

RHS, RBS, RUS, FSA, USDA

§ 1944.100

(b) All packages must contain a signed statement which states, "Neither the organization nor any of its employees have charged, received or accepted compensation from any source other than FmHA or its successor agency under Public Law 103-354 for packaging this application and are not associated with or represent anyone other than the applicant in this transaction."

(c) Form SF-270, "Request for Advance or Reimbursement" will be submitted with each application package for the amount authorized for the specific loan type in exhibit B of this subpart.

(d) The FmHA or its successor agency under Public Law 103-354 approval official will review each package for completeness, accuracy, and conformance to program policy and regulations. Cost reimbursement will be made in accordance with exhibit B of this subpart. Packagers that submit "incomplete" packages for sections 502 and 504 loans/grants will be sent a letter within 5 working days after submission of the "incomplete" package advising of additional information needed. Payment will be held until all the information is received. Packagers for sections 502 loans and 504 loans/grants will not be paid for packages submitted on applicants who are obviously ineligible for the programs. For example, a grantee would not be reimbursed for submitting a package for a section 502 loan applicant with an adjusted income exceeding the limits of Appendix 9 of HB-1-3550 (available in any Rural Development office) or who already owns adequate housing. Likewise, a grantee would not be reimbursed for submitting an package for a section 504 loan/grant when the adjusted family income exceeds the very low-income limits of Appendix 9 of HB-1-3550 (available in any Rural Development office) or when the applicant does not own and occupy his/her property, or for a section 504 grant when the applicant is not 62 years of age or older.

(e) Submissions for sections 514/516, 515, and 524 loans/grants will be reviewed and, if incomplete, a letter sent within 15 working days advising of additional information required.

(f) Form SF-269A, will be submitted within 15 days of the end of the fiscal year.

[58 FR 58643, Nov. 3, 1993, as amended at 67 FR 78328, Dec. 24, 2002]

§ 1944.74 Debarment or suspension.

Certified packagers whose actions or acts warrant they not be allowed to participate in the program are to be investigated in accordance with §1940.606 (c) or FmHA Instruction 1940-M (available in any FmHA or its successor agency under Public Law 103-354 office).

§ 1944.75 Exception authority.

The Administrator may, in individual cases, make an exception to any requirement or provision of this subpart which is not inconsistent with the authorizing statute or other applicable law if the Administrator determines that the Government's interest would be adversely affected. The Administrator will exercise this authority only at the request of the State Director and recommendation of the Deputy Administrator, Single Family Housing. Requests for exceptions must be in writing by the State Director and supported with documentation to explain the adverse effect on the Government's interest and/or impact on the applicant, borrower, or community, proposed alternative courses of action, and show how the adverse effect will be eliminated or minimized if the exception is granted.

[58 FR 58643, Nov. 3, 1993, as amended at 67 FR 78328, Dec. 24, 2002]

§§ 1944.76-1944.99 [Reserved]

§ 1944.100 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 0575-0157. Public reporting burden for this collection of information is estimated to vary from 30 minutes to five hours per response, with an average of 3 hours per response including time for

reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, Room 404-W, Washington, DC 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB #0575-0157), Washington, DC 20503.

EXHIBIT A TO SUBPART B OF PART 1944 [RESERVED]

EXHIBIT B TO SUBPART B OF PART 1944— HOUSING APPLICATION PACKAGING GRANT (HAPG) FEE PROCESSING

The Farmers Home Administration (FmHA) or its successor agency under Public Law 103-354 approval official will execute and distribute Form FmHA or its successor agency under Public Law 103-354 1940-1, "Request for Obligation of Funds," in accordance with the Forms Manual Insert (FMI). HAPG funds will be used for the fees except as otherwise noted in paragraphs II (A) and (B) of this exhibit. Funds for all loan and/or grant application packages will be paid as follows.

