

borrower to enter into formal contractual arrangements whenever possible to do so.

(c) *Borrower does not retain ownership of the security.* The security may be transferred to another approved applicant or sold in accordance with applicable procedure.

(d) *Borrower abandons the security or fails to make satisfactory arrangements.* This paragraph does *not* apply to borrowers with FO, SW, RL, OL, EE, EM, SL, EO, ST and/or RHF loans. Those borrowers should be sent exhibit A and the appropriate attachments as outlined in subpart S of part 1951 of this chapter. When a borrower abandons the security or fails to make satisfactory arrangements for maintenance of the security and payment of taxes, insurance, and installments on the loan, the County Supervisor will send a complete report on the case to the State Director. The report will include all the information that can be obtained regarding the borrower's plans for the security and any evidence to indicate that abandonment has, in fact, taken place. In these instances, it must be recognized that the borrower may have entered into verbal arrangements for the care of the security without properly advising the County Supervisor. Whether such cases may be construed to be in violation of the provisions of the mortgage, so as to support foreclosure by order of the Court under the provisions of the Soldiers' and Sailors' Civil Relief Act of 1940, will need to be determined on an individual case basis by the State Director and OGC. Clear-cut abandonment cases or instances in which the borrower fails to take action to transfer or sell the property, while evidencing no interest in it or desire to retain it, will be processed in accordance with applicable procedures.

(e) *Statement of account.* Borrowers entering the armed forces who retain ownership of the security will be requested to designate mailing addresses for the delivery of statements of account. Any changes in addresses will be processed on Form FmHA or its successor agency under Public Law 103-354 450-10 with appropriate explanations.

[45 FR 43152, June 26, 1980, as amended at 50 FR 45764, Nov. 1, 1985; 52 FR 26134, July 13, 1987; 55 FR 40646, Oct. 4, 1990]

#### § 1950.105 Interest rate.

(a) The Soldiers and Sailors Relief Act requires that the effective interest rate charged a borrower who enters active military duty after a loan is closed will not exceed 6 percent. This applies only to full-time active military duty and does not include military reserve status or National Guard participation.

(b) As soon as the County Supervisor verifies that a borrower is on active duty, the County Supervisor will send the borrower a letter which states that the interest rate on the borrower's FmHA or its successor agency under Public Law 103-354 loans will not exceed 6 percent. At the same time, the County Supervisor will send the Finance Office a memorandum which states that the borrower is on active duty and that interest of not more than 6 percent should accrue on the borrower's loans, effective as of the date of the memorandum or as of the date of the last payment, whichever is later, until further notice. If a borrower's interest rate on any loan is less than 6 percent, the loan will continue to accrue interest at the lower rate. The assistance under this section may not be retroactively applied.

(c) As soon as the County Supervisor verifies that a borrower is no longer on active duty, the County Supervisor will send the Finance Office a memorandum advising them to terminate the 6 percent interest rate. The rate will revert to the note rate (or the payment assistance rate), effective with the next scheduled payment. The 6 percent interest rate will not be cancelled retroactively.

(d) Additional directions for handling Single Family Housing Loans are contained in subpart G of part 1951 of this chapter.

[52 FR 26134, July 13, 1987, as amended at 60 FR 55122, Oct. 27, 1995]

## PART 1951—SERVICING AND COLLECTIONS

### Subpart A—Account Servicing Policies

Sec.

1951.1 Purpose.

1951.2 Policy.

1951.3 Authorities and responsibilities.

1951.4—1951.5 [Reserved]

- 1951.6 Handling payments.
- 1951.7 Accounts of borrowers.
- 1951.8 Types of payments.
- 1951.9 Distribution of payments when a borrower owes more than one type of FmHA or its successor agency under Public Law 103-354 loan.
- 1951.10 Application of payments on production type loan accounts.
- 1951.11 Application of payments on real estate accounts.
- 1951.12 Changes in the application of loan payments.
- 1951.13 Overpayments and refunds.
- 1951.14 Recoverable and nonrecoverable cost charges.
- 1951.15 Return of paid-in-full or satisfied notes to borrower.
- 1951.16 Other servicing actions on real estate type loan accounts.
- 1951.17—1951.24 [Reserved]
- 1951.25 Review of limited resource FO, OL, and SW loans.
- 1951.26—1951.49 [Reserved]
- 1951.50 OMB control number.

