

**§ 1944.558 Decision of the hearing officer or hearing panel.**

(a) The hearing officer or hearing panel shall prepare a written decision, together with the reasons therefor, within 10 calendar days after the hearing. The written decision must be specific as to the facts presented which were the basis upon which the decision was rendered. Copies of the decision must be sent to the borrower, the applicant/tenant, and the FmHA or its successor agency under Public Law 103-354 District Director.

(b) The decision of the hearing officer or hearing panel shall be binding upon the parties to the hearing unless the parties to the hearing are notified within 10 calendar days by the District Director that the decision violates FmHA or its successor agency under Public Law 103-354 regulations. The notification of the District Director will specify the FmHA or its successor agency under Public Law 103-354 regulation that the decision violates. The hearing officer or hearing panel shall amend the decision to comply with the regulation(s) within 10 days of receipt of the notice. (However, the decision of the hearing officer or hearing panel does not preclude either party's right thereafter to seek judicial relief through the courts.)

(c) Upon receipt of written notification from the District Director that the decision is in compliance with FmHA or its successor agency under Public Law 103-354 regulations, the decision is binding upon the borrower and tenant, and the borrower and tenant shall take the necessary action, or refrain from any actions, necessary to carry out the decision.

**§ 1944.559 Responsibilities of the FmHA or its successor agency under Public Law 103-354 District Director.**

(a) The District Director shall assure that a copy of this subpart is sent to each borrower with a requirement that the regulations be permanently posted in a conspicuous place for the information of tenants, such as the rental offices, laundry areas, activities rooms, or other places where it will be noticed by tenants. The District Director shall also require that the borrower main-

tain copies of this subpart at all times for inspection by the tenants and FmHA or its successor agency under Public Law 103-354 upon request. The District Director shall assure that where there is a concentration of non-English-speaking individuals, the regulation is made available in both English and the non-English concentration language.

(b) The District Director shall encourage the borrower and applicant/tenant to resolve grievances and appeals through informal discussion; however, upon receipt of a summary of informal discussion as required by § 1944.555(c) of this subpart, the District Director shall immediately review the summary to ascertain that the applicant/tenant has received a copy of the summary and a copy of the proceedings to obtain a hearing, if matters could not be resolved through informal discussion.

**§§ 1944.560-1944.599 [Reserved]**

**§ 1944.600 OMB control number.**

The collections of information requirements contained in this regulation have been approved by the Office of Management and Budget and have been assigned OMB control number 0575-0046.

**EXHIBIT A TO SUBPART L OF PART 1944—  
SUMMARY OF MEETING**

Name and Address of Borrower:  
\_\_\_\_\_

Name and Address of Project:  
\_\_\_\_\_

Name and Address of Complainant:  
\_\_\_\_\_

Specific Nature of Complaint:  
\_\_\_\_\_  
\_\_\_\_\_

Date of Meeting:  
Participants in Meeting:  
\_\_\_\_\_  
\_\_\_\_\_

Decision and Specific Reasons Therefore:

**§ 1944.651**

Borrower's Signature \_\_\_\_\_

I hereby acknowledge receipt of a copy of this summary and have been advised of my rights to use the attached procedures to obtain a hearing if I so choose.

Tenant's Acknowledgment:

Tenant's signature \_\_\_\_\_

*Procedures for Obtaining a Hearing:*

The following procedures may be used to obtain a hearing if you are not satisfied with the decision made as a result of our discussion on (date) \_\_\_\_\_.

1. *Request for a Hearing.* Send a written request for a hearing within ten days after you receive this notice to the project address shown in the summary. Indicate specifically: (1) The reason for your grievance or challenge of our proposed action, and (2) the action or relief you seek.

2. *Selection of Hearing Officer or Hearing Panel.* (Strike out paragraph not needed).

(a) As you probably already know, a Standing Hearing Panel is available to conduct the hearing.

(b) We need to meet soon after your request for a hearing is received to select a hearing officer/hearing panel.

3. *Scheduling of Hearing:* The hearing will be scheduled to be held within 15 days after we receive your request for a hearing. It will be held at a time and place convenient for both of us. If we cannot agree on a time and place, the hearing officer/hearing panel will designate the time and place.

4. *Examination of Records:* You have the opportunity before the hearing to examine and, at your own expense, to copy all documents, records, and regulations that are relevant to the hearing unless otherwise prohibited by law.

5. *Procedures Governing Hearing:*

(a) The hearing will be an informal proceeding before a hearing officer or hearing panel at which both parties will have an opportunity to present their sides of the dispute.

(b) Both parties may be represented by legal counsel or another person of one's choice.

(c) You have a right to a private hearing, unless you request a public hearing.

(d) Both parties have the right to present evidence, arguments, and witnesses to support their sides of the dispute, to refute evidence relied upon by the other party, and to confront and cross-examine all witnesses.

(e) A decision will be based solely and exclusively upon the facts presented at the hearing.

**Subpart M [Reserved]**

**Subpart N—Housing Preservation Grants**

SOURCE: 58 FR 21894, Apr. 26, 1993, unless otherwise noted.

**§ 1944.651 General.**

(a) This subpart sets forth the policies and procedures for making grants under section 533 of the Housing Act of 1949, 42 U.S.C. 1490(m), to provide funds to eligible applicants (hereafter also referred to as grantee(s)) to conduct housing preservation programs benefiting very low- and low-income rural residents. Program funds cover part or all of the grantee's cost of providing loans, grants, interest reduction payments or other assistance to eligible homeowners, owners of single or multiple unit rental properties or for the benefit of owners (as occupants) of consumer cooperative housing projects (hereafter also referred to as co-ops). Such assistance will be used to reduce the cost of repair and rehabilitation, to remove or correct health or safety hazards, to comply with applicable development standards or codes, or to make needed repairs to improve the general living conditions of the resident(s), including improved accessibility by handicapped persons. Such assistance will be used to reduce the cost of repair and rehabilitation, to remove or correct health or safety hazards, to comply with applicable development standards or codes, or to make needed repairs to improve the general living conditions of the residents, including improved accessibility by persons with a disability. Individual housing that is owner occupied may qualify for replacement housing when it is determined by the grantee that the housing is not economically feasible for repair or rehabilitation.

(b) The Rural Housing Service (RHS) will provide Housing Preservation Grant (HPG) assistance to grantees who are responsible for providing assistance to eligible persons without discrimination because of race, color, religion, sex, national origin, age, familial status, or disability.

(c) The preapplication must only address a proposal to finance repairs and rehabilitation activities to individual housing or rental properties or co-ops.