

Issued at Washington, DC this 31st day of March.

Wardell Townsend, Jr.,

Assistant Secretary for Administration.

[FR Doc. 95-9006 Filed 4-11-95; 8:45 am]

BILLING CODE 3410-10-M

Rural Housing and Community Development Service

Submission of Information Collection to OMB (Under Paperwork Reduction Act and 5 CFR Part 1320)

AGENCY: Rural Housing and Community Development Service, USDA.

ACTION: Notice.

SUMMARY: The information collection requirements described below have been submitted to Office of Management and Budget (OMB) for expedited clearance under 5 CFR 1320.18. The RHCDS solicits comments on the subject submission. This action is necessary in order for RHCDS to inform Multiple Family Housing program borrowers with Section 8 project-based housing subsidy who signed RHCDS interest credit agreements prior to October 27, 1980, that RHCDS may have improperly reduced benefits under the interest credit agreement. Each affected borrower will be advised of available options, ranging from reversal of certain previous RHCDS actions and retroactive application of certain collections to the borrower's loan account. Each affected borrower will be given the opportunity to request correction of the application of interest credit subsidy to their loan account. The intended effect is to restore the affected borrower accounts to their correct accounting status.

ADDRESSES: Interested persons are invited to submit comments regarding this submission. Comments should refer to the proposal by name and should be sent to: Lisa Grove, USDA Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: William F. Daniel, Senior Loan Officer, Multiple Family Housing Servicing and Property Management Division, RHCDS, Ag Box 0782, 14th and Independence Avenue, SW., Washington, DC 20250, Telephone (202) 720-1619.

SUPPLEMENTARY INFORMATION: RHCDS has submitted this proposal for collection of information to OMB for expedited clearance as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The supporting statement attached explains the need for informing affected borrowers and requesting them to advise RHCDS concerning their

choice of available options in servicing their loan account.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507.

Supporting Statement

Notification of Choice of Options for Borrowers with Section 515/8 and Interest Credit Agreements Signed before October 27, 1980.

Justification

1. The Rural Housing and Community Development Service (RHCDS), successor in part to the Farmers Home Administration (FmHA), is authorized under sections 515 and 521 of title V of the Housing Act of 1949, to provide loans and grants to eligible recipients (borrowers) for the development of rural rental housing to benefit very-low and low-income rural residents. By Memorandum of Understanding (MOU) dated June 23, 1976, the Secretaries of Agriculture and Housing and Urban Development (HUD) agreed that HUD's Section 8 project-based subsidy program could be combined with the FmHA Section 515 program to reduce shelter cost for the beneficiaries (tenants).

On October 27, 1980, FmHA initially issued its regulations [7 CFR part 1930, subpart C (0575-0033)] for the "Management and Supervision of Multiple Family Housing Borrowers and Grant Recipients." Exhibit C of this regulation stipulated conditions that permit the Agency to require the borrower to deposit any excess funds from the subsidy stream into the project reserve account should the HUD Section 8 rent rate exceed rent rates approved by FmHA. In the event the reserve account built to a level exceeding a required amount, FmHA was then permitted to reduce or cancel any interest credit that FmHA provided in meeting its agreement with HUD as stipulated in the MOU. The intended effect was to avoid double subsidy by the Federal Government, namely Interest Credit by FmHA and Section 8 by HUD, for the same span of subsidy need.

During its administration of the combined loan and subsidy programs, FmHA established six interest credit agreement forms as the program regulations developed. In 1994, a challenge to the Agency's ability to reduce or cancel interest credit was filed in Federal court. RHCDS has reviewed all interest credit agreement forms and regulations, including those previously used. RHCDS concluded that any interest credit agreement signed before October 27, 1980, does not support reduction or cancellation of interest credit, collection of overage, or requiring any excess funds to be

deposited in the project reserve account resulting from HUD Section 8 rent adjustments, with one exception which is described in the Administrative Notice for the October 13, 1977, interest credit agreement form.

