

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

Office of the Secretary

24 CFR Parts 0, 4, 5, 8, 12, 15, 16, 17, 27, 28, 30, 35, 40, 51, 52, 91, 92, 100, 103, 104, 107, 109, 110, 111, 125, 135, 146, 200, 201, 203, 206, 213, 215, 219, 220, 221, 231, 232, 234, 235, 236, 237, 248, 260, 261, 265, 280, 290, 291, 511, 570, 572, 574, 576, 582, 583, 585, 590, 594, 597, 700, 750, 760, 791, 792, 799, 811, 813, 850, 880, 881, 882, 883, 884, 885, 886, 887, 889, 890, 899, 901, 904, 913, 941, 942, 945, 960, 961, 962, 963, 964, 965, 968, 999, 3280, 3282, and Chapters XI and XV

[Docket No. FR-3940-F-01]

RIN 2501-AC02

**General HUD Program Requirements:
Cross-Cutting Requirements**

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule.

SUMMARY: To eliminate redundancy in several HUD program regulations which repeat requirements that are applicable to two or more HUD programs, this final rule establishes a new part 5 that will contain: Definitions that are commonly found in many HUD program regulations; the list of other Federal requirements that are generally applicable to most HUD programs; and waiver authority (i.e., authority to waive regulatory provisions). The consolidation of the above-noted provisions in a single part will present uniformity, and assist program participants in identifying those requirements that cut across several of the HUD programs.

Furthermore, this final rule amends 24 CFR part 40 to conform to HUD's recently published rule eliminating obsolete or unnecessary parts and subparts from title 24 of the Code of Federal Regulations.

EFFECTIVE DATE: March 11, 1996.

FOR FURTHER INFORMATION CONTACT: Camille E. Acevedo, Assistant General Counsel for Regulations, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410, telephone (202) 708-3055. Hearing- or speech-impaired individuals may call HUD's TDD number (202) 708-9300 or 1-800-877-8399 (Federal Information Relay Service TDD). (Other than the "800" number, these are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

I. Background.

A. Consolidation of HUD Program Requirements

President Clinton's March 4, 1995 memorandum, *Regulatory Reinvention*, directed the heads of the Federal departments and agencies to review all existing regulations and to eliminate those requirements found to be obsolete or unnecessary. The department and agency chiefs were further directed to revise other regulations to increase flexibility and reduce regulatory burden.

HUD's page-by-page review evidenced that there are several requirements that are applicable to several HUD funded programs. To eliminate redundancy in the program regulations that repeat requirements, and to assist program participants in identifying requirements and procedures that are uniform in many HUD programs, this final rule creates a new part 5 containing: (1) Definitions that are used generally in HUD programs; (2) the list of other Federal requirements; and (3) waiver authority (i.e., authority to waive regulatory provisions). This final rule also amends HUD's program regulations that contain these common definitions or Federal requirements to remove these definitions and Federal requirements from these individual regulations and provide a cross-reference to part 5. Definitions or Federal requirements used only in a particular program, or common definitions defined differently for a particular program, will remain in the program regulations. The Department believes that placing common definitions and those Federal requirements generally applicable to several HUD programs in a new part 5 simplifies the structure of HUD's regulations by removing duplicative regulations, and also allows the user to determine which definitions are common to many HUD programs and which Federal requirements are considered cross-cutting requirements.

The general waiver provision established by this final rule permits the Secretary of HUD, upon a finding of good cause, to waive any non-statutory requirement in title 24. Currently, several program regulations authorize waivers only if the Secretary determines that application of the regulatory requirements will result in "undue hardship" to program participants and have an "adverse effect" on the purposes of the program. Although the waiver provision of part 5 uses a "good cause" standard, this final rule does not represent a change in policy. "Undue hardship" and "adverse effect" are

merely subcategories of "good cause." Accordingly, this final rule will not alter the criteria the Secretary currently uses to make waiver determinations.

B. Conforming Amendment to Part 40

On September 11, 1995 (60 FR 47260), HUD published a final rule eliminating obsolete parts and codified guidance from title 24 of the Code of Federal Regulations. Among the guidance eliminated by the September 11, 1995 rule was appendix A to part 40, which codified the Accessibility Standards for Publicly Owned Residential Structures. Since the guidelines are easily obtainable elsewhere, codification in title 24 was unnecessary. This final rule creates a new § 40.7 which informs readers where they may obtain a copy of the accessibility guidelines.

C. Additional Consolidations To Be Included in Part 5

HUD intends future rulemakings that will amend part 5 to include other program requirements that are found in several programs regulations and that would benefit by having the requirements consolidated and set forth in part 5.

II. Justification for Final Rulemaking

It is HUD's policy to publish rules for public comment before their issuance for effect, in accordance with its own regulations on rulemaking found at 24 CFR part 10. However, part 10 provides that prior public procedure will be omitted if HUD determines that it is "impracticable, unnecessary, or contrary to the public interest" (24 CFR 10.1). HUD finds that in this case prior public comment is unnecessary because the consolidation of frequently repeated definitions and program requirements does not affect or establish policy. This final rule does not establish or eliminate program requirements. Rather, in order to eliminate redundancy, this rule relocates these generally applicable requirements to a new part in title 24 of the CFR.

III. Other Matters

A. Environmental Impact

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implements section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban

Development, Room 10276, 451 Seventh Street, SW, Washington, DC 20410.

B. Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this final rule will not have substantial direct effects on States or their political subdivisions, or the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government. Specifically, this rule merely consolidates requirements applicable to all or most HUD programs in a single part. It effects no changes in the current relationships between the Federal government, the States and their political subdivisions in connection with these programs.

C. Executive Order 12606, the Family

The General Counsel, as the Designated Official under Executive Order 12606, The Family, has determined that this rule does not have potential for significant impact on family formation, maintenance, and general well-being, and thus, is not subject to review under the order. No significant change in existing HUD policies or programs will result from promulgation of this rule, as those policies and programs relate to family concerns.

D. Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)) has reviewed and approved this rule, and in so doing certifies that this rule will not have a significant economic impact on a substantial number of small entities. This final rule merely establishes a new part for frequently repeated program requirements, and will not have any meaningful economic impact on any entity.

List of Subjects

24 CFR Part 0

Administrative practice and procedure, Conflict of interests.

24 CFR Part 4

Administrative practice and procedure, Government employees, Grant programs—housing and community development, Investigations, Loan programs—housing and community development, Penalties, Reporting and recordkeeping requirements.

24 CFR Part 5

Administrative practice and procedure.

24 CFR Part 8

Administrative practice and procedure, Civil rights, Equal employment opportunity, Grant programs—housing and community development, Individuals with disabilities, Loan programs—housing and community development, Reporting and recordkeeping requirements.

24 CFR Part 12

Administrative practice and procedure, Grant programs—housing and community development, Loan programs—housing and community development, Reporting and recordkeeping requirements.

24 CFR Part 15

Classified information, Courts, Freedom of information, Government employees, Reporting and recordkeeping requirements.

24 CFR Part 16

Privacy.

24 CFR Part 17

Administrative practice and procedure, Claims, Government employees, Income taxes, Wages.

24 CFR Part 27

Administrative practice and procedure, Loan programs—housing and community development.

24 CFR Part 28

Administrative practice and procedure, Claims, Fraud, Penalties.

24 CFR Part 30

Administrative practice and procedure, Grant programs—housing and community development, Loan programs—housing and community development, Mortgages, Penalties.

24 CFR Part 35

Grant programs—housing and community development, Lead poisoning, Mortgage insurance, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 40

Individuals with disabilities, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 51

Environmental protection, Airports, Hazardous substances, Housing standards, Noise control.

24 CFR Part 52

Intergovernmental relations.

24 CFR Part 91

Aged, Grant programs—housing and community development, Homeless, Individuals with disabilities, Low and moderate income housing, Reporting and recordkeeping requirements.

24 CFR Part 92

Administrative practice and procedure, Grant programs—housing and community development, Grant programs—Indians, Indians, Low and moderate income housing, Manufactured homes, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 100

Aged, Fair housing, Individuals with disabilities, Mortgages, Reporting and recordkeeping requirements.

24 CFR Part 103

Administrative practice and procedure, Aged, Fair housing, Individuals with disabilities, Intergovernmental relations, Investigations, Mortgages, Penalties, Reporting and recordkeeping requirements.

24 CFR Part 104

Administrative practice and procedure, Aged, Fair housing, Individuals with disabilities, Mortgages, Penalties.

24 CFR Part 107

Administrative practice and procedure, Fair housing, Grant programs—housing and community development, Loan programs—housing and community development, Religious discrimination, Reporting and recordkeeping requirements, Sex discrimination.

24 CFR Part 109

Administrative practice and procedure, Equal employment opportunity, Government contracts, Housing, Reporting and recordkeeping requirements.

24 CFR Part 110

Aged, Fair housing, Individuals with disabilities, Mortgages, Signs and symbols.

24 CFR Part 111

Fair housing, Grant programs—housing and community development, Reporting and recordkeeping requirements.

24 CFR Part 125

Fair housing, Grant programs—housing and community development, Reporting and recordkeeping requirements.

24 CFR Part 135

Administrative practice and procedure, Community development, Equal employment opportunity, Government contracts, Grant programs—housing and community development, Housing, Loan programs—housing and community development, Reporting and recordkeeping requirements, Small businesses.

24 CFR Part 146

Administrative practice and procedure, Aged, Civil rights, Grant programs—housing and community development, Loan programs—housing and community development, Reporting and recordkeeping requirements.

24 CFR Part 200

Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Home improvement, Housing standards, Incorporation by reference, Lead poisoning, Loan programs—housing and community development, Minimum property standards, Mortgage insurance, Organization and functions (Government agencies), Penalties, Reporting and recordkeeping requirements, Social Security, Unemployment compensation, Wages.

24 CFR Part 201

Health facilities, Historic preservation, Home improvement, Loan programs—housing and community development, Manufactured homes, Mortgage insurance, Reporting and recordkeeping requirements.

24 CFR Part 203

Hawaiian Natives, Home improvement, Indians—lands, Loan programs—housing and community development, Mortgage insurance, Reporting and recordkeeping requirements, Solar energy.

24 CFR Part 206

Aged, Condominiums, Loan programs—housing and community development, Mortgage insurance, Reporting and recordkeeping requirements.

24 CFR Part 213

Cooperatives, Mortgage insurance, Reporting and recordkeeping requirements.

24 CFR Part 215

Grant programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 219

Loan programs—housing and community development, Low and moderate income housing, Reporting and recordkeeping requirements.

24 CFR Part 220

Home improvement, Loan programs—housing and community development, Mortgage insurance, Reporting and recordkeeping requirements, Urban renewal.

24 CFR Part 221

Low and moderate income housing, Mortgage insurance, Reporting and recordkeeping requirements.

24 CFR Part 231

Aged, Mortgage insurance, Reporting and recordkeeping requirements.

24 CFR Part 232

Fire prevention, Health facilities, Loan programs—health, Loan programs—housing and community development, Mortgage insurance, Nursing homes, Reporting and recordkeeping requirements.

24 CFR Part 234

Condominiums, Mortgage insurance, Reporting and recordkeeping requirements.

24 CFR Part 235

Condominiums, Cooperatives, Grant programs—housing and community development, Low and moderate income housing, Mortgage insurance, Reporting and recordkeeping requirements.

24 CFR Part 236

Grant programs—housing and community development, Low and moderate income housing, Mortgage insurance, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 237

Grant programs—housing and community development, Low and moderate income housing, Mortgage insurance.

24 CFR Part 248

Intergovernmental relations, Loan programs—housing and community development, Low and moderate income housing, Mortgage insurance, Reporting and recordkeeping requirements.

24 CFR Part 260

Grant programs—housing and community development, Low and moderate income housing.

24 CFR Part 261

Drug abuse, Drug traffic control, Grant programs—housing and community development, Grant programs—low and moderate income housing, Reporting and recordkeeping requirements.

