law 103-354 office).

Supervision. *Supervision* includes the broad scope of FmHA or its successor agency under Public Law 103-354 guidance available to assist borrowers to carry out the objectives of the loan and comply with FmHA or its successor agency under Public Law 103-354 regulations.

§ 1930.103 Nondiscrimination assurance.

All management and supervision actions described in this subpart will be conducted without regard to race, color, religion, sex, familial status, national origin, age, or handicap. Borrowers, tenants and cooperative members must possess the legal capacity to enter into a legal contract. The provisions of subpart E of part 1901 of this chapter enforcing title VI of the Civil Rights Act of 1964, as amended, along with other similarly worded statutes will be complied with.

§ 1930.104 Reasonable accommodations.

(a) It shall be unlawful for any person to refuse to make reasonable accommodations in rules, policies, practices, or services when such accommodations would afford an individual with a handicap equal opportunity to use or continue to use and enjoy a dwelling unit, including public and common use areas.

(b) It shall be unlawful for any person to refuse to permit, at the expense of an individual with a handicap, reasonable modifications of an existing unit, occupied or to be occupied by an individual with a handicap, if the proposed modifications may be necessary to afford the individual with a handicap full enjoyment of the dwelling unit.

§ 1930.105 Objective of management and supervision.

(a) The primary objective of management and supervision is to provide effective supervision to each borrower to accomplish the objectives of the loan or grant.

(b) To provide effective supervision, FmHA or its successor agency under Public Law 103-354 will assure that the