



# Federal Register

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**Monday,  
June 28, 2004**

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**Part X**

**Department of  
Housing and Urban  
Development**

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**Semiannual Regulatory Agenda**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

## 24 CFR Subtitles A and B

[Docket No. FR-4935-N-01]

## Semiannual Regulatory Agenda

**AGENCY:** Department of Housing and Urban Development.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** In accordance with section 4(b) of Executive Order 12866, "Regulatory Planning and Review," as amended, HUD is publishing its agenda of regulations already issued or that are expected to be issued over the next several months. The agenda also includes rules currently in effect that are under review, and describes those regulations that may affect small entities as required by section 602 of the Regulatory Flexibility Act. The purpose of publication of the agenda is to encourage more effective public participation in the regulatory process by providing the public with early information about pending regulatory activities.

**FOR FURTHER INFORMATION CONTACT:** Aaron Santa Anna, Assistant General Counsel for Regulations, Office of General Counsel, Department of Housing and Urban Development, Room 10276, 451 Seventh Street SW., Washington, DC 20410-0500, (202) 708-3055. (This is not a toll-free number.) A telecommunications device for hearing- and speech-impaired individuals (TTY) is available at 1-800-877-8339 (Federal Information Relay Service).

**SUPPLEMENTARY INFORMATION:** Executive Order 12866, "Regulatory Planning and Review" (58 FR 51735), as amended by Executive Order 13258 (67 FR 9385), requires each agency to publish semiannually an agenda of (1) regulations that the agency has issued or expects to issue, and (2) rules currently in effect that are under agency review. The Regulatory Flexibility Act (5 U.S.C. 601-612) requires each agency to publish semiannually a regulatory agenda of rules expected to be proposed or promulgated that are likely to have a significant economic impact on a substantial number of "small entities," meaning small businesses, small organizations, or small governmental jurisdictions.

Executive Order 12866, as amended, and the Regulatory Flexibility Act each permits incorporation of the agenda required by these two authorities with any other prescribed agenda. Therefore, the agenda set out below combines the information required by Executive Order 12866, as amended, and the Regulatory Flexibility Act. In addition, the agenda contains certain information not required by either the Executive Order or by the Regulatory Flexibility Act which the Department considers useful, both better to inform the public and to enhance the Department's own inventory control over its body of regulations.

Section 610(c) of the Regulatory Flexibility Act requires each agency to publish annually a list of the rules that have a significant economic impact on a substantial number of small entities, and that are to be reviewed in accordance with the requirements of section 610 during the succeeding 12 months. Existing regulations that HUD proposes to amend by rules described and published in this agenda are reviewed in accordance with the principles of section 610 of the Regulatory Flexibility Act. The purpose of the review is to determine whether the rule should be continued without change, amended, or rescinded. Proposed changes to existing regulations provide the opportunity for the Department to conduct a section 610 review.

The Department also is subject to certain rulemaking requirements set forth in the Department of Housing and Urban Development Act (42 U.S.C. 3531 *et seq.*). Section 7(o) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)) requires that the Secretary transmit to the congressional committees having jurisdictional oversight of HUD (the Senate Committee on Banking, Housing, and Urban Affairs and the House Committee on Financial Services), a semiannual agenda of all rules or regulations which are under development or review by the Department. A rule appearing on the agenda cannot be published for comment before or during the first 15 calendar days after transmittal of the agenda. Section 7(o) provides that if, within that period, either committee notifies the Secretary that it intends to review any rule or regulation which appears on the agenda, the Secretary must submit to both committees a copy

of the rule or regulation, in the form it is intended to be proposed, at least 15 calendar days before it is published for comment. The semiannual agenda published today is the agenda transmitted to the committees in compliance with this requirement.

HUD has attempted to list in this agenda all regulations and regulatory reviews pending at the time of publication, except for minor and routine or repetitive actions, but some may have been inadvertently omitted, or may have arisen too late to be included in the published agenda. There is no legal significance to the omission of an item from the agenda. Also, where dates are provided for the next rulemaking actions, the dates are estimates and are not commitments to act on or by the date shown.

In some cases, HUD has withdrawn rules that were placed on previous agendas and for which there has been no publication activity. Withdrawal of a rule does not necessarily mean that HUD will not proceed with the rulemaking. Withdrawal allows HUD to further assess the subject matter and determine whether rulemaking for this subject matter is appropriate. Following this review, the Department may determine that certain rules listed as withdrawn under this agenda are appropriate. If that determination is made, the rules will be included in a succeeding semiannual agenda.

In addition, for a few rules that have been published as proposed or interim rules, and therefore require further rulemaking, HUD has identified the timing of the next action stage as "undetermined." These are rules that are still under review by HUD for which a determination of the next action stage and timing of the next action stage has not yet been made.

The format of the agenda remains unchanged from previous years. HUD's agenda items are divided first by program office. Within each program office, the agenda items are divided into five groups: (i) pre-rulemaking actions; (ii) publication or other implementations of notices of proposed rulemaking; (iii) publications or other implementations of final rules; (iv) long-term rules; and (v) completed actions. Within each grouping, rules are listed in chronological order by the part number of the CFR affected. Where a rule affects

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multiple parts of the CFR, the rule is listed by the first affected part number.

Since the purpose of publication of the agenda is to encourage more effective public participation in the

regulatory process by providing the public with early information about the Department's future regulatory actions, HUD invites all interested members of

the public to comment on the rules listed in the agenda.

**Dated:** June 7, 2004.  
**Alphonso Jackson,**  
*Secretary.*

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1394	Providing for Electronic Submission of Grant Applications (FR-4875) .....	2501-AD02
1395	24 CFR 25 FHA Lenders and Mortgagees: Prohibiting Misleading Words in Names of Non-Federally Supervised Entities and Strengthening Enforcement of Mortgagee Review Board Sanctions (FR-4765) .....	2501-AC95
1396	24 CFR 81 The Secretary of HUD's Regulation of Fannie Mae and Freddie Mac (FR-4790) .....	2501-AC92
1397	24 CFR 84 Grants and Agreements—Uniform Requirements for All HUD Programs (FR-4930) .....	2501-AD05
1398	Consolidated Plan Amendments (FR-4923) .....	2501-AD07
1399	24 CFR 92 Home Investment Partnerships Program (FR-4833) .....	2501-AC94
1400	24 CFR 8 Nondiscrimination Based on Disability: Multifamily Homeownership Projects (FR-4776) .....	2501-AC87

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1401	Implementation of Requirement for Use of Data Universal Numbering System (DUNS) Identifier (FR-4876) .....	2501-AD01
1402	Equal Employment Opportunity: Revisions to Affirmative Employment Programs Policy (FR-4929) .....	2501-AD04
1403	24 CFR 203 Treble Damages for Failure To Engage in Loss Mitigation (FR-4553) .....	2501-AC66
1404	24 CFR 92 American Dream Downpayment Initiative (FR-4832) .....	2501-AC93
1405	HOME Investment Partnerships Program, Amendments to Homeownership Affordability Requirements (FR-4940) ..	2501-AD06
1406	24 CFR 5 Implementation of Executive Order 13279 for HUD Programs: Equal Protection of the Laws for Faith-Based and Community Organizations (FR-4881) .....	2501-AD03
1407	24 CFR 888 Fair Market Rents Programs: Increased Fair Market Rents for Certain Areas and Higher Payment Standards (FR-4606) .....	2501-AC75

Office of the Secretary—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1408	24 CFR 81 The Secretary of HUD's Regulation of Fannie Mae and Freddie Mac: Prohibiting the Purchase of Certain Loans With High Costs and/or Predatory Features (FR-4614) .....	2501-AC76
1409	24 CFR 84 Adoption of Revisions to OMB Circular A-110 (FR-4573) .....	2501-AC68
1410	24 CFR 5 Electronic Document Retention and Consumer Disclosure Requirements in HUD-Related Transactions (FR-4686) .....	2501-AC79

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1411	24 CFR 5 Streamlining HUD Income Exclusions (FR-4844) .....	2501-AC96

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## Office of Housing—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1412	24 CFR 81 Nonproprietary Data Submitted by the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac) (FR-4796) .....	2502-AH96

## Office of Housing—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1413	24 CFR 25 Single Family Mortgage: Lender Compliance and Accountability (FR-4761) .....	2502-AH87
1414	HUD Multifamily Rental and Health Care Facility Closing Documents (FR-4883) .....	2502-AI11
1415	24 CFR 202.2 Duties and Responsibilities of Loan Correspondents and Sponsors (FR-4762) .....	2502-AH90
1416	Revisions to the Single Family Mortgage Insurance Program (FR-4831) .....	2502-AI03
1417	State Installation Requirements (FR-4877) .....	2502-AI07
1418	Notice of Default Reporting (FR-4916) .....	2502-AI20
1419	Home Equity Conversion Mortgages (HECM): Long-Term Care Insurance (FR-4857) .....	2502-AI04
1420	24 CFR 212 Housing Counseling Program (FR-4798) .....	2502-AH99
1421	Competitive Sales Procedures—Owner-Occupant Priority Over Nonprofit Organizations (FR-4858) .....	2502-AI05
1422	Disciplinary Actions Against HUD-Qualified Real Estate Brokers (FR-4871) .....	2502-AI08
1423	Accelerated Claims and Asset Disposition Program (FR-4887) .....	2502-AI14
1424	One Dollar Home Sales to Local Governments (FR 4862) .....	2502-AI15
1425	24 CFR 880 Distributions to Nonprofit Owners of Certain HUD-Assisted Multifamily Rental Projects (FR-4602) .....	2502-AH52
1426	24 CFR 401 Mark-to-Market Program Amendments (FR-4751) .....	2502-AH86
1427	24 CFR 200 Hospital Mortgage Insurance Program (FR-4927) .....	2502-AI22
1428	24 CFR 203.43 (b)(1) Home Equity Conversion Mortgages (HECM): Cooperative Housing Developments (FR-4777) .....	2502-AH89
1429	24 CFR 203 Due Diligence/Quality Control Plans (FR-4846) .....	2502-AI02
1430	24 CFR 291 Disposition of HUD-Owned Single Family Assets in Asset Control Areas (FR-4471) .....	2502-AH40
1431	24 CFR 291, subpart F Disposition of HUD-Acquired Single Family Property: Officer/Teacher Next Door Sales Programs (FR-4712) .....	2502-AH72
1432	24 CFR 3285 Manufactured Housing Installation Program (FR-4812) .....	2502-AH97
1433	24 CFR 3286 Manufactured Housing Dispute Resolution Program (FR-4813) .....	2502-AH98
1434	24 CFR 402 Renewal of Expiring Section 8 Project-Based Assistance Contracts (FR-4551) .....	2502-AH47
1435	Manufactured Home Construction and Safety Standards (FR-4886) .....	2502-AI12
1436	Manufactured Housing On-Site Construction (FR-4885) .....	2502-AI13
1437	24 CFR 207 HUD Multifamily Accelerated Processing Quality Assurance Enforcement (FR-4836) .....	2502-AI01

## Office of Housing—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1438	24 CFR 200 Section 223f Supplemental Cost Certification (FR-4793) .....	2502-AH93
1439	Revised Guidelines for Previous Participation Certification (FR-4870) .....	2502-AI10
1440	24 CFR 203 Eligibility of Mortgages on Hawaiian Homelands Insured Under Section 247 (FR-4779) .....	2502-AH92
1441	Amendments to Prohibition of Property Flipping in HUD's Single Family Mortgage Insurance Programs (FR-4911) .....	2502-AI18
1442	24 CFR 236 Section 236 Excess Rental Charges (FR-4689) .....	2502-AH68
1443	24 CFR 203.18 Nonprofit Organization Participation in FHA Single Family Mortgage Insurance Programs (FR-4702) .....	2502-AH71
1444	24 CFR 200.54(b) Distribution of Tax Credit Proceeds (FR-4792) .....	2502-AH91
1445	24 CFR 202 Revisions to FHA Credit Watch Termination Initiative (FR-4625) .....	2502-AH60
1446	24 CFR 203 Upfront Mortgage Insurance Premiums: Remittance Requirements (FR-4690) .....	2502-AH67
1447	24 CFR 203.50 Up-Front Mortgage Insurance Premiums for Loans Insured Under 24 CFR 203(k) and 234(c) of the National Housing Act (FR-4749) .....	2502-AH82
1448	24 CFR 203 FHA Total Mortgage Scorecard (FR-4835) .....	2502-AI00
1449	24 CFR 206 Insurance for Mortgages To Refinance Existing HECMs (FR-4667) .....	2502-AH63
1450	24 CFR 203 Lender Accountability for Appraisals (FR-4722) .....	2502-AH78

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## Office of Housing—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
1451	24 CFR 891 Mixed Finance Development for Supportive Housing for the Elderly or Persons With Disabilities and Other Changes to 24 CFR Part 891 (FR-4725) .....	2502-AH83
1452	Manufactured Housing Program: Minimum Payments to States (FR-4868) .....	2502-AI16

## Office of Housing—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1453	24 CFR 401 Release of Information to Tenants and Other Parties Pursuant to MAHRA (FR-4531) .....	2502-AH45
1454	24 CFR 202.5 Establishment of Loan Officer Registry and Establishment of Servicing Approval Agreements (FR-4764) .....	2502-AH88
1455	24 CFR 203 E-Endorsement of FHA-Insured Mortgages (FR-4789) .....	2502-AH95
1456	24 CFR 3500 et seq RESPA—Improving the Process for Obtaining Mortgages (FR-4727) .....	2502-AH85

## Office of Housing—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1457	24 CFR 203.60 FHA Inspector Roster (FR-4720) .....	2502-AH76
1458	Changes in Maximum Mortgage Limits (FR-4913) .....	2502-AI19
1459	24 CFR 203.49 Eligibility of Adjustable Rate Mortgages (ARMs) (FR-4745) .....	2502-AH84
1460	24 CFR 200.208 FHA Appraiser Watch Initiative (FR-4744) .....	2502-AH81
1461	24 CFR 203 Amendments to the Section 203(k) Rehabilitation Loan Insurance Program (FR-4701) .....	2502-AH73

## Office of Community Planning and Development—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1462	24 CFR 583 Supportive Housing Program (FR-4616) .....	2506-AC07
1463	Empowerment Zones: Resident Benefit and Economic Development Standards for Grants (FR-4853) .....	2506-AC16
1464	24 CFR 570 Community Development Block Grant Program Revision of CDBG Eligibility and National Objective Regulations (FR-4699) .....	2506-AC12
1465	24 CFR 574 Housing Opportunities for Persons With AIDS (HOPWA) (FR-4708) .....	2506-AC11

## Office of Community Planning and Development—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1466	Modification of the Community Development Block Grant Definition for Metropolitan City and Other Conforming Amendments (FR-4872) .....	2506-AC15
1467	Community Development Block Grant Program: Small Cities and Insular Areas Programs (FR-4919) .....	2506-AC17
1468	24 CFR 570 Prohibition on Use of CDBG Assistance for Job-Pirating Activities (FR-4556) .....	2506-AC04
1469	24 CFR 570 CDBG Program for States: Community Revitalization Strategy Requirements and Miscellaneous Technical Amendments (FR-4081) .....	2506-AB83