RHCDS intends to issue an Administrative Notice (AN) to all Acting State Directors and District Directors for Rural Economic and Community Development (RECD), who have oversight responsibility for RHCDS programs. The AN will explain the background of factors leading to the conclusion that interest credit agreements signed before October 27, 1980, lack basis for RHCDS or its predecessor Agency, FmHA, to cancel or reduce interest credit, collect overage and require deposit of excess subsidy funds in a project reserve account. The AN will explain the correct administration of interest credit agreements for each of the six versions of the agreement form ever used.

Each RECD servicing office (District Office) will be directed to identify all Section 515 multiple family housing loan accounts that have Section 8 project-based subsidy. Attachment 1 of the AN contains the wording of the notice to be sent by certified mail to each identified loan account borrower. The borrower will have certain choices to request retroactive processing of their loan account or to maintain status quo. Attachment 2 of the AN contains the language of the response that each affected borrower is asked to return to the servicing office by close of business, December 29, 1995, for corrective processing. The public burden will involve the borrower reading Attachment 1, considering choices, and responding to the RECD servicing office, using Attachment 2.

2. The purpose of Attachment 2 of the AN will be to allow affected borrowers to inform the RECD servicing office one time of their choice of available options in the servicing of their loan account. The servicing office will process, within 60 calendar days of receipt, any requests for retroactive application of loan payments and overage that was collected by RHCDS. The loan payments and overage will be reapplied as of the date they were originally applied. Such reapplication will have the effect of paying borrower loan accounts ahead of schedule. The servicing office will honor any request to have RHCDS cease the requirement of depositing excess rent in the project reserve account. Should the borrower choose to continue with the current loan servicing arrangement, no further action by RHCDS will be required other than to file the completed Attachment 2 reply

in the borrower casefile. If the collection of information were not to take place using Attachment 2, considerable cost to RHCDS and the borrower would result because of the time it would require for each servicing office to call each affected borrower, explain the content of the AN and solicit a verbal response. Documentation of borrower choices would be seriously weakened by not using Attachment 2.

3. RHCDS is currently working with industry representatives to establish a fully automated interface in communication between servicing office and borrower. It is not yet available for use with this information collection effort.

4. Duplication is not a factor in this one-time information collection effort. RHCDS has no way of knowing what each borrower will select from among the available choice of options in servicing their loan account. Such information will be the result of a conscious conclusion of variable considerations known only to each borrower.

5. The information collection will affect small businesses and organizations. The Attachment 1 notice to borrower and the Attachment 2 response to the servicing office is succinct, consisting of only four pages containing self-explanatory information.

6. This will be a one-time collection of information and will not be repeated.

7. This information collection effort is consistent with the provisions of 5 CFR 1320.6.

8. The following organizations and points of contact were consulted January 27–February 3, 1995, to obtain their views and insights on the availability of data for this one-time collection, clarity of instructions and recordkeeping, disclosure and format of Attachment 2 and the data elements to be reported:

- a. Johanna Shreve, Rural Housing Council, National Association of Home Builders, 1201 15th Street, NW., Washington, D.C. 20005, Telephone 202-822-0236 ---
- b. Anna Moser, Council for Rural Housing and Development, 1300 19th Street, NW., Suite 410, Washington, D.C. 20037, Telephone 202-296-5159
- c. Herb Collins, Boston Capital, 313 Congress Street, Boston, Massachusetts, 02210-1231, Telephone 617-330-0072
- d. Art Collings, Housing Assistance Council, Inc., 1025 Vermont Avenue, NW., Suite 606, Washington, D.C. 20005

No major problems were noted during the consultations that cannot be resolved.

9. Discussions were held in professional confidence in generic terms; no particular individual borrower or loan account was discussed.

10.– There are no questions in this information collection that are of a sensitive nature, such as sexual behavior, religious beliefs, and other matters commonly considered private.

11. The cost to the Federal Government and to the respondents will occur only one time, thus the estimates of cost shown in this justification are the one-time cost rather than annualized as it would be for an on-going public burden.

The average RHCDS administrative cost is \$27.40 per employee hour. This cost is a composite of salary and employment benefits and RHCDS overhead. The RHCDS cost per respondent is estimated at \$54.40 for 2 hours of work for each respondent; total cost is estimated at \$34,598.