## EXHIBITS TO SUBPART A

EXHIBIT A—NOTICE TO FMHA OR ITS SUCCESSOR AGENCY UNDER PUBLIC LAW 103-354 BORROWERS

EXHIBIT B—NOTICE OF CHANGE IN INTEREST RATE

**Subpart B—Collections**

- 1951.51 General.
- 1951.52—1951.53 [Reserved]
- 1951.54 Authority.
- 1951.55 Receiving and processing collections.

**Subpart C—Offsets of Federal Payments to USDA Agency Borrowers**

- 1951.101 General.
- 1951.102 Standards and procedures for administrative offset requests received by FmHA or its successor agency under Public Law 103-354.
- 1951.103 Procedures for FmHA or its successor agency under Public Law 103-354-initiated administrative offset.
- 1951.104 Procedures for FmHA or its successor agency under Public Law 103-354-initiated offset.
- 1951.105 Procedures for taking funds by administrative offset.
- 1951.106—1951.110 [Reserved]
- 1951.111 Salary offset.
- 1951.112—1951.120 [Reserved]
- 1951.121 Internal Revenue Service (IRS) offset.
- 1951.122 Finance Office screening.
- 1951.123 Field office screening.
- 1951.124 Notice to borrowers.
- 1951.125 Processing borrowers' requests not to exercise IRS offset.

- 1951.126 Final referral to IRS.
- 1951.127 Processing of amounts offset.
- 1951.128 Receipt of Finance Office/IRS offset reports and listings.
- 1951.129 Borrowers eligible for offset (prior to 60-day notice).
- 1951.130 Borrowers sent due process notices for IRS/Credit Bureau referrals.
- 1951.131 Form FmHA or its successor agency under Public Law 103-354 389-833, Borrower Accounts Submitted to IRS for Offset Report, RC 865.
- 1951.132 Form FmHA or its successor agency under Public Law 103-354 389-760, Annual Unprocessable Report IRS Offset, RC 822-C.
- 1951.133 Form FmHA or its successor agency under Public Law 103-354 389-761, Annual No Match Report IRS Offset, RC 822-D.
- 1951.134 Form FmHA or its successor agency under Public Law 103-354 389-764, Weekly Offset Report (Cash Collections) IRS Offset, RC 222-C.
- 1951.135 Form FmHA or its successor agency under Public Law 103-354 389-763, Weekly Claims Report IRS Offset, RC 222-D.
- 1951.136—1951.149 [Reserved]
- 1951.150 OMB control number.

**Subpart D—Final Payment on Loans**

- 1951.151 Purpose.
- 1951.152 Definition.
- 1951.153 Chattel security or note-only cases.
- 1951.154 Satisfaction and release of documents.
- 1951.155 County and/or District Office actions.
- 1951.156—1951.200 [Reserved]

**Subpart E—Servicing of Community and Insured Business Programs Loans and Grants**

- 1951.201 Purpose.
- 1951.202 Objectives.
- 1951.203 Definitions.
- 1951.204 Nondiscrimination.
- 1951.205 Redefinition of authority.
- 1951.206 Forms.
- 1951.207 State supplements.
- 1951.208—1951.209 [Reserved]
- 1951.210 Environmental requirements.
- 1951.211 Refinancing requirements.
- 1951.212 Unauthorized financial assistance.
- 1951.213 Debt settlement.
- 1951.214 Care, management, and disposal of acquired property.
- 1951.215 Grants.
- 1951.216 Nonprogram (NP) loans.
- 1951.217 Public bodies.
- 1951.218—1951.219 [Reserved]
- 1951.220 General servicing actions.
- 1951.221 Collections, payments, and refunds.
- 1951.222 Subordination of security.
- 1951.223 Reamortization.
- 1951.224 Third party agreements.

**Pt. 1951**

**7 CFR Ch. XVIII (1-1-97 Edition)**

- 1951.225 Liquidation of security.
- 1951.226 Sale or exchange of security property.
- 1951.227 Protective advances.
- 1951.228—1951.229 [Reserved]
- 1951.230 Transfer of security and assumption of loans.
- 1951.231 Special provisions applicable to Economic Opportunity (EO) Cooperative Loans.
- 1951.232 Water and waste disposal systems which have become part of an urban area.
- 1951.233—1951.239 [Reserved]
- 1951.240 State Director's additional authorizations and guidance.
- 1951.241 Special provision for interest rate change.
- 1951.242—1951.249 [Reserved]
- 1951.250 OMB control number.

