

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

Office of the Secretary

24 CFR Subtitle A, and Parts 1, 3, 8, 11, 15, 16, 24, 39, 40, 49, 86, 90, 103, 106, 120, 130, 200, 205, 209, 210, 211, 224, 225, 226, 227, 228, 229, 238, 240, 250, 270, 271, 277, 278, 500, 511, 575, 577, 578, 579, 580, 595, 596, 598, 599, 600, 811, 900, 907, 965, 967, 1730, 1800, 1895, 2700

[Docket No. FR-3922-F-01]

RIN 2501-AC00

Elimination of Obsolete Parts

AGENCY: Office of the Secretary.

ACTION: Final rule.

SUMMARY: This final rule removes from title 24 of the Code of Federal Regulations the Department's regulations and codified guidance which are unnecessary or obsolete. Following a review of existing HUD regulations in accordance with the President's regulatory reinvention initiative, the Department has determined that the regulatory parts and other codified materials identified in this rule are unnecessary to be retained in the Code of Federal Regulations because the parts address obsolete programs that have been repealed, are no longer funded, or by new legislation have been consolidated into other programs; no regulatory requirements are included in the parts and therefore the provisions of these parts need not be codified or can be provided through other non-rulemaking means; e.g., notices or handbooks; the parts cover expiring programs, that is, there are only a few outstanding mortgages or contracts, which will either continue to be administered under the regulations that existed immediately before October 11, 1995 or be directed under individual contracts or grant agreements; or the parts relate to functions that have been transferred to another agency.

EFFECTIVE DATE: October 11, 1995.

FOR FURTHER INFORMATION CONTACT: Camille E. Acevedo, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Room 10276, 451 Seventh Street SW., Washington, DC 20410. Telephone: (202) 708-3055; TDD: (202) 708-3259.

SUPPLEMENTARY INFORMATION: President Clinton's memorandum of March 4, 1995, titled "Regulatory Re invention Initiative" directed heads of Federal departments and agencies to review all existing regulations to eliminate those that are outdated and modify others to

increase flexibility and reduce burden. As a part of HUD's overall effort to reduce regulatory burden and streamline the content of title 24 of the Code of Federal Regulations, this rule removes those parts (and subdivisions of parts) which represent regulations and other materials which are unnecessary or obsolete, as further categorized and listed below. Guidance presently provided in appendices and non-regulatory guidance presently codified will be available through other non-rulemaking means.

To the extent that regulations are needed to implement new legislation, they will be issued separately from this document. Any determination to issue new regulations will be carefully considered to ensure that it is consistent with the President's regulatory reform efforts and the principles in Executive Order 12866.

The Department has also reviewed its other existing regulations, and those regulations will be amended as appropriate to eliminate or revise outdated provisions, reduce burden, and increase flexibility. The Department is seeking appropriate statutory changes if legislative authority is required in order to achieve regulatory reform.

Parts (and subdivisions of parts) obsolete because the programs have been repealed, are no longer funded, or by new legislation have been consolidated into other programs: 49, 90, Appendix D to Subtitle A, 103 (Appendix only), 120, 200 (subparts L and N only), 210, 211, 229, 238, 250, 270, 271, 500, 575, 580, 595, 596, 598, 599, 600, 811 (subpart B only), 965 (subpart F only), 1730, 1800, 1895, 2700.

Parts and other guidance unnecessary because no regulatory requirements are included and the provisions need not be codified or can be provided through other non-rulemaking means; e.g., notices or handbooks: 1 (Appendix A only), 3, 8 (Appendices A and B only), 11, 15 (subpart D only), 16 (Appendix A only), 24 (Appendices A, B, and C only), 39, 40 (Appendix A only), 86 (Appendices A and B only), 106, 200 (subpart B only), 967.

Parts for expiring programs, under which there are only a few outstanding mortgages or contracts:

To the extent local programs are still ongoing under the following repealed parts or subparts, their repeal does not affect the requirements which apply to those programs under the applicable contracts or grant agreements.

1. The programs associated with the following parts will continue to be administered under the regulations that existed immediately before October 11,

1995: 205, 209, 224, 225, 226, 227, 228, 240, 277, 278.

This rule amends 24 CFR part 200 to add a new subpart W, which lists the parts associated with expiring programs and states that any existing loan assistance, ongoing participation, or insured loans under these parts will continue to be governed by the regulations in effect as they existed immediately before October 11, 1995.

2. The programs associated with the following parts will be directed by individual contracts or grant agreements, which may be unilaterally amended to incorporate the regulatory provisions being deleted by this rule: 511 (subpart C, E, and G only), 577, 578, 579, 900, 907.