In consultation with the contacts described in Item 8, RHCDS estimates each respondent will devote an average of 2 hours at an average cost of \$30.00 per hour to respond. The cost per respondent for this one-time information collection is estimated at \$60.00; total cost is estimated at \$38,160.

12.– RHCDS estimates there are 636 respondents who will respond to the information collection effort. The collection of information will occur only one time. Attachment 1 of the AN will be sent by certified mail to inform each respondent about three choices of options. Attachment 2 of the AN will be used as the response document on which the respondent will identify their choice of each option.

The Federal burden estimate is 2 hours on average to prepare Attachments 1 and 2 of the AN, send them by certified mail, and receive and process each response using Agency automation systems. The public burden estimate is 2 hours on average to receive Attachments 1 and 2 of the AN, read, comprehend, seek and receive professional consultation, make a decision and respond using Attachment 2.

13. This is the first and only time this burden will be necessary. This is a unique burden rather than a reoccurring burden, thus there are no changes in burden.

14.– Data collected will not be published.

Attachment 1—Guide Letter

Certified Mail—Return Receipt Requested

Addressee

(Insert Section 515/8 Borrower Name and Address)

Reference: (Project Name)

Dear (Borrower): You have been identified by the Rural Housing and Community Development Service (RHCDS) as a borrower that may be entitled to a reversal of actions previously taken in the administration of your loan account. Your loan documents include an interest credit agreement that was signed before October 27, 1980. The interest credit agreement was executed in conjunction with a Housing Assistance Payment Contract (Section 8 subsidy) administered by the Department of Housing and Urban Development (HUD).

In the course of administering your loan account, RHCDS, formerly known as the Farmers Home Administration (FmHA), cancelled or reduced the amount of interest credit provided by the Agency, and/or required you to pay overage to offset interest credit to prevent the Federal Government from providing a double subsidy to the project. Additionally, you may have been required to deposit excess HUD Section 8 subsidy in the project reserve account.

The Agency has determined in retrospective review that the Agency should not have taken certain actions in the past that resulted in cancellation or reduction of interest credit, payment of overage, and deposit of excess HUD subsidy into the project reserve account.

An exception to what has been stated thus far in this letter will apply if you executed Form FmHA 444-7 (Rev. 10-13-77), "Interest Credit and Rental Assistance Agreement," before October 27, 1980, and the third block of paragraph 2 of the agreement was checked. In this instance, the Agency had a legal basis to take the actions which were taken.

At this time, RHCDS is offering you the following options from which to choose:

1. Have RHCDS retroactively restore any level of interest credit that was cancelled or reduced, and retroactively remove any previous overage charges;

2. Have RHCDS apply amounts equivalent to each collection of the difference between the original note payment under interest credit, and the payment resulting from the elimination of interest credit, and/or each collected overage payment as regular payments to the loan as of the date each payment was originally applied. As a result, the loan balance will show ahead of schedule. The requirement to make regularly scheduled monthly payments will continue;

3. Have RHCDS cease requiring you to deposit excess funds from HUD rent adjustments in the project reserve account; or

4. Continue with your current loan servicing and payment arrangement with the understanding that RHCDS cannot require you to maintain the current arrangement.

The preceding options are offered to you until December 29, 1995. RHCDS is allowing time for you to evaluate the effects of choosing any of the available options on the finances of your project and/or your Federal and State taxes. This offer will not extend beyond December 29, 1995. It will not be repeated nor will a change of choice be permitted at a later date.

We ask that you complete the attached Choice of Options and return it to this

Servicing Office by close of business, December 29, 1995. Our office will process and submit your Choice of Options within 60 days of receiving the request. If you do not respond by this date, RHCDS will continue with your current loan servicing and payment arrangement.

Please note that RHCDS will not be sending you a reminder to consider and submit your Choice of Options. If you have any questions, please contact us at (to be filled in by the local RHCDS Servicing Office).