**EXHIBITS TO SUBPART E**

- EXHIBIT A—REPORT ON SERVICING ACTION
- EXHIBIT B—AGREEMENT FOR NEW MEMBER (WITH OR WITHOUT WITHDRAWING MEMBER)
- EXHIBIT C—AGREEMENT FOR WITHDRAWAL OF MEMBER (WITHOUT NEW MEMBER)
- EXHIBIT D—ITEMS TO BE INCLUDED IN TRANSFER AND ASSUMPTION DOCKETS (IF APPLICABLE)
- EXHIBIT E—INTEREST RATE REQUIREMENTS AND EFFECTIVE DATES
- EXHIBIT F—INSTRUCTION TO FMHA OR ITS SUCCESSOR AGENCY UNDER PUBLIC LAW 103-354 PERSONNEL TO IMPLEMENT PUBLIC LAW 100-233
- EXHIBIT G—LETTER TO BORROWER NOTIFYING OF CHOICE OF INTEREST RATE
- EXHIBIT H—RESCHEDULING AGREEMENT—PUBLIC BODIES

**Subpart F—Analyzing Credit Needs and Graduation of Borrowers**

- 1951.251 Purpose.
- 1951.252 Definitions.
- 1951.253 Objectives.
- 1951.254 [Reserved]
- 1951.255 Nondiscrimination.
- 1951.256—1951.261 [Reserved]
- 1951.262 Farm Credit Programs—graduation of borrowers.
- 1951.263 Graduation on non-Farm Credit programs borrowers.
- 1951.264 Action when borrower fails to cooperate, respond or graduate.
- 1951.265 Application for subsequent loan, subordination, or consent to additional indebtedness from a borrower who has been requested to graduate.
- 1951.266 Special requirements for MFH borrowers.
- 1951.267—1951.299 [Reserved]
- 1951.300 OMB control number.

**EXHIBITS TO SUBPART F**

- EXHIBIT A—[RESERVED]
- EXHIBIT B—SUGGESTED OUTLINE FOR SEEKING INFORMATION FROM LENDERS ON CREDIT CRITERIA FOR GRADUATION OF SINGLE FAMILY HOUSING LOANS

**Subparts G—I [Reserved]**

**Subpart J—Management and Collection of Nonprogram (NP) Loans**

- 1951.451 General.
- 1951.452 Policy.
- 1951.453 [Reserved]
- 1951.454 Review of adverse decisions.
- 1951.455 NP loan making for Single Family Housing (SFH) and farm property (real and chattel).
- 1951.456 [Reserved]
- 1951.457 Payments.
- 1951.458 Servicing real estate taxes.
- 1951.459 Preservation of security.
- 1951.460 Release of security property or sale or lease of related property rights.
- 1951.461 Release of valueless FmHA or its successor agency under Public Law 103-354 lien without monetary consideration.
- 1951.462 Deceased borrower.
- 1951.463 Transfer of security and assumption of indebtedness.
- 1951.464—1951.467 [Reserved]
- 1951.468 Liquidation.
- 1951.469 Actions after liquidation of property.
- 1951.470—1951.478 [Reserved]
- 1951.479 Pilot projects.
- 1951.480 [Reserved]
- 1951.481 FmHA or its successor agency under Public Law 103-354 Instructions.
- 1951.482—1951.500 [Reserved]

**Subpart K—Predetermined Amortization Schedule System (PASS) Account Servicing**

- 1951.501 General.
- 1951.502 [Reserved]
- 1951.503 Authorities and responsibilities.
- 1951.504 Definitions and statements of policy.
- 1951.505 [Reserved]
- 1951.506 Processing payments.
- 1951.507 Maintaining borrower accounts.
- 1951.508 [Reserved]
- 1951.509 Occupancy surcharges.
- 1951.510 Payment application.
- 1951.511 [Reserved]
- 1951.512 Changes in the application of loan payments.
- 1951.513 Overpayments and refunds to borrowers.
- 1951.514 Recoverable and nonrecoverable cost charges.
- 1951.515 Promissory notes for borrowers who convert to PASS.
- 1951.516 [Reserved]
- 1951.517 Conversion from DIAS to PASS.

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

**Pt. 1951**

- 1951.518 Determining current loan balances for transfer.
- 1951.519—1951.547 [Reserved]
- 1951.548 Exception authority.
- 1951.549 [Reserved]
- 1951.550 OMB control number.