I. For all Single Family Housing loans (Sections 502, 504, and 514 ("on" farm labor housing only) of the Housing Act of 1949, checks will be ordered when complete application packages as defined in §1944.73 of this subpart and exhibit C of this subpart are received. The fees are as follows:

- (A) Section 502 Single Family Housing Loans—\$500
- (B) Section 504 Rural Housing Loans and Grants—\$500
- (C) Section 514 "On" Farm Labor Housing Loans—\$500

II. For all Multi-Family Housing loans and grants (sections 514/516, 515, 524, and 533 of the Housing Act of 1949), the entire amount of the fee coming from HAPG funds will be obligated when the packager has met all the requirements of the preapplication stage, however, payments will be made in accordance with the following schedules:

- (A) Sections 514/516 Farm Labor Housing Loans and Grants
"Off" farm labor housing loans/grants— fees paid in accordance with the schedule for section 515 Rural Rental Housing loans.
- (B) Section 515 Rural Rental Housing Loans.

(1) The scale for packaging fees is based on the percentage of the total development cost as follows:

- Up to \$400,000—1.6 percent
- For additional amounts between:
 - \$400,001 and \$800,000—add 1.2 percent
 - \$800,001 and \$1,200,000—add 1.0 percent
 - \$1,200,001 and \$1,600,000—add .7 percent
 - \$1,600,001 and \$2,000,000—add .5 percent
 - Over \$2,000,001—No additional amount

(2) Twenty-five percent paid from HAPG funds when Form AD-622, "Notification of Preapplication Review Action," is sent inviting submission of a complete application.

(3) Twenty percent paid from HAPG funds when a complete application is filed including plans and specifications.

(4) The 55 percent balance paid when the loan is approved. Funds for this 55 percent will be drawn from loan funds in accordance with §1944.212(j) of subpart E of 1944 of this chapter for Section 515 loans and §1944.158(i) of subpart D of part 1944 of this chapter for Section 514 loans.

(C) Section 524 Rural Housing Site Loans— total fee is 1 percent of the loan amount payable in two installments.

(1) Thirty percent paid after FmHA or its successor agency under Public Law 103-354's review of the preapplication under §1822.271(a) of subpart G of part 1822 of this chapter (paragraph XI A of FmHA Instruction 444.8).

(2) Seventy percent paid upon the completion of the docket in accordance with §1822.271(c) of subpart G of part 1822 of this chapter (paragraph XI C of FmHA Instruction 444.8).

(D) Section 533 Housing Preservation Grants—total fee is 2 percent of the grant amount paid in two installments.

(1) Forty percent will be paid when the Form AD-622, inviting submission of a complete application, is sent.

(2) Sixty percent will be paid after grant closes.

EFFECTIVE DATE NOTE: At 69 FR 69104, Nov. 26, 2004, Exhibit B to subpart B of part 1944 was amended by revising paragraph II.(B)(4), effective Feb. 24, 2005. For the convenience of the user the revised text is set forth as follows:

EXHIBIT B TO SUBPART B OF PART 1944— HOUSING APPLICATION PACKAGING GRANT (HAPG) FEE PROCESSING

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II. * * *
(B) * * *

(4) The 55 percent balance paid when the loan is approved. Funds for this 55 percent will be drawn from loan funds in accordance with 7 CFR 3560.53 (o).

**EXHIBIT C TO SUBPART B OF PART 1944—
REQUIREMENTS FOR HOUSING APPLI-
CATION PACKAGES**

A package will consist of the following requirements for the respective program.

A. Section 502—Complete applications packages will be submitted in accordance with the requirements of 7 CFR part 3550. The package must also include the following:

Form FmHA or its successor agency under Public Law 103-354 410-9—“Statement Required by the Privacy Act.”

Form FmHA or its successor agency under Public Law 103-354 1910-11—“Applicant Certification Federal Collection Policies for Consumer or Commercial Debts.”

Form FmHA or its successor agency under Public Law 103-354 1944-3—“Budget and/or Financial Statement.”

B. Section 504—Complete application packages will be submitted in accordance with 7 CFR part 3550. The package must include the forms listed in paragraph A of this exhibit and the following:

The appropriate Agency application form for Rural Housing assistance (non-farm tract) (available in any Rural Development office).

