

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

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

ELIGIBILITY REQUIREMENTS; DIRECT ENDORSEMENT

§ 235.1200 Authority.

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

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

§ 235.1202 Cross-reference.

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

- Sec.
- 203.16 Certificate and contract regarding use of dwelling for transient or hotel purposes.
- 203.17 Mortgage provisions.
- 203.18 Maximum mortgage amount.
- 203.18a Solar energy systems.
- 203.18b Increased mortgage amount.
- 203.19 Mortgagor's minimum investment.
- 203.20 Agreed interest rate.
- 203.25 Late charge.
- 203.28 Economic soundness of project.
- 203.29 Eligible mortgages in Alaska, Guam or Hawaii.
- 203.32 Mortgage lien.
- 203.33 Relationship of income to mortgage payments.
- 203.35 Disclosure and verification of Social Security and Employer Identification Numbers.
- 203.36 Certificate and contract regarding use of dwelling for transient or hotel purposes.
- 203.38 Location of dwelling.

- 203.42 Rental properties.
- 203.43 Eligibility of miscellaneous type mortgages.
- 203.43i Eligibility of mortgages on Hawaiian home lands pursuant to section 247 of the National Housing Act.
- 203.43j Eligibility of mortgages on Allegany Reservation of Seneca Nation of Indians.
- 203.44 Eligibility of open-end advances.
- 203.45 Eligibility of graduated payment mortgages.
- 203.46 Eligibility of modified graduated payment mortgages.
- 203.47 Eligibility of growing equity mortgages.
- 203.49 Eligibility of adjustable rates mortgages.
- 203.50 Eligibility of rehabilitation loans.
- 203.51 Applicability.

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

[41 FR 1172, Jan. 6, 1976]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 235.1202, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 235.1206 Definitions used in this subpart.

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

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

(1) 5 percent of such gross annual income, in lieu of amounts to be withheld (social security, retirement, health insurance, etc.) regardless of the actual amount of such withholdings;

(2) Any unusual income or temporary income, such as overtime pay which will be discontinued, income of a secondary wage earner which will terminate, unemployment compensation which does not occur regularly, or other income of a temporary nature which will be or has been discontinued.

(3) The earnings of each minor in the family who is living with such family, plus the sum of \$300 for each such minor.

(b) [Reserved]