Parts unnecessary because the functions have been transferred to another agency: 130.

Justification for Final Rule

In accordance with 24 CFR part 10, it is the practice of the Department to offer interested parties the opportunity to comment on proposed regulations. However, these regulations merely remove unnecessary or obsolete regulatory provisions. Removal of these regulations does not establish or affect substantive policy. Therefore, the Department has determined that public comment is unnecessary and contrary to the public interest.

Other Matters

Environmental Finding

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 implement 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 the General Counsel, Department of Housing and Urban Development, Room 10276, 451 Seventh Street SW., Washington, DC 20410.

Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this rule before publication and by approving it certifies that this rule does not have a significant economic impact on a substantial number of small entities because this rule pertains to the administrative matter of removing obsolete or unnecessary parts from the Code of Federal Regulations.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that this rule does not have "federalism implications" because it does not have substantial direct effects on the States (including their political subdivisions), or on the distribution of power and responsibilities among the various levels of government.

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 significant impact on family formation, maintenance, and general well-being.

Semiannual Agenda

This rule was not listed in the Department's Semiannual Agenda of Regulations published on May 8, 1995 (60 FR 23368), pursuant to Executive Order 12866 and the Regulatory Flexibility Act.

List of Subjects

24 CFR Part 1

Administrative practice and procedure, Civil rights, Reporting and recordkeeping requirements.

24 CFR Part 3

Authority delegations (Government agencies).

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 11

Seals and insignia.

24 CFR Part 15

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

24 CFR Part 16

Privacy.

24 CFR Part 24

Administrative practice and procedure, Drug abuse, Government contracts, Government procurement, Grant programs, Loan programs, Reporting and recordkeeping requirements.

24 CFR Part 39

Energy conservation, Housing, Loan programs—housing and community development.

24 CFR Part 40

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

24 CFR Part 49

Aliens, Grant programs—housing and community development, Loan programs—housing and community development, Mortgage insurance.

24 CFR Part 86

Administrative practice and procedure, Lobbying (Government agencies), Reporting and recordkeeping requirements.

24 CFR Part 90

Community facilities, Grant programs—housing and community development, Grant programs—social programs, Homeless, 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 106

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

24 CFR Part 120

Fair housing, Grant programs—housing and community development.

24 CFR Part 130

Administrative practice and procedure, Equal employment opportunity, Government contracts, Housing, 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 205

Community facilities, Mortgage insurance, Reporting and recordkeeping requirements.

24 CFR Part 209

Mortgage insurance.

24 CFR Part 210

Mortgage insurance, Reporting and recordkeeping requirements.

24 CFR Part 211

Mortgage insurance, Reporting and recordkeeping requirements.

24 CFR Part 224

Military personnel, Mortgage insurance, Reporting and recordkeeping requirements.

24 CFR Part 225

Military personnel, Mortgage insurance.

24 CFR Part 226

Government employees, Mortgage insurance.

24 CFR Part 227

Federally affected areas, Military personnel, Mortgage insurance, Reporting and recordkeeping requirements.

24 CFR Part 228

Federally affected areas, Mortgage insurance, National defense.

24 CFR Part 229

Federally affected areas, Mortgage insurance, National defense, Reporting and recordkeeping requirements.

24 CFR Part 238

Insurance, Investments, Low and moderate income housing, Reporting and recordkeeping requirements.

24 CFR Part 240

Mortgage insurance.

24 CFR Part 250

Intergovernmental relations, Low and moderate income housing, Mortgage insurance.

24 CFR Part 270

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

24 CFR Part 271

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

24 CFR Part 277

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

24 CFR Part 278

Aged, Grant programs—housing and community development, Individuals with disabilities, Low and moderate income housing, Nutrition.

24 CFR Part 500

Grant programs—housing and community development, Loan programs—housing and community development, Urban renewal.

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 575

Civil rights, Community facilities, Grant programs—housing and community development, Grant programs—social programs, Homeless, Reporting and recordkeeping requirements.

24 CFR Part 577

Community facilities, Employment, Grant programs—housing and community development, Grant programs—social programs, Individuals with disabilities, Homeless, Indians, Mental health programs, Nonprofit organizations, Reporting and recordkeeping requirements, Technical assistance.

24 CFR Part 578

Community facilities, Grant programs—housing and community development, Grant programs—social programs, Individuals with disabilities, Homeless, Mental health programs, Nonprofit organizations, Reporting and recordkeeping requirements, Technical assistance.

24 CFR Part 579

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

24 CFR Part 580

Grant programs—housing and community development, Urban renewal.

24 CFR Part 595

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

24 CFR Part 596

Community development, Indians, Intergovernmental relations.