24 CFR Part 265

Mortgage insurance.

24 CFR Part 280

Community development, Grant programs—housing and community development, Loan programs—housing and community development, Low and moderate income housing, Nonprofit organizations, Reporting and recordkeeping requirements.

24 CFR Part 290

Low and moderate income housing, Mortgage insurance.

24 CFR Part 291

Community facilities, Conflict of interests, Homeless, Lead poisoning, Low and moderate income housing, Mortgages, Reporting and recordkeeping requirements, Surplus government property.

24 CFR Part 511

Administrative practice and procedure, Grant programs—housing and community development, Lead poisoning, Low and moderate income housing, Reporting and recordkeeping requirements, Technical assistance.

24 CFR Part 570

Administrative practice and procedure, American Samoa, Community development block grants, Grant programs—education, Grant programs—housing and community development, Guam, Indians, Lead poisoning, Loan programs—housing and community development, Low and moderate income housing, New communities, Northern Mariana Islands, Pacific Islands Trust Territory, Pockets of poverty, Puerto Rico, Reporting and recordkeeping requirements, Small cities, Student aid, Virgin Islands.

24 CFR Part 572

Condominiums, Cooperatives, Fair housing, Government property, Grant programs—housing and community development, Low and moderate income housing, Nonprofit organizations, Reporting and recordkeeping requirements.

24 CFR Part 574

AIDS, Community facilities, Disabled, Emergency shelter, Grant programs—health programs, Grant programs—housing and community development, Grant programs—social programs, Homeless, Housing, Low and moderate income housing, Nonprofit organizations, Rent subsidies, Reporting and recordkeeping requirements, Technical assistance.

24 CFR Part 576

Community facilities, Emergency shelter grants, Grant programs—housing and community development, Grant programs—social programs, Homeless, Reporting and recordkeeping requirements.

24 CFR Part 582

Homeless, Rent subsidies, Reporting and recordkeeping requirements, Supportive housing programs—housing and community development, Supportive services.

24 CFR Part 583

Homeless, Rent subsidies, Reporting and recordkeeping requirements, Supportive housing programs—housing and community development, Supportive services.

24 CFR Part 585

Grant programs—housing and community development, Homeless, Low and very low-income families, Reporting and recordkeeping requirements.

24 CFR Part 590

Government property, Housing, Intergovernmental relations, Low and moderate income housing, Reporting and recordkeeping requirements, Urban renewal.

24 CFR Part 594

Community development, Grant programs—housing and community development, Reporting and recordkeeping requirements, Urban renewal.

24 CFR Part 597

Community development, Empowerment zones, Enterprise communities, Economic development, Housing, Indians, Intergovernmental relations, Reporting and recordkeeping requirements, Urban renewal.

24 CFR Part 700

Aged, Grant programs—housing and community development, Individuals with disabilities, Low and moderate income housing, Nutrition, Public housing, Rent subsidies, Reporting and

recordkeeping requirements, Supportive services.

24 CFR Part 750

Grant programs—housing and community development, Indians, Intergovernmental relations, Loan programs—housing and community development, Public housing, Rent subsidies, Reporting and recordkeeping requirements, Social Security.

24 CFR Part 760

Grant programs—housing and community development, Income verification procedures, Indians, Intergovernmental relations, Loan programs—housing and community development, Penalties, Public housing, Rent subsidies, Reporting and recordkeeping requirements, Wages.

24 CFR Part 791

Grant programs—housing and community development, Indians, Intergovernmental relations, Public housing, Rent subsidies.

24 CFR Part 792

Fraud, Grant programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 799

Grant programs—housing and community development, Indians, Intergovernmental relations, Public housing, Rent subsidies.

24 CFR Part 811

Public housing, Securities, Taxes.

24 CFR Part 813

Grant programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements, Utilities.

24 CFR Part 850

Grant programs—housing and community development, Low and moderate income housing, Reporting and recordkeeping requirements.

24 CFR Part 880

Grant programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 881

Grant programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 882

Grant programs—housing and community development, Homeless,

Lead poisoning, Manufactured homes, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 883

Grant programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 884

Grant programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements, Rural areas.

24 CFR Part 885

Aged, Individuals with disabilities, Loan programs—housing and community development, Low and moderate income housing, Reporting and recordkeeping requirements.

24 CFR Part 886

Grant programs—housing and community development, Lead poisoning, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 887

Grant programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 889

Aged, Capital advance programs, Grant programs—housing and community development, Loan programs—housing and community development, Low and moderate income housing, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 890

Civil rights, Grant programs—housing and community development, Individuals with disabilities, Loan programs—housing and community development, Low and moderate income housing, Mental health programs, Reporting and recordkeeping requirements.

24 CFR Part 899

Grant programs—housing and community development, Low and moderate income housing, Rent subsidies.

24 CFR Parts 901

Administrative practice and procedure, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 904

Grant programs—housing and community development, Loan

programs—housing and community development, Public housing.

24 CFR Part 913

Grant programs—housing and community development, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 941

Grant programs—housing and community development, Loan programs—housing and community development, Public housing.

24 CFR Part 942

Aged, Grant programs—housing and community development, Individuals with disabilities, Pets, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 945

Aged, Grant programs—housing and community development, Individuals with disabilities, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 960

Aged, Grant programs—housing and community development, Individuals with disabilities, Public housing.

24 CFR Part 961

Drug abuse, Drug traffic control, Grant programs—housing and community development, Grant programs—Indians, Grant programs—low and moderate income housing, Indians, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 962

Grant programs—housing and community development, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 963

Grant programs—housing and community development, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 964

Grant programs—housing and community development, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 965

Energy conservation, Government procurement, Grant programs—housing and community development, Lead poisoning, Loan programs—housing and community development, Public housing, Reporting and recordkeeping requirements, Utilities.

24 CFR Part 968

Grant programs—housing and community development, Indians, Loan programs—housing and community development, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 999

Grant programs—housing and community development, Indians, Public housing.

24 CFR Part 3280

Fire prevention, Housing standards, Manufactured homes.

24 CFR Part 3282

Administrative practice and procedure, Consumer protection, Intergovernmental relations, Investigations, Manufactured homes, Reporting and recordkeeping requirements.

Accordingly, under the authority 42 U.S.C. 3535(d), in title 24 of the Code of Federal Regulations, subtitle B, chapters I, II, V, VII, VIII, IX, and XX are amended, and chapters XI and XV are removed, as follows:

PART 0—STANDARDS OF CONDUCT

1. The authority citation for part 0 is revised to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 201–212; E.O. 11222, E.O. 12674, 3 CFR, 1964–1965 Comp., p. 306; 5 CFR 735.101–412.

Subpart A—General Provisions

§ 0.735–102 [Amended]

2. Section 0.735–102 is amended by removing the definition of “Department.”

§ 0.735–106 [Removed]

3. Section 0.735–106 is removed.

PART 4—PROHIBITION OF ADVANCE DISCLOSURE OF FUNDING DECISIONS

4. The authority citation for part 4 continues to read as follows:

Authority: 42 U.S.C. 3535(d) and 3537a.

Subpart A—General Provisions

5. Section 4.5 is amended by removing the definitions of “Department or HUD”, “NOFA”, and “Secretary”, and adding introductory text to read as follows:

§ 4.5 Definitions.

The terms *Department*, *HUD*, *NOFA*, and *Secretary* are defined in 24 CFR part 5.

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6. A new part 5 is added to read as follows:

PART 5—GENERAL HUD PROGRAM REQUIREMENTS; WAIVERS

Subpart A—Generally Applicable Definitions and Federal Requirements; Waivers

Sec.

5.100 Definitions.

5.105 Other Federal requirements.

5.110 Waivers.

Authority: 42 U.S.C. 3535(d).

Subpart A—Generally Applicable Definitions and Federal Requirements; Waivers

§ 5.100 Definitions.

The following definitions apply as noted in the respective program regulations:

1937 Act means the United States Housing Act of 1937 (42 U.S.C. 1437 *et seq.*)

ADA means the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*)

ALJ means an administrative law judge appointed to HUD pursuant to 5 U.S.C. 3105 or detailed to HUD pursuant to 5 U.S.C. 3344.

Department means the Department of Housing and Urban Development.

Elderly Person means an individual who is at least 62 years of age.

Fair Housing Act means title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3601 *et seq.*)

Fair Market Rent (FMR) means the rent that would be required to be paid in the particular housing market area in order to obtain privately owned, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. This Fair Market Rent includes utilities (except telephone). Separate Fair Market Rents will be established by HUD for dwelling units of varying sizes (number of bedrooms) and will be published in the Federal Register in accordance with part 888 of this title.

General Counsel means the General Counsel of HUD.

Grantee means the person or legal entity to which a grant is awarded and that is accountable for the use of the funds provided.

HUD means the same as *Department*.

Indian means a person who is recognized as being an Indian or Alaska Native by an Indian Tribe, the Federal government, or any State.

Indian Housing Authority (IHA) means an entity that:

(1) Is authorized to engage or assist in the development or operation of low-income housing for Indians under the 1937 Act; and

(2) Is established:

(i) By exercise of the power of self-government of an Indian Tribe independent of State law; or

(ii) By operation of State law providing specifically for housing authorities for Indians, including regional housing authorities in the State of Alaska.

NAHA means the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12701 *et seq.*).

NEPA means the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

NOFA means Notice of Funding Availability.

OMB means the Office of Management and Budget.

Organizational Unit means the jurisdictional area of each Assistant Secretary, and each office head or field administrator reporting directly to the Secretary.

Public Housing Agency (PHA) means any State, county, municipality, or other governmental entity or public body, or agency or instrumentality of these entities, that is authorized to engage or assist in the development or operation of low-income housing under the 1937 Act.

Section 8 means section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

Secretary means the Secretary of Housing and Urban Development.

URA means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4201–4655).

§ 5.105 Other Federal requirements.

The following Federal requirements apply as noted in the respective program regulations:

(a) *Nondiscrimination and equal opportunity.* The Fair Housing Act (42 U.S.C. 3601–19) and implementing regulations at 24 CFR part 100 *et seq.*; Executive Order 11063, as amended by Executive Order 12259 (3 CFR, 1959–1963 Comp., p. 652 and 3 CFR, 1980 Comp., p. 307) (Equal Opportunity in Housing Programs) and implementing regulations at 24 CFR part 107; title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2000d-4) (Nondiscrimination in Federally Assisted Programs) and implementing regulations at 24 CFR part 1; the Age Discrimination Act of 1975 (42 U.S.C. 6101–6107) and implementing regulations at 24 CFR part 146; section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR part 8; section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and

implementing regulations at 24 CFR part 135; Executive Order 11246, as amended by Executive Orders 11375, 11478, 12086, and 12107 (3 CFR, 1964–1965 Comp., p. 339; 3 CFR, 1966–1970 Comp., p. 684; 3 CFR, 1966–1970 Comp., p. 803; 3 CFR, 1978 Comp., p. 230; and 3 CFR, 1978 Comp., p. 264, respectively) (Equal Employment Opportunity Programs) and implementing regulations at 41 CFR chapter 60; Executive Order 11625, as amended by Executive Order 12007 (3 CFR, 1971–1975 Comp., p. 616 and 3 CFR, 1977 Comp., p. 139) (Minority Business Enterprises); Executive Order 12432 (3 CFR, 1983 Comp., p. 198) (Minority Business Enterprise Development); and Executive Order 12138, as amended by Executive Order 12608 (3 CFR, 1977 Comp., p. 393 and 3 CFR, 1987 Comp., p. 245) (Women's Business Enterprise).

(b) *Disclosure requirements.* The disclosure requirements and prohibitions of 31 U.S.C. 1352 and implementing regulations at 24 CFR part 87; and the requirements for funding competitions established by the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3531 *et seq.*).

(c) *Debarred, suspended or ineligible contractors.* The prohibitions at 24 CFR part 24 on the use of debarred, suspended or ineligible contractors.