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## Government National Mortgage Association—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1470	Removal of Regulation Specifying Minimum Face Value of Ginnie Mae Securities (FR-4856) .....	2503-AA17

## Office of Fair Housing and Equal Opportunity—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1471	24 CFR 115 Certification and Funding of State and Local Fair Housing Enforcement Agencies (FR-4748) .....	2529-AA90

## Office of Fair Housing and Equal Opportunity—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1472	24 CFR 100 Fair Housing Act Regulation: Conforming Amendment; Update To Reflect Current Edition of American National Standards Institute (ANSI) (FR-4554) .....	2529-AA88

## Office of Fair Housing and Equal Opportunity—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1473	24 CFR 135 Economic Opportunities for Low- and Very-Low-Income Persons (FR-2898) .....	2529-AA49

## Office of Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1474	48 CFR 2401 HUD Acquisition Regulation (FR-4705) .....	2535-AA26

## Office of Public and Indian Housing—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1475	Capital Fund Program (FR-4880) .....	2577-AC50
1476	Streamlined Mixed Finance Application Review (FR-4924) .....	2577-AC55
1477	Section 8 Management Assessment Program (FR-4884) .....	2577-AC52
1478	Revisions to Section 8 Management Assessment Program (SEMAP) Lease-Up Indicator (FR-4926) .....	2577-AC54
1479	Native American Housing Assistance and Self-Determination Act (NAHASDA): Revisions to the Indian Housing Block Grant Program Formula (FR-4938) .....	2577-AC57
1480	24 CFR 954 Participation in HUD's Native American Programs by Religious Organizations: Providing Equal Treatment to All Program Participants (FR-4915) .....	2577-AC56
1481	24 CFR 964 Resident Participation in Public Housing (FR-4657) .....	2577-AC26
1482	24 CFR 970 Public Housing Program—Demolition or Disposition of Public Housing Projects (FR-4598) .....	2577-AC20
1483	24 CFR 982 Tenant-Based Assistance: Housing Choice Voucher Program (FR-4838) .....	2577-AC44
1484	24 CFR 990 Capital and Operating Funds for Debt Service and Financing Activities (FR-4843) .....	2577-AC49

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Office of Public and Indian Housing—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1485	Technical and Conforming Amendments to the Public Housing Homeownership Program (FR-4891) .....	2577-AC53
1486	Operating Fund Allocation Formula (FR-4874) .....	2577-AC51
1487	24 CFR 1000 Minimum Funding Under the Indian Housing Block Grant Program (FR-4825) .....	2577-AC43
1488	24 CFR 960 PHA Discretion in Treatment of Over-Income Families (FR-4824) .....	2577-AC42
1489	24 CFR 972 Conversion of Developments From Public Housing Stock; Methodology for Comparing Costs of Public Housing and Tenant-Based Assistance (FR-4718) .....	2577-AC33
1490	24 CFR 982 Housing Choice Voucher Homeownership Program; Pilot Program for Homeownership Assistance for Disabled Families (FR-4661) .....	2577-AC24
1491	24 CFR 983 Project-Based Voucher Program (FR-4636) .....	2577-AC25

Office of Public and Indian Housing—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1492	24 CFR 1000 Implementation of Statutory Revisions to NAHASDA (FR-4750) .....	2577-AC37

Office of Public and Indian Housing—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1493	24 CFR 1000 NAHASDA Housing Assistance for Native Hawaiians (FR-4668) .....	2577-AC27

Department of Housing and Urban Development (HUD)  
Office of the Secretary (HUDSEC)

Proposed Rule Stage

**1394. PROVIDING FOR ELECTRONIC SUBMISSION OF GRANT APPLICATIONS (FR-4875)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 106-107

**CFR Citation:** 24 CFR 5

**Legal Deadline:** None

**Abstract:** The President's objective for e-government, as contained in the President's Management Agenda, requires Federal agencies to allow for electronic application submission. The Department proposes mandatory electronic submission for applications for Federal financial assistance. This rule would provide for public comment on this proposal to require electronic submission.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State, Tribal

**Agency Contact:** Barbara Dorf, Director, Office of Departmental Grants Management and Oversight, Office of Administration, Department of Housing and Urban Development  
Phone: 202 708-0667  
Fax: 202 708-0531  
Email: barbara1dorf@hud.gov

**RIN:** 2501-AD02

**1395. FHA LENDERS AND MORTGAGEES: PROHIBITING MISLEADING WORDS IN NAMES OF NON-FEDERALLY SUPERVISED ENTITIES AND STRENGTHENING ENFORCEMENT OF MORTGAGEE REVIEW BOARD SANCTIONS (FR-4765)**

**Priority:** Other Significant

**Legal Authority:** 12 USC 1703; 12 USC 1708(c); 12 USC 1708(d); 12 USC 1709(s); 12 USC 1715b; 12 USC 1735(f)-14

**CFR Citation:** 24 CFR 25; 24 CFR 202

**Legal Deadline:** None

**Abstract:** This rule would prohibit the use of certain misleading or restricted names used by non-Federally supervised lenders and mortgagees to increase compliance with existing criminal code (18 U.S.C. 709) and to avoid confusion of consumers by lenders and mortgagees who use misleading words in their name to falsely imply that they have some connection with or authorization from the Department of Housing and Urban Development and/or the Federal Housing Administration. In addition, this rule will limit the ability of lenders and mortgagees to evade Mortgagee Review Board sanctions by selling their addresses, names, and assets to another FHA-approved lender or mortgagee.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

HUD—HUDSEC

Proposed Rule Stage

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Phillip A. Murray, Director, Office of Lender Activities and Program Compliance, Department of Housing and Urban Development, Office of Housing, P3214, 451 7th Street SW., Washington, DC 20410  
Phone: 202 708-1515

**RIN:** 2501-AC95

**1396. THE SECRETARY OF HUD'S REGULATION OF FANNIE MAE AND FREDDIE MAC (FR-4790)**

**Priority:** Other Significant

**Legal Authority:** 12 USC 1451 et seq; 12 USC 1716 to 1723i; 12 USC 4501 to 4641; 28 USC 2641 note; 42 USC 3535(d); 42 USC 3601 to 3619

**CFR Citation:** 24 CFR 81

**Legal Deadline:** None

**Abstract:** Through this rule, the Department will increase housing goals for the purchase of mortgages by Fannie Mae and Freddie Mac (collectively, the Government Sponsored Enterprises or GSEs) for calendar years 2005-2008. In accordance with the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (FHEFSSA), this rule will establish new goals for the GSEs' purchase of mortgages financing low- and moderate-income housing, special affordable housing, and housing in central cities, rural areas, and other underserved areas. This rule will also establish Home Purchase Mortgage subgoals under each goal and will codify new provision to strengthen the integrity of data that the GSEs provide to HUD on their mortgage purchases under the goals. The Secretary of HUD has general regulatory power over each GSE and is required to make such rules and regulations as shall be necessary to ensure that the purpose of FHEFSSA and the GSEs' charters are accomplished. HUD's current GSE regulations implement FHEFSSA's provisions and include fair housing, new program approval, reporting, and access to information requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	05/03/04	69 FR 24227
NPRM Comment Period End	07/02/04	
Final Action	11/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Sandra Fostek, Director, Office of Government Sponsored Enterprise Oversight, Department of Housing and Urban Development, Office of Housing  
Phone: 202 708-2224

**RIN:** 2501-AC92

**1397. GRANTS AND AGREEMENTS—UNIFORM REQUIREMENTS FOR ALL HUD PROGRAMS (FR-4930)**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 42 USC 3535(d)

**CFR Citation:** 24 CFR 84; 24 CFR 85

**Legal Deadline:** None

**Abstract:** Based on a proposal by OMB that would publish, in a single title in the CFR, all of OMB's guidance concerning federal agency grants and agreements, HUD proposes to simplify the Department's requirements for grants, nonprocurement agreements, and other financial assistance by establishing these standards as uniform for all HUD programs, except when statutory authority provides otherwise. This rule would also make several technical corrections to cross-references.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Barbara Dorf, Director, Office of Departmental Grants Management and Oversight, Office of Administration, Department of Housing and Urban Development  
Phone: 202 708-0667  
Fax: 202 708-0531  
Email: barbara1.dorf@hud.gov

**RIN:** 2501-AD05

**1398. CONSOLIDATED PLAN AMENDMENTS (FR-4923)**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 42 USC 3535(d); 42 USC 3601 to 3619; 42 USC 5301 to 5315; 42 USC 12701 to 12711; 42 USC 12741 to 12756; 42 USC 12901 to 12912; ...

**CFR Citation:** 24 CFR 91

**Legal Deadline:** None

**Abstract:** This rule would amend the consolidated plan regulations to make clarifying and streamlining changes that are expected to make the consolidated plan more results-oriented and useful to communities in assessing their own progress toward addressing the problems of low-income areas. The proposed rule would eliminate some obsolete and redundant provisions and makes other changes that would conform the consolidated plan regulations with HUD's public housing regulations that govern the Public Housing Agency Plan.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Salvatore Sclafani, Office of Policy Development and Coordination, Office of Community Planning and Development, Department of Housing and Urban Development, Office of the Secretary  
Phone: 202 708-1817

**RIN:** 2501-AD07

**1399. HOME INVESTMENT PARTNERSHIPS PROGRAM (FR-4833)**

**Priority:** Other Significant

**Legal Authority:** 42 USC 12701 to 12839; 42 USC 3535(d)

**CFR Citation:** 24 CFR 92

**Legal Deadline:** None

**Abstract:** This rule will propose various policy changes and clarifications to the HOME Investment Partnerships Program. Program areas where changes will be proposed include: loan guarantees, community housing development organization performance standards, and long-term compliance responsibilities.

## HUD—HUDSEC

## Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Virginia Sardone, Director, Program Policy Division, Department of Housing and Urban Development  
Phone: 202 708-2470

**RIN:** 2501-AC94**1400. NONDISCRIMINATION BASED ON DISABILITY: MULTIFAMILY HOMEOWNERSHIP PROJECTS (FR-4776)****Priority:** Other Significant**Legal Authority:** 29 USC 794; 42 USC 3535(d); 42 USC 5309**CFR Citation:** 24 CFR 8**Legal Deadline:** None

**Abstract:** This rule clarifies the applicability of HUD's accessibility requirements (nondiscrimination based on disability) to multifamily homeownership projects receiving financial assistance from HUD. In addition, this rule conforms this part to statutory changes by replacing the

term "handicap" with "disability" and by removing obsolete references.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Cheryl Kent, Special Advisor for Disability Policy, Department of Housing and Urban Development, Office of the Secretary  
Phone: 202 708-1734

**RIN:** 2501-AC87
**Department of Housing and Urban Development (HUD)  
Office of the Secretary (HUDSEC)**

## Final Rule Stage

**1401. IMPLEMENTATION OF REQUIREMENT FOR USE OF DATA UNIVERSAL NUMBERING SYSTEM (DUNS) IDENTIFIER (FR-4876)****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 106-107**CFR Citation:** 24 CFR 5**Legal Deadline:** None

**Abstract:** This rule implements the requirement for grant applicants to provide a Dunn and Bradstreet (D&B) Data Universal Numbering System (DUNS) number when applying for Federal funds through HUD's formula programs and published through NOFAs.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/26/04	69 FR 15671
Interim Final Rule Comment Period End	05/25/04	
Interim Final Rule Effective	04/26/04	
Final Action	10/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Governmental Jurisdictions, Organizations**Government Levels Affected:** Local, State, Tribal

**Agency Contact:** Barbara Dorf, Director, Office of Departmental Grants Management and Oversight, Office of Administration, Department of Housing and Urban Development

Phone: 202 708-0667  
Fax: 202 708-0531  
Email: barbara1dorf@hud.gov

**RIN:** 2501-AD01**1402. EQUAL EMPLOYMENT OPPORTUNITY: REVISIONS TO AFFIRMATIVE EMPLOYMENT PROGRAMS POLICY (FR-4929)****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 29 USC 206(d); 29 USC 633a; 29 USC 791; 29 USC 794; 42 USC 2000e note; 42 USC 2000e to 16; 42 USC 3535(d)**CFR Citation:** 24 CFR 7**Legal Deadline:** None

**Abstract:** HUD's regulations governing the Department's equal employment opportunity (EEO) policies, procedures, and programs are located at 24 CFR part 7. This rule revises and updates the Department's current EEO regulations that concern affirmative employment plans. This regulatory change will make HUD's EEO provisions at 24 CFR section 7.4 consistent with recently issued management directive (MD-715) of the Equal Employment Opportunity Commission (EEOC).

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Marcella Brown, Acting Director, Office of Departmental Equal Employment Opportunity, Department of Housing and Urban Development, Office of the Secretary  
Phone: 617 994-8320

**RIN:** 2501-AD04**1403. TREBLE DAMAGES FOR FAILURE TO ENGAGE IN LOSS MITIGATION (FR-4553)****Priority:** Other Significant**Legal Authority:** 12 USC 1715u; 12 USC 1735f-14; 12 USC 1701q-1; 12 USC 1703; 1735f-15; 15 USC 1717a; 28 USC 2641 note; 12 USC 1709; 12 USC 1710; 12 USC 1715b; 42 USC 3535(d)**CFR Citation:** 24 CFR 30; 24 CFR 203**Legal Deadline:** None

**Abstract:** This rule would implement sections 601(f), (g), and (h) of the fiscal year 1999 HUD Appropriations Act (Pub. L. 105-276, approved October 21, 1998). These sections amend the National Housing Act, which establishes the basic framework for HUD's single family mortgage insurance programs. Specifically, section 601(f) amends section 230 of the National Housing Act (42 U.S.C. 1715u) (entitled Authority to Assist Mortgagors in Default) to provide that, upon default

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of an insured single family mortgage, lenders must engage in loss mitigation activities for the purpose of providing an alternative to foreclosure. Further, sections 601(g) and (h) amend section 536 of the National Housing Act (12 U.S.C. 1735f-14) (entitled Civil Money Penalties Against Mortgagees, Lenders, and Other Participants in FHA Programs) to provide for the imposition of treble civil money penalties on lenders that fail to engage in loss mitigation activities, as required under amended section 230.