**EXHIBITS TO SUBPART K**

**EXHIBIT A—[RESERVED]**

**EXHIBIT B—OCCUPANCY SURCHARGE PAYMENTS**

**Subpart L—Servicing Cases Where Unauthorized Loan or Other Financial Assistance Was Received—Farmer Programs**

- 1951.551 Purpose.
- 1951.552 Definitions.
- 1951.553 Policy.
- 1951.554—1951.555 [Reserved]
- 1951.556 Initial determination that unauthorized assistance was received.
- 1951.557 Notification to borrower.
- 1951.558 Decision on servicing actions.
- 1951.559—1951.560 [Reserved]
- 1951.561 Servicing options in lieu of liquidation or legal action.
- 1951.562—1951.567 [Reserved]
- 1951.568 Account adjustments and reporting requirements.
- 1951.569 Exception authority.
- 1951.570—1951.599 [Reserved]
- 1951.600 OMB control number.

**Subpart M [Reserved]**

**Subpart N—Servicing Cases Where Unauthorized Loan or Other Financial Assistance Was Received—Multiple Family Housing**

- 1951.651 Purpose.
- 1951.652 Definitions.
- 1951.653 Policy.
- 1951.654 Categories of unauthorized assistance.
- 1951.655 [Reserved]
- 1951.656 Initial determination that unauthorized assistance was received.
- 1951.657 Notification to recipient.
- 1951.658 Decision on servicing actions.
- 1951.659—1951.660 [Reserved]
- 1951.661 Servicing options in lieu of liquidation or legal action to collect.
- 1951.662—1951.667 [Reserved]
- 1951.668 Servicing unauthorized assistance accounts.
- 1951.669 Exception authority.
- 1951.670—1951.699 [Reserved]
- 1951.700 OMB control number.

**Subpart O—Servicing Cases Where Unauthorized Loan(s) or Other Financial Assistance Was Received—Community and Insured Business Programs**

- 1951.701 Purpose.
- 1951.702 Definitions.
- 1951.703 Policy.
- 1951.704—1951.705 [Reserved]
- 1951.706 Initial determination that unauthorized assistance was received.
- 1951.707 Notification to recipient.
- 1951.708 Decision on servicing actions.
- 1951.709—1951.710 [Reserved]
- 1951.711 Servicing options in lieu of liquidation or legal action to collect.
- 1951.712—1951.714 [Reserved]
- 1951.715 Account adjustments and reporting requirements.
- 1951.716 Exception authority.
- 1951.717—1951.749 [Reserved]
- 1951.750 OMB Control number.

**Subparts P-Q—[Reserved]**

**Subpart R—Rural Development Loan Servicing**

- 1951.851 Introduction.
- 1951.852 Definitions and abbreviations.
- 1951.853 Loan purposes for undisbursed RDLF loan funds from HHS.
- 1951.854 Ineligible assistance purposes.
- 1951.855—1951.858 [Reserved]
- 1951.859 Terms of loans.
- 1951.860 Interest on loans.
- 1951.861—1951.865 [Reserved]
- 1951.866 Security.
- 1951.867 Conflict of interest.
- 1951.868—1951.870 [Reserved]
- 1951.871 Post award requirements.
- 1951.872 Other regulatory requirements.
- 1951.873—1951.876 [Reserved]
- 1951.877 Loan agreements.
- 1951.878—1951.880 [Reserved]
- 1951.881 Loan servicing.
- 1951.882 Field visits.
- 1951.883 Reporting requirements.
- 1951.884 Non-Federal funds.
- 1951.885 Loan classifications.
- 1951.886—1951.888 [Reserved]
- 1951.889 Transfer and assumption.
- 1951.890 Office of Inspector General and Office of General Counsel referrals.
- 1951.891 Liquidation; default.
- 1951.892—1951.893 [Reserved]
- 1951.894 Debt settlement.
- 1951.895 [Reserved]
- 1951.896 Appeals.
- 1951.897 Exception authority.
- 1951.898—1951.899 [Reserved]
- 1951.900 OMB control number.

**Subpart S—Farmer Program Account Servicing Policies**

- 1951.901 Purpose.

## § 1951.1

- 1951.902 General.
- 1951.903 Authorities and responsibilities.
- 1951.904–1951.905 [Reserved]
- 1951.906 Definitions.
- 1951.907 Notice of Loan Service Programs.
- 1951.908 Servicing financially distressed current borrowers.
- 1951.909 Processing Primary Loan Service Programs Requests.
- 1951.910 Consideration of borrower's other assets for NEW APPLICATIONS.
- 1951.911 Preservations Loan Service Programs.
- 1951.912 Mediation.
- 1951.913 Servicing Net Recovery Buyout Recapture Agreements.
- 1951.914 Servicing of accounts restructured under Primary Loan Service Programs.
- 1951.915 [Reserved]
- 1951.916 Exception authority.
- 1951.917 FmHA or its successor agency under Public Law 103-354 Debt Restructuring Support Teams (DRST).
- 1951.918 FmHA or its successor agency under Public Law 103-354 Debt Restructuring Assessment Teams (DRAT).
- 1951.919–1951.949 [Reserved]
- 1951.950 OMB control number.

