

1(d) of Federal Income Tax Regulations, you, as the borrower, may deduct for Federal income tax purposes only that part, if any, of mortgage interest payments made during the year which exceeded the amount of assistance payments made by HUD during the year. You are urged to contact your tax advisor or State and local tax offices for guidance regarding the deductibility of payments on your State or local income tax returns.”

(Approved by the Office of Management and Budget under control number 2502-0235)

[48 FR 28986, June 24, 1983]

### Subpart H—Eligibility Requirements: Contract Rights and Obligations; Assistance Payments Contracts; Servicing Responsibilities—Refinancing Mortgages Under Section 235(r) of the National Housing Act

SOURCE: 57 FR 62453, Dec. 30, 1992, unless otherwise noted.

#### ELIGIBILITY REQUIREMENTS; DIRECT ENDORSEMENT

#### § 235.1200 Authority.

In accordance with the authority contained in section 235(r) of the National Housing Act, the Secretary may insure a mortgage given to refinance an existing mortgage which is insured under section 235 of the National Housing Act.

[57 FR 62453, Dec. 30, 1992, as amended at 60 FR 56500, Nov. 8, 1995]

#### § 235.1202 Cross-reference.

(a) All of the provisions of subpart A, part 203 of this chapter concerning eligibility requirements of mortgages covering one- to four-family dwellings under section 203 of the National Housing Act apply to mortgages insured under section 235(r) of the National Housing Act, except the following provisions:

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203.16 Certificate and contract regarding use of dwelling for transient or hotel purposes.

203.17 Mortgage provisions.

203.18 Maximum mortgage amount.

203.18a Solar energy systems.

203.18b Increased mortgage amount.

203.19 Mortgagor's minimum investment.

203.20 Agreed interest rate.

203.25 Late charge.

203.28 Economic soundness of project.

203.29 Eligible mortgages in Alaska, Guam or Hawaii.

203.32 Mortgage lien.

203.33 Relationship of income to mortgage payments.

203.35 Disclosure and verification of Social Security and Employer Identification Numbers.

203.36 Certificate and contract regarding use of dwelling for transient or hotel purposes.

203.38 Location of dwelling.

203.42 Rental properties.

203.43 Eligibility of miscellaneous type mortgages.

203.43i Eligibility of mortgages on Hawaiian home lands pursuant to section 247 of the National Housing Act.

203.43j Eligibility of mortgages on Allegany Reservation of Seneca Nation of Indians.

203.44 Eligibility of open-end advances.

203.45 Eligibility of graduated payment mortgages.

203.46 Eligibility of modified graduated payment mortgages.

203.47 Eligibility of growing equity mortgages.

203.49 Eligibility of adjustable rates mortgages.

203.50 Eligibility of rehabilitation loans.

203.51 Applicability.

(b) For the purposes of this subpart, all references in part 203 of this chapter to section 203 of the Act shall be construed to refer to section 235 of the Act.

[41 FR 1172, Jan. 6, 1976]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 235.1202, see the List of CFR Sections Affected in the Finding Aids section of this volume.

#### § 235.1206 Definitions used in this subpart.

As used in this subpart, the following terms shall have the meaning indicated:

(a) *Adjusted annual income* means the annual family income remaining after making certain exclusions from gross annual income. The following items shall be excluded, in the order listed, from family gross annual income:

(1) 5 percent of such gross annual income, in lieu of amounts to be withheld