Sincerely,

RHCDS Servicing Official

Attachment 2—Guide Letter

Notification of Choice of Options for Borrowers With Section 515/8 and Interest Credit Agreements Signed Before October 27, 1980

Dear RHCDS Servicing Office:

In response to your certified letter dated _____, 1995, we have selected the following options for the further servicing of our loan account. We understand this is a one-time offer by the Rural Housing and Community Development Service (RHCDS) and our choice of *one* of each of the following categories is final and must be received by RHCDS by close of business December 29, 1995. We further understand that adjustments to the loan account will not be in the form of cash refunds from RHCDS.

Interest Credit

We choose to have RHCDS retroactively reinstate interest credit to its original level and retroactively have amounts equivalent to each collection of the difference between the original note payment under interest credit and the payment resulting from the elimination of interest credit be applied as regular payments to the loan as of the date each payment was originally applied. We understand our loan account will show as paid ahead of schedule after the adjustment and we are to continue paying regularly scheduled monthly loan payments.

We choose to continue with cancellation or reduction of interest credit as a voluntary choice made now or in a previous year.

Overage

We choose to have RHCDS retroactively remove previous overage charges and have amounts equivalent to each collection of overage be applied as regular payments to the loan as of the date each payment was originally applied. We understand our loan account will show as paid ahead of schedule after the adjustment and we are to continue paying regularly scheduled monthly loan payments.

We choose to continue paying overage as a voluntary choice made now or in a previous year.

Deposit of Excess Rent in the Project Reserve Account

We choose to have RHCDS remove the requirement of depositing excess rent in the project reserve account, additionally:

We are a limited profit or nonprofit borrower and we choose to apply any excess

rent and the amount in the reserve account that is excess to the required reserve account level adjusted for project life-cycle needs on the loan account, or

We are a full profit borrower and we choose to claim as profit any excess rent and the amount in the reserve account that is excess to the required reserve account level adjusted for project life-cycle needs, subject to approval by the RHCDS Servicing Office; (or)

We choose to continue depositing the excess rent in the project reserve account as a voluntary choice made now or in a previous year.

Sincerely,

(Borrower name and signature of borrower official)

Public reporting for this collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, AG Box 7630, Washington, DC 20250; and to the Office of Management and Budget, Paperwork Reduction Project, (OMB No. 0575-0033), Washington, DC 20503. Please do not return this form to either of these addresses. Forward to RECD only.

Dated: March 28, 1995.

Maureen Kennedy,

Acting Administrator, Rural Housing and Community Development Service.

[FR Doc. 95-8946 Filed 4-11-95; 8:45 am]

BILLING CODE 3410-07-U

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Florida Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Florida Advisory Committee to the Commission will convene at 1:00 p.m. and adjourn at 5:00 p.m. on Tuesday, May 9, 1995, at the Hotel Intercontinental, 100 Chopin Plaza, Trinity Room, 2nd Floor, Miami, Florida 33131. The purpose of the meeting is to provide orientation for the newly appointed Committee, to update members on the Commission, to discuss a draft report on Racial and Ethnic Tensions in Florida, and to discuss civil rights developments in the State and Nation.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Rabbi Solomon

Agin, 813-433-0018, or Bobby D. Doctor, Director of the Southern Regional Office, 404-730-2476 (TDD 404-730-2481). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, April 5, 1995.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 95-9001 Filed 4-11-95; 8:45 am]

BILLING CODE 6335-01-P

Agenda and Notice of Public Meeting of the Washington Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Washington Advisory Committee to the Commission will convene at 7 p.m. and adjourn 8 p.m. on Thursday, June 8, 1995, at the 6th Avenue Inn, 2000 6th Avenue, Seattle, Washington 98211. The purpose of the meeting is to brief Committee members on procedures and presentors at the forum on June 9, 1995. On Friday, June 9, 1995, the Committee will convene at 9 a.m. and adjourn at 4 p.m. at the Convention Center, 800 Convention Center Place, Seattle, Washington 98181. The purpose of the meeting is to obtain information on disproportionality in the administration of justice for youth.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson William Wassmuth, 206-233-9136, or Philip Montez, Director of the Western Regional Office, 213-894-3437 (TDD 213-894-0508). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, April 5, 1995.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 95-9000 Filed 4-11-95; 8:45 am]

BILLING CODE 6335-01-P