The appropriate Agency form to request verification of employment (available in any Rural Development office).

The appropriate Agency Rural Housing Loan application package (available in any Rural Development office).

Evidence of ownership in accordance with 7 CFR part 3550.

Cost estimates or bid prices for removal of health or safety hazards in accordance with 7 CFR part 3550.

C. Section 514/516—Complete application packages will be submitted in accordance with exhibit A-1 of subpart D of part 1944 of this chapter.

D. Section 515—Complete application packages will be submitted in accordance with the requirements of exhibit A-7 of subpart E of part 1944 of this chapter.

E. Section 524—Complete application packages will be submitted in accordance with §1822.271(a) of subpart G of part 1822 of this chapter (paragraph XI A of FmHA Instruction 444.8). After Farmers Home Administration or its successor agency under Public Law 103-354's review and as instructed, the application should be completed in accordance with §1822.271(c) of subpart G of part 1822 of this chapter (paragraph XI C of FmHA Instruction 444.8).

F. Section 533—Complete application packages will be submitted in accordance with the requirements of subpart N of part 1944 of this chapter.

[58 FR 58643, Nov. 3, 1993, as amended at 67 FR 78328, Dec. 24, 2002]

EFFECTIVE DATE NOTE: At 69 FR 69104, Nov. 26, 2004, Exhibit C to subpart B of part 1944 was revised, effective Feb. 24, 2005. For the convenience of the user the revised text is set forth as follows:

**EXHIBIT C TO SUBPART B OF PART 1944—
REQUIREMENTS FOR HOUSING APPLI-
CATION PACKAGES**

A package will consist of the following requirements for the respective program.

A. Section 502—Complete application packages will be submitted in accordance with the requirements of 7 CFR part 3550. The package must also include the following:

Form RD 410-9—“Statement Required by the Privacy Act”

Form RD 1910-11—“Applicant Certification Federal Collection Policies for Consumer or Commercial Debts”

Form RD 1944-3—“Budget and/or Financial Statement”

B. Section 504—Complete application packages will be submitted in accordance with 7 CFR part 3550. The package must include the forms listed in paragraph A. of this exhibit and the following:

The appropriate Agency application form for Rural Housing assistance (non-farm tract) (available in any Rural Development office).

The appropriate Agency form to request verification of employment (available in any Rural Development office).

The appropriate Agency Rural Housing Loan application package (available in any Rural Development office).

Evidence of ownership in accordance with 7 CFR part 3550.

Cost estimates or bid prices for removal of health or safety hazards in accordance with 7 CFR part 3550.

C. Section 514/516—Complete application packages will be submitted in accordance with the Notice of Funding Availability that will be published in the FEDERAL REGISTER each Fiscal Year.

D. Section 515—Complete application packages will be submitted in accordance with the Notice of Funding Availability that will be published in the FEDERAL REGISTER each Fiscal Year.

E. Section 524—Complete application packages will be submitted in accordance with §1822.271(a) of subpart G of part 1822 of this chapter (paragraph XI.A. of RD Instruction 444.8). After Rural Development's review and as instructed, the application should be completed in accordance with §1822.271(c) of subpart G of part 1822 of this chapter (paragraph XI.C. of RD Instruction 444.8).

F. Section 533—Complete application packages will be submitted in accordance with the requirements of subpart N of part 1944 of this chapter.

Pt. 1944, Subpt. B, Exh. D

7 CFR Ch. XVIII (1-1-05 Edition)

**EXHIBIT D TO SUBPART B OF PART 1944—
DESIGNATED COUNTIES FOR HOUSING
APPLICATION PACKAGING GRANTS**

Alabama (13): Barbour County, Bibb County, Choctaw County, Clarke County, Conecuh County, Dallas County, Greene County, Hale County, Lowndes County, Marengo County, Perry County, Sumter County, and Wilcox County.

Alaska (5): Bethel Census Area, Dillingham Census Area, Nome Census Area, Wade Hampton Census Area, and Yukon-Koyukuk Census Area.

