

## § 1944.73

each year in order to qualify for assistance.

[58 FR 58643, Nov. 3, 1993, as amended at 61 FR 39851, July 31, 1996]

### § 1944.73 Package submission.

(a) When submitting its first package to an FmHA or its successor agency under Public Law 103-354 office, in addition to the item in paragraph (b) of this section and the information set forth in exhibit C of this subpart, the organization must submit the following. A file of these documents will be established in the FmHA or its successor agency under Public Law 103-354 office and retained in accordance with FmHA Instruction 2033-A (available in any FmHA or its successor agency under Public Law 103-354 office).

(1) Proof of their nonprofit status under section 501(c)(3) or section 501(c)(4) of the Internal Revenue Code of 1986 or of their existence as a state agency or unit of general local government legally authorized to work in the designated county and/or colonias. If the FmHA or its successor agency under Public Law 103-354 approval official is in doubt about the legal status of the organization, the evidence will be sent to the State Director. The State Director may, if needed, submit the above documents with any comments or questions to the Office of General Counsel (OGC) for an opinion as to whether the applicant is a legal organization of the type required by these regulations.

(2) An original and copy of Forms FmHA 400-1, "Equal Opportunity Agreement," and FmHA 400-4, "Assurance Agreement."

(3) A copy of a current "Certificate of Training" pertaining to the type of application package submitted.

(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 sub-

## 7 CFR Ch. XVIII (1-1-08 Edition)

mitted 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 a 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 agency

**RHS, RBS, RUS, FSA, USDA**

**Pt. 1944, Subpt. B, Exh. B**

procedures (available in any Rural Development office).

EXHIBIT A TO SUBPART B OF PART 1944  
[RESERVED]

[70 FR 7651, Feb. 15, 2005]

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

**§ 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.

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.

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

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:

**§§ 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.

- (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.