**Timetable:**

Action	Date	FR Cite
ANPRM	12/06/00	65 FR 76520
ANPRM Comment Period End	02/05/01	
NPRM	04/14/04	69 FR 19906
NPRM Comment Period End	06/14/04	
Final Action	10/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Michael Reyes, Office of the Deputy Assistant Secretary for Single Family Housing, Department of Housing and Urban Development, Office of the Secretary  
Phone: 405 553-7576

**RIN:** 2501-AC66

**1404. AMERICAN DREAM DOWNPAYMENT INITIATIVE (FR-4832)**

**Priority:** Other Significant

**Legal Authority:** 42 USC 3535(d); 42 USC 12701 to 12839

**CFR Citation:** 24 CFR 92

**Legal Deadline:** None

**Abstract:** This rule establishes regulations for the American Dream Downpayment Initiative (ADDI). Through the ADDI, HUD will make formula grants to participating jurisdictions under the HOME Investment Partnerships program for the purpose of assisting low-income families achieve homeownership. HUD must make the ADDI funds available in accordance with a formula. This rule codifies the formula for allocation of ADDI funds to HOME participating jurisdictions, identifies eligible activities and costs under the ADDI, and establishes other applicable requirements. This final rule follows

publication of a March 30, 2004, interim rule, and takes into consideration the public comments received on the interim rule.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/30/04	69 FR 16758
Interim Final Rule Effective	04/29/04	
Interim Final Rule Comment Period End	06/01/04	
Final Action	10/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Virginia Sardone, Director, Program Policy Division, Department of Housing and Urban Development  
Phone: 202 708-2470

**RIN:** 2501-AC93

**1405. HOME INVESTMENT PARTNERSHIPS PROGRAM, AMENDMENTS TO HOMEOWNERSHIP AFFORDABILITY REQUIREMENTS (FR-4940)**

**Priority:** Other Significant

**Legal Authority:** 42 USC 3535(d); 42 USC 12701 to 12839

**CFR Citation:** 24 CFR 92

**Legal Deadline:** None

**Abstract:** This rule would revise the affordability requirements for homeownership housing assisted under the HOME Investment Partnership Program. First, the rule would provide that, upon sale of HOME-assisted homeownership housing before the close of the required affordability period, a participating jurisdiction may only recapture an amount equal to the net proceeds of the sale. The rule would also provide a participating jurisdiction with the flexibility to invest additional HOME funds to preserve homebuyer housing for which HOME funds have already been used. The regulatory amendments will provide participating jurisdictions with additional flexibility to preserve HOME-assisted homeownership housing.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Virginia Sardone, Director, Program Policy Division, Department of Housing and Urban Development  
Phone: 202 708-2470

**RIN:** 2501-AD06

**1406. IMPLEMENTATION OF EXECUTIVE ORDER 13279 FOR HUD PROGRAMS: EQUAL PROTECTION OF THE LAWS FOR FAITH-BASED AND COMMUNITY ORGANIZATIONS (FR-4881)**

**Priority:** Other Significant

**Legal Authority:** 42 USC 3535(d)

**CFR Citation:** 24 CFR 5; 24 CFR 570

**Legal Deadline:** None

**Abstract:** This rule will implement executive branch policy that, within the framework of constitutional church-state guidelines, faith-based organizations should be able to compete on an equal footing with other organizations for Federal funding. Executive Order 13279, entitled "Equal Protection of the Laws for Faith-Based and Community Organizations," establishes fundamental principles and policymaking criteria to guide federal agencies in formulating and developing policies that have implications for faith-based and community organizations to ensure the equal protection of the laws for these organizations in federally-assisted social service programs. Consistent with the Executive order, this final rule describes HUD's policy for the participation of faith-based organizations in HUD programs and activities. In addition, this final rule would amend the regulations for the State Community Development Block Grant (CDBG) program to clarify that the requirements contained in HUD's September 30, 2003, final rule regarding the equal participation of faith-based organizations in certain HUD programs apply to the State CDBG program. HUD supports the participation of faith-based organizations in its programs.

**Timetable:**

Action	Date	FR Cite
NPRM	03/03/04	69 FR 10126

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Action	Date	FR Cite
NPRM Comment Period End	05/03/04	
Final Action	07/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Ryan Streeter, Director, Center for Faith-Based and Community Initiatives, Department of Housing and Urban Development, Office of the Secretary  
Phone: 202 708-2404

**RIN:** 2501-AD03**1407. FAIR MARKET RENTS PROGRAMS: INCREASED FAIR MARKET RENTS FOR CERTAIN AREAS AND HIGHER PAYMENT STANDARDS (FR-4606)****Priority:** Economically Significant**Legal Authority:** 42 USC 1437a; 42 USC 1437c; 42 USC 1437f; 42 USC 3535(d)**CFR Citation:** 24 CFR 888; 24 CFR 982; 24 CFR 985**Legal Deadline:** None

**Abstract:** This rule follows publication of an October 2, 2002, interim rule and takes into consideration the public comments on the interim rule.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/02/00	65 FR 58870

Action	Date	FR Cite
Interim Final Rule Comment Period End	11/16/00	
Interim Final Rule Effective	12/01/00	
Revised Interim Final Rule	12/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local, State

**Agency Contact:** Gerald J. Benoit, Director, Housing Voucher Management and Operations, Department of Housing and Urban Development, Office of Public and Indian Housing  
Phone: 202 708-0477

**RIN:** 2501-AC75
**Department of Housing and Urban Development (HUD)  
Office of the Secretary (HUDSEC)**

## Long-Term Actions

**1408. THE SECRETARY OF HUD'S REGULATION OF FANNIE MAE AND FREDDIE MAC: PROHIBITING THE PURCHASE OF CERTAIN LOANS WITH HIGH COSTS AND/OR PREDATORY FEATURES (FR-4614)****Priority:** Other Significant. Major under 5 USC 801.**Legal Authority:** 12 USC 1451 et seq; 12 USC 1716 et seq; 12 USC 4501 et seq; 42 USC 3535(d)**CFR Citation:** 24 CFR 81**Legal Deadline:** None

**Abstract:** A report issued in June 2000 by HUD and the Department of Treasury entitled "Curbing Predatory Home Mortgage Lending" noted that by providing a source of funding, entities that purchase or securitize loans with high cost and/or predatory features are, knowingly or unknowingly, supporting the activities of predatory loan originators. The report recommended regulatory restrictions that would prohibit the two Government-Sponsored Enterprises (GSEs), Fannie Mae and Freddie Mac, from purchasing certain types of loans with high costs and/or predatory features altogether. Through this rulemaking, HUD will establish regulatory restrictions, consistent with the GSEs' voluntary restrictions, that will prohibit the GSEs

from purchasing certain loans with high costs and/or predatory features.

**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Sandra Fostek, Director, Office of Government Sponsored Enterprise Oversight, Department of Housing and Urban Development, Office of Housing  
Phone: 202 708-2224

**RIN:** 2501-AC76**1409. ADOPTION OF REVISIONS TO OMB CIRCULAR A-110 (FR-4573)****Priority:** Other Significant**Legal Authority:** 42 USC 3535(d)**CFR Citation:** 24 CFR 5; 24 CFR 84; 24 CFR 85**Legal Deadline:** None

**Abstract:** This document presents the final revision to the codification, at 24 CFR part 84, of the Office of Management and Budget (OMB) Circular A-110, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations." OMB issued a final revision to Circular A-110 on

September 30, 1999, as required by Public Law 105-227. This rule provides uniform administrative requirements for all grants and cooperative agreements to institutions of higher education, hospitals, and other nonprofit organizations. FR-4258 (RIN 2501-AC39), which makes final an interim rule that adopted revised OMB Circular A-133 to obtain consistency and uniformity among Federal agencies for the audit of States, local governments, and nonprofit organizations expending Federal awards, is also merged with this rule.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/11/00	65 FR 30498
Interim Final Rule Effective	06/12/00	
Interim Final Rule Comment Period End	07/10/00	
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Barbara Dorf, Director, Office of Departmental Grants Management and Oversight, Department of Housing and Urban Development, Office of Administration

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## Long-Term Actions

Phone: 202 708-0667

RIN: 2501-AC68

**1410. ELECTRONIC DOCUMENT RETENTION AND CONSUMER DISCLOSURE REQUIREMENTS IN HUD-RELATED TRANSACTIONS (FR-4686)**

Priority: Other Significant

**Legal Authority:** 12 USC 1701 et seq; 12 USC 1715z-13a; 12 USC 2601 to 2617; 15 USC 1701 to 1706; 15 USC 7001 to 7006; ...

**CFR Citation:** 24 CFR 5**Legal Deadline:** None

**Abstract:** This rule will implement the Electronic Signature Act which allows agencies to issue regulations, pursuant to their existing regulatory authority, interpreting section 101 of E-SIGN (15 U.S.C. 7001) and setting performance standards for the accuracy, integrity, and accessibility of electronically retained documents. The rule will set performance standards for the accessibility, integrity, and accuracy of electronically retained documents.

**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Koren McKenzie-John, Attorney-Advisor, Multifamily Mortgage Division, Department of Housing and Urban Development, Office of the General Counsel

Phone: 202 708-4090

RIN: 2501-AC79

**Department of Housing and Urban Development (HUD)  
Office of the Secretary (HUDSEC)**

## Completed Actions

**1411. STREAMLINING HUD INCOME EXCLUSIONS (FR-4844)**

Priority: Other Significant

**CFR Citation:** 24 CFR 5**Completed:**

Reason	Date	FR Cite
Withdrawn	05/10/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** Local, State

**Agency Contact:** Patricia Arnaudo  
Phone: 202 708-0744

RIN: 2501-AC96

**Department of Housing and Urban Development (HUD)  
Office of Housing (OH)**

## Prerule Stage

**1412. NONPROPRIETARY DATA SUBMITTED BY THE FEDERAL NATIONAL MORTGAGE ASSOCIATION (FANNIE MAE) AND THE FEDERAL HOME LOAN MORTGAGE CORPORATION (FREDDIE MAC) (FR-4796)**

Priority: Other Significant

**Legal Authority:** 12 USC 1451 et seq; 12 USC 1716 to 1723i; 12 USC 4501 to 4641; 28 USC 2461 note; 42 USC 3535(d); 42 USC 3601 to 3619

**CFR Citation:** 24 CFR 81**Legal Deadline:** None

**Abstract:** This notice sets forth a Final Order of the Department of Housing and Urban Development which provides that certain loan-level mortgage data submitted by the Federal National Mortgage Association (Fannie Mae, Government-Sponsored Enterprise, or GSE) and the Federal Home Loan Mortgage Corporation (Freddie Mac, Government-Sponsored Enterprise, or GSE) to HUD will be reclassified from proprietary to non-proprietary and made available to the public.

**Timetable:**

Action	Date	FR Cite
Notice	07/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Sandra Fostek, Director, Office of Government Sponsored Enterprise Oversight, Department of Housing and Urban Development, Office of Housing  
Phone: 202 708-2224

RIN: 2502-AH96

**Department of Housing and Urban Development (HUD)  
Office of Housing (OH)**

## Proposed Rule Stage

**1413. SINGLE FAMILY MORTGAGE: LENDER COMPLIANCE AND ACCOUNTABILITY (FR-4761)**

Priority: Other Significant

**Legal Authority:** 12 USC 1703; 12 USC 1708(c); 12 USC 1708 (d); 12 USC 1709;

12 USC 1709(s); 12 USC 1715(b); 12 USC 1735; 12 USC 1735(f)-14; 42 USC 3535(d)

**CFR Citation:** 24 CFR 25; 24 CFR 202**Legal Deadline:** None

**Abstract:** The rule would allow the Department to be more restrictive as to who can be an owner or officer of an FHA-approved lending entity, better hold the owners and principal officers and loan officers accountable for noncompliance, clarify duties and

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responsibilities of all parties involved in the loan origination process, and update FHA's lender requirements to reflect current operating practices in the mortgage industry.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Phillip A. Murray, Director, Office of Lender Activities and Program Compliance, Department of Housing and Urban Development, Office of Housing, P3214, 451 7th Street SW., Washington, DC 20410  
Phone: 202 708-1515

**RIN:** 2502-AH87

**1414. HUD MULTIFAMILY RENTAL AND HEALTH CARE FACILITY CLOSING DOCUMENTS (FR-4883)**

**Priority:** Other Significant

**Legal Authority:** 12 USC 1702 to 1715z-21; 42 USC 3535(d)

**CFR Citation:** 24 CFR 200

**Legal Deadline:** None

**Abstract:** This rule would amend certain Federal Housing Administration (FHA) regulations to update these regulations to reflect current HUD policy in the area of multifamily rental projects and health care facilities. In developing a set of comprehensive documents for use in the FHA mortgage programs for multifamily rental projects and health care facilities (excluding hospitals), HUD identified outdated language and policies that not only needed to be changed in closing documents but in HUD's regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Gains E. Hopkins, Office of General Counsel, Department of Housing and Urban Development  
Phone: 202 708-4090

**RIN:** 2502-AI11

**1415. DUTIES AND RESPONSIBILITIES OF LOAN CORRESPONDENTS AND SPONSORS (FR-4762)**

**Priority:** Other Significant

**Legal Authority:** 12 USC 1703, 1709, 1710; 12 USC 1715b; 12 USC 1715y; 42 USC 3535(d)

**CFR Citation:** 24 CFR 202.2; 24 CFR 202.8(b)(7); 24 CFR 207.255(b) (11)

**Legal Deadline:** None

**Abstract:** This rule would describe the duties and responsibilities of FHA-approved loan correspondents and sponsors. The Department believes it necessary to delineate clearly the different responsibilities and duties of loan correspondents and sponsors to ensure compliance with FHA program requirements. The rule also would define the terms "origination" and "underwriting."

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Phillip A. Murray, Director, Office of Lender Activities and Program Compliance, Department of Housing and Urban Development, Office of Housing, P3214, 451 7th Street SW., Washington, DC 20410  
Phone: 202 708-1515

**RIN:** 2502-AH90

**1416. REVISIONS TO THE SINGLE FAMILY MORTGAGE INSURANCE PROGRAM (FR-4831)**

**Priority:** Other Significant

**Legal Authority:** 12 USC 1709; 12 USC 1710; 12 USC 1715b; 12 USC 1715u; 42 USC 3535(d)

**CFR Citation:** 24 CFR 203

**Legal Deadline:** None

**Abstract:** In response to a statutory change, this rule would revise certain regulations under the Single Family Mortgage Insurance Program that govern actions by mortgagees with respect to mortgages in default. The rule also would amend other regulations under the Program to make them consistent with industry practices. The Department believes that these changes would help to increase

the administrative efficiency of the Single Family Mortgage Insurance Program.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Joseph McCloskey, Director, Office of Single Family Asset Management, Department of Housing and Urban Development, Office of Housing  
Phone: 202 708-1672

**RIN:** 2502-AI03

**1417. STATE INSTALLATION REQUIREMENTS (FR-4877)**

**Priority:** Other Significant

**Legal Authority:** 12 USC 1709; 12 USC 1710; 12 USC 1715b; 12 USC 1715u; 42 USC 3535(d)

**CFR Citation:** 24 CFR 203.47f

**Legal Deadline:** None

**Abstract:** This rule would make manufactured homes installed to state established permanent installation requirements and manufacturer-approved permanent foundation requirements eligible for FHA mortgage insurance when accompanied by an engineer's certification that the dwelling was installed in accordance with the respective requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Maynard Curry, Office of Insured Single Family Housing, Department of Housing and Urban Development, Office of Housing  
Phone: 202 708-2676

**RIN:** 2502-AI07

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**1418. • NOTICE OF DEFAULT REPORTING (FR-4916)****Priority:** Other Significant**Legal Authority:** 12 USC 1709; 12 USC 1710; 12 USC 1715b; 12 USC 1715u; 42 USC 3535(d)**CFR Citation:** 24 CF 203**Legal Deadline:** None

**Abstract:** This rule revises the regulations under the single family mortgage insurance program that require mortgagees to report the status of all single family mortgages insured by HUD that are in default after 60 days or that are 90 or more days delinquent, as applicable. The revised rule would require mortgagees to report mortgages that are 30 or more days delinquent. The Department believes that the revised rule would, among other things, provide HUD with more recent delinquency information. The receipt of more up-to-date information will enable HUD to monitor better its loss mitigation program and strengthen the soundness of the Federal Housing Authority (FHA) mortgage insurance fund.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Joseph McCloskey, Director, Office of Single Family Asset Management, Department of Housing and Urban Development, Office of Housing, Room 9172  
Phone: 202 708-1672