(d) *Drug-Free Workplace.* The Drug-Free Workplace Act of 1988 (41 U.S.C. 701 *et seq.*) and HUD's implementing regulations at 24 CFR part 24.

§ 5.110 Waivers.

Upon determination of good cause, the Secretary may, subject to statutory limitations, waive any provision of this title and delegate this authority in accordance with section 106 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3535(q)).

PART 8—NONDISCRIMINATION BASED ON HANDICAP IN FEDERALLY ASSISTED PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

7. The authority citation for part 8 is revised to read as follows:

Authority: 29 U.S.C. 794; 42 U.S.C. 3535(d) and 5309.

Subpart C—Program Accessibility

8. Section 8.32 is amended by revising paragraph (a) to read as follows:

§ 8.32 Accessibility standards.

(a) Effective as of July 11, 1988, design, construction, or alteration of buildings in conformance with sections 3–8 of the Uniform Federal Accessibility Standards (UFAS) shall be deemed to comply with the requirements of §§ 8.21, 8.22, 8.23, and 8.25 with respect to those buildings. Departures from particular technical and scoping requirements of the UFAS by the use of other methods are permitted where substantially equivalent or greater access to and usability of the building is provided. The alteration of housing facilities shall also be in conformance with additional scoping requirements contained in this part. Persons interested in obtaining a copy of the UFAS are directed to § 40.7 of this title.

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PART 12—ACCOUNTABILITY IN THE PROVISION OF HUD ASSISTANCE

9. The authority citation for part 12 is revised to read as follows:

Authority: 42 U.S.C. 3535(d) and 3545.

Subpart A—General

10. Section 12.3 is amended by removing the definitions of “Indian”, “Indian Housing Authority”, “HUD or Department”, and “Public housing agency”, and adding introductory text to read as follows:

§ 12.3 Definitions.

The terms *Department*, *HUD*, *Indian*, *Indian Housing Authority (IHA)*, and *Public Housing Agency (PHA)* are defined in 24 CFR part 5.

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PART 15—TESTIMONY, PRODUCTION AND DISCLOSURE OF MATERIAL OR INFORMATION BY HUD EMPLOYEES

11. The authority citation for part 15 is revised to read as follows:

Authority: 5 U.S.C. 552; 42 U.S.C. 3535(d).

Subpart A—Purpose and Policy

12. Section 15.1 is amended by removing the definitions of “Department”, “Secretary”, and “Organizational unit”, and adding introductory text to read as follows:

§ 15.1 Definitions.

The terms *Department*, *Secretary*, and *Organizational unit* are defined in 24 CFR part 5.

* * * * *

Subpart I—Testimony of Employees of the Department in Legal Proceedings

§ 15.86 [Removed]

13. Section 15.86 is removed.

PART 16—IMPLEMENTATION OF THE PRIVACY ACT OF 1974

14. The authority citation for part 16 continues to read as follows:

Authority: 5 U.S.C. 552(a); 42 U.S.C. 3535(d).

§ 16.2 [Amended]

15. Section 16.2 is amended by removing paragraph (b)(4) and redesignating paragraphs (b)(5) through (b)(8) as paragraphs (b)(4) through (b)(7).

PART 17—ADMINISTRATIVE CLAIMS

16. The authority citation for subpart A of part 17 is revised to read as follows:

Authority: 5 U.S.C. 5514; 28 U.S.C. 2672; 31 U.S.C. 3711, 3716–3718, 3721; 42 U.S.C. 3535(d).

Subpart A—Claims Against Government Under Federal Tort Claims Act

17. Section 17.1 is amended by revising paragraph (c) to read as follows:

§ 17.1 Scope; definitions.

* * * * *

(c) The terms *Department* and *Organizational unit* are defined in 24 CFR part 5.

PART 27—NONJUDICIAL FORECLOSURE OF MULTIFAMILY MORTGAGES

18. The authority citation for part 27 is revised to read as follows:

Authority: 12 U.S.C. 3711(5), 3717; 42 U.S.C. 3535(d).

Subpart A—General

19. Section 27.3 is amended by removing the definitions of “*General Counsel*” and “*Secretary*”, and revising the introductory text to read as follows:

§ 27.3 Definitions.

The terms *General Counsel* and *Secretary* are defined in 24 CFR part 5.

* * * * *

PART 28—IMPLEMENTATION OF THE PROGRAM FRAUD CIVIL REMEDIES ACT OF 1986

20. The authority citation for part 28 is revised to read as follows:

Authority: 31 U.S.C. 3801; 42 U.S.C. 3535(d).

21. Section 28.3 is amended by removing the definitions of “*ALJ*” and “*HUD*”, and adding introductory text to read as follows:

§ 28.3 Definitions.

The terms *ALJ* and *HUD* are defined in 24 CFR part 5.

* * * * *

PART 30—CIVIL MONEY PENALTIES: CERTAIN PROHIBITED CONDUCT

22. The authority citation for part 30 is revised to read as follows:

Authority: 12 U.S.C. 1701q–1, 1703, 1723i, 1735f–14, 1735f–15; 15 U.S.C. 1717a; 42 U.S.C. 3535(d).

Subpart A—General Provisions

23. Section 30.10 is amended by removing the definitions of “*ALJ*”, “*Department or HUD*”, and “*Secretary*”, and revising the introductory text to read as follows:

§ 30.10 Definitions.

Because this part is primarily procedural, terms not defined in this section shall have the meanings given them in relevant program regulations. In the case of new responsibilities and new terminology established by the Reform Act, comprehensive definitions will be found in 24 CFR part 4 (Prohibition of Advance Disclosure of Funding Decisions) and 24 CFR part 12 (Accountability in the Provision of HUD Assistance). The terms *ALJ*, *Department*, *HUD*, and *Secretary* are defined in 24 CFR part 5.

* * * * *

PART 35—LEAD-BASED PAINT POISONING PREVENTION IN CERTAIN RESIDENTIAL STRUCTURES

24. The authority for part 35 is revised to read as follows:

Authority: 42 U.S.C. 3535(d), 4821–4846).

Subpart A—Notification to Purchasers and Tenants of HUD-Associated Housing Constructed Prior to 1978 of the Hazards of Lead-Based Paint Poisoning

§ 35.3 [Amended]

25. Section 35.3 is amended by removing the definition of “*Department of HUD*.”

Subpart G—[Removed]

26. Subpart G, consisting of § 35.70, is removed.

PART 40—ACCESSIBILITY STANDARDS FOR DESIGN, CONSTRUCTION, AND ALTERATION OF PUBLICLY OWNED RESIDENTIAL STRUCTURES

27. The authority citation for part 40 is revised to read as follows:

Authority: 42 U.S.C. 3535(d), 4153.

§ 40.5 [Removed]

28. Section 40.5 is removed and reserved.

29. A new § 40.7 is added to read as follows:

§ 40.7 Availability of Accessibility Standards.

Copies of the Uniform Federal Accessibility Standards are available from the Office of Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development, Room 5230, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 755–5404 (this is not a toll-free number). Hearing or speech-impaired individuals may call HUD’s TDD number (202) 708–0113 or 1–800–877–8399 (Federal Information Relay Service TDD). (Other than the “800” number, these are not toll-free numbers.)

PART 51—ENVIRONMENTAL CRITERIA AND STANDARDS

30. The authority citation for subpart C of part 51 is revised to read as follows:

Authority: 42 U.S.C. 3535(d).

Subpart C—Siting of HUD-Assisted Projects Near Hazardous Operations Handling Conventional Fuels or Chemicals of an Explosive or Flammable Nature

31. Section 51.201 is amended by removing the definitions of “*Department*” and “*Secretary*”, and adding introductory text to read as follows:

§ 51.201 Definitions.

The terms *Department* and *Secretary* are defined in 24 CFR part 5.

* * * * *

PART 52—INTERGOVERNMENTAL REVIEW OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT PROGRAMS AND ACTIVITIES

32. The authority citation for part 52 is revised to read as follows:

Authority: 31 U.S.C. 6506; 42 U.S.C. 3334, 3535(d).

§ 52.2 [Amended]

33. Section 52.2 is amended by removing the definition of "Department."

§ 52.13 [Removed]

34. Section 52.13 is removed.

PART 91—CONSOLIDATED SUBMISSION FOR COMMUNITY PLANNING AND DEVELOPMENT PROGRAMS

35. The authority citation for part 91 continues to read as follows:

Authority: 42 U.S.C. 3535(d), 3601–3619, 5301–5315, 11331–11388, 12701–12711, 12741–12756, and 12901–12912.

Subpart A—General

36. Section 91.5 is amended by removing the definitions of "Elderly person" and "HUD", and adding introductory text to read as follows:

§ 91.5 Definitions.

The terms *Elderly person* and *HUD* are defined in 24 CFR part 5.

* * * * *

PART 92—HOME INVESTMENT PARTNERSHIPS PROGRAM

37. The authority citation for part 92 is revised to read as follows:

Authority: 42 U.S.C. 3535(d), 12701–12839.

Subpart A—General

38. Section 92.2 is amended by removing the definitions of "HUD", "Indian Housing Authority", "Public housing agency (PHA)", and "Secretary", and adding introductory text to read as follows:

§ 92.2 Definitions.

The terms *HUD*, *Indian Housing Authority (IHA)*, *Public Housing Agency (PHA)*, and *Secretary* are defined in 24 CFR part 5.

* * * * *

§ 92.3 [Removed]

39. Section 92.3 is removed and reserved.

Subpart H—Other Federal Requirements

40. Section 92.350 is amended by revising paragraph (a) to read as follows:

§ 92.350 Equal opportunity and fair housing.

(a) The Federal requirements set forth in 24 CFR part 5 apply to participants in the HOME program.

* * * * *

§ 92.357 [Removed]

41. Section 92.357 is removed and reserved.

PART 100—DISCRIMINATORY CONDUCT UNDER THE FAIR HOUSING ACT

42. The authority citation for part 100 is revised to read as follows:

Authority: 42 U.S.C. 3535(d), 3600–3620.

Subpart A—General

43. Section 100.20 is amended by removing the definitions of "Department", "Fair Housing Act", and "Secretary", and revising the introductory text to read as follows:

§ 100.20 Definitions.

The terms *Department*, *Fair Housing Act*, and *Secretary* are defined in 24 CFR part 5.

* * * * *

PART 103—FAIR HOUSING—COMPLAINT PROCESSING

44. The authority citation for part 103 is revised to read as follows:

Authority: 42 U.S.C. 3535(d), 3601–3619.

Subpart A—Purpose and Definitions

45. Section 103.9 is amended by removing the definitions of "Fair Housing Act", "General Counsel", and "HUD", and revising the introductory text to read as follows:

§ 103.9 Definitions.

The terms *Fair Housing Act*, *General Counsel*, and *HUD* are defined in 24 CFR part 5.

* * * * *

PART 104—ADMINISTRATIVE PROCEEDINGS UNDER SECTION 812 OF THE FAIR HOUSING ACT

46. The authority citation for part 104 is revised to read as follows:

Authority: 42 U.S.C. 3535(d), 3600–3620.

Subpart A—General Information

47. Section 104.20 is amended by removing the definitions of "Fair Housing Act", "General Counsel", and "HUD", and adding introductory text to read as follows:

§ 104.20 Definitions.

The terms *Fair Housing Act*, *General Counsel*, and *HUD* are defined in 24 CFR part 5.

* * * * *

PART 107—NONDISCRIMINATION AND EQUAL OPPORTUNITY IN HOUSING UNDER EXECUTIVE ORDER 11063

48–50. The authority citation for part 107 is revised to read as follows:

Authority: 42 U.S.C. 3535(d); E.O. 11063, 27 FR 11527, 3 CFR, 1958–1963 Comp., p. 652; E.O. 12892, 59 FR 2939, 3 CFR, 1994 Comp., p. 849.

51. Section 107.15 is amended by:

- Revising paragraph (a);
- Removing paragraph (b); and
- Redesignating paragraphs (c) through (g) as paragraphs (b) through (f) to read as follows:

§ 107.15 Definitions.