24 CFR Part 598

Community facilities, Loan programs—housing and community development, Reporting and recordkeeping requirements.

24 CFR Part 599

Grant programs—housing and community development, Grant programs—natural resources, Public lands.

24 CFR Part 600

American Samoa, Community facilities, Energy conservation, Environmental protection, Grant programs—housing and community development, Guam, Housing, Indians, Intergovernmental relations, Northern Mariana Islands, Pacific Islands Trust Territory, Reporting and recordkeeping requirements, Virgin Islands.

24 CFR Part 811

Public housing, Securities, Taxes.

24 CFR Part 900

Grant programs—housing and community development, Rent subsidies.

24 CFR Part 907

Low and moderate income housing, 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 967

Grant programs—housing and community development, Public housing.

24 CFR Part 1730

Consumer protection, Land sales.

24 CFR Part 1800

Energy conservation, Grant programs—energy, Loan programs—energy, Penalties, Reporting and recordkeeping requirements, Solar energy.

24 CFR Part 1895

Energy conservation, Organization and functions (Government agencies), Seals and insignia, Solar energy.

24 CFR Part 2700

Loan programs—housing and community development, Mortgage insurance, Mortgages.

Accordingly, pursuant to the Secretary's authority under 42 U.S.C. 3535(d), subtitle A and chapters I, II, V, VI, VIII, IX, X, XI, and XV of title 24 of the Code of Federal Regulations are amended as follows:

Subtitle A—[Amended]

1. Subtitle A is amended by removing:
 - a. Appendix A from part 1;
 - b. Part 3;
 - c. Appendices A and B from part 8;
 - d. Part 11;
 - e. Subpart D from part 15;
 - f. Appendix A from part 16;
 - g. Appendices A, B, and C from part 24;
 - h. Part 39;
 - i. Appendix A from part 40;
 - j. Part 49;
 - k. Appendices A and B from part 86;
 - l. Part 90; and
 - m. Appendix D to subtitle A.

Chapter I—[Amended]

2. Chapter I is amended by removing:
 - a. The appendix from part 103; and
 - b. Parts 106, 120, and 130.

Chapter II—[Amended]

3. Chapter II is amended by amending part 200 by removing subparts B, L, and N, and by adding a new subpart W, consisting of § 200.1301, to read as follows:

PART 200—INTRODUCTION

* * * * *

Subpart W—Administrative Matters

§ 200.1301 Expiring Programs—Savings Clause.

No new loan assistance, additional participation, or new loans are being insured under the programs listed below. Any existing loan assistance, ongoing participation, or insured loans under these programs will continue to be governed by the regulations in effect as they existed immediately before October 11, 1995:

- Part 205 Mortgage Insurance for Land Development [Title X]
- Part 209 Individual Homes; War Housing Mortgage Insurance [Sec. 603]
- Part 224 Armed Services Housing—Military Personnel [Sec. 803]
- Part 225 Military Housing Insurance [Sec. 803]

- Part 226 Armed Services Housing—Civilian Employees [Sec. 809]
Part 227 Armed Services Housing—Impacted Areas [Sec. 810]
Part 228 Individual Residences; National Defense Housing Mortgage Insurance [Sec. 903]
Part 240 Mortgage Insurance on Loans for Fee Title Purchase
Part 277 Loans for Housing for the Elderly or Handicapped
Part 278 Mandatory Meals Program in Multifamily Rental or Cooperative Projects for the Elderly or Handicapped

Chapter II—[Amended]

4. Chapter II is further amended by removing parts 205, 209, 210, 211, 224, 225, 226, 227, 228, 229, 238, 240, 250, 270, 271, 277, and 278.

Chapter V—[Amended]

5. Chapter V is amended by removing:
a. Part 500;
b. Subparts C, E, and G from part 511; and
c. Parts 575, 577, 578, 579, 580, 595, 596, 598, and 599.

Chapter VI—[Amended]

6. Chapter VI is amended by removing part 600.

Chapter VIII—[Amended]

7. Chapter VIII is amended by removing subpart B from part 811.

Chapter IX—[Amended]

8. Chapter IX is amended by removing:
a. Parts 900 and 907;

b. Subpart F from part 965; and
c. Part 967.

Chapter X—[Amended]

9. Chapter X is amended by removing part 1730.

Chapter XI—[Amended]

10. Chapter XI is amended by removing parts 1800 and 1895.

Chapter XV—[Amended]

11. Chapter XV is amended by removing part 2700.

Dated: August 30, 1995.

Henry G. Cisneros,
Secretary.

[FR Doc. 95-22384 Filed 9-8-95; 8:45 am]

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