**RIN:** 2502-AI20**1419. HOME EQUITY CONVERSION MORTGAGES (HECM): LONG-TERM CARE INSURANCE (FR-4857)****Priority:** Other Significant**Legal Authority:** 12 USC 1715b; 12 USC 1715z to 1720; 42 USC 3535(d)**CFR Citation:** 24 CFR 206**Legal Deadline:** None

**Abstract:** This rule would implement a statutory amendment to the National Housing Act that waives payment by a mortgagor of the up-front mortgage insurance premium (MIP) payable at the time of insurance of the mortgage

on the mortgagor's property. The amendment authorizes the waiver of the MIP only with respect to a home equity conversion mortgage (HECM) under which the total amount of all future payments to the mortgagor will be used for costs of a qualified long-term care insurance contract that covers the mortgagor or members of the household residing in the property that is subject to the mortgage.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/04	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** Vance Morris, Director, Office of Single Family Program Development, Department of Housing and Urban Development, Office of Housing  
Phone: 202 708-2121

**RIN:** 2502-AI04**1420. HOUSING COUNSELING PROGRAM (FR-4798)****Priority:** Other Significant**Legal Authority:** 12 USC 1701; 42 USC 3535(d)**CFR Citation:** 24 CFR 214**Legal Deadline:** None

**Abstract:** This rule would establish regulations for the Department's housing counseling program, as authorized by the Housing and Urban Development Act of 1968, and for which, the past several years, notices of funding availability are issued on an annual basis. Establishment of regulations would assist homeowners and tenants in improving their housing conditions and in meeting the responsibilities of homeownership and tenancy. This rule would adopt, without substantive change, the housing counseling program requirements with which grantees and housing counseling agencies are already familiar.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Joanne Edwards, Housing Program Specialist, Department of Housing and Urban Development, Office of Housing  
Phone: 202 708-0317

**RIN:** 2502-AH99**1421. COMPETITIVE SALES PROCEDURES—OWNER—OCCUPANT PRIORITY OVER NONPROFIT ORGANIZATIONS (FR-4858)****Priority:** Other Significant**Legal Authority:** 12 USC 1701 et seq; 42 USC 1441 to 1441a; 42 USC 1551a; 42 USC 3535(d)**CFR Citation:** 24 CFR 291**Legal Deadline:** None

**Abstract:** This rule would be a complete rewrite of existing rules to more accurately reflect the sales procedures under the new management and marketing environment.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** James C. Everett, Office of the Deputy Assistant Secretary for Single Family Housing, Department of Housing and Urban Development, Office of Housing  
Phone: 202 708-1672

**RIN:** 2502-AI05**1422. DISCIPLINARY ACTIONS AGAINST HUD-QUALIFIED REAL ESTATE BROKERS (FR-4871)****Priority:** Other Significant**Legal Authority:** 12 USC 1701 et seq; 42 USC 1441 to 1441a; 42 USC 1551a; 42 USC 3535(d)**CFR Citation:** 24 CFR 291**Legal Deadline:** None

**Abstract:** The purpose of this rule is to address real estate broker participation in predatory lending practices targeted at Federal Housing Administration (FHA) borrowers. This rule includes measures to prevent property "flipping," inflated appraisals, falsified gift letters, and fraudulent underwriting. This rule is similar to other removal rules for appraisers, 203k

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consultants, and nonprofits. (Each has a separate approval/removal rule.) It allows HUD to have a shortened procedure for real estate brokers than 24 CFR part 24 Suspension and Debarment procedures.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Wanda Sampedro, Deputy Director, Asset Management Division, Department of Housing and Urban Development, Office of Housing  
Phone: 202 708-1672

RIN: 2502-AI08

**1423. ACCELERATED CLAIMS AND ASSET DISPOSITION PROGRAM (FR-4887)****Priority:** Other Significant

**Legal Authority:** 12 USC 1701 et seq; 42 USC 1441; 42 USC 1441a; 42 USC 1551a; 42 USC 3535(d)

**CFR Citation:** 24 CFR 291**Legal Deadline:** None

**Abstract:** This rule would codify the requirements for HUD's successful Accelerated Claim Disposition (ACD) demonstration, making it a permanent part of HUD's single family property disposition program. Under the codified ACD Program, HUD will pay accelerated claims upon assignment of certain defaulted mortgage loans insured by the Federal Housing Administration (FHA). The new program will better assist FHA homeowners to avoid foreclosure and to maximize the value of assets disposed by HUD.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None

**Agency Contact:** Kathleen Malone, Director, Asset Sales Staff, Office of Finance and Budget, Department of Housing and Urban Development, Office of Housing

Phone: 202 708-2625

RIN: 2502-AI14

**1424. • ONE DOLLAR HOME SALES TO LOCAL GOVERNMENTS (FR 4862)****Priority:** Other Significant

**Legal Authority:** 12 USC 1710; 42 USC 3535(d)

**CFR Citation:** 24 CFR 291**Legal Deadline:** None

**Abstract:** This program allows properties, which have been offered to the public for sale for six or more months and are not presently under a sales contract, to be removed from the market and offered exclusively to local governments for \$1 plus closing costs.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** James C. Everett, Office of the Deputy Assistant Secretary for Single Family Housing, Department of Housing and Urban Development, Office of Housing  
Phone: 202 708-1672

RIN: 2502-AI15

**1425. DISTRIBUTIONS TO NONPROFIT OWNERS OF CERTAIN HUD-ASSISTED MULTIFAMILY RENTAL PROJECTS (FR-4602)****Priority:** Other Significant

**Legal Authority:** 12 USC 1710 to 1715

**CFR Citation:** 24 CFR 880; 24 CFR 881; 24 CFR 883

**Legal Deadline:** None

**Abstract:** This rule adds an exception to HUD's current Section 8 regulations that prohibit any distributions to nonprofit owners of projects receiving project-based assistance. HUD may now permit distributions of surplus cash to owners of projects with expiring Section 8 project-based assistance contracts who agree to renew their contracts, if distributions are necessary to ensure continued participation of the owners in the Section 8 program.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, Office of Housing  
Phone: 202 708-3000

RIN: 2502-AH52

**1426. MARK-TO-MARKET PROGRAM AMENDMENTS (FR-4751)****Priority:** Other Significant

**Legal Authority:** PL 107-116, title VI

**CFR Citation:** 24 CFR 200; 24 CFR 401

**Legal Deadline:** None

**Abstract:** This rule would make conforming changes to the mark-to-market regulations as necessary to fully implement the Mark-to-Market Program Extension Act of 2001, enacted as title VI of Pub. L. 107-116.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Marilyn E. Carlson, Senior Advisor - FHA, Office of Multifamily Housing Asset Restructuring, Department of Housing and Urban Development, Office of Housing  
Phone: 202 708-0001

RIN: 2502-AH86

**1427. • HOSPITAL MORTGAGE INSURANCE PROGRAM (FR-4927)****Priority:** Other Significant

**Legal Authority:** 12 USC 1715b; 12 USC 1715n(I); 12 USC 1715z to 7; 42 USC 3535(d)

**CFR Citation:** 24 CFR 200; 24 CFR 242

**Legal Deadline:** None

**Abstract:** This rule would revise the Department's regulations governing the insurance of mortgages on hospitals. The revision adds new requirements to the regulations to reflect statutory changes and changes in business practices with respect to the construction and operation of hospitals.

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Proposed Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Christopher Boesen, Office of Insured Health Care Facilities, Department of Housing and Urban Development, Office of Housing  
Phone: 202 708-0599

**RIN:** 2502-AI22**1428. HOME EQUITY CONVERSION MORTGAGES (HECM): COOPERATIVE HOUSING DEVELOPMENTS (FR-4777)****Priority:** Other Significant**Legal Authority:** 12 USC 1715b; 12 USC 1715z to 1720; 42 USC 3535(d)**CFR Citation:** 24 CFR 203; 24 CFR 206**Legal Deadline:** None

**Abstract:** This rule would expand the Home Equity Conversion Mortgage (HECM) program to cover approved cooperative housing developments. The rule would implement an amendment to the National Housing Act that authorizes HUD to insure HECM mortgages in cooperative housing developments. The expansion of the HECM program, in the Department's view, would contribute to the effort to broaden reverse mortgage financing opportunities for elderly homeowners.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Vance Morris, Director, Office of Single Family Program Development, Department of Housing and Urban Development, Office of Housing  
Phone: 202 708-2121

**RIN:** 2502-AH89**1429. DUE DILIGENCE/QUALITY CONTROL PLANS (FR-4846)****Priority:** Other Significant**Legal Authority:** 12 USC 1709(b); 12 USC 1715b; 42 USC 3535(d)**CFR Citation:** 24 CFR 203**Legal Deadline:** None

**Abstract:** This regulation would require all FHA approved mortgagees and Loan Correspondents to have in place and implement a Quality Control Plan for the origination and/or servicing of FHA insured mortgages. The Quality Control Plan would have to contain a due diligence procedure to evaluate whole loans or servicing rights purchases. The due diligence would also include specific procedures for reviewing the source of the loans and require an analysis of portfolio risk through a loan level review and sampling methodology. Appropriate actions if a loan or a percentage of loans is not in compliance with FHA requirements would also be required.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Joseph McCloskey, Director, Office of Single Family Asset Management, Department of Housing and Urban Development, Office of Housing  
Phone: 202 708-1672

**RIN:** 2502-AI02**1430. DISPOSITION OF HUD-OWNED SINGLE FAMILY ASSETS IN ASSET CONTROL AREAS (FR-4471)****Priority:** Other Significant**Legal Authority:** 12 USC 1710(h); 42 USC 3535(d)**CFR Citation:** 24 CFR 291**Legal Deadline:** None

**Abstract:** This rule would implement a new program to make available HUD-held single family assets for sale to governmental organizations and nonprofits for use in homeownership programs to revitalize certain areas. Under the new program, HUD would identify revitalization areas by applying specified economic and housing criteria. Eligible purchasers, that is, units of general local government and nonprofit organizations, may establish an Asset Control Area within a revitalization area and commit by contract to purchase all HUD-owned

single family homes or mortgages that become available in that area for a time frame specified by the contract. By statute, these purchasers are to be given preference. The entities would then make available the assets pursuant to a HUD-approved plan to encourage homeownership and revitalize the area.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Ivery Himes, Asset Control Program Manager, Office of Asset Management, Single Family Housing, Department of Housing and Urban Development, Office of Housing  
Phone: 202 708-1672

**RIN:** 2502-AH40**1431. DISPOSITION OF HUD-ACQUIRED SINGLE FAMILY PROPERTY: OFFICER/TEACHER NEXT DOOR SALES PROGRAMS (FR-4712)****Priority:** Other Significant**Legal Authority:** 12 USC 1701 et seq; 42 USC 1441; 42 USC 1441a; 42 USC 1551a; 42 USC 3535(d)**CFR Citation:** 24 CFR 291**Legal Deadline:** None

**Abstract:** This rule codifies the policies and procedures concerning the Teacher Next Door (TND) Sales Program. The TND Sales Program has been operating since December 7, 1999, as a temporary program. This rule establishes the TND Sales Program as a permanent part of HUD's single family property disposition program. Through the TND Sales Program, HUD makes HUD-acquired single family properties available to eligible teachers for purchase at a discount from the list price. The TND Sales Program is closely modeled after HUD's Officer Next Door (OND) Sales Program, which provides the same benefits to eligible law enforcement officers. In addition to codifying the TND Sales Program, the rule would also clarify and revise certain requirements applicable to both the OND and TND Sales Programs.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

## HUD—OH

## Proposed Rule Stage

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Governmental Jurisdictions, Organizations**Government Levels Affected:** Local, State, Tribal**Agency Contact:** Joseph McCloskey, Director, Office of Single Family Asset Management, Department of Housing and Urban Development, Office of Housing, Room 9172  
Phone: 202 708-1672**RIN:** 2502-AH72**1432. MANUFACTURED HOUSING INSTALLATION PROGRAM (FR-4812)****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 42 USC 3535(d); 42 USC 5401 et seq**CFR Citation:** 24 CFR 3285**Legal Deadline:** Final, Statutory, December 27, 2005, Program to be established not later than 5 years after enactment of P.L. 106-569.**Abstract:** By December 2005, HUD is required under the Manufactured Housing Improvement Act to establish and implement an installation program that includes: (1) Installation standards; (2) the training and licensing of manufactured home installers; and (3) inspection of the installation of manufactured homes. HUD's program will be implemented in States that do not have their own qualifying installation program.**Timetable:**

Action	Date	FR Cite
ANPRM	03/10/03	68 FR 11448
ANPRM Comment Period End	04/24/03	
NPRM	10/00/04	

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Agency Contact:** William W. Matchneer III, Administrator, Office of Manufactured Housing Programs, Department of Housing and Urban Development, Office of Housing

Phone: 202 708-6401

**RIN:** 2502-AH97**1433. MANUFACTURED HOUSING DISPUTE RESOLUTION PROGRAM (FR-4813)****Priority:** Other Significant**Legal Authority:** 42 USC 3535(d); 42 USC 5401 et seq**CFR Citation:** 24 CFR 3286**Legal Deadline:** Final, Statutory, December 27, 2005, Program to be established not later than 5 years after enactment of P.L. 106-569.**Abstract:** Under the Manufactured Housing Improvement Act, HUD is required to establish a program for the timely resolution of disputes among manufacturers, retailers, and installers of manufactured homes regarding responsibility for defects in manufactured homes, and is also required to establish a paragraph for the issuance of appropriate orders for the correction or repair of defects in manufactured homes.**Timetable:**

Action	Date	FR Cite
ANPRM	03/10/03	68 FR 11452
ANPRM Comment Period End	04/24/03	
NPRM	07/00/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** William W. Matchneer III, Administrator, Office of Manufactured Housing Programs, Department of Housing and Urban Development, Office of Housing  
Phone: 202 708-6401**RIN:** 2502-AH98**1434. RENEWAL OF EXPIRING SECTION 8 PROJECT-BASED ASSISTANCE CONTRACTS (FR-4551)****Priority:** Other Significant**Legal Authority:** 12 USC 1715z-1; 12 USC 1735f-19(b); 42 USC 1437f (c)(8); 42 USC 1437f(t) ; 42 USC 3535(d); 42 USC 1437f note; . . .**CFR Citation:** 24 CFR 401; 24 CFR 402**Legal Deadline:** None**Abstract:** This rule will revise interim part 402, which was published on

September 11, 1998, together with interim part 401, which established the mark-to-market program. Subsequently HUD decided to separate the two parts and publish final part 401 separately, although the current rule makes minor conforming amendments to part 401 as well. Final part 402 will set forth the regulations governing the renewal of expiring Section 8 project-based assistance contracts, whether the project's rents are above or below market, except for renewals made as part of a mark-to-market restructuring plan under part 401.