Arizona (8): Apache County, Coconino County, Graham County, La Paz County, Navajo County, Pinal County, Santa Cruz County, and Yuma County.

Arkansas (5): Crittenden County, Lee County, Newton County, St. Francis County, and Searcy County.

California (3): Fresno County, Imperial County, and Tulare County.

Colorado (1): Conejos County.

Florida (2): Gadsden County and Jefferson County.

Georgia (22): Baker County, Burke County, Calhoun County, Clay County, Dooly County, Early County, Greene County, Hancock County, Jenkins County, Marion County, Meriwether County, Mitchell County, Quitman County, Randolph County, Stewart County, Talbot County, Taliaferro County, Terrell County, Twiggs County, Warren County, Washington County, and Webster County.

Idaho (1): Madison County.

Kentucky (25): Breathitt County, Casey County, Clay County, Clinton County, Clinton County, Elliott County, Estill County, Fleming County, Jackson County, Knott County, Knox County, Lawrence County, Lee County, Leslie County, Lewis County, Lincoln County, McCreary County, Magoffin County, Morgan County, Owsley County, Perry County, Powell County, Robertson County, Rockcastle County, Wayne County, and Wolfe County.

Louisiana (10): East Carroll Parish, East Feliciana Parish, Plaquemines Parish, Red River Parish, St. Helena Parish, St. James Parish, St. Martin Parish, St. Mary Parish, Terrebonne Parish, and West Feliciana Parish.

Mississippi (27): Attala County, Benton County, Bolivar County, Claiborne County, Coahoma County, Greene County, Holmes County, Humphreys County, Issaquena County, Jasper County, Jefferson County, Jefferson Davis County, Kemper County, Leflore County, Madison County, Marshall County, Noxubee County, Panola County, Quitman County, Sharkey County, Sunflower County, Tallahatchie County, Tate County, Tunica County, Walthall County, Washington County, and Yazoo County.

Montana (2): Big Horn County and Glacier County.

New Mexico (11): Catron County, Chaves County, Cibola County, Dona Ana County, Luna County, McKinley County, Mora County, Rio Arriba County, Sandoval County, San Juan County, and San Miguel County.

North Carolina (4): Bertie County, Halifax County, Hyde County, and Warren County.

North Dakota (3): Benson County, Rolette County, and Sioux County.

Ohio (1): Vinton County.

South Carolina (6): Clarendon County, Dillon County, Fairfield County, Lee County, Marlboro County, and Williamsburg County.

South Dakota (9): Bennett County, Buffalo County, Corson County, Dewey County, Jackson County, Mellette County, Shannon County, Todd County, and Ziebach County.

Tennessee (2): Fayette County and Hancock County.

Texas (45): Atascosa County, Brooks County, Caldwell County, Cameron County, Castro County, Cochran County, Crosby County, Culberson County, Dawson County, Deaf Smith County, Dimmit County, Duval County, Ector County, Edwards County, El Paso County, Frio County, Gaines County, Grimes County, Hale County, Hidalgo County, Hudspeth County, Jim Hogg County, Jim Wells County, Karnes County, Kinney County, Kleberg County, La Salle County, Marion County, Matagorda County, Maverick County, Medina County, Nueces County, Pecos County, Presidio County, Reeves County, San Jacinto County, San Patricio County, Starr County, Terry County, Uvalde County, Val Verde County, Webb County, Willacy County, Zapata County, and Zavala County.

Utah (1): San Juan County.

Virginia (4): Brunswick County, Lee County, Northampton County, and Scott County.

Washington (2): Ferry County and Yakima County.

West Virginia (4): Calhoun County, Clay County, Webster County, and Wirt County.

Wisconsin (1): Menominee County.