(a) *Department* and *Secretary* are defined in 24 CFR part 5.

* * * * *

PART 109—FAIR HOUSING ADVERTISING

52. The authority citation for part 109 is revised to read as follows:

Authority: 42 U.S.C. 3535(d), 3600–3620.

53. Section 109.15 is amended by revising paragraph (b) to read as follows:

§ 109.15 Definitions.

* * * * *

(b) *General Counsel* is defined in 24 CFR part 5.

* * * * *

PART 110—FAIR HOUSING POSTER

54. The authority citation for part 110 is revised to read as follows:

Authority: 42 U.S.C. 3535(d), 3600–3620.

Subpart A—Purpose and Definitions

55. Section 110.5 is amended by:

- Revising paragraph (a);
- Removing paragraph (f); and
- Redesignating paragraphs (g) through (i) as paragraphs (f) through (h) to read as follows:

§ 110.5 Definitions.

(a) The terms *Department* and *Secretary* are defined in 24 CFR part 5.

* * * * *

PART 111—FAIR HOUSING ASSISTANCE PROGRAM

56. The authority citation for part 111 is revised to read as follows:

Authority: 42 U.S.C. 3535(d), 3600–3620.

57. Section 111.101 is amended by removing the definitions of "HUD" and "NOFA", and revising the introductory text to read as follows:

§ 111.101 Definitions.

The terms *HUD* and *NOFA* are defined in 24 CFR part 5.

* * * * *

PART 125—FAIR HOUSING INITIATIVES PROGRAM

58. The authority citation for part 125 is revised to read as follows:

Authority: 42 U.S.C. 3535(d), 3616 note.

§ 125.103 [Amended]

59. Section 125.103 is amended by removing the definition of “*Department*.”

PART 135—ECONOMIC OPPORTUNITIES FOR LOW- AND VERY LOW-INCOME PERSONS

60–62. The authority citation for part 135 is revised to read as follows:

Authority: 12 U.S.C. 1701u; 42 U.S.C. 3535(d).

Subpart A—General Provisions

63. Section 135.5 is amended by removing the definitions of “*Department or HUD*”, “*Indian housing authority (IHA)*”, “*Public housing agency (PHA)*”, and “*Secretary*”, and revising the introductory text to read as follows:

§ 135.5 Definitions.

The terms *Department*, *HUD*, *Indian housing authority (IHA)*, *Public housing agency (PHA)*, and *Secretary* are defined in 24 CFR part 5.

* * * * *

PART 146—NONDISCRIMINATION ON THE BASIS OF AGE IN HUD PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

64. The authority citation for part 146 is revised to read as follows:

Authority: 42 U.S.C. 3535(d) and 6103.

Subpart A—General

65. Section 146.7 is amended by removing the definitions of “*HUD*” and “*Secretary*”, and revising the introductory text to read as follows:

§ 146.7 Definitions.

The terms *HUD* and *Secretary* are defined in 24 CFR part 5.

* * * * *

PART 200—INTRODUCTION

66. The authority citation for part 200 continues to read as follows:

Authority: 12 U.S.C. 1701–1715z–18; 42 U.S.C. 1436a and 3535(d).

Subpart I—Nondiscrimination and Fair Housing

67. Section 200.300 is revised to read as follows:

§ 200.300 Nondiscrimination and fair housing policy.

The regulations in this subpart are prescribed pursuant to:

- (a) The nondiscrimination and fair housing requirements set forth in 24 CFR part 5; and
- (b) The affirmative fair housing marketing requirements in 24 CFR part 200, subpart M and part 108.

Subpart T—Disclosure and Verification of Social Security Numbers and Employer Identification Numbers by Applicants and Participants in Assisted Mortgage and Loan Insurance and Related Programs

68. Section 200.1005 is amended by removing the definitions of “*HUD or Department*” and “*PHA*”, and revising the introductory text to read as follows:

§ 200.1005 Definitions.

The terms *Department*, *HUD*, and *Public Housing Agency (PHA)* are defined in 24 CFR part 5. For purposes of this subpart, the term *Public Housing Agency (PHA)* includes an Indian Housing Authority.

* * * * *

Subpart V—Procedures for Obtaining Wage and Claim Information About Applicants and Participants in HUD’s Assisted Mortgage and Loan Insurance and Related Programs From State Wage Information Collection Agencies (SWICAs)

§ 200.1205 [Amended]

69. Section 200.1205 is amended by removing the definition of “*HUD*.”

PART 201—TITLE I PROPERTY IMPROVEMENT AND MANUFACTURED HOME LOANS

70. The authority citation for part 201 is revised to read as follows:

Authority: 12 U.S.C. 1703; 42 U.S.C. 1436a and 3535(d).

Subpart A—General

§ 201.2 [Amended]

71. Section 201.2 is amended by removing paragraph (ff) and redesignating paragraphs (gg) through (mm) as paragraphs (ff) through (ll).

§ 201.5 [Amended]

72. Section 201.5 is amended by removing paragraph (a) and removing the designation of paragraph (b).

PART 203—SINGLE FAMILY MORTGAGE INSURANCE

73. The authority citation for part 203 continues to read as follows:

Authority: 12 U.S.C. 1709, 1710, 1715b, and 1715u; 42 U.S.C. 3535(d).

In addition, subpart C is also issued under 12 U.S.C. 1715u.

Subpart A—Eligibility Requirements and Underwriting Procedures

§ 203.248 [Removed]

74. Section 203.248 and the undesignated center heading preceding it are removed.

PART 206—HOME EQUITY CONVERSION MORTGAGE INSURANCE

75. The authority citation for part 206 is revised to read as follows:

Authority: 12 U.S.C. 1715b, 1715z–1720; 42 U.S.C. 3535(d).

Subpart A—General

§ 206.5 [Removed]

76. Section 206.5 is removed.

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

77. The authority citation for part 213 continues to read as follows:

Authority: 12 U.S.C. 1715b, 1715e; 42 U.S.C. 3535(d).

Subpart C—Eligibility Requirements—Individual Properties Released From Project Mortgage

§ 213.748 [Removed]

78. Section 213.748 is removed.

PART 215—RENT SUPPLEMENT PAYMENTS

79. The authority citation for part 215 continues to read as follows:

Authority: 12 U.S.C. 1701s; 42 U.S.C. 3535(d).

80. Section 215.1 is amended by revising the definition of “*Elderly person*” to read as follows:

§ 215.1 Definitions.

* * * * *

Elderly person is defined in 24 CFR part 5.

* * * * *

PART 219—FLEXIBLE SUBSIDY PROGRAM FOR TROUBLED PROJECTS

81. The authority citation for part 219 continues to read as follows:

Authority: 12 U.S.C. 1715z-1a; 42 U.S.C. 3535(d).

Subpart A—General Provisions

§ 219.130 [Removed]

82. Section 219.130 is removed.

PART 220—MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS FOR URBAN RENEWAL AND CONCENTRATED DEVELOPMENT AREAS

83. The authority citation for part 220 continues to read as follows:

Authority: 12 U.S.C. 1713, 1715b, and 1715k; 42 U.S.C. 3535(d).

Subpart A—Eligibility Requirements—Homes

§ 220.248 [Removed]

84. Section 220.248 and the undesignated center heading preceding it are removed.

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

85. The authority citation for part 221 is revised to read as follows:

Authority: 12 U.S.C. 1707(a), 1715b and 1751f; 42 U.S.C. 3535(b).

Subpart A—Eligibility Requirements—Low Cost Homes

§ 221.248 [Removed]

86. Section 221.248 and the undesignated center heading preceding it are removed.

PART 231—HOUSING MORTGAGE INSURANCE FOR THE ELDERLY

87. The authority citation for part 231 continues to read as follows:

Authority: 12 U.S.C. 1715b and 1715v; 42 U.S.C. 3535(d).

Subpart A—Eligibility Requirements

88. Section 231.2 is amended by revising paragraph (c) to read as follows:

§ 231.2 Definitions.

* * * * *

(c) *Elderly person* is defined in 24 CFR part 5.

* * * * *

PART 232—MORTGAGE INSURANCE FOR NURSING HOMES, INTERMEDIATE CARE FACILITIES, BOARD AND CARE HOMES, AND ASSISTED LIVING FACILITIES

89. The authority citation for part 232 continues to read as follows:

Authority: 12 U.S.C. 1715b, 1715w, and 1715z(9); 42 U.S.C. 3535(d).

Subpart A—Eligibility Requirements

90. Section 232.1 is amended by revising paragraph (n) to read as follows:

§ 232.1 Definitions.

* * * * *

(n) *Elderly person* is defined in 24 CFR part 5.

* * * * *

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

91. The authority citation for part 234 is revised to read as follows:

Authority: 12 U.S.C. 1715b and 1715y; 42 U.S.C. 3535(d). Section 234.520(a)(2)(ii) is also issued under 12 U.S.C. 1707(a).

Subpart A—Eligibility Requirements—Individually Owned Units

§ 234.248 [Removed]

92. Section 234.248 is removed.

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

93. The authority citation for part 235 is revised to read as follows:

Authority: 12 U.S.C. 1715b and 1715z; 42 U.S.C. 3535(d).

Subpart A—Eligibility Requirements—Homes for Lower Income Families

§ 235.1204 [Removed]

94. Section 235.1204 is removed.

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENT FOR RENTAL PROJECTS

95. The authority citation for part 236 continues to read as follows:

Authority: 12 U.S.C. 1715b and 1715z-1; 42 U.S.C. 3535(d).

Subpart A—Eligibility Requirements for Mortgage Insurance

96. Section 236.2 is amended by revising the definition of “*Elderly person*” to read as follows:

§ 236.2 Definitions.

* * * * *

Elderly person is defined in 24 CFR part 5.

* * * * *

PART 237—SPECIAL MORTGAGE INSURANCE FOR LOW AND MODERATE INCOME FAMILIES

97. The authority citation for part 237 continues to read as follows:

Authority: 12 U.S.C. 1709, 1715b, and 1715z-2; 42 U.S.C. 3535(d).

Subpart A—Eligibility Requirements

§ 237.248 [Removed]

98. Section 237.248 and the undesignated center heading preceding it are removed.

PART 248—PREPAYMENT OF LOW INCOME HOUSING MORTGAGES

99. The authority citation for part 248 continues to read as follows:

Authority: 12 U.S.C. 1715l note, 4101 note, and 4101-4124; 42 U.S.C. 3535(d).

Subpart C—Prepayment and Plans of Action Under the Emergency Low Income Preservation Act of 1987

100. Section 248.201 is amended by removing the definitions of “*Fair Market Rent*” and “*Section 8*”, and adding introductory text to read as follows:

§ 248.201 Definitions.

The terms *Fair Market Rent (FMR)* and *Section 8* are defined in 24 CFR part 5.

* * * * *

PART 260—INTEREST SUBSIDY GRANTS

101. The authority citation for part 260 is revised to read as follows:

Authority: 42 U.S.C. 1440(c)(2) and 3535(d).

§ 260.2 [Amended]

102. Section 260.2 is amended by removing and reserving paragraph (d).

PART 261—ASSISTED HOUSING DRUG ELIMINATION PROGRAM

103. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 3535(d) and 11901 *et seq.*

Subpart A—General

104. Section 261.5 is amended by removing the definition of “*HUD or Department*”, and adding introductory text to read as follows:

§ 261.5 Definitions.

The terms *Department* and *HUD* are defined in 24 CFR part 5.

* * * * *

PART 265—TRANSFER FROM NON-PROFIT TO PROFIT-MOTIVATED OWNERSHIP FOR MULTIFAMILY HOUSING PROJECTS WITH HUD-INSURED OR HUD-HELD MORTGAGES

105. The authority citation for part 265 is revised to read as follows:

Authority: 42 U.S.C. 3535(d).