**Timetable:**

Action	Date	FR Cite
Proposed Rule	09/00/04	
Interim Final Rule	09/00/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, Office of Housing  
Phone: 202 708-3000**RIN:** 2502-AH47**1435. • MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS (FR-4886)****Priority:** Other Significant**Legal Authority:** 42 USC 3535(d); 42 USC 5403; 42 USC 5424**CFR Citation:** 24 CFR 3280**Legal Deadline:** NPRM, Statutory, To be published within 30 days of receipt from MHCC.**Abstract:** This rule would amend the Federal Manufactured Home Construction and Safety Standards (the Standards) by adopting recommendations made to the Secretary by the Manufactured Home Consensus Committee (MHCC). The Manufactured Housing Improvement Act of 2000 (Improvement Act) requires the Secretary to cause to have published in the Federal Register any proposed revised Standard submitted by the MHCC within 30 calendar days after receipt.**Timetable:**

Action	Date	FR Cite
NPRM	07/00/04	

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Proposed Rule Stage

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** William W. Matchneer III, Administrator, Office of Manufactured Housing Programs, Department of Housing and Urban Development, Office of Housing  
Phone: 202 708-6401

**RIN:** 2502-AI12

**1436. MANUFACTURED HOUSING ON-SITE CONSTRUCTION (FR-4885)**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 42 USC 3535(d)

**CFR Citation:** 24 CFR 3282

**Legal Deadline:** None

**Abstract:** This rule would allow limited on-site completion of new manufactured homes without requiring, under certain circumstances, manufacturers to obtain alternate construction approvals under the current regulations.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** William W. Matchneer III, Administrator, Office of Manufactured Housing Programs, Department of Housing and Urban Development, Office of Housing  
Phone: 202 708-6401

**RIN:** 2502-AI13

**1437. HUD MULTIFAMILY ACCELERATED PROCESSING QUALITY ASSURANCE ENFORCEMENT (FR-4836)**

**Priority:** Other Significant

**Legal Authority:** 12 USC 1701 et seq; 42 USC 3535(d)

**CFR Citation:** 24 CFR 207; 24 CFR 220; 24 CFR 221; 24 CFR 232

**Legal Deadline:** None

**Abstract:** This rule outlines the process for implementing quality control on FHA-insured multifamily housing loans processed using multifamily accelerated processing (MAP). It includes the various controls available for HUD when corrective action is necessary, including warning letters, limited denial of participation, MAP probation, MAP suspension, termination of MAP privileges, and the role of the MAP lender review board.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Michael McCullough, Director, Office of Multifamily Development, Department of Housing and Urban Development, Office of Housing  
Phone: 202 708-1142

**RIN:** 2502-AI01

**Department of Housing and Urban Development (HUD)  
Office of Housing (OH)**

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**1438. SECTION 223F SUPPLEMENTAL COST CERTIFICATION (FR-4793)**

**Priority:** Other Significant

**Legal Authority:** 12 USC 1701 to 1715z-20

**CFR Citation:** 24 CFR 200

**Legal Deadline:** None

**Abstract:** This regulation will eliminate the supplemental cost certification requirement for FHA loans insured pursuant to section 223f where repairs are required after endorsement of the loan. This change will eliminate an unnecessary burden to the public. At closing/endorsement, an escrow is established sufficient to complete all repairs, and inspection of repairs is required. Once repairs are completed, the balance of escrow is returned to the owner by the mortgagee. If repairs are not completed, the mortgagee uses the balance of escrow.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Michael McCullough, Director, Office of Multifamily Development, Department of Housing and Urban Development, Office of Housing  
Phone: 202 708-1142

**RIN:** 2502-AH93

**1439. REVISED GUIDELINES FOR PREVIOUS PARTICIPATION CERTIFICATION (FR-4870)**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 12 USC 1702 to 1715 2-21; 42 USC 3535(d)

**CFR Citation:** 24 CFR 200

**Legal Deadline:** None

**Abstract:** The purpose of the Previous Participation Certification process is to assure that prospective participants in

HUD's Multifamily Housing Programs have a history of carrying out their past financial, legal, and administrative obligations in a satisfactory and timely manner. This revision to 24 CFR 200.217(a) sets the effective date when all participants will be required to file their Previous Participation Certificates via HUD's secure Internet site into the Active Partner Performance System webapplication.

**Timetable:**

Action	Date	FR Cite
NPRM	04/19/04	69 FR 21035
NPRM Comment Period End	05/19/04	
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** William Hill, Director of Policy and Participations Standards Division, Department of Housing and Urban Development, Office of Housing  
Phone: 202 708-0614

**RIN:** 2502-AI10

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**1440. ELIGIBILITY OF MORTGAGES ON HAWAIIAN HOMELANDS INSURED UNDER SECTION 247 (FR-4779)****Priority:** Other Significant**Legal Authority:** 12 USC 1709; 12 USC 1710; 12 USC 1715b; 12 USC 1715u; 42 USC 3535(d)**CFR Citation:** 24 CFR 203**Legal Deadline:** None**Abstract:** This rule would amend the regulations that define the terms "native Hawaiian" and "eligibility of mortgagor" to conform them to the revised definitions enacted by a recent statutory change to the National Housing Act.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Vance Morris, Director, Office of Single Family Program Development, Department of Housing and Urban Development, Office of Housing  
Phone: 202 708-2121**RIN:** 2502-AH92**1441. • AMENDMENTS TO PROHIBITION OF PROPERTY FLIPPING IN HUD'S SINGLE FAMILY MORTGAGE INSURANCE PROGRAMS (FR-4911)****Priority:** Other Significant**Legal Authority:** 12 USC 1709; 12 USC 1710; 12 USC 1715b; 12 USC 1715u; 42 USC 3535(d)**CFR Citation:** 24 CFR 203**Legal Deadline:** None**Abstract:** HUD's regulations addressing the predatory practice of property "flipping" establish certain time restrictions regarding the re-sale of properties whose purchase is being financed with Federal Housing Administration (FHA) mortgage insurance. The regulations include an exception from the time restrictions for properties acquired and subsequently sold by FHA. This final rule broadens the exception to include: (1) all other Federal agencies that acquire properties as a result of a function of their programs and quickly market and sell

these acquired properties; and (2) properties that are acquired through inheritance.

**Timetable:**

Action	Date	FR Cite
Final Action	08/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Vance Morris, Director, Office of Single Family Program Development, Department of Housing and Urban Development, Office of Housing  
Phone: 202 708-2121**RIN:** 2502-AI18**1442. SECTION 236 EXCESS RENTAL CHARGES (FR-4689)****Priority:** Other Significant**Legal Authority:** 12 USC 1715z-1; 42 USC 3535(d)**CFR Citation:** 24 CFR 236**Legal Deadline:** None**Abstract:** This rule would establish the terms and conditions to permit owners of projects receiving section 236 rental assistance to participate in retaining some or all of their excess charges for project use. In addition, it would permit owners to retain excess charges for non-project use after a determination by HUD that the project is well maintained housing in good condition and that the owner has not engaged in material adverse financial or managerial actions or omissions. This rule follows publication of an August 12, 2002, proposed rule and takes into consideration the public comments on the proposed rule.**Timetable:**

Action	Date	FR Cite
NPRM	08/12/02	67 FR 52526
NPRM Comment Period End	10/11/02	
Final Action	07/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Janice Nimmer, Housing Project Manager, Department of Housing and Urban Development, Office of Housing

Phone: 202 708-3944

**RIN:** 2502-AH68**1443. NONPROFIT ORGANIZATION PARTICIPATION IN FHA SINGLE FAMILY MORTGAGE INSURANCE PROGRAMS (FR-4702)****Priority:** Other Significant**Legal Authority:** 12 USC 1709; 42 USC 3535(d)**CFR Citation:** 24 CFR 200; 24 CFR 203; 24 CFR 291**Legal Deadline:** None**Abstract:** This rule limits the time period that a nonprofit may have in its portfolio at any time 10 or more single family properties that have been acquired in any one fiscal year with FHA insured mortgages; prohibits nonprofits from obtaining FHA insurance for single family properties with more than two living units; and requires participating nonprofits to provide evidence of two years of IRS 501(c) status and two consecutive years of housing development experience within the previous five years.**Timetable:**

Action	Date	FR Cite
NPRM	02/13/04	69 FR 7324
NPRM Comment Period End	04/13/04	
Final Action	09/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Organizations**Government Levels Affected:** None**Agency Contact:** Margaret Burns, Director, Program Support Division, Department of Housing and Urban Development, Office of Housing  
Phone: 202 708-0317**RIN:** 2502-AH71**1444. DISTRIBUTION OF TAX CREDIT PROCEEDS (FR-4792)****Priority:** Other Significant**Legal Authority:** 12 USC 1702 to 1715z-21; 42 USC 3535(d)**CFR Citation:** 24 CFR 200**Legal Deadline:** None**Abstract:** This rule amends 24 CFR 200.54(b) to provide that low-income housing tax credit syndication proceeds and historic tax credit syndication proceeds will be treated in the same

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manner as funds provided by a grant or loan from a Federal, State, or local government agency or instrumentality to the extent that these proceeds do not have to be fully disbursed before the disbursement of mortgage proceeds.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/30/03	68 FR 44844
Interim Final Rule Effective	08/29/03	
Interim Final Rule Comment Period End	09/29/03	
Final Action	09/00/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Michael McCullough, Director, Office of Multifamily Development, Department of Housing and Urban Development, Office of Housing  
Phone: 202 708-1142

**RIN:** 2502-AH91**1445. REVISIONS TO FHA CREDIT WATCH TERMINATION INITIATIVE (FR-4625)****Priority:** Other Significant**Legal Authority:** 12 USC 1703; 12 USC 1709; 12 USC 1715b; 42 USC 3535(d)**CFR Citation:** 24 CFR 202**Legal Deadline:** None

**Abstract:** This rule would make several amendments to HUD's regulations for the Federal Housing Administration (FHA) Credit Watch Termination Initiative. Under the Credit Watch Termination Initiative, HUD identifies mortgagees with unsatisfactory performance levels and takes ameliorative action at an early stage. The rule states that mortgagees will be responsible for using HUD's Electronic Neighborhood Watch Early Warning System to monitor their performance. Among other changes, the rule also prohibits a mortgagee that has received a notice of proposed termination of its origination approval agreement from establishing a new branch for the origination of FHA-insured mortgages in the lending area covered by the proposed termination. The rule follows publication of an April 1, 2003, proposed rule, and takes into consideration the comments on the proposed rule.

**Timetable:**

Action	Date	FR Cite
NPRM	04/01/03	68 FR 15906
NPRM Comment Period End	06/02/03	
Final Action	09/00/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Phillip A. Murray, Director, Office of Lender Activities and Program Compliance, Department of Housing and Urban Development, Office of Housing, P3214, 451 7th Street SW., Washington, DC 20410  
Phone: 202 708-1515

**RIN:** 2502-AH60**1446. UPFRONT MORTGAGE INSURANCE PREMIUMS: REMITTANCE REQUIREMENTS (FR-4690)****Priority:** Other Significant**Legal Authority:** 42 USC 3535(d); 12 USC 1709**CFR Citation:** 24 CFR 203**Legal Deadline:** None

**Abstract:** This rule will change the remittance period of mortgage insurance premiums. The rule will also implement a more precise definition of when the remittance period begins.

**Timetable:**

Action	Date	FR Cite
NPRM	08/21/02	67 FR 54312
NPRM Comment Period End	10/21/02	
Final Rule	08/00/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Vance Morris, Director, Office of Single Family Program Development, Department of Housing and Urban Development, Office of Housing  
Phone: 202 708-2121

**RIN:** 2502-AH67**1447. UP-FRONT MORTGAGE INSURANCE PREMIUMS FOR LOANS INSURED UNDER 24 CFR 203(K) AND 234(C) OF THE NATIONAL HOUSING ACT (FR-4749)****Priority:** Economically Significant**Legal Authority:** 12 USC 1709(c); 42 USC 3535(d)**CFR Citation:** 24 CFR 203**Legal Deadline:** None

**Abstract:** This rule amends 24 CFR part 203 to require an up-front payment at the beginning of the loan of the insurance premium for loans insured under sections 203(k) and 234(c) of the National Housing Act. Formerly, these loans required only monthly premium payments.

**Timetable:**

Action	Date	FR Cite
NPRM	10/07/03	68 FR 58006
NPRM Comment Period End	12/08/03	
Final Action	08/00/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** James Beavers, Deputy Director, Office of Single Family Program Development, Department of Housing and Urban Development, Office of Housing  
Phone: 202 708-2121

**RIN:** 2502-AH82**1448. FHA TOTAL MORTGAGE SCORECARD (FR-4835)****Priority:** Other Significant**Legal Authority:** 12 USC 1709; 12 USC 1710; 12 USC 1715b; 12 USC 1715u; 42 USC 3535(d)**CFR Citation:** 24 CFR 203**Legal Deadline:** None

**Abstract:** This rule will codify policies and procedures that lenders and automated underwriting system vendors must observe to use the FHA Technology Open To All Lenders (TOTAL) mortgage scorecard. The TOTAL scorecard assesses the creditworthiness of prospective borrowers by evaluating certain mortgage application and credit variables that have been statistically proven to accurately predict the likelihood of default on an FHA-

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insured mortgage. Lenders using the TOTAL scorecard, in accordance with instructions described in the rule, will be afforded certain relief from existing documentation and credit policy requirements.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/21/03	68 FR 65824
Interim Final Rule Effective	12/22/03	
Interim Final Rule Comment Period End	01/20/04	
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Vance Morris, Director, Office of Single Family Program Development, Department of Housing and Urban Development, Office of Housing  
Phone: 202 708-2121

**RIN:** 2502-AI00

specifically the initial mortgage insurance premium (MIP) that may be charged on an HECM refinancing.

**Timetable:**

Action	Date	FR Cite
NPRM	06/05/01	66 FR 30278
NPRM Comment Period End	07/05/01	
Interim Final Rule	03/25/04	69 FR 15586
Interim Final Rule Effective	04/26/04	
Interim Final Rule Comment Period End	05/24/04	
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Vance Morris, Director, Office of Single Family Program Development, Department of Housing and Urban Development, Office of Housing  
Phone: 202 708-2121

**RIN:** 2502-AH63

value of their homes. This final rule follows publication of a January 13, 2003, proposed rule, and takes into consideration the public comments received on the proposed rule. After careful review of the comments, HUD has decided to adopt the proposed rule with minor changes to the regulatory text.