Puerto Rico (77): Adjuntas, Aguada, Aguadilla, Aguas Buenas, Aibonito, Anasco, Arecibo, Arroyo, Barceloneta, Barranquitas, Bayamon, Cabo Rojo, Caguas, Camuy, Canovanas, Carolina, Cayey, Ceiba, Ciales, Cidra, Coamo, Comerio, Corozal, Culebra, Dorado, Fajardo, Florida, Guanica, Guayama, Guayanilla, Guaynabo, Gurabo, Hatillo, Hormigueros, Humacao, Isabela, Jayuya, Juana Diaz, Juncos, Lajas, Lares, Las Marias, Las Piedras, Loiza, Luquillo, Manati, Maricao, Maunabo, Mayaguez, Moca, Morovis, Naguabo, Noranjito, Orocovis, Patillas, Penuelas, Ponce, Quebradillas, Rincon, Rio Grande, Sabana

RHS, RBS, RUS, FSA, USDA

§ 1944.153

Grande, Salinas, San German, San Juan, San Lorenzo, San Sebastian, Santa Isabel, Toa Alta, Toa Baja, Trujillo Alto, Utuado, Vega Alta, Vega Baja, Vieques, Villalba, Yabucoa, and Yauco.
Virgin Islands (2): St. Croix Island and St. Thomas Island.
Western Pacific Territories (5): American Samoa, Federated States of Micronesia, Marshall Islands, Northern Marianas, and Palau.

Subpart C [Reserved]

Subpart D—Farm Labor Housing Loan and Grant Policies, Procedures, and Authorizations

SOURCE: 45 FR 47655, July 16, 1980, unless otherwise noted.

EFFECTIVE DATE NOTE: At 69 FR 69105, Nov. 26, 2004, Subpart D was removed and reserved, effective Feb. 24, 2005.

§ 1944.151 Purpose.

This subpart contains the policies and procedures and delegates authority for making initial and subsequent insured loans under section 514 and grants under section 516 of the Housing Act of 1949, to provide housing and related facilities for domestic farm labor. This subpart also contains the policies and procedures for making grants under section 516 to encourage the development of farm labor housing. Any processing or servicing activity conducted pursuant to this subpart involving authorized assistance to Rural Housing Service (RHS) employees, members of their families, known close relatives, or business or close personal associates, is subject to the provisions of subpart D of part 1900 of this chapter. Applicants for this assistance are required to identify any known relationship or association with an RHS employee.

[67 FR 66310, Oct. 31, 2002]

§ 1944.152 Objective.

The basic objective of the Farmers Home Administration (FmHA) or its successor agency under Public Law 103-354 in making domestic Farm Labor Housing (LH) loans is to provide decent, safe, and sanitary housing for domestic farm labor to be located in areas where a need for farm labor ex-

ists and in making LH grants where there is a pressing need for such facilities in the area for farm laborers and there is a reasonable doubt that the housing can be provided without the grant assistance.

[56 FR 28472, June 21, 1991]

§ 1944.153 Definitions.

Agency. The Rural Housing Service, an agency of the U.S. Department of Agriculture which administers section 514 loans and section 516 grants.

Applicant. The applicant for or the recipient of an LH loan or grant.

Association of farmers. Two or more farmers acting as a single legal entity. Association members may include the individual members of farming partnerships or corporations.

Board and directors. Includes the governing body and members of the governing body of an organization.

Construct or repair. To construct new structures or facilities, or to acquire, relocate, or repair or improve existing structures or facilities.

Development cost. Includes the cost of constructing, purchasing, improving, altering, or repairing new or existing housing and related facilities, buying household furnishings, and purchasing or improving the necessary land. It includes necessary architectural, engineering, legal fees and charges, and other appropriate technical and professional fees and charges. It does not include fees, charges, or commissions such as payments to brokers, negotiators, or other persons for the referral of prospective applicants or solicitations of loans. For all types of LH applicants, other than the individual farmowners, family farm corporation and partnerships, and associations of farmers, the development cost may include initial operating expenses of up to 2 percent of the permitted costs.

Domestic farm laborer. A person who receives a "substantial portion of his or her income" performing farm labor employment (not self-employed) in the United States, Puerto Rico, or the Virgin Islands and either is a citizen of the United States or resides in the United States, Puerto Rico, or the Virgin Islands after being legally admitted for permanent residence. This definition may include the immediate family