

value of the property and the results of that evaluation.

(b) *Conveyance of title.* In the case of a conveyance of title to the property, the lender must inform the Agency in advance of how it plans to acquire title and a timetable for doing so. The Agency will accept the conveyance upon receipt of an assignment to the Agency of all claims of the lender against the property and assignment of the lender's rights to any operating funds and any reserves or escrows established for the maintenance of the property or the payment of property taxes and insurance.

**§ 3565.456 Filing a claim.**

Once the lender has disposed of the property or the Agency has agreed to accept an assignment of the loan or conveyance of title to the property, the lender may file a claim for the guaranteed portion of allowable losses. All claim amounts must be calculated in accordance with this subpart and be approved by the Agency.

**§ 3565.457 Determination of claim amount.**

(a) *Maximum guarantee payment.* The maximum guarantee payment will not exceed the amount of guarantee percentage as contained in the guarantee agreement (but in no event more than 90%) times the allowable loss amount.

(b) *Date of loss.* The date of loss is the earliest of the date on which the property is foreclosed or acquired or the proposed date of foreclosure or acquisition in the liquidation plan, unless an alternative date is approved by the Agency. Where the Agency chooses to accept an assignment of the loan or conveyance of title, the date of loss will be the date on which the Agency accepts assignment of the loan or conveyance of title.

(c) *Allowable claim amount.* The allowable claim amount must be calculated by:

(1) Adding to the unpaid principal and interest on the date of loss, an amount approved by the Agency for payments made by the lender for amounts due and owing on the property, including:

(i) Property taxes and other protective advances as approved by the Agency;

(ii) Water and sewer charges and other special assessments that are liens prior to the guaranteed loan;

(iii) Insurance on the property;

(iv) Loan guarantee fees paid after default; and

(v) Reasonable liquidation expenses.

(2) And by deducting the following items:

(i) Any amount received by the lender on the account of the guaranteed loan after the date of default;

(ii) Any net income received by the lender from the secured property after the date of default; and

(iii) Any cash items retained by the lender, except any amount representing a balance of the guaranteed loan not advanced to the borrower. Any loan amount not advanced will be applied by the lender to reduce the outstanding principal on the loan.

(d) *Lender certification.* The lender must certify that all possibilities of collection have been exhausted and that all of the items specified in paragraph (c) of this section have been identified and reported to the Agency as a condition for payment of claim.

**§ 3565.458 Withdrawal of claim.**

If the lender provides timely written notice to the Agency of withdrawal of the claim, the guarantee will continue as if the default had not occurred if the borrower cures the default prior to foreclosure or prior to acceptance of a deed-in-lieu of foreclosure.

**§§ 3565.459–3565.499 [Reserved]**

**§ 3565.500 OMB control number.**

According to the Paperwork Reduction Act of 1995, no party is required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0575-0174.

**PART 3570—COMMUNITY PROGRAMS**

**Subpart A [Reserved]**

**Subpart B—Community Facilities Grant Program**

- Sec.
- 3570.51 General.
- 3570.52 Purpose.
- 3570.53 Definitions.
- 3570.54-3570.60 [Reserved]
- 3570.61 Eligibility for grant assistance.
- 3570.62 Use of grant funds.
- 3570.63 Grant limitations.
- 3570.64 Applications determined ineligible.
- 3570.65 Processing preapplications and applications.
- 3570.66 Determining the maximum grant assistance.
- 3570.67 Project selection priorities.
- 3570.68 Selection process.
- 3570.69 Environmental review, intergovernmental review, and public notification.
- 3570.70 Other considerations.
- 3570.71-3570.74 [Reserved]
- 3570.75 Grantee contracts.
- 3570.76 Planning, bidding, contracting, and construction.
- 3570.77-3570.79 [Reserved]
- 3570.80 Grant closing and delivery of funds.
- 3570.81-3570.82 [Reserved]
- 3570.83 Audits.
- 3570.84 Grant servicing.
- 3570.85 Programmatic changes.
- 3570.86 [Reserved]
- 3570.87 Grant suspension, termination, and cancellation.
- 3570.88 Management assistance.
- 3570.89 [Reserved]
- 3570.90 Exception authority.
- 3570.91 Regulations.
- 3570.92 [Reserved]
- 3570.93 Regional Commission grants.
- 3570.94-3570.99 [Reserved]
- 3570.100 OMB control number.

AUTHORITY: 5 U.S.C. 301; 7 U.S.C. 1989.

SOURCE: 62 FR 16469, Apr. 7, 1997, unless otherwise noted.

**Subpart A [Reserved]**

**Subpart B—Community Facilities Grant Program**

SOURCE: 64 FR 32388, June 17, 1999, unless otherwise noted.