**Timetable:**

Action	Date	FR Cite
NPRM	01/13/03	68 FR 1766
NPRM Comment Period End	03/14/03	
Final Action	07/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Vance Morris, Director, Office of Single Family Program Development, Department of Housing and Urban Development, Office of Housing  
Phone: 202 708-2121

**RIN:** 2502-AH78

**1449. INSURANCE FOR MORTGAGES TO REFINANCE EXISTING HECMS (FR-4667)**

**Priority:** Other Significant

**Legal Authority:** 12 USC 1715b; 12 USC 1715z; 42 USC 3535(d)

**CFR Citation:** 24 CFR 206

**Legal Deadline:** None

**Abstract:** On June 5, 2001, HUD published a proposed rule to implement certain statutory changes to the Home Equity Conversion Mortgage (HECM) Program made by section 201 of the American Homeownership and Economic Opportunity Act of 2000. The HECM Program enables older homeowners to withdraw some of the equity in their home in the form of payments for life, a fixed term, or at intervals through a line of credit. The statutory changes include authorization to offer mortgage insurance for refinancing of existing HECMs, and providing consumers with safeguards for such refinancing. This rule follows publication of the June 5, 2001, proposed rule, and takes into consideration the public comments received on the proposed rule. In addition, this rule requests comments on a provision that implements another statutory change to the HECM program,

**1450. LENDER ACCOUNTABILITY FOR APPRAISALS (FR-4722)**

**Priority:** Other Significant

**Legal Authority:** 12 USC 1708 to 1710; 12 USC 1715b; 12 USC 1715u; 12 USC 1735f-14; 42 USC 3535(d)

**CFR Citation:** 24 CFR 25; 24 CFR 203

**Legal Deadline:** None

**Abstract:** This rule clarifies HUD's regulations concerning the responsibilities of lenders approved by the Federal Housing Administration (FHA) with respect to appraisals on properties that will be the security for FHA insured mortgages. The rule clarifies that lenders are accountable for the quality of appraisals on properties securing FHA insured mortgages. The rule specifically provides that lenders that submit appraisals to HUD that do not meet FHA requirements are subject to the imposition of sanctions by the HUD Mortgage Review Board. The rule applies to both sponsor lenders that underwrite loans, and loan correspondent lenders that originate loans on behalf of their sponsors. The codification of this clarification is designed to ensure lenders are aware of their responsibilities with respect to appraisals, and homebuyers receive an accurate statement of the appraised

**1451. MIXED FINANCE DEVELOPMENT FOR SUPPORTIVE HOUSING FOR THE ELDERLY OR PERSONS WITH DISABILITIES AND OTHER CHANGES TO 24 CFR PART 891 (FR-4725)**

**Priority:** Other Significant

**Legal Authority:** PL 106-569, sec 831 to 834 (Am. Homeownership & Economic Opportunity Act of 2000)

**CFR Citation:** 24 CFR 891

**Legal Deadline:** None

**Abstract:** This rule permits for-profit limited partners to partner with a nonprofit general partner in developing assisted housing for elderly and disabled using a mixed finance model, where HUD funding and non-Federal funding sources are combined in a single project. This rule would implement this program, providing for rules for the use of different funding sources, application procedures, procedures for the dispersal of funds, and other matters involved in program implementation.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/01/03	68 FR 67316
Interim Final Rule Effective	12/31/03	

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Action	Date	FR Cite
Interim Final Rule Comment Period End	01/30/04	
Final Action	12/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Aretha Williams, Housing Project Manager, Department of Housing and Urban Development, Office of Housing, Room 6142, Washington, DC 20410  
Phone: 202 708-2866

**RIN:** 2502-AH83**1452. • MANUFACTURED HOUSING PROGRAM: MINIMUM PAYMENTS TO STATES (FR-4868)****Priority:** Other Significant**Legal Authority:** 42 USC 3535(d); 42 USC 5419; 42 USC 5424**CFR Citation:** 24 CFR 3284**Legal Deadline:** None

**Abstract:** This rule would revise the minimum payments to States approved as State Administrative Agencies under the National Manufactured Housing Construction and Safety Standards Act of 1974 (Act), in order to provide for a more equitable guarantee of minimum funding from the Department's appropriation for this program and to avoid the differing per-unit payments to the States that have occurred under the present rule. This rule would amend 24 CFR 3284.10 to base the

minimum payments to States upon their participation in production or siting of new manufactured homes.

**Timetable:**

Action	Date	FR Cite
NPRM	03/01/04	69 FR 9740
NPRM Comment Period End	03/31/04	
Final Action	08/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** William W. Matchneer III, Administrator, Office of Manufactured Housing Programs, Department of Housing and Urban Development, Office of Housing  
Phone: 202 708-6401

**RIN:** 2502-AI16
**Department of Housing and Urban Development (HUD)  
Office of Housing (OH)**

## Long-Term Actions

**1453. RELEASE OF INFORMATION TO TENANTS AND OTHER PARTIES PURSUANT TO MAHRA (FR-4531)****Priority:** Other Significant**Legal Authority:** 42 USC 1437f note**CFR Citation:** 24 CFR 401**Legal Deadline:** None

**Abstract:** The rule is designed to provide tenants and other interested parties with access to the information needed for meaningful participation in the development of a restructuring plan, while ensuring appropriate protection of legitimate interest of project owners in confidential and proprietary business information.

**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Paige Warren, Office of Multifamily Assistance Restructuring, Department of Housing and Urban Development, Office of Housing  
Phone: 202 708-0001

**RIN:** 2502-AH45**1454. ESTABLISHMENT OF LOAN OFFICER REGISTRY AND ESTABLISHMENT OF SERVICING APPROVAL AGREEMENTS (FR-4764)****Priority:** Other Significant**Legal Authority:** 12 USC 1703; 12 USC 1709; 12 USC 1715b; 42 USC 3535(d)**CFR Citation:** 24 CFR 202**Legal Deadline:** None

**Abstract:** This rule would authorize the Department to establish a loan officer registry and a servicing approval agreement for FHA-approved lenders. The loan officer registry would limit registration of a loan officer to one FHA-approved lender at a time and give the Department the ability to monitor a loan officer. The rule would provide for sanctions against loan officers for poor performance. Also, the rule would clarify that a loan officer must be an employee of a lender. This rule also would create a servicing approval agreement that would require FHA approval. The Department believes that the servicing agreement would enhance its authority to supervise the servicing of FHA-insured mortgages and to take action against mortgagees that fail to perform required servicing functions.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/05	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** Phillip A. Murray, Director, Office of Lender Activities and Program Compliance, Department of Housing and Urban Development, Office of Housing, P3214, 451 7th Street SW., Washington, DC 20410  
Phone: 202 708-1515

**RIN:** 2502-AH88**1455. E-ENDORSEMENT OF FHA-INSURED MORTGAGES (FR-4789)****Priority:** Other Significant**Legal Authority:** 12 USC 1709; 12 USC 1710; 12 USC 1715b; 12 USC 1715z-1**CFR Citation:** 24 CFR 203**Legal Deadline:** None

**Abstract:** This rule would implement the Federal Housing Administration (FHA) electronic endorsement program for all mortgages eligible for insurance endorsement under the Direct Endorsement program. The program will reduce FHA's insurance risk by collecting additional information at the

## HUD—OH

## Long-Term Actions

loan-level to target loans and lenders for post-endorsement technical reviews, and by employing fraud prevention tools. The program will also reduce government costs derived from storing case binders.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** James Beavers, Deputy Director, Office of Single Family Program Development, Department of Housing and Urban Development, Office of Housing  
Phone: 202 708-2121

**RIN:** 2502-AH95

#### 1456. RESPA—IMPROVING THE PROCESS FOR OBTAINING MORTGAGES (FR-4727)

**Priority:** Economically Significant. Major under 5 USC 801.

**Legal Authority:** 12 USC 2601 et seq; 42 USC 3535(d)

**CFR Citation:** 24 CFR 3500

**Legal Deadline:** None

**Abstract:** This rule would establish a new framework for borrower disclosures under RESPA that would: (1) address the issue of mortgage broker compensation, specifically the problem of lender payments to mortgage brokers, by fundamentally changing the way in which such lender payments in brokered mortgage transactions are recorded and reported to borrowers; (2) significantly improve HUD's Good Faith Estimate (GFE) settlement cost disclosure, and amend HUD's related RESPA regulations, to make the GFE firmer and more usable, to facilitate shopping for mortgages, and to avoid unexpected charges to borrowers at

settlement; and (3) remove regulatory barriers to allow guaranteed packages of settlement services and mortgages to be made available to borrowers, to make borrower shopping for mortgages easier and further reduce settlement costs.

**Timetable:**

Action	Date	FR Cite
NPRM	07/29/02	67 FR 49134
NPRM Comment Period End	10/28/02	

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Ivy Jackson, Acting Director, Interstate Land Sales and RESPA Division, Department of Housing and Urban Development, Office of Housing  
Phone: 202 708-0502

**RIN:** 2502-AH85

### Department of Housing and Urban Development (HUD) Office of Housing (OH)

## Completed Actions

#### 1457. FHA INSPECTOR ROSTER (FR-4720)

**Priority:** Other Significant

**CFR Citation:** 24 CFR 200

**Completed:**

Reason	Date	FR Cite
Final Action	03/10/04	69 FR 11494
Final Action Effective	04/09/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Vance Morris  
Phone: 202 708-2121

**RIN:** 2502-AH76

#### 1458. • CHANGES IN MAXIMUM MORTGAGE LIMITS (FR-4913)

**Priority:** Other Significant

**Legal Authority:** 12 USC 1702 to 1715z; 12 USC 1715z to 21; 42 USC 3535(d)

**CFR Citation:** 24 CFR 200

**Legal Deadline:** None

**Abstract:** This rule revises the amount by which the Secretary may increase

FHA maximum insured mortgage limits in high-cost areas from 110 to 140 percent on a geographic basis, and 140 to 170 percent on a project-by-project basis. This rule conforms HUD's regulations to a self-implementing statute.

**Timetable:**

Action	Date	FR Cite
Final Action	03/03/04	69 FR 10106
Final Action Effective	04/02/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Roger Kramer, Office of Housing, Technical Support Division, Department of Housing and Urban Development, Office of Housing  
Phone: 202 708-2866

**RIN:** 2502-AI19

#### 1459. ELIGIBILITY OF ADJUSTABLE RATE MORTGAGES (ARMS) (FR-4745)

**Priority:** Other Significant

**CFR Citation:** 24 CFR 203.49

**Completed:**

Reason	Date	FR Cite
Final Action	03/10/04	69 FR 11500
Final Action Effective	04/09/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Vance Morris  
Phone: 202 708-2121

**RIN:** 2502-AH84

#### 1460. FHA APPRAISER WATCH INITIATIVE (FR-4744)

**Priority:** Other Significant

**CFR Citation:** 24 CFR 200

**Completed:**

Reason	Date	FR Cite
Withdrawn	05/14/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

**Agency Contact:** Vance Morris

## HUD—OH

## Completed Actions

Phone: 202 708-2121

RIN: 2502-AH81

**1461. AMENDMENTS TO THE SECTION 203(K) REHABILITATION LOAN INSURANCE PROGRAM (FR-4701)**

Priority: Other Significant

CFR Citation: 24 CFR 203

**Completed:**

Reason	Date	FR Cite
Withdrawn	05/14/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** None**Agency Contact:** Vance Morris

Phone: 202 708-2121

RIN: 2502-AH73

**Department of Housing and Urban Development (HUD)  
Office of Community Planning and Development (CPD)**

## Proposed Rule Stage

**1462. SUPPORTIVE HOUSING PROGRAM (FR-4616)**

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 11381; 42 USC 11389; 42 USC 3535(d)

CFR Citation: 24 CFR 583

Legal Deadline: None

**Abstract:** The Department of Housing and Urban Development is proposing to amend the Supportive Housing Program regulations. The regulations will be updated to clarify existing program requirements and to add new program requirements in accordance with recent statutory changes including requirements for some local matching funds and for permanent housing. Additionally, this rule will make the Supportive Housing Program regulations clearer and allow for the full flexibility of the McKinney Act.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local

**Agency Contact:** Mark Johnston, Acting Director, Office of Special Needs Assistance Program, Department of Housing and Urban Development, Office of Community Planning and Development  
Phone: 202 708-1226

RIN: 2506-AC07

**1463. EMPOWERMENT ZONES: RESIDENT BENEFIT AND ECONOMIC DEVELOPMENT STANDARDS FOR GRANTS (FR-4853)**

Priority: Other Significant

Legal Authority: 26 USC 1391; 42 USC 3535(d)

CFR Citation: 24 CFR 598

Legal Deadline: None

**Abstract:** This rule proposes to establish review standards for determining whether grant funds provided to Empowerment Zones will provide a sufficient level of benefit to residents and also be used in conjunction with economic development activities consistent with the strategic plan for each Empowerment Zone.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Local

**Agency Contact:** John Haines, Empowerment Zone Division, Department of Housing and Urban Development, Office of Community Planning and Development  
Phone: 202 708-6339

RIN: 2506-AC16

**1464. COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM REVISION OF CDBG ELIGIBILITY AND NATIONAL OBJECTIVE REGULATIONS (FR-4699)**

Priority: Other Significant

Legal Authority: 42 USC 3535(d); 42 USC 5301 et seq

CFR Citation: 24 CFR 570

Legal Deadline: None

**Abstract:** This rule will improve the ability of entitlement communities and States' grant recipients to use Community Development Block Grant (CDBG) funds for brownfields activities. The rule will clarify the eligibility of activities involving the cleanup and development of environmentally contaminated properties under section 105(a) of the Housing and Community Development Act of 1974. The rule also will increase CDBG recipients' flexibility to undertake activities meeting the national objective of preventing or eliminating slums or blighting conditions. The criteria for meeting the slum/blight national objective will be revised to specifically recognize economic obsolescence of buildings and the presence of environmental contaminants as blighting influences on an area or property. This rule will further clarify the list of activities that may be undertaken to address the slum/blight national objective criteria on a spot basis. Finally, this rule makes corresponding changes in the eligibility regulations governing the Section 108 Loan Guarantee component of the CDBG program.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/04	

## HUD—CPD

## Proposed Rule Stage

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local, State**Agency Contact:** Steve Johnson, Director, State and Small Cities Division, Department of Housing and Urban Development, Office of Community Planning and Development  
Phone: 202 708-1322**RIN:** 2506-AC12**1465. HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) (FR-4708)****Priority:** Other Significant**Legal Authority:** 42 USC 12901 et seq**CFR Citation:** 24 CFR 574**Legal Deadline:** None**Abstract:** The Housing Opportunities for Persons With AIDS (HOPWA)

program was authorized in 1990 by the AIDS Housing Opportunity Act, to provide States and localities with the programs and resources necessary to meet the housing needs of individuals and families with HIV/AIDS. The rule proposes to adjust the formula factor which determines the allocation of 25 percent of funds based on the metropolitan area's higher-than-average incidence of cases of AIDS, starting in fiscal year 2005 and thereafter.

Incalculating the formula allocation, the proposed change would replace the one year standard for AIDS surveillance data used to determine the high AIDS incidence to a three year data standard. This change is intended to moderate unexpected one year increases or declines in a grantee's formula allocation and allow for continuity in grant funding. In addition, the regulation would update the HOPWA rental assistance requirements to make use of additional provisions and create

additional options for grantees for operation of rental assistance programs. The changes would implement provisions used in other HUD programs, such as the Section 8 program, and thereby modernize the HOPWA regulations which were last updated in 1994.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** David Vos, Director, Office of HIV/AIDS Housing, Department of Housing and Urban Development, Office of Community Planning and Development  
Phone: 202 708-1934**RIN:** 2506-AC11

## Department of Housing and Urban Development (HUD)

## Final Rule Stage

## Office of Community Planning and Development (CPD)

**1466. MODIFICATION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT DEFINITION FOR METROPOLITAN CITY AND OTHER CONFORMING AMENDMENTS (FR-4872)****Priority:** Other Significant**Legal Authority:** 42 USC 5301 to 5320; 42 USC 3535(d)**CFR Citation:** 24 CFR 570**Legal Deadline:** None

**Abstract:** This rule revises the Community Development Block Grant (CDBG) program regulations by replacing the obsolete term "central city" with a new term "principal city" in the definition of "metropolitan city" and other CDBG regulations referencing "central city." The described revisions are necessary because of the recent changes to the Office of Management and Budget's (OMB) Standards for defining Metropolitan Statistical Areas (MSAs) and the announcement in 2003 of new definitions for those areas using Census 2000 data. The rule updates the affected CDBG program regulations so that the terminology used by HUD is consistent with OMB standards and the purposes of the Housing and

Community Development Act of 1974, as amended.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/12/03	68 FR 69580
Interim Final Rule Effective	01/12/04	
Interim Final Rule Comment Period End	02/10/04	
Final Action	10/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Valerie Browne, Office of Entitlement Communities Division, Department of Housing and Urban Development, Office of Community Planning and Development  
Phone: 202 708-1577**RIN:** 2506-AC15**1467. • COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM: SMALL CITIES AND INSULAR AREAS PROGRAMS (FR-4919)****Priority:** Other Significant**Legal Authority:** 42 USC 3535(d); 42 USC 5301 to 5320**CFR Citation:** 24 CFR 570**Legal Deadline:** Other, Statutory, March 15, 2004, Section 501(g) of Public Law 108-186 requires regulations not later than 90 days after enactment.