§ 265.4 [Removed]

106. Section 265.4 is removed and reserved.

PART 280—NEHEMIAH HOUSING OPPORTUNITY GRANTS PROGRAM

107. The authority citation for part 280 continues to read as follows:

Authority: 12 U.S.C. 1715l note; 42 U.S.C. 3535(d).

Subpart A—General

§ 280.5 [Amended]

108. Section 280.5 is amended by removing the definition of “HUD.”

§ 280.10 [Removed]

109. Section 280.10 is removed.

Subpart D—Application and Selection Procedures

110. Section 280.207 is amended by:

- a. Revising the introductory text and paragraph (a);
- b. Removing paragraphs (g) and (k); and
- c. Redesignating paragraphs (h) through (j) as paragraphs (g) through (i), to read as follows:

§ 280.207 Other Federal requirements.

In addition to the requirements set forth in 24 CFR part 5, the following additional Federal requirements apply to this program:

(a) *Nondiscrimination and equal opportunity.* (1) The affirmative fair housing marketing requirements at 24 CFR part 200, subpart M, and the implementing regulations at 24 CFR part 108.

(2) *Racial and ethnic data collection requirements.* Recipients must maintain current data on the race and ethnicity of program beneficiaries.

* * * * *

PART 290—DISPOSITION OF MULTIFAMILY PROJECTS AND SALE OF HUD-HELD MULTIFAMILY MORTGAGES

111. The authority citation for part 290 continues to read as follows:

Authority: 12 U.S.C. 1701z–11, 1701z–12, 1713, 1715b, 1715z–1b; 42 U.S.C. 3535(d).

Subpart A—General Provisions

112. Section 290.5 is amended by removing the definitions of “Department” and “URA”, and revising the introductory text to read as follows:

§ 290.5 What definitions apply in this regulation?

The terms *Department* and *URA* are defined in 24 CFR part 5.

* * * * *

§ 290.7 [Removed]

113. Section 290.7 is removed.

PART 291—DISPOSITION OF HUD-ACQUIRED SINGLE FAMILY PROPERTY

114. The authority citation for part 291 continues to read as follows:

Authority: 12 U.S.C. 1709 and 1715b; 42 U.S.C. 1441, 1441a, 1551a, and 3535(d).

Subpart A—General Provisions

115. Section 291.5 is amended by removing the definitions of “HUD” and “Secretary”, and revising the introductory text to read as follows:

§ 291.5 Definitions.

The terms *HUD* and *Secretary* are defined in 24 CFR part 5.

* * * * *

Subpart E—Lease and Sale of HUD-Acquired Single Family Properties for the Homeless

§ 291.405 [Amended]

116. Section 291.405 is amended by removing the definition of “HUD.”

117. Section 291.435 is amended by:

- a. Revising the introductory text and paragraph (a)(1);
- b. Removing paragraphs (c) and (e); and
- c. Redesignating paragraph (d) as paragraph (c) to read as follows:

§ 291.435 Applicability of other Federal requirements.

In addition to the requirements set forth in 24 CFR part 5, the following Federal requirements apply to lessees and purchasers under this subpart:

(a) *Nondiscrimination and equal opportunity.* (1) The nondiscrimination and equal opportunity requirements set forth in 24 CFR part 5 are modified as follows:

(i) Where applicable, lessees and purchasers must also comply with the Americans with Disabilities Act (42 U.S.C. 12131) and implementing regulations at 28 CFR parts 35 and 36.

(ii) The requirements of section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and

Executive Order 11246 (30 FR 12319, 12935, 3 CFR, 1946–1965 Comp., p. 339; Executive Order 11625 (36 FR 19967, 3 CFR, 1971–1975 Comp., p. 616); Executive Order 12432 (48 FR 32551, 3 CFR, 1983 Comp., p. 198; and Executive Order 12138 (44 FR 29637, 3 CFR, 1979 Comp., p. 393) do not apply to this subpart.

* * * * *

Subpart F—[Removed]

118. Subpart F, consisting of § 291.500, is removed.

PART 511—RENTAL REHABILITATION GRANT PROGRAM

119. The authority citation for part 511 continues to read as follows:

Authority: 2 U.S.C. 1437o and 3535(d).

Subpart A—General

120. Section 511.2 is amended by removing the definitions of “HUD” and “Public Housing Agency (PHA)”, and adding introductory text to read as follows:

§ 511.2 Definitions.

The terms *HUD* and *Public Housing Agency (PHA)* are defined in 24 CFR part 5.

* * * * *

§ 511.5 [Removed]

121. Section 511.5 is removed.

Subpart B—Program Requirements

122. Section 511.13 is amended by:

- a. Revising the heading and the introductory text;
- b. Removing paragraphs (a) and (c);
- c. Redesignating paragraph (b) as paragraph (a); and
- d. Adding paragraph (b) and reserving it, to read as follows:

§ 511.13 Nondiscrimination, equal opportunity, and affirmative marketing requirements.

In addition to the nondiscrimination and equal opportunity requirements set forth in 24 CFR part 5, the following requirements apply:

* * * * *

123. Section 511.16 is amended by:

- a. Revising the introductory text;
- b. Removing paragraphs (c), (d), and (f);
- b. Redesignating paragraphs (e) and (g) as paragraphs (c) and (d), respectively, to read as follows:

§ 511.16 Other Federal requirements.

In addition to the Federal requirements set forth in 24 CFR part 5, Grantees and, where applicable, State

recipients shall comply with the following requirements:

* * * * *

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

124. The authority citation for part 570 is revised to read as follows:

Authority: 42 U.S.C. 3535(d) and 5300-5320.

Subpart A—General Provisions

125. Section 570.3 is amended by removing the definitions of “HUD” and “Secretary”, and adding introductory text to read as follows:

§ 570.3 Definitions.

The terms HUD and Secretary are defined in 24 CFR part 5.

* * * * *

§ 570.5 [Removed]

126. Section 570.5 is removed.

Subpart I—State Community Development Block Grant Program

§ 570.481 [Amended]

127. Section 570.481 is amended by removing paragraph (a)(3).

Subpart K—Other Program Requirements

128. Sections 570.607 is revised to read as follows:

§ 570.607 Employment and contracting opportunities.

Grantees shall comply with:

(a) Executive Order 11246, as amended by Executive Orders 11375, 11478, 12086, and 12107 (3 CFR, 1964-1965 Comp., p.339; 3 CFR, 1966-1970 Comp., p. 684; 3 CFR, 1966-1970 Comp., p. 803; 3 CFR, 1978 Comp., p. 230; and 3 CFR, 1978 Comp., p. 264) (Equal Employment Opportunity) and the implementing regulations at 41 CFR chapter 60; and

(b) Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR part 135.

129. Section 570.609 is revised to read as follows:

§ 570.609 Use of debarred, suspended or ineligible contractors or subrecipients.

The requirements set forth in 24 CFR part 5 apply to this program.

PART 572—HOPE FOR HOMEOWNERSHIP OF SINGLE FAMILY HOMES PROGRAM (HOPE 3)

130. The authority citation for part 572 continues to read as follows:

Authority: 42 U.S.C. 3535(d) and 12891.

Subpart A—General

131. Section 572.5 is amended by removing the definitions of “HUD”, “IHA”, “NAHA”, “1937 Act”, “NOFA”, and “PHA”, and revising the introductory text to read as follows:

§ 572.5 Definitions.

The terms HUD, Indian Housing Authority (IHA), NAHA, 1937 Act, NOFA, and Public Housing Agency (PHA) are defined in 24 CFR part 5.

* * * * *

§ 572.15 [Removed]

132. Section 572.15 is removed.

Subpart E—Other Federal Requirements

133. Section 572.405 is amended by:

- a. Revising the introductory text and paragraph (a);
- b. Removing paragraphs (b), (c) and (d);
- c. Redesignating paragraphs (e) through (g) as paragraphs (b) through (d); and
- d. Revising newly designated paragraph (b) to read as follows:

§ 572.405 Nondiscrimination and equal opportunity requirements.

In addition to the nondiscrimination and equal opportunity requirements set forth in 24 CFR part 5, the following requirements apply to homeownership programs under this part:

(a) *Modification of fair housing and nondiscrimination requirements for Indian tribes and IHAs.* (1) The Indian Civil Rights Act (25 U.S.C. 1301 *et seq.*) applies to tribes when they exercise their powers of self-government. Thus, it is applicable in all cases when an IHA has been established by exercise of such powers. In the case of the IHA established pursuant to State law, the applicability of the Indian Civil Rights Act shall be determined on a case-by-case basis. Development subject to the Indian Civil Rights Act must be developed and operated in compliance with its provisions and all implementing HUD requirements, instead of title VI and the Fair Housing Act and their implementing regulations.

(2) In the case of Indian tribes and IHAs, compliance with the requirements of this section shall be to the maximum extent consistent, but not in derogation of, the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)).

(b) *Affirmative fair housing marketing.* The recipient must adopt a strategy for informing and soliciting applications from people who are least likely to apply, because of race, color,

religion, sex, disability, familial status, or national origin, for the program without special outreach, consistent with the affirmative fair housing marketing requirements. (See 24 CFR 92.351 for an example of an affirmative strategy.) Paragraph (b) of this section does not apply to Indian tribes and IHAs, as described in paragraph (a)(1) of this section.

* * * * *

PART 574—HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

134. The authority citation for part 574 continues to read as follows:

Authority: 42 U.S.C. 3535(d) and 12901-12912.

Subpart A—General

135. Section 574.3 is amended by removing the definitions of “Grantee” and “Secretary”, and adding introductory text to read as follows:

§ 574.3 Definitions.

The terms Grantee and Secretary are defined in 24 CFR part 5.

* * * * *

Subpart G—Other Federal Requirements

§ 574.600 [Redesignated as § 574.603]

136. Section 574.600 is redesignated as § 574.603 and a new § 574.600 is added to read as follows:

§ 574.600 Cross-reference.

The Federal requirements set forth in 24 CFR part 5 apply to this program as specified in this subpart.

137. Section 574.603 is amended by:

- a. Revising the introductory text and paragraph (a);
- b. Removing paragraphs (b), (c), (d) and (f); and
- c. Redesignating paragraph (e) as paragraph (b) to read as follows:

§ 574.603 Nondiscrimination and equal opportunity.

In addition to the nondiscrimination and equal opportunity requirements set forth in 24 CFR part 5, the following requirements apply:

(a) *Fair housing requirements.* (1) Grantees and project sponsors shall comply with the applicable provisions of the Americans with Disabilities Act (42 U.S.C. 12101-12213) and implementing regulations at 28 CFR part 35 (States and local government grantees) and part 36 (public accommodations and requirements for

certain types of short-term housing assistance).

(2) Executive Order 11246, as amended by Executive Orders 11375, 11478, 12086, and 12107 (3 CFR, 1964-1965 Comp., p. 339; 3 CFR, 1966-1970 Comp., p. 684; 3 CFR, 1966-1970 Comp., p. 803; 3 CFR 1978 Comp., p. 230; and 3 CFR, 1978 Comp., p. 264) (Equal Employment Opportunity) does not apply to this program.

* * * * *

§§ 574.610, 574.615, and 574.620 [Removed]

138. Sections 574.610, 574.615, and 574.620 are removed.

PART 576—EMERGENCY SHELTER GRANTS PROGRAM: STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT

139. The authority citation for part 576 continues to read as follows:

Authority: 42 U.S.C. 3535(d) and 11376.

Subpart A—General

140. Section 576.3 is amended by removing the definitions of “GRANTEE” and “HUD”, and adding introductory text to read as follows:

§ 576.3 Definitions.

The terms *Grantee* and *HUD* are defined in 24 CFR part 5.

* * * * *

§§ 576.5 [Removed]

141. Section 576.5 is removed.

Subpart G—Program Requirements

142. Section 576.79 is amended by:
a. Revising the introductory text and paragraph (a);
b. Removing paragraphs (e) and (h);
c. Redesignating paragraphs (f) and (g) as paragraphs (e) and (f), respectively;
d. Redesignating paragraphs (i) and (j) as paragraphs (g) and (h), respectively, to read as follows:

§ 576.79 Other Federal requirements.

