

**§ 3288.215**

**24 CFR Ch. XX (4–1–24 Edition)**

**§ 3288.215 Effect on other manufactured home program requirements.**

A state with an accepted dispute resolution program will operate in lieu of HUD's Manufactured Home Dispute Resolution Program established under subpart B of this part 3288. A state dispute resolution program, even if it is an accepted dispute resolution program under this part, does not supersede the requirements applicable to any other aspect of HUD's manufactured home program. Any responsibilities, rights, and remedies applicable under the Manufactured Home Construction and Safety Standards in part 3280 of this chapter and the Manufactured Home Procedural and Enforcement Regulations in part 3282 of this chapter continue to apply as provided in those parts in all states.

**Subpart E—Dispute Resolution Program Rulemaking Procedures**

**§ 3288.300 Applicability.**

This subpart establishes special regulatory procedures for issuing or revising dispute resolution program regulations as codified in this part.

**§ 3288.305 Consultation with the Manufactured Housing Consensus Committee.**

HUD will seek input from the MHCC when revising the HUD Manufactured Home Dispute Resolution Program regulations in this part 3288. Before publication of a proposed rule to revise these regulations, HUD will provide the MHCC with an opportunity to comment on such revision. The MHCC may send to HUD any of the MHCC's own recommendations to adopt new dispute resolution program regulations or to modify or repeal any of the regulations in this part. Along with each recommendation, the MHCC must set forth pertinent data and arguments in support of the action sought. HUD will either: accept or modify the recommendation and publish it for public comment in accordance with section 553 of the Administrative Procedure Act (5 U.S.C. 553), along with an explanation of the reasons for any such modification; or reject the recommendation entirely, and provide to the MHCC a written explanation of the

reasons for the rejection. This section does not supersede section 605 of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5404).

**PARTS 3289–3799 [RESERVED]**

**PART 3800—INVESTIGATIONS IN CONSUMER REGULATORY PROGRAMS**

Sec.

- 3800.10 Scope of rules.
- 3800.20 Subpoenas in investigations.
- 3800.30 Subpoena enforcement in district court.
- 3800.40 Investigational proceedings.
- 3800.50 Rights of witnesses in investigational proceedings.
- 3800.60 Settlements.

AUTHORITY: 12 U.S.C. 2601 *et seq.*; 15 U.S.C. 1714; 42 U.S.C. 3535(d) and 5413.

SOURCE: 61 FR 10441, Mar. 13, 1996, unless otherwise noted.

**§ 3800.10 Scope of rules.**

This part applies to investigations and investigational proceedings undertaken by the Secretary, or the Secretary's designee, pursuant to the following:

- (a) The Interstate Land Sales Full Disclosure Act, 15 U.S.C. 1701 *et seq.*;
- (b) The National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 *et seq.*; and
- (c) The Real Estate Settlement Procedures Act of 1974, 12 U.S.C. 2601 *et seq.*

**§ 3800.20 Subpoenas in investigations.**

(a) The Secretary may issue subpoenas relating to any matter under investigation. A subpoena may:

- (1) Require testimony to be taken by interrogatories;
- (2) Require the attendance and testimony of witnesses at a specific time and place;
- (3) Require access to, examination of, and the right to copy documents; and
- (4) Require the production of documents at a specific time and place.

(b) A subpoenaed person may petition the Secretary or the Secretary's designee to modify or withdraw a subpoena by filing the petition within 10 days after service of the subpoena. The petition may be in letter form, but

must set forth the facts and law upon which the petition is based.

**§ 3800.30 Subpoena enforcement in district court.**

In the case of contumacy of a witness or a witness's refusal to obey a subpoena or order of the Secretary, the United States district court for the jurisdiction in which an investigation is carried on may issue an order requiring compliance with the subpoena. HUD headquarters in Washington, DC, is one of the locations in which the Secretary carries on investigations of its consumer regulatory programs.

**§ 3800.40 Investigational proceedings.**

(a) For the purpose of hearing the testimony of witnesses and receiving documents and other data relating to any subject under investigation, the Secretary, or the Secretary's designee, may conduct an investigational proceeding.

(b) The Secretary, or the Secretary's designee, ("presiding official") shall preside over the investigational proceeding. The proceeding shall be stenographically or mechanically reported. A transcript shall be a part of the record of the investigation.

(c) Unless the presiding official determines otherwise, investigational proceedings shall be public.

(d) The presiding official shall take all necessary action to regulate the course of the proceeding to avoid delay and to maintain order. If necessary to maintain order, the presiding official may exclude a witness or counsel from a proceeding. The Department may also take further action as permitted by statute.

**§ 3800.50 Rights of witnesses in investigational proceedings.**

(a) Any person who testifies at a public investigational proceeding shall be entitled, on payment of costs, to purchase a copy of a transcript of the testimony the person provided.

(b) In a nonpublic investigational proceeding, the presiding official may for good cause limit a witness to an inspection of the official transcript of that witness's testimony.

(c) Any person subpoenaed to appear at an investigational proceeding may be represented by counsel as follows:

(1) With respect to any question asked of a witness, a witness may obtain confidential advice from counsel;

(2) If a witness refuses to answer a question, counsel for the witness may briefly state the legal grounds for the refusal;

(3) Counsel for the witness may object to a question or a request for production of documents that is beyond the scope of the investigation or for which a privilege of the witness to refuse to answer may be invoked. In so doing, counsel for the witness may state briefly the grounds for the objection. Objections will be deemed continuing throughout the course of the proceeding. Repetitious or cumulative statements of an objection or the grounds for an objection are unnecessary and impermissible; and

(4) After the Department's examination of a witness, counsel for the witness may request that the witness be permitted to clarify any answers to correct any ambiguity, equivocation, or incompleteness in the witness's testimony. The decision to grant or deny this request is within the sole discretion of the presiding official.

**§ 3800.60 Settlements.**

(a) At any time during an investigation, the Department and the parties subject to an investigation may conduct settlement negotiations.

(b) When the Secretary or Secretary's designee deems it appropriate, the Department may enter into a settlement agreement.

**PARTS 3801-3899 [RESERVED]**