**Abstract:** This rule establishes regulations to implement a legislative change moving Community Development Block Grant (CDBG) program assistance from Section 107 (Special Purpose Grants) to Section 106 of the Housing and Community Development Act of 1974, as amended. As in the past under the Special Purpose Grant Program, HUD will continue to make formula grants to insular area jurisdictions under the Insular CDBG program for activities which principally benefit low- and moderate-income persons, aid in the elimination of slums or blighting conditions, or meet other community development needs having a particular

HUD—CPD

Final Rule Stage

urgency. This rule codifies the amended statutory funding mechanism for allocation of CDBG funds to insular areas, includes the Insular Area CDBG program in subpart FA and streamlines that subpart by removing sections no longer necessary for the Small Cities CDBG program, identifies the process by which insular areas will now receive and report on grant funds, enables insular areas to apply for the Section 108 loan guarantee program, and establishes other applicable requirements.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Jamie Spakow, Community Planning and Development Specialist, Office of Block Grant Assistance, Department of Housing and Urban Development, Office of Community Planning and Development Phone: 202 708-1322

**RIN:** 2506-AC17

**1468. PROHIBITION ON USE OF CDBG ASSISTANCE FOR JOB-PIRATING ACTIVITIES (FR-4556)**

**Priority:** Other Significant

**Legal Authority:** 42 USC 3535(d); 42 USC 5301 to 5320

**CFR Citation:** 24 CFR 570

**Legal Deadline:** None

**Abstract:** This rule will implement section 588 of the Quality Housing and

Work Responsibility Act of 1998 by revising HUD's regulations for the Community Development Block Grant (CDBG) program. Section 588 prohibits State and local governments from using CDBG funds for "job pirating" activities that are likely to result in significant job loss. Job pirating, in this context, refers to the use of CDBG funds to lure or attract a business and its jobs from one community to another community. The rule follows publication of an October 24, 2000, proposed rule, and takes into consideration the public comments received on the proposed rule.

**Timetable:**

Action	Date	FR Cite
NPRM	10/24/00	65 FR 63756
NPRM Comment Period End	12/26/00	
Interim Final Rule	08/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Local, State

**Agency Contact:** Richard J. Kennedy, Office of Block Grant Assistance, Department of Housing and Urban Development, Office of Community Planning and Development Phone: 202 708-3587

**RIN:** 2506-AC04

**1469. CDBG PROGRAM FOR STATES: COMMUNITY REVITALIZATION STRATEGY REQUIREMENTS AND MISCELLANEOUS TECHNICAL AMENDMENTS (FR-4081)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 11331 to 11388; 42 USC 12701 to 12711; 42 USC

12741 to 12756; 42 USC 12901 to 12912; 42 USC 3535(d); 42 USC 3601 to 3619; 42 USC 5300 to 5320

**CFR Citation:** 24 CFR 570; 24 CFR 91

**Legal Deadline:** None

**Abstract:** This rule integrates the Community Revitalization Strategies concept with the State CDBG program. This concept will provide States additional flexibility in meeting certain requirements regarding the program's national objectives and public benefit. This rule also makes several technical amendments to correct errors from previous rulemaking and to enhance and clarify the regulation.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/22/96	61 FR 54914
Interim Final Rule Effective	11/21/96	
Interim Final Rule Comment Period End	02/16/97	
Final Action	09/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Steve Johnson, Director, State and Small Cities Division, Department of Housing and Urban Development, Office of Community Planning and Development Phone: 202 708-1322

**RIN:** 2506-AB83

**Department of Housing and Urban Development (HUD)  
Government National Mortgage Association (GNMA)**

Final Rule Stage

**1470. REMOVAL OF REGULATION SPECIFYING MINIMUM FACE VALUE OF GINNIE MAE SECURITIES (FR-4856)**

**Priority:** Other Significant

**Legal Authority:** 12 USC 1721(g); 12 USC 1723(a); 42 USC 3535(d)

**CFR Citation:** 24 CFR 320

**Legal Deadline:** None

**Abstract:** This rule would remove the regulation that specifies the current

minimum face amount of any security issued by the Government National Mortgage Association (Ginnie Mae). The proposed removal of the regulation would allow Ginnie Mae to offer alternative denominations of its securities.

**Timetable:**

Action	Date	FR Cite
NPRM	04/13/04	69 FR 19746

Action	Date	FR Cite
NPRM Comment Period End	06/14/04	
Final Action	09/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Thomas R. Weakland, Vice President, Department of Housing

## HUD—GNMA

Final Rule Stage

and Urban Development, Government  
National Mortgage Association

Phone: 202 708-2884  
RIN: 2503-AA17

**Department of Housing and Urban Development (HUD)**  
**Office of Fair Housing and Equal Opportunity (FHEO)**

Proposed Rule Stage

**1471. CERTIFICATION AND FUNDING OF STATE AND LOCAL FAIR HOUSING ENFORCEMENT AGENCIES (FR-4748)**

**Priority:** Other Significant

**Legal Authority:** 42 USC 3601 to 3619; 42 USC 3535(d)

**CFR Citation:** 24 CFR 115

**Legal Deadline:** None

**Abstract:** The Fair Housing Assistance Program (FHAP) provides assistance to State and local fair housing enforcement agencies to build an intergovernmental enforcement structure to further fair housing. HUD provides assistance to State and local

fair housing enforcement agencies that administer fair housing laws that are substantially equivalent to the Fair Housing Act (title VIII of the Civil Rights Act of 1968; 42 USC 3601-3619). The FHAP program provides support for complaint processing, training, technical assistance, education and outreach, data and information systems, and other activities that will further fair housing within the State or local agency's jurisdiction. HUD intends to update its part 115 regulations with respect to both the certification of substantially equivalent agencies and the overall administration of the FHAP program.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Local

**Agency Contact:** Myron Newry, Director, FHIP/FHAP Support Division, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity  
Phone: 202 708-0800

**RIN:** 2529-AA90

**Department of Housing and Urban Development (HUD)**  
**Office of Fair Housing and Equal Opportunity (FHEO)**

Final Rule Stage

**1472. FAIR HOUSING ACT REGULATION: CONFORMING AMENDMENT; UPDATE TO REFLECT CURRENT EDITION OF AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) (FR-4554)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 3535(d); 42 USC 3600 to 3620

**CFR Citation:** 24 CFR 100

**Legal Deadline:** None

**Abstract:** Subpart D of HUD's Fair Housing Act regulations (24 CFR part 100), which address the accessibility requirements of the Fair Housing Act, has not been updated since 1991. These regulations reference compliance with

the building standards of the American National Standards Institute (ANSI), but the reference to the ANSI edition of 1986 has long been superseded by two more recent editions of 1992 and 1998. Although parties subject to the Fair Housing Act regulations may continue to refer to the 1986 edition of ANSI, the regulations need to be updated to also offer compliance with the 1992 and 1998 editions as a safe harbor for compliance. This rule will update the regulations to provide that compliance with the appropriate requirements of the 1986, 1992, or 1998 editions of ANSI A117.1 suffices to satisfy the accessibility requirements of the Fair Housing Act.

**Timetable:**

Action	Date	FR Cite
Notice	03/23/00	65 FR 15740
Interim Final Rule	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Agency Contact:** Cheryl Kent, Special Advisor for Disability Policy, Office of Enforcement, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity  
Phone: 202 708-2333

**RIN:** 2529-AA88

**Department of Housing and Urban Development (HUD)**  
**Office of Fair Housing and Equal Opportunity (FHEO)**

Long-Term Actions

**1473. ECONOMIC OPPORTUNITIES FOR LOW- AND VERY-LOW-INCOME PERSONS (FR-2898)**

**Priority:** Other Significant

**Legal Authority:** 12 USC 1701u; 42 USC 1450; 42 USC 3301; 42 USC 3535(d)

**CFR Citation:** 24 CFR 135

**Legal Deadline:** None

**Abstract:** The regulations at 24 CFR part 135 were revised substantially to incorporate the statutory amendments in the Housing and Community Development Act of 1992, to reflect

certain changes in the design of the Department's programs that are subject to the section 3 regulations, to clarify the obligations of individuals and entities subject to the requirements of section 3, and to simplify the Department's administration of section 3 requirements. The final rule may

HUD—FHEO

Long-Term Actions

make further revisions in response to public comment.

**Timetable:**

Action	Date	FR Cite
NPRM	10/08/93	58 FR 52534
Notice	11/09/93	58 FR 59423
Notice Comment Period End	12/08/93	
Interim Final Rule	06/30/94	59 FR 33886

Action	Date	FR Cite
Interim Final Rule Effective	08/01/94	
Interim Final Rule Comment Period End	08/29/94	
Extension of Effective Period of Interim Rule	05/31/95	60 FR 28325
Extension Effective	06/30/96	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Local

**Agency Contact:** Linda J. Thompson, Office of Economic Opportunity, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity  
Phone: 202 708-3685

**RIN:** 2529-AA49

**Department of Housing and Urban Development (HUD)  
Office of Administration (OA)**

**Proposed Rule Stage**

**1474. HUD ACQUISITION REGULATION (FR-4705)**

**Priority:** Other Significant

**Legal Authority:** 40 USC 486(c); 41 USC 251; 42 USC 3535(d)

**CFR Citation:** 48 CFR 2401

**Legal Deadline:** None

**Abstract:** This rule will implement miscellaneous changes to the HUD Acquisition Regulation (HUDAR) including but not limited to corrections of regulatory citations due to revisions

made to the Federal Acquisition Regulation (FAR) since the last publication of the HUDAR; revisions reflecting changes in the Department's requirements regarding organizational conflict of interest, ratification of unauthorized commitments, and disclosure of information provided to contractors.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Edward L. Girovasi Jr., Director, Policy & Field Operations Division, Office of the Chief Procurement Officer, Department of Housing and Urban Development, Office of Administration  
Phone: 202 708-0294

**RIN:** 2535-AA26

**Department of Housing and Urban Development (HUD)  
Office of Public and Indian Housing (PIH)**

**Proposed Rule Stage**

**1475. CAPITAL FUND PROGRAM (FR-4880)**

**Priority:** Other Significant

**Legal Authority:** 42 USC 1437g; 42 USC 1437z-7; 42 USC 3535(d)

**CFR Citation:** 24 CFR 905

**Legal Deadline:** None

**Abstract:** This rule will implement the new Capital Fund Program for the capital and management improvement needs of public housing agencies. This rule will implement the regulatory framework for the Capital Fund Program that will govern the use of the assistance made available from the Capital Fund formula. The new rule at part 905 will replace and remove several other rules that currently govern a PHA's use of HUD assistance including part 941 - Public Housing Development, and part 968 - Public Housing Modernization. This rule will continue and expand the streamlining of procedures and requirements initiated under the Comprehensive

Grant and Comprehensive Improvement programs at part 968.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** William Thorson, Director, Office of Capital Improvements, Department of Housing and Urban Development, Office of Public and Indian Housing  
Phone: 202 708-1640

**RIN:** 2577-AC50

**CFR Citation:** 24 CFR 941

**Legal Deadline:** None

**Abstract:** This rule will streamline the document submission process by substituting certifications for a number of currently required documents.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Dominique Blom, Office of Public Housing Investments, Department of Housing and Urban Development, Office of Public and Indian Housing  
Phone: 202 401-8812

**RIN:** 2577-AC55

**1476. • STREAMLINED MIXED FINANCE APPLICATION REVIEW (FR-4924)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 1437v; 42 USC 3535(d)

## HUD—PIH

## Proposed Rule Stage

**1477. SECTION 8 MANAGEMENT ASSESSMENT PROGRAM (FR-4884)****Priority:** Other Significant**Legal Authority:** 42 USC 1437a; 42 USC 1437c; 42 USC 1437f; 42 USC 3535(d)**CFR Citation:** 24 CFR 985**Legal Deadline:** None**Abstract:** This rule will revise the way HUD measures PHAs. Many self-certified indicators will be eliminated. The Section 8 Management Assessment Program (SEMAP) certification submitted by the PHA would be eliminated. All remaining indicators would be measured through PIC and other standard sources of data.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Gerald J. Benoit, Director, Housing Voucher Management and Operations, Department of Housing and Urban Development, Office of Public and Indian Housing  
Phone: 202 708-0477**RIN:** 2577-AC52**1478. • REVISIONS TO SECTION 8 MANAGEMENT ASSESSMENT PROGRAM (SEMAP) LEASE-UP INDICATOR (FR-4926)****Priority:** Other Significant**Legal Authority:** 42 USC 1437A; 42 USC 1437c; 42 USC 1437f; 42 USC 3535(d)**CFR Citation:** 24 CFR 985**Legal Deadline:** None**Abstract:** This rule amends the regulation at 24 CFR 985.3(n) for the Section 8 Management Assessment Program (SEMAP) to revise the way HUD measures performance under the SEMAP lease-up indicator. The lease-up standard is revised to measure only the number of units leased against the number of units contracted under an Annual Contributions Contract (ACC). HUD will no longer consider the percentage of budget authority expended if the PHA has not leased the percent of units needed to receive points under this indicator.**Timetable:**