### EXHIBITS TO SUBPART S

- EXHIBIT A—NOTICE OF THE AVAILABILITY OF LOAN SERVICE PROGRAMS AND DEBT SETTLEMENT PROGRAMS FOR DELINQUENT FARM BORROWERS
- EXHIBIT B—NOTIFICATION OF OFFER TO RESTRUCTURE DEBT FOR FINANCIALLY DISTRESSED BORROWERS CURRENT ON THEIR LOAN PAYMENTS
- EXHIBIT C—NET RECOVERY BUYOUT RECAPTURE AGREEMENT
- EXHIBIT C-1—NET RECOVERY BUYOUT RECAPTURE AGREEMENT
- EXHIBIT D—SHARED APPRECIATION AGREEMENT
- EXHIBIT E—NOTIFICATION OF REQUEST OF MEDIATION OR MEETING OF CREDITORS AND/OR OTHER OPTIONS
- EXHIBIT F—NOTIFICATION OF OFFER TO RESTRUCTURE DEBT
- EXHIBIT G—DEFERRAL, REAMORTIZATION, AND RECLASSIFICATION OF DISTRESSED FARMER PROGRAM (FP) LOANS FOR SOFTWOOD TIMBER PRODUCTION (ST) LOANS
- EXHIBIT H—PRIMARY LOAN SERVICE AND CONSERVATION EASEMENT PROGRAMS
- EXHIBIT I—GUIDELINES FOR DETERMINING ADJUSTMENTS FOR NET RECOVERY VALUE OF COLLATERAL
- EXHIBIT J—THE DEBT AND LOAN RESTRUCTURING SYSTEM (DALRS)
- EXHIBIT J-1—THE DEBT AND LOAN RESTRUCTURING SYSTEM (DALRS)
- EXHIBIT K—NOTIFICATION OF CONSIDERATION FOR PRESERVATION LOAN SERVICE PROGRAMS

## 7 CFR Ch. XVIII (1-1-97 Edition)

- EXHIBIT L—HOMESTEAD PROTECTION PROGRAM AGREEMENT
- EXHIBIT M—HOMESTEAD PROTECTION PROGRAM LETTER
- EXHIBIT N—LEASEBACK/BUYBACK AGREEMENT
- EXHIBIT O—NOTICE OF AVAILABILITY OF LEASEBACK/BUYBACK
- EXHIBIT P—NOTICE OF AVAILABILITY OF LEASEBACK/BUYBACK
- EXHIBIT Q—WAIVER OF LEASEBACK/BUYBACK RIGHTS

### Subpart T—Disaster Set-Aside Program

- 1951.951 Purpose.
- 1951.952 General.
- 1951.953 Notification and request for DSA.
- 1951.954 Eligibility and loan limitation requirements.
- 1951.955–1951.956 [Reserved]
- 1951.957 Eligibility determination and processing.
- 1951.958 Cancellation and reversal of DSA.
- 1951.959 Exception authority.
- 1951.960–1951.999 [Reserved]
- 1951.1000 OMB control number.

AUTHORITY: 5 U.S.C. 301; 42 U.S.C. 1480.

EDITORIAL NOTE: Some of the exhibits referenced in this part 1951 are not published in the Code of Federal Regulations. Exhibits are available in any FmHA or its successor agency under Public Law 103-354 office.

### Subpart A—Account Servicing Policies

SOURCE: 50 FR 45764, Nov. 1, 1985, unless otherwise noted.

#### § 1951.1 Purpose.

This subpart sets forth the policies and procedures to use in servicing Farmer Program loans (FP) which include Softwood Timber (ST), Operating Loan (OL), Farm Ownership (FO), Soil and Water (SW), Recreation Loan (RL), Emergency Loan (EM), Economic Emergency Loan (EE), Special Livestock Loan (SL), Economic Opportunity Loan (EO), and Rural Housing Loan for farm service buildings (RHF) accounts. This subpart also applies to Rural Rental Housing Loan (RRH), Rural Cooperative Housing Loan (RCH), Labor Housing Loan (LH), Rural Housing Site Loan (RHS), and Site Option Loan (SO) accounts not covered under the Predetermined Amortization Schedule System (PASS). Loans on PASS will be administered under subpart K of part 1951 of this chapter. Cases involving unauthorized