In addition to the Federal requirements set forth in 24 CFR part 5, use of emergency shelter grant amounts must comply with the following requirements:

(a) *Nondiscrimination and equal opportunity.* The nondiscrimination and equal opportunity requirements at 24 CFR part 5 are modified as follows:

(1) *Rehabilitation Act requirements.* HUD’s regulations at 24 CFR part 8 implement section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794). For purposes of the emergency shelter grants program, the term

“dwelling units” in 24 CFR part 8 shall include sleeping accommodations.

(2) Use of emergency shelter grant amounts must also comply with the requirement that the grantee or the State recipient make known that use of the facilities and services is available to all on a nondiscriminatory basis. If the procedures that the grantee or recipient intends to use to make known the availability of the facilities and services are unlikely to reach persons of any particular race, color, religion, sex, age, national origin, familial status, or disability who may qualify for such facilities and services, the grantee or recipient must establish additional procedures that will ensure that such persons are made aware of the facilities and services. Grantees and recipients must also adopt procedures which will make available to interested persons information concerning the location of services and facilities that are accessible to persons with disabilities.

* * * * *

PART 582—SHELTER PLUS CARE

143. The authority citation for part 582 is revised to read as follows:

Authority: 42 U.S.C. 3535(d), 11403 note.

Subpart A—General

144. Section 582.5 is amended by removing the definitions of “Fair Market rent or FMR”, “HUD”, “Public housing agency or PHA”, and “Secretary”, and revising the introductory text to read as follows:

§ 582.5 Definitions.

The terms *Fair Market Rent (FMR)*, *HUD*, *Public Housing Agency (PHA)*, and *Secretary* are defined in 24 CFR part 5.

* * * * *

§ 582.10 [Removed]

145. Section 582.10 is removed.

Subpart D—Program Requirements

146. Section 582.330 is amended by revising paragraph (b) to read as follows:

§ 582.330 Nondiscrimination and equal opportunity requirements.

* * * * *

(b) *Compliance with requirements.* (1) In addition to the nondiscrimination and equal opportunity requirements set forth in 24 CFR part 5, recipients serving a designated population of homeless persons must, within the designated population, comply with the prohibitions against discrimination against handicapped individuals under section 503 of the Rehabilitation Act of

1973 (29 U.S.C. 794) and implementing regulations at 41 CFR chapter 60-741.

(2) The nondiscrimination and equal opportunity requirements set forth at part 5 of this title are modified as follows:

(i) The Indian Civil Rights Act (25 U.S.C. 1301 *et seq.*) applies to tribes when they exercise their powers of self-government, and to IHAs when established by the exercise of such powers. When an IHA is established under State law, the applicability of the Indian Civil Rights Act will be determined on a case-by-case basis. Projects subject to the Indian Civil Rights Act must be developed and operated in compliance with its provisions and all implementing HUD requirements, instead of title VI and the Fair Housing Act and their implementing regulations.

(ii) [Reserved]

* * * * *

147. Section 582.340 is amended by:
a. Adding an introductory text;
b. Removing paragraphs (b), (c), and (d); and
c. Redesignating paragraph (e) as paragraph (b) to read as follows:

§ 582.340 Other Federal requirements.

In addition to the Federal requirements set forth in 24 CFR part 5, the following requirements apply to this program:

* * * * *

PART 583—SUPPORTIVE HOUSING PROGRAM

148. The authority citation for part 583 continues to read as follows:

Authority: 42 U.S.C. 3535(d) and 11389.

Subpart A—General

149. Section 583.5 is amended by removing the definition of “HUD.”

§ 583.10 [Removed]

150. Section 583.10 is removed.

Subpart D—Program Requirements

151. Section 583.325 is amended by revising paragraph (b) introductory text and (b)(1) to read as follows:

§ 583.325 Nondiscrimination and equal opportunity requirements.

* * * * *

(b) *Nondiscrimination and equal opportunity requirements.* The nondiscrimination and equal opportunity requirements set forth at part 5 of this title apply to this program.

(1) The Indian Civil Rights Act (25 U.S.C. 1301 *et seq.*) applies to tribes when they exercise their powers of self-

government, and to IHAs when established by the exercise of such powers. When an IHA is established under State law, the applicability of the Indian Civil Rights Act will be determined on a case-by-case basis. Projects subject to the Indian Civil Rights Act must be developed and operated in compliance with its provisions and all implementing HUD requirements, instead of title VI and the Fair Housing Act and their implementing regulations.

* * * * *

152. Section 583.330 is amended by:

- Revising the introductory text;
- Removing paragraph (f) and (i); and
- Redesignating paragraphs (g) and (h) as paragraphs (f) and (g), respectively to read as follows:

§ 583.330 Applicability of other Federal requirements.

In addition to the requirements set forth in 24 CFR part 5, use of assistance provided under this part must comply with the following Federal requirements:

* * * * *

PART 585—YOUTHBUILD PROGRAM

153. The authority citation for part 585 continues to read as follows:

Authority: 42 U.S.C. 3535(d) and 8011.

Subpart A—General

154. Section 585.4 is amended by removing the definitions of “1937 Act” and “Secretary”, and revising the introductory text to read as follows:

§ 585.4 Definitions.

The terms *Secretary* and *1937 Act* are defined in 24 CFR part 5.

* * * * *

PART 590—URBAN HOMESTEADING

155. The authority citation for part 590 is revised to read as follows:

Authority: 12 U.S.C. 1706e; 42 U.S.C. 3535(d).

§ 590.3 [Removed]

156. Section 590.3 is removed.

§ 590.5 [Removed]

157. Section 590.5 is amended by removing the definition of “HUD.”

PART 594—JOHN HEINZ NEIGHBORHOOD DEVELOPMENT PROGRAM

158. The authority citation for part 594 continues to read as follows:

Authority: 42 U.S.C. 3535(d) and 1518a.

Subpart A—General

159. Section 594.3 is amended by removing the definition of “HUD.”

Subpart D—Award and Use of Grant Amounts

160. Section 594.30 is amended by:

- Revising the introductory text and paragraph (a);
- Removing paragraphs (b), (c), and (d); and
- Redesignating paragraphs (e) through (h) as paragraphs (b) through (e) to read as follows:

§ 594.30 Equal opportunity and other Federal requirements.

Each participating neighborhood development organization must certify that it will carry out activities assisted under the program in compliance with the nondiscrimination and equal opportunity requirements set forth in 24 CFR part 5 and:

- The requirements at 24 CFR part 200, subpart M;

* * * * *

PART 597—URBAN EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES

161. The authority citation for part 597 continues to read as follows:

Authority: 26 U.S.C. 1391; 42 U.S.C. 3535(d).

Subpart A—General Provisions

162. Section 597.3 is amended by removing the definitions of “HUD” and “Secretary”, and adding introductory text to read as follows:

§ 597.3 Definitions.

The terms *HUD* and *Secretary* are defined in 24 CFR part 5.

* * * * *

§ 597.5 [Removed]

163. Section 597.5 is removed.

PART 700—CONGREGATE HOUSING SERVICES PROGRAM

164. The authority citation for part 700 is revised to read as follows:

Authority: 42 U.S.C. 3535(d) and 8011.

165. Section 700.105 is amended by removing the definitions of “Elderly person” and “HUD”, and revising the introductory text to read as follows:

§ 700.105 Definitions.

The terms *Elderly person* and *HUD* are defined in 24 CFR part 5.

* * * * *

PART 750—DISCLOSURE AND VERIFICATION OF SOCIAL SECURITY NUMBERS AND EMPLOYER IDENTIFICATION NUMBERS BY APPLICANTS AND PARTICIPANTS IN CERTAIN HOUSING ASSISTANCE PROGRAMS

166. The authority citation for part 750 is revised to read as follows:

Authority: 12 U.S.C. 1701q; 42 U.S.C. 3535(d), 3543, 1437a, 1437d, 1437f, 1437o, 1437ee, and 8013.

Subpart A—General

167. Section 750.5 is amended by removing the definitions of “HUD or Department” and “Public housing agency (PHA)”, and revising the introductory text to read as follows:

§ 750.5 Definitions.

The terms *HUD*, *Department* and *Public housing agency (PHA)* are defined in 24 CFR part 5.

* * * * *

PART 760—PROCEDURES FOR OBTAINING WAGE AND CLAIM INFORMATION ABOUT APPLICANTS AND PARTICIPANTS IN HUD'S SECTION 8 AND PUBLIC HOUSING PROGRAMS FROM STATE WAGE INFORMATION COLLECTION AGENCIES (SWICAs)

168. The authority citation for part 760 continues to read as follows:

Authority: 12 U.S.C. 1701q; 42 U.S.C. 1437a, 1437d, 1437ee, 1437f, 3535(d), and 3544.

Subpart A—General

169. Section 760.5 is amended by removing the definitions of “HUD” and “Public Housing Agency (PHA)”, and revising the introductory text to read as follows:

§ 760.5 Definitions.

The terms *HUD* and *Public Housing Agency (PHA)* are defined in 24 CFR part 5.

* * * * *

PART 791—REVIEW OF APPLICATIONS FOR HOUSING ASSISTANCE AND ALLOCATIONS OF HOUSING ASSISTANCE FUNDS

170. The authority citation for part 791 is revised to read as follows:

Authority: 42 U.S.C. 1439 and 3535(d).

Subpart A—General Provisions

171. Section 791.102 is amended by removing the definitions of “HUD” and “Public housing agency”, and adding an introductory text to read as follows:

§ 791.102 Definitions.

The terms *HUD*, and *Public housing agency (PHA)* are defined in 24 CFR part 5.

* * * * *

PART 792—HOUSING AGENCY SECTION 8 FRAUD RECOVERIES

172. The authority citation for part 792 is revised to read as follows:

Authority: 42 U.S.C. 1437f note and 3535(d).

Subpart A—General Provisions

173. Section 792.103 is amended by revising the definition of “*HA (Housing Agency)*” to read as follows:

§ 792.103 Definitions.

* * * * *

HA (Housing Agency) is the collective term for Public Housing Agencies and Indian Housing Authorities. The terms *Public Housing Agency (PHA)* and *Indian Housing Authority (IHA)* are defined in 24 CFR part 5.

* * * * *

PART 799—[Removed]

174. Part 799, consisting of § 799.101, is removed.

PART 811—TAX EXEMPTION OF OBLIGATIONS OF PUBLIC HOUSING AGENCIES AND RELATED AMENDMENTS

175. The authority citation for part 811 continues to read as follows:

Authority: 42 U.S.C. 1437, 1437a, 1437c, 1437f, and 3535(d).

Subpart A—Tax Exemption, Under Section 11(b) of the Act, of Obligations Issued by Public Housing Agencies To Finance Section 8 Projects

176. Section 811.102 is amended by:

- a. Adding an introductory text;
- b. Removing paragraphs (l) and (q);
- c. Redesignating paragraphs (m) through (p) as paragraphs (l) through (o); and
- d. Redesignating paragraphs (r) through (u) as paragraphs (q) through (t) to read as follows:

§ 811.102 Definitions.

The terms *HUD* and *Public Housing Agency (PHA)* are defined in 24 CFR part 5.

* * * * *

PART 813—DEFINITION OF INCOME, INCOME LIMITS, RENT AND REEXAMINATIONS OF FAMILY INCOME FOR THE SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS AND RELATED PROGRAMS

177. The authority citation for part 813 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437f, 1437n and 3535(d).

178. Section 813.102 is amended by removing the definitions of “*Elderly person*”, “*Indian*”, “*Indian Housing Authority*”, and “*Public Housing Agency*”, and adding introductory text to read as follows:

§ 813.102 Definitions.

The terms *Elderly person*, *Indian*, *Indian Housing Authority (IHA)*, and *Public Housing Agency (PHA)* are defined in 24 CFR part 5.