Action	Date	FR Cite
NPRM	10/00/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Gerald J. Benoit, Director, Housing Voucher Management and Operations, Department of Housing and Urban Development, Office of Public and Indian Housing  
Phone: 202 708-0477**RIN:** 2577-AC54**1479. • NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT (NAHASDA): REVISIONS TO THE INDIAN HOUSING BLOCK GRANT PROGRAM FORMULA (FR-4938)****Priority:** Other Significant**Legal Authority:** 25 USC 4101 et seq; 42 USC 3535(d)**CFR Citation:** 24 CFR 1000**Legal Deadline:** None**Abstract:** This rule would make several revisions to the Indian Housing Block Grant (IHBG) Program allocation formula authorized under section 302 of the Native American Housing Assistance and Self-Determination Act of 1996. Through the IHBG Program, HUD provides Federal housing assistance for Indian tribes in a manner that recognizes the right of Indian self-determination and tribal self-government. HUD negotiated the rule with active tribal participation and using the procedures of the Negotiated Rulemaking Act of 1990. The proposed regulatory changes reflect the consensus decisions reached by HUD and the tribal representatives on ways to improve and clarify the current regulations governing the IHBG Program formula.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Rodger Boyd, Deputy Assistant Secretary for Native AmericanPrograms, Department of Housing and Urban Development, Office of Public and Indian Housing  
Phone: 202 401-7914**RIN:** 2577-AC57**1480. • PARTICIPATION IN HUD'S NATIVE AMERICAN PROGRAMS BY RELIGIOUS ORGANIZATIONS: PROVIDING EQUAL TREATMENT TO ALL PROGRAM PARTICIPANTS (FR-4915)****Priority:** Other Significant**Legal Authority:** 42 USC 12701 to 12839**CFR Citation:** 24 CFR 954; 24 CFR 1003**Legal Deadline:** None**Abstract:** This rule would remove barriers to the participation of religious (also referred to as "faith-based") organizations in HUD regulations implementing the Indian HOME Program, the Indian Community Development Block Grant Program, the Indian Housing Block Grant Program, the Title VI Loan Guarantee Assistance Program, and the Section 184 Loan Guarantees for Indian Housing Program. These proposed changes are consistent with revisions of program regulations being undertaken on a HUD-wide basis. In general, no group of applicants competing for HUD funds or seeking to participate in HUD programs should be subject to greater or fewer requirements than other organizations solely because of their religious character or affiliation, or absence of religious character or affiliation.**Timetable:**

Action	Date	FR Cite
NPRM	06/00/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Deborah Lalancette, Director, Housing Management Div. Office of Native American Programs, Department of Housing and Urban Development, Office of Public and Indian Housing  
Phone: 303 675-1600**RIN:** 2577-AC56

## HUD—PIH

## Proposed Rule Stage

**1481. RESIDENT PARTICIPATION IN PUBLIC HOUSING (FR-4657)****Priority:** Other Significant**Legal Authority:** 42 USC 1437c-1; 42 USC 1437r; 42 USC 1437t; 42 USC 1437z-6; 42 USC 3535(d); 42 USC 1437d; 42 USC 1437g; 42 USC 1437i; 42 USC 1437**CFR Citation:** 24 CFR 964**Legal Deadline:** None**Abstract:** This rule would update existing provisions of 24 CFR 964 and incorporate new provisions of the Quality Housing and Work Responsibility Act of 1998 related to resident/tenant participation.**Timetable:**

Action	Date	FR Cite
NPRM	10/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Organizations**Government Levels Affected:** None**Agency Contact:** Glenda Green, Acting Deputy Director, Office of Policy, Programs and Legislative Initiatives, Department of Housing and Urban Development  
Phone: 202 708-0713**RIN:** 2577-AC26**1482. PUBLIC HOUSING PROGRAM—DEMOLITION OR DISPOSITION OF PUBLIC HOUSING PROJECTS (FR-4598)****Priority:** Other Significant**Legal Authority:** 42 USC 1437p; 42 USC 3535(d)**CFR Citation:** 24 CFR 970**Legal Deadline:** None**Abstract:** This rule will revise HUD's regulations regarding demolition and disposition of public housing projects, in accordance with section 531 of the Quality Housing and Work Responsibility Act of 1998 (Pub. L. 105-276). This rule will establish the

general and specific requirements for HUD approval of demolition and disposition applications, relocation of residents, resident participation in the form of consultation and opportunity to purchase, new requirements regarding resident relocation, the PHA lan and local government consultation and a new authority for a PHA to demolish a small number of their units without a formal application under certain circumstances, referred to as "de minimis" demolition.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/04	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Ainars Rodins, Director, Special Applications Center, Department of Housing and Urban Development, Office of Public and Indian Housing  
Phone: 312 886-9754**RIN:** 2577-AC20**1483. TENANT-BASED ASSISTANCE: HOUSING CHOICE VOUCHER PROGRAM (FR-4838)****Priority:** Other Significant**Legal Authority:** 42 USC 1437f; 42 USC 3535(d)**CFR Citation:** 24 CFR 982; 24 CFR 985**Legal Deadline:** None**Abstract:** This rule will revise the Housing Choice Voucher Program to reflect recent legislation covering the use of vouchers in assisted living facilities, use of enhanced vouchers, the calculation of renewal funding and other updating of the regulations to clarify or expand the policy in the regulation based on recent experience in program administration.**Timetable:**

Action	Date	FR Cite
NPRM	01/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local, State**Agency Contact:** Gerald J. Benoit, Director, Housing Voucher Management and Operations, Department of Housing and Urban Development, Office of Public and Indian Housing  
Phone: 202 708-0477**RIN:** 2577-AC44**1484. CAPITAL AND OPERATING FUNDS FOR DEBT SERVICE AND FINANCING ACTIVITIES (FR-4843)****Priority:** Other Significant**Legal Authority:** 42 USC 1437g; 42 USC 3535(d)**CFR Citation:** 24 CFR 990**Legal Deadline:** None**Abstract:** The Quality Housing and Work Responsibility Act of 1998 authorized Public Housing Agencies to use public housing operating funds to repay debt service on private loans. Under the Capital Fund program, PHAs are permitted to borrow private housing development activities. This rule would implement and provide standards and requirements for PHAs to use capital or operating funds for debt service and financing activities.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local**Agency Contact:** William Thorson, Director, Office of Capital Improvements, Department of Housing and Urban Development, Office of Public and Indian Housing  
Phone: 202 708-1640**RIN:** 2577-AC49

Department of Housing and Urban Development (HUD)  
Office of Public and Indian Housing (PIH)

Final Rule Stage

**1485. • TECHNICAL AND CONFORMING AMENDMENTS TO THE PUBLIC HOUSING HOMEOWNERSHIP PROGRAM (FR-4891)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 1437z-4; 42 USC 3535(d)

**CFR Citation:** 24 CFR 906

**Legal Deadline:** None

**Abstract:** This rule clarifies that, as permitted by statute, a public housing agency (PHA) may use its capital funds to acquire properties to be used for homeownership. This rule also clarifies the obligation to provide relocation assistance in accordance with the Uniform Relocation and Real Property Acquisition Act (URA) in cases where a PHA's homeownership program causes displacement.

**Timetable:**

Action	Date	FR Cite
Final Action	07/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Dominique Blom, Office of Public Housing Investments, Department of Housing and Urban Development, Office of Public and Indian Housing  
Phone: 202 401-8812

**RIN:** 2577-AC53

**1486. OPERATING FUND ALLOCATION FORMULA (FR-4874)**

**Priority:** Other Significant

**Legal Authority:** 42 USC 1437g; 42 USC 3535(d)

**CFR Citation:** 24 CFR 990

**Legal Deadline:** None

**Abstract:** This rule revises the regulations for the Public Housing Operating Fund Program. Through the Operating Fund Program, HUD determines the allocation of operating subsidies to public housing agencies (PHAs). HUD developed the rule with the active participation of PHAs, public housing residents, and other affected parties using the procedures of the Negotiated Rulemaking Act of 1990. These regulatory changes reflect the consensus decisions reached by the negotiated rulemaking committee on ways to improve and clarify the current

regulations governing the Operating Fund Program, and take into consideration the recommendation of the Congressionally funded study by the Harvard University Graduate School of Design on the cost of operating well-run public housing.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Chris Kubacki, Funding and Financial Management Division, Department of Housing and Urban Development, Office of Public and Indian Housing  
Phone: 202 708-4932

**RIN:** 2577-AC51

**1487. MINIMUM FUNDING UNDER THE INDIAN HOUSING BLOCK GRANT PROGRAM (FR-4825)**

**Priority:** Other Significant

**Legal Authority:** 25 USC 4101 et seq; 42 USC 3535(d)

**CFR Citation:** 24 CFR 1000

**Legal Deadline:** None

**Abstract:** This rule revises the current regulation to extend the period for which an Indian tribe may receive a minimum grant amount under the need component of the Indian Housing Block Grant formula. The minimum funding provision in the regulation expired on September 30, 2003. This rule authorizes the extension of the minimum funding provision under the need component through fiscal year 2004 to avoid hardship to the affected tribes.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/24/03	68 FR 37660
Interim Final Rule Effective	07/24/03	
Interim Final Rule Comment Period End	08/25/03	
Interim Final Rule	07/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Rodger Boyd, Deputy Assistant Secretary for Native American Programs, Department of Housing and Urban Development, Office of Public and Indian Housing  
Phone: 202 401-7914

**RIN:** 2577-AC43

**1488. PHA DISCRETION IN TREATMENT OF OVER-INCOME FAMILIES (FR-4824)**

**Priority:** Other Significant

**Legal Authority:** 42 USC 3535(d)

**CFR Citation:** 24 CFR 960

**Legal Deadline:** None

**Abstract:** This rule permits PHAs to evict over-income tenants, with an exception for families with active FSS contracts of participation and those entitled to the earned income disallowance.

**Timetable:**

Action	Date	FR Cite
NPRM	08/01/03	68 FR 45734
NPRM Comment Period End	09/30/03	
Final Action	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Patricia Arnaudo, Senior Program Manager, Public Housing Occupancy and Management Division, Department of Housing and Urban Development, Office of Public and Indian Housing, 451 7th Street SW., Washington, DC 20410  
Phone: 202 708-0744

**RIN:** 2577-AC42

**1489. CONVERSION OF DEVELOPMENTS FROM PUBLIC HOUSING STOCK; METHODOLOGY FOR COMPARING COSTS OF PUBLIC HOUSING AND TENANT-BASED ASSISTANCE (FR-4718)**

**Priority:** Other Significant

**Legal Authority:** 42 USC 1437t; 1437z-5; 3535(d)

**CFR Citation:** 24 CFR 972

**Legal Deadline:** None

**Abstract:** This rule would establish the cost methodology that Public Housing Agencies (PHAs) must use under HUD's programs for the required and

## HUD—PIH

## Final Rule Stage

voluntary conversion of public housing developments to tenant-based assistance. Both programs require that PHAs, before undertaking any conversion activity, compare the cost of providing tenant-based assistance with the cost of continuing to operate the development as public housing. The cost methodology would be codified as an appendix to HUD's regulations for the required and voluntary conversion programs at 24 CFR part 972. This rule follows publication of a September 17, 2003, proposed rule and takes into consideration the public comments on the proposed rule.

**Timetable:**

Action	Date	FR Cite
NPRM	09/17/03	68 FR 54624
NPRM Comment Period End	11/17/03	
Final Action	10/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Bessy Kong, Acting Deputy Assistant Secretary for Policy, Program and Legislative Initiatives, Department of Housing and Urban Development, Office of Public and Indian Housing  
Phone: 202 708-0713

**RIN:** 2577-AC33

**1490. HOUSING CHOICE VOUCHER HOMEOWNERSHIP PROGRAM; PILOT PROGRAM FOR HOMEOWNERSHIP ASSISTANCE FOR DISABLED FAMILIES (FR-4661)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 1437f; 42 USC 3535(d)

**CFR Citation:** 24 CFR 982

**Legal Deadline:** None

**Abstract:** On June 22, 2001, HUD published an interim rule to implement

the three-year pilot program authorized by section 302 of the American Homeownership and Economic Opportunity Act of 2000. A public housing agency (PHA) may elect to provide homeownership assistance to a disabled family under the pilot program, rather than under the Housing Choice Voucher Program homeownership option. Under the pilot program, a PHA provides homeownership assistance to a disabled family residing in a home purchased and owned by one or more members of the family. Under its own terms, the pilot program expires in July 2004. This final rule removes the regulatory provision regarding the pilot program, since it will no longer be in operation.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/22/01	66 FR 33610
Interim Final Rule Effective	07/23/01	
Interim Final Rule Comment Period End	08/21/01	
Final Action	12/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Gerald J. Benoit, Director, Housing Voucher Management and Operations, Department of Housing and Urban Development, Office of Public and Indian Housing  
Phone: 202 708-0477

**RIN:** 2577-AC24

**1491. PROJECT-BASED VOUCHER PROGRAM (FR-4636)**

**Priority:** Other Significant

**Legal Authority:** 42 USC 1437f(o); 42 USC 3535(d)

**CFR Citation:** 24 CFR 983

**Legal Deadline:** None

**Abstract:** The Project-Based Voucher Program replaces the Project-Based Certificate Program that was in existence for many years. Under the Project-Based Voucher Program, HUD pays rental assistance for eligible families to live in specific housing developments or units. A public housing agency (PHA) that administers a tenant-based housing choice voucher program may "project-base" up to 20 percent of voucher units funded by HUD. The Project-Based Program was authorized by law in 1998, as part of the statutory merger of the certificate and voucher tenant-based programs. In 2000, the Congress substantially revised the project-based voucher law. The law made a number of changes including permitting a PHA to pay project-based assistance for a term of up to 10 years, permitting a PHA to provide project-based assistance for existing housing that does not need rehabilitation, as well as for newly constructed or rehabilitated housing, and allowing a family to move from a project-based voucher unit after one year and transfer to the PHA's tenant-based voucher program.

**Timetable:**

Action	Date	FR Cite
Notice	01/16/01	66 FR 3605
NPRM	03/18/04	69 FR 12950
NPRM Comment Period End	05/17/04	
Final Action	10/00/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

**Agency Contact:** Gerald J. Benoit, Director, Housing Voucher Management and Operations, Department of Housing and Urban Development, Office of Public and Indian Housing  
Phone: 202 708-0477

**RIN:** 2577-AC25

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**Department of Housing and Urban Development (HUD)**  
**Office of Public and Indian Housing (PIH)**


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**Long-Term Actions****1492. IMPLEMENTATION OF STATUTORY REVISIONS TO NAHASDA (FR-4750)****Priority:** Other Significant**Legal Authority:** 25 USC 4101 et seq; 42 USC 3535(d)**CFR Citation:** 24 CFR 1000**Legal Deadline:** None**Abstract:** This rule would implement statutory amendments made to the Native American Housing Assistance and Self-Determination Act of 1996 (25 USC 4101 et seq.) (NAHASDA) by the

American Homeownership and Economic Opportunity Act (Pub. L. 106-569, approved December 27, 2000) and the Omnibus Indian Advancement Act (Pub. L. 106-568, approved December 27, 2000). (With minor exceptions, these two laws made identical amendments to NAHASDA.) The rule will update the NAHASDA regulations to conform to self-implementing statutory amendments not reflected in the regulations.

**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** Tribal**Agency Contact:** Rodger Boyd, Deputy Assistant Secretary for Native American Programs, Department of Housing and Urban Development, Office of Public and Indian Housing  
Phone: 202 401-7914**RIN:** 2577-AC37

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**Department of Housing and Urban Development (HUD)**  
**Office of Public and Indian Housing (PIH)**


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**Completed Actions****1493. NAHASDA HOUSING ASSISTANCE FOR NATIVE HAWAIIANS (FR-4668)****Priority:** Other Significant**CFR Citation:** 24 CFR 1006; 24 CFR 1007**Completed:**

Reason	Date	FR Cite
Final Action	11/28/03	68 FR 66980
Final Action Effective	12/29/03	

Phone: 202 401-7914

**RIN:** 2577-AC27

[FR Doc. 04-13257 Filed 06-25-04; 8:45 am]

**BILLING CODE** 4210-01-S**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Rodger Boyd