**§ 3570.51 General.**

(a) This subpart contains Rural Housing Service (RHS) policies and authorizations and establishes procedures for making essential Community Facilities Grants (CFG) authorized under section 306(a)(19) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(19)).

(b) Funds allocated for use in accordance with this subpart are also to be considered for use by federally recognized Indian tribes within a State regardless of whether State development strategies include Indian reservations within the State's boundaries. Indian tribes must have equal opportunity along with other rural residents to participate in the benefits of this program.

(c) Federal statutes provide for extending RHS financial assistance without regard to race, color, religion, sex, national origin, age, disability, and marital or familial status. To file a complaint, write the Secretary of Agriculture, U.S. Department of Agriculture, Washington DC 20250, or call 1-800-245-6340 (voice) or (202) 730-1127 (TDD). Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

(d) Any processing or servicing activity conducted pursuant to this subpart involving authorized assistance to Agency employees, members of their families, close relatives, or business or close personal associates is subject to the provisions of 7 CFR part 1900, subpart D. Applications for assistance are required to identify any relationship or association with an RHS employee.

(e) Copies of all forms referenced in this subpart are available in the Agency's National Office or any Rural Development field office.

(f) An outstanding judgment obtained against an applicant by the United States in a Federal Court (other than in the United States Tax Court), shall cause the applicant to be ineligible to receive any grant or loan until the judgment is paid in full or otherwise satisfied. Grant funds may not be used to satisfy the judgment.

(g) Grants made under this subpart will be administered under, and are subject to, 7 CFR parts 3015, 3016, or 3019, as appropriate.

(h) The income data used to determine median household income must be that which accurately reflects the income of the population to be served by the proposed facility. The median household income of the service area and the nonmetropolitan median

## Rural Housing Service, USDA

## § 3570.53

household income for the State will be determined using income data from the most recent decennial Census of the United States. If there is reason to believe that the census data is not an accurate representation of the median household income within the area to be served, this will be documented and the applicant may furnish, or the Agency may obtain, additional information regarding such median household income. Information will consist of reliable data from local, regional, State, or Federal sources or from a survey conducted by a reliable impartial source.

(i) CFG funds can be used for up to 75 percent of the cost to develop the facility, notwithstanding that other contributions may be from other Federal sources.

### § 3570.52 Purpose.

The purpose of CFG program is to assist in the development of essential community facilities in rural areas. The Agency will authorize grant funds on a graduated basis. Eligible applicants located in smaller communities with lower populations and lower median household incomes may receive a higher percentage of grant funds. The amount of CFG funds provided for a facility shall not exceed 75 percent of the cost of developing the facility.

### § 3570.53 Definitions.

*Agency.* The Rural Housing Service (RHS), an agency of the U.S. Department of Agriculture, or a successor agency.

*Approval official.* An official who has been delegated loan or grant approval authorities within applicable programs, subject to certain dollar limitations.

*CF.* Community Facilities.

*CFG.* Community Facilities Grant.

*Essential community facilities.* Those public improvements requisite to the beneficial and orderly development of a community that is operated on a non-profit basis. (See § 3570.62(a)(1)). An essential community facility must:

- (1) Serve a function customarily provided by a local unit of government;
- (2) Be a public improvement needed for the orderly development of a rural community;

(3) Not include private affairs or commercial or business undertakings (except for limited authority for industrial parks) unless it is a minor part of the total facility;

(4) Be within the area of jurisdiction or operation for the public bodies eligible to receive assistance or a similar local rural service area of a not-for-profit corporation; and

(5) Be located in a rural area.

*Facility.* The physical structure financed by the Agency or the resulting service provided to rural residents.

*Grantee.* An entity with whom the Agency has entered into a grant agreement under this program.

*Instructions.* Agency internal procedures available in any Rural Development office and variously referred to as Rural Development Instructions, RD Instructions.

*Minor part.* No more than 15 percent of the total floor space of the proposed facility.

*Nonprofit corporations.* Any corporation that is not organized or maintained for the making of a profit and that meets the eligibility requirements for RHS financial assistance in accordance with § 3570.61(a)(2).

*Processing office.* The office designated by the State program official to accept and process applications for CF projects.

*Project cost.* The cost of completing the proposed facility. (Facilities previously constructed will not be considered in determining project costs.) Total project cost will include only those costs eligible for CFG assistance.

*Poverty line.* The level of income for a family of four as defined by section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

*Public body.* Any State, county, city, township, incorporated town or village, borough, authority, district, economic development authority, or federally recognized Indian tribe in rural areas.

*Reasonable rates and terms.* The rates and terms customarily charged public and nonprofit type borrowers in similar circumstances in the ordinary course of business and subject to Agency review.