* * * * *

PART 850—HOUSING DEVELOPMENT GRANTS

179. The authority citation for part 850 continues to read as follows:

Authority: 42 U.S.C. 1437o and 3535(d).

Subpart A—General Provisions

180. Section 850.3 is amended by removing the definitions of “*Grantee*” and “*HUD*”, and adding introductory text to read as follows:

§ 850.3 Definitions.

The terms *Grantee* and *HUD* are defined in 24 CFR part 5.

* * * * *

Subpart C—Application Procedures and Program Requirements

181. Section 850.35 is amended by:

- a. Revising the introductory text;
- b. Removing paragraphs (a), (b), (d), and (l); and
- c. Redesignating paragraphs (c) and (e) through (k) as paragraphs (a) through (h), respectively; and
- d. Redesignating paragraph (m) as paragraph (i), to read as follows:

§ 850.35 Other program requirements.

In addition to the requirements set forth in 24 CFR part 5, the applicant (or grantee) shall assure that the following program requirements are met:

* * * * *

PART 880—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM FOR NEW CONSTRUCTION

182. The authority citation for part 880 is revised to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437f, 3535(d), 12701, and 13611–13619.

Subpart B—Definitions, Project Eligibility and Other Requirements

183. Section 880.201 is amended by removing the definitions of “*Fair Market Rent*”, “*HUD*”, “*NOFA*”, and “*PHA*”, and adding introductory text to read as follows:

§ 880.201 Definitions.

The terms *Fair Market Rent (FMR)*, *HUD*, *NOFA*, and *Public Housing Agency (PHA)* are defined in 24 CFR part 5.

* * * * *

PART 881—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM FOR SUBSTANTIAL REHABILITATION

184. The authority citation for part 881 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437f, 3535(d), 12701, and 13611–13619.

Subpart B—Definitions, Project Eligibility and Other Requirements

185. Section 881.201 is amended by removing the definitions of “*Fair Market Rent*”, “*HUD*”, “*NOFA*”, and “*PHA*”, and adding introductory text to read as follows:

§ 881.201 Definitions.

The terms *Fair Market Rent (FMR)*, “*HUD*”, *NOFA*, and *Public Housing Agency (PHA)* are defined in 24 CFR part 5.

* * * * *

PART 882—SECTION 8 CERTIFICATE AND MODERATE REHABILITATION PROGRAMS

186. The authority citation for part 882 continues to read as follows:

Authority: 42 U.S.C. 1437f and 3535(d).

Subpart A—Applicability, Scope and Basic Policies

187. Section 882.102 is amended by removing the definitions of “*Fair Market Rent*”, “*HUD*”, “*Public Housing Agency (PHA)*”, and “*Secretary*”, and adding introductory text to read as follows:

§ 882.102 Definitions.

The terms *Fair Market Rent (FMR)*, *HUD*, *Public Housing Agency (PHA)*, and *Secretary* are defined in 24 CFR part 5.

* * * * *

PART 883—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—STATE HOUSING AGENCIES

188. The authority citation for part 883 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437f, 3535(d), and 13611–13619.

Subpart C—Definitions, Project Eligibility and Requirements

189. Section 883.302 is amended by removing the definitions of “*Fair Market Rent (FMR)*”, “*HUD*”, and “*PHA (Public Housing Agency)*”, and adding introductory text to read as follows:

§ 883.302 Definitions.

The terms *Fair Market Rent (FMR)*, *HUD*, and *Public Housing Agency (PHA)* are defined in 24 CFR part 5.

* * * * *

PART 884—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM, NEW CONSTRUCTION SET-ASIDE FOR SECTION 515 RURAL RENTAL HOUSING PROJECTS

190. The authority citation for part 884 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437f, 3535(d), and 13611–13619.

Subpart A—Applicability, Scope and Basic Policies

191. Section 884.102 is amended by removing the definitions of “*Fair Market Rent*”, “*HUD*”, “*Public Housing Agency (PHA)*”, and “*Secretary*”, and adding introductory text to read as follows:

§ 884.102 Definitions.

The terms *Fair Market Rent (FMR)*, *HUD*, *Public housing agency (PHA)*, and *Secretary* are defined in 24 CFR part 5.

* * * * *

PART 885—LOANS FOR HOUSING FOR THE ELDERLY OR HANDICAPPED

192. The authority citation for part 885 continues to read as follows:

Authority: 12 U.S.C. 1701q; 42 U.S.C. 1437f and 3535(d).

Subpart C—Section 202 Projects for Nonelderly Handicapped Families and Individuals—Section 162 Assistance

193. Section 885.740 is amended by adding introductory text and revising paragraph (a) to read as follows:

§ 885.740 Other Federal requirements.

In addition to the Federal requirements set forth in 24 CFR part 5,

the following requirements apply to this program:

(a) *Affirmative fair housing marketing.*

(1) The affirmative fair housing marketing requirements of 24 CFR part 200, subpart M, and the implementing regulations at 24 CFR part 108; and

(2) The fair housing advertising and poster guidelines at 24 CFR parts 109 and 110.

* * * * *

PART 886—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—SPECIAL ALLOCATIONS

194. The authority citation for part 886 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437f, 3535(d), and 13611–13619.

Subpart A—Additional Assistance Program for Projects With HUD-Insured and HUD-Held Mortgages

195. Section 886.102 is amended by removing the definitions of “*Fair Market Rent*”, “*HUD*”, “*Public Housing Agency (PHA)*”, and “*Secretary*”, and adding introductory text to read as follows:

§ 886.102 Definitions.

The terms *Fair Market Rent (FMR)*, *HUD*, *Public Housing Agency (PHA)*, and *Secretary* are defined in 24 CFR part 5.

* * * * *

196. Section 886.132 is amended by revising paragraph (f)(1) to read as follows:

§ 886.132 Selection preferences.

* * * * *

(f) *Nondiscrimination.* Any selection preferences that are used by an owner must be established and administered in accordance with:

(1) The nondiscrimination and equal opportunity requirements set forth in 24 CFR part 5, except for:

(i) Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and the implementing regulations at 24 CFR part 135; and

(ii) Executive Order 11246, as amended by Executive Orders 11375, 11478, 12086, and 12107 (3 CFR, 1964–1965 Comp., p. 339; 3 CFR, 1966–1970 Comp., p. 684; 3 CFR, 1966–1970 Comp., p. 803; 3 CFR, 1978 Comp., p. 230; and 3 CFR, 1978 Comp., p. 264, respectively); Executive Order 11625, as amended by Executive Order 12007 (3 CFR, 1971–1975 Comp., p. 616 and 3 CFR, 1977 Comp., p. 139); Executive Order 12432 (3 CFR, 1983 Comp., p. 198); and Executive Order 12138, as amended by Executive Order 12608 (3 CFR, 1977 Comp., p. 393 and 3 CFR, 1987 Comp., p. 245).

(2) The Americans with Disabilities Act (42 U.S.C. 12101–12213), to the extent applicable; and

(3) HUD’s affirmative fair housing objectives and (where applicable) the owner’s HUD-approved affirmative fair housing marketing plan.

* * * * *

Subpart C—Section 8 Housing Assistance Program for the Disposition of HUD-Owned Projects

197. Section 886.302 is amended by removing the definitions of “*Fair Market Rent*”, “*HUD*”, and “*Public Housing Agency (PHA)*”, and adding introductory text to read as follows:

§ 886.302 Definitions.

The terms *Fair Market Rent (FMR)*, *HUD*, and *Public Housing Agency (PHA)* are defined in 24 CFR part 5.

* * * * *

PART 887—HOUSING VOUCHERS

198. The authority citation for part 887 continues to read as follows:

Authority: 42 U.S.C. 1437f(o) and 3535(d).

Subpart A—General Information

199. Section 887.7 is amended by removing the definitions of “*1937 Act*”, “*Elderly person*”, “*Fair market rent (FMR)*”, “*HUD*”, and “*Public Housing Agency (PHA)*”, and adding introductory text to read as follows:

§ 887.7 Definitions.

The terms *1937 Act*, *Elderly person*, *Fair Market Rent (FMR)*, *HUD*, and *Public Housing Agency (PHA)* are defined in 24 CFR part 5.

* * * * *

PART 889—SUPPORTIVE HOUSING FOR THE ELDERLY

§ 889.105 [Removed]

200. The authority citation for part 889 continues to read as follows:

Authority: 12 U.S.C. 1701q; 42 U.S.C. 3535(d).

Subpart A—General

§ 889.105 [Amended]

201. Section 889.105 is amended by removing the definition of “*Secretary*.”

Subpart B—Application Procedures and Program Requirements

202. Section 889.265 is amended by adding introductory text and revising paragraph (a) to read as follows:

§ 889.265 Other Federal requirements.

In addition to the requirements set forth in 24 CFR part 5, the following

Federal requirements apply to this program:

(a) *Affirmative fair housing marketing.* (1) The affirmative fair housing marketing requirements of 24 CFR part 200, subpart M and the implementing regulations at 24 CFR part 108; and

(2) The fair housing and poster guidelines at 24 CFR parts 109 and 110.

PART 890—SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES

203. The authority citation for part 890 continues to read as follows:

Authority: 42 U.S.C. 3535(d) and 8013.

Subpart A—General

204. Section 890.105 is amended by removing the definition of “Secretary.”

Subpart B—Application Procedures and Program Requirements

205. Section 890.260 is amended by adding introductory text and revising paragraph (a) to read as follows:

§ 890.260 Other Federal requirements.

In addition to the requirements set forth in 24 CFR part 5, the following Federal requirements apply to this program:

(a) *Affirmative fair housing marketing.* (1) The affirmative fair housing marketing requirements of 24 CFR part 200, subpart M and the implementing regulations at 24 CFR part 108; and

(2) The fair housing advertising and poster guidelines at 24 CFR parts 109 and 110.

PART 899—[REMOVED]

206. Part 899, consisting of § 899.101, is removed.

PART 901—PUBLIC HOUSING MANAGEMENT ASSESSMENT PROGRAM

207. The authority citation for part 901 is revised to read as follows:

Authority: 42 U.S.C. 1437d(j) and 3535(d).

Subpart A—General Provisions

208. Section 901.05 is amended by:
a. Adding introductory text;
b. Removing paragraphs (m) and (t);
c. Redesignating paragraphs (n) through (s) as paragraphs (m) through (r); and

d. Redesignating paragraphs (u) through (y) as paragraphs (s) through (w) to read as follows:

§ 901.05 Definitions.

The terms *Department*, *HUD*, and *Public Housing Agency (PHA)* are defined in 24 CFR part 5.

PART 904—LOW RENT HOUSING HOMEOWNERSHIP OPPORTUNITIES

209. The authority citation for part 904 continues to read as follows:

Authority: 42 U.S.C. 1437–1437ee and 3535(d).

Subpart B—Turnkey III Program Description

§ 904.102 [Amended]

210. Section 904.102 is amended by removing paragraph (h) and redesignating paragraphs (i) through (k) as paragraphs (h) through (j).

PART 913—DEFINITION OF INCOME, INCOME LIMITS, RENT AND REEXAMINATION OF FAMILY INCOME FOR THE PUBLIC HOUSING PROGRAM

211. The authority citation for part 913 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437d, 1437n, and 3535(d).

212. Section 913.102 is amended by removing the definitions of “*Elderly person*”, “*Indian*”, “*Indian Housing Authority*”, and “*Public Housing Agency (PHA)*”, and adding introductory text to read as follows:

§ 913.102 Definitions.

The terms *Elderly person*, *Indian*, *Indian Housing Authority (IHA)*, and *Public Housing Agency (PHA)* are defined in 24 CFR part 5.

PART 941—PUBLIC HOUSING DEVELOPMENT

213. The authority citation for part 941 continues to read as follows:

Authority: 42 U.S.C. 1437b, 1437c, 1437g, and 3535(d).

Subpart A—General

214. Section 941.103 is amended by removing the definitions of “*HUD*”, and “*Public Housing Agency (PHA)*”, and adding introductory text to read as follows:

§ 941.103 Definitions.

The terms *HUD* and *Public Housing Agency (PHA)* are defined in 24 CFR part 5.

Subpart B—PHA Eligibility and Program Requirements

215. Section 941.208 is amended by:

- a. Adding introductory text;
- b. Removing paragraphs (a), (e), and (f);
- c. Redesignating paragraphs (b), (c), (d), (g), (h), and (i) as paragraphs (a) through (f), respectively; and
- d. Revising newly designated paragraph (b) to read as follows:

§ 941.208 Other Federal requirements.

In addition to the requirements set forth in 24 CFR part 5, the following Federal Requirements apply to this program:

(b) *Accessibility requirements.* Participation in this program requires compliance with the Architectural Barriers Act of 1968 (42 U.S.C. 4151–4157) and Executive Order 12250, 45 FR 72995, 3 CFR, 1980 Comp., p. 298.

PART 942—PET OWNERSHIP IN PUBLIC HOUSING FOR THE ELDERLY OR HANDICAPPED

216. The authority citation for part 942 is revised to read as follows:

Authority: 12 U.S.C. 1701n–1; 42 U.S.C. 3535(d).

Subpart A—General

217. Section 942.3 is amended by revising paragraph (c) read as follows:

§ 942.3 Definitions.

(c) *Public Housing Agency (PHA)* is defined in 24 CFR part 5.

PART 945—DESIGNATED HOUSING—PUBLIC HOUSING DESIGNATED FOR OCCUPANCY BY DISABLED, ELDERLY, OR DISABLED AND ELDERLY FAMILIES

218. The authority citation for part 945 is revised to read as follows:

Authority: 42 U.S.C. 1473e and 3535(d).

Subpart A—General

219. Section 945.105 is amended by removing the definitions of “*Elderly person*”, “*HUD or Department*”, “*NAHA*”, “*Public housing agency or PHA*”, and “*Secretary*”, and revising the introductory text to read as follows:

§ 945.105 Definitions.

The terms *Department*, *Elderly person*, *HUD*, *NAHA*, *Public Housing*

Agency (PHA), and Secretary are defined in 24 CFR part 5.

* * * * *

PART 960—ADMISSION TO, AND OCCUPANCY OF, PUBLIC HOUSING

220. The authority citation for part 960 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437d, 1437n, and 3535(d).

Subpart B—Admission, Rent and Reexamination

221. Section 960.203 is revised to read as follows:

§ 960.203 Nondiscrimination requirements.

The tenant selection criteria and requirements used by a PHA must comply with:

(a) The nondiscrimination and equal opportunity requirements set forth in 24 CFR part 5, with the exception of:

(1) Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and the implementing regulations at 24 CFR part 135; and

(2) Executive Order 11246, as amended by Executive Orders 11375, 11478, 12086, and 12107 (3 CFR, 1964–1965 Comp., p. 339; 3 CFR, 1966–1970 Comp., p. 684; 3 CFR, 1966–1970 Comp., p. 803; 3 CFR, 1978 Comp., p. 230; and 3 CFR, 1978 Comp., p. 264, respectively) (Equal Employment Opportunity Programs) and implementing regulations at 41 CFR chapter 60; Executive Order 11625, as amended by Executive Order 12007 (3 CFR, 1971–1975 Comp., p. 616 and 3 CFR, 1977 Comp., p. 139) (Minority Business Enterprises); Executive Order 12432 (3 CFR, 1983 Comp., p. 198) (Minority Business Enterprise Development); and 12138, as amended by Executive Order 12608 (3 CFR, 1977 Comp., p. 393 and 3 CFR, 1987 Comp., p. 245) (Women's Business Enterprise).

(b) The Americans with Disabilities Act (42 U.S.C. 12101–12213), to the extent applicable.

(c) Any tenant selection policies also must be consistent with HUD's affirmative fair housing objectives.

Subpart E—Exemption From Eligibility Requirements for Police Officers and Other Security Personnel

§ 960.503 [Amended]

222. Section 960.503 is amended by removing the definition of "Department."

PART 961—PUBLIC HOUSING DRUG ELIMINATION PROGRAM

223. The authority citation for part 961 continues to read as follows:

Authority: 42 U.S.C. 3535(d) and 11901 *et seq.*

Subpart A—General

224. Section 961.5 is amended by removing the definitions of "HUD or Department", "Indian", "Indian Housing Authority (IHA)", and "Public housing agency (PHA)", and adding introductory text to read as follows:

§ 961.5 Definitions.

The terms *Department*, *HUD*, *Indian Housing Authority (IHA)*, and *Public Housing Agency (PHA)* are defined in 24 CFR part 5.

* * * * *

Subpart D—Grant Administration

225. Section 961.29 is amended by:

- a. Revising the introductory text;
- b. Removing paragraphs (b), (c), (g), and (h);
- c. Redesignating paragraphs (d), (e), and (f) as paragraphs (b), (c), and (d); and
- d. Redesignating paragraphs (i), (j), and (k) as paragraphs (e), (f), and (g); and
- e. Revising newly designated paragraphs (e) and (f) to read as follows:

§ 961.29 Other Federal Requirements.

In addition to the requirements set forth in 24 CFR part 5, use of grant funds requires compliance with the following Federal requirements:

* * * * *

(e) For IHAs, § 950.115 of this chapter, "Applicability of civil rights requirements", and § 950.120 of this chapter, "Compliance with other Federal requirements", of this title apply and control to the extent they may differ from other requirements of this section;

(f) *Indian preference*. Applicants are subject to the Indian Civil Rights Act (24 U.S.C. 1301), the provisions of section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)), and the Indian preference rules in the IHA procurement regulations at 24 CFR part 950, subpart B. These provisions require, to the greatest extent feasible, that preference and opportunities for training and employment be given to Indians and that preference in the award of subcontracts and subgrants be given to Indian Organizations and Indian Owned Economic Enterprises.

PART 962—PUBLIC HOUSING FAMILY SELF-SUFFICIENCY PROGRAM

226. The authority citation for part 962 is revised to read as follows:

Authority: 42 U.S.C. 1437f, 1437u, and 3535(d).

Subpart A—General

227. Section 962.103 is amended by removing the definitions of "HUD or Department", "Public housing agency or PHA", and "Secretary", and revising the introductory text to read as follows:

§ 962.103 Definitions.

The terms *Department*, *HUD*, *Public housing agency (PHA)*, and *Secretary* are defined in 24 CFR part 5.

* * * * *

PART 963—PUBLIC HOUSING— CONTRACTING WITH RESIDENT- OWNED BUSINESSES

228. The authority citation for part 963 is revised to read as follows:

Authority: 42 U.S.C. 1437 and 3535(d).

Subpart A—General

229. Section 963.5 is amended by removing the definitions of "HUD" and "Public housing agency (PHA)", and adding introductory text to read as follows:

§ 963.5 Definitions.

The terms *HUD* and *Public housing agency (PHA)* are defined in 24 CFR part 5.

* * * * *

PART 964—TENANT PARTICIPATION AND TENANT OPPORTUNITIES IN PUBLIC HOUSING

230. The Authority citation for part 964 continues to read as follows:

Authority: 42 U.S.C. 1437d, 1437g, 1437l, 1437r, 1437t, and 3535(d).

Subpart A—General Provisions

231. Section 964.7 is amended by adding a definition of "HA" and revising the definition of "Public Housing Agency (HA)" to read as follows:

§ 964.7 Definitions.

* * * * *

HA means the same as *Public Housing Agency (PHA)*.

* * * * *

Public Housing Agency (PHA) is defined in 24 CFR part 5.

* * * * *

232. Section 964.30 is revised to read as follows:

§ 964.30 Other Program requirements.

In addition to the requirements set forth in 24 CFR part 5, the following Federal requirements apply to this program:

(a) *Affirmative Outreach.* (1) The Affirmative Fair Housing Marketing Program requirements of 24 CFR part 200, subpart M and the implementing regulations at 24 CFR part 108; and

(2) The fair housing advertising and poster guidelines at 24 CFR parts 109 and 110.

(b) Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131) and implementing regulations at 28 CFR part 35.

PART 965—PHA-OWNED OR LEASED PROJECTS—MAINTENANCE AND OPERATION

233. The Authority citation for part 965 is revised to read as follows:

Authority: 42 U.S.C. 1437, 1437a, 1437d, 1437g, and 3535(d). Subpart H is also issued under 42 U.S.C. 4821–4846.

Subpart E—Tenant Allowances for Utilities

234. Section 965.472 is amended by revising the definition of “*Public Housing Agency [PHA]*” to read as follows:

§ 965.472 Definitions.

* * * * *

Public Housing Agency (PHA) is defined in 24 CFR part 5.

* * * * *

PART 968—PUBLIC HOUSING MODERNIZATION

235. The authority citation for part 968 is revised to read as follows:

Authority: 42 U.S.C. 1437d, 1437l, and 3535(d).

Subpart A—General

236. Section 968.105 is amended by removing the definitions of “*HUD*” and “*PHA*”, and revising the introductory text to read as follows:

§ 968.105 Definitions.

The terms *HUD* and *Public Housing Agency (PHA)* are defined in 24 CFR part 5.

* * * * *

237. Section 968.110 is amended by:
a. The introductory text and paragraph (a) are revised;

b. Paragraphs (b) and (h) are removed and reserved. The revisions read as follows:

§ 968.110 Other program requirements.

In addition to the Federal requirements set forth in 24 CFR part 5, the PHA shall comply with the following program requirements:

(a) *Nondiscrimination and equal opportunity.* The PHA shall comply with Title II of the Americans with Disabilities Act and 28 CFR part 35; section 503 of the Rehabilitation Act of 1973 and 41 CFR chapter 60–471; and the Architectural Barriers Act of 1968 (42 U.S.C. 4151–4157) and 24 CFR part 40.

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Subpart D—Vacancy Reduction Program

238. Section 968.405 is amended by removing the definitions of “*NOFA*” and “*PHA*”, and revising the introductory text to read as follows:

§ 968.405 Definitions.

In addition to the definitions applicable under § 968.105, the following definitions apply to this subpart. The terms *NOFA* and *Public Housing Agency (PHA)* are defined in 24 CFR part 5.

* * * * *

PART 999—[REMOVED]

239. Part 999, consisting of § 999.101, is removed.

CHAPTER XI—[REMOVED]

239a. “CHAPTER XI—SOLAR ENERGY AND ENERGY CONSERVATION BANK, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT”, is removed.

CHAPTER XV—[REMOVED]

239b. “CHAPTER XV—MORTGAGE INSURANCE AND LOAN PROGRAMS UNDER THE EMERGENCY HOMEOWNERS’ RELIEF ACT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT”, is removed.

PART 3280—MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS

240. The authority citation for part 3280 is revised to read as follows:

Authority: 42 U.S.C. 3535(d), 5403, and 5424.

Subpart A—General

§ 3280.2 [Amended]

241. Section 3280.2 is amended by removing the definition of “*Department.*”

PART 3282—MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT REGULATIONS

242. The authority citation for part 3282 is revised to read as follows:

Authority: 42 U.S.C. 3535(d) and 5424.

Subpart A—General

243. Section 3282.7 is amended by:
a. Revising the introductory text;
b. Removing paragraphs (k), (p), and (ee);

c. Redesignating paragraphs (l) through (o) as paragraphs (k) through (n);

d. Redesignating paragraphs (q) through (dd) as paragraphs (p) through (cc); and

e. Redesignating paragraphs (ff) through (oo) as paragraphs (ee) through (nn) to read as follows:

§ 3282.7 Definitions.

The terms *Department*, *HUD*, and *Secretary* are defined in 24 CFR part 5.

* * * * *

Dated: January 18, 1996.

Henry G. Cisneros,

Secretary.

[FR Doc. 96–2702 Filed 2–8–96; 8:45 am]

BILLING CODE 4210–32–P