

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

24 CFR Part 1710

[Docket No. FR-4365-F-01]

RIN 2502-AH22

**Interstate Land Sales Registration
Fees; Change in Mailing Address and
Authority to Make Electronic Payment**

AGENCY: Office of Assistant Secretary for
Housing-Federal Housing
Commissioner, HUD.

ACTION: Final rule.

SUMMARY: Under current regulations, a fee must accompany a Statement of Record that is filed with the Secretary under the Interstate Land Sales Full Disclosure Act, and the fee cannot be paid electronically. This final rule provides that the fee must be mailed to an address specified by the Secretary, and permits electronic payment. The current mailing address is set forth in the **SUPPLEMENTARY INFORMATION**.

DATES: Effective Date: November 9, 1998.

FOR FURTHER INFORMATION CONTACT: Elizabeth Cocke, Office of Consumer and Regulatory Affairs, Room 9156, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410, telephone (voice) (202) 708-6401. (This is not a toll-free number.) Hearing-impaired or speech-impaired individuals may access the voice telephone listed by calling the Federal Information Relay Service during working hours at 1-800-877-8339.

SUPPLEMENTARY INFORMATION:

Under 24 CFR 1710.20, a developer or owner of a subdivision seeking to register a subdivision under the Interstate Land Sales Full Disclosure Act must file a Statement of Record at the Office of Interstate Land Sales Registration in HUD Headquarters, accompanied by a registration fee in the amount and form set out in § 1710.35. Section 1710.35 requires payment by certified check, cashier's check, or postal money order payable to the Treasurer of the United States.

The Department will continue to require the Statements of Record to be filed at HUD Headquarters, but it is inefficient for the Department to collect fees at this address. Therefore, HUD is amending §§ 1710.20 and 1710.35 to require that a fee paid by check or money order be mailed to an address specified by HUD when the Statement of Record is filed with HUD. Until a different address is announced by HUD,

registration fees that are mailed must be sent to HUD's "lockbox" at the following address: HUD, Interstate Land Sales, P.O. Box 100655, Atlanta, GA 30384-0655.

Fees received at this address will be immediately deposited and accounted for. Information regarding this process, and the lockbox address, will be distributed to industry publications for further dissemination.

To assist the Department in accounting for fees received, each check must account for a single fee. Each check must include on the face the name of the subdivision for which the fee is being paid, and the "OILSR" or registration number, when known. Any check received without this information could delay proper accounting of the fee and/or processing of the registration.

The Department of Treasury encourages HUD and other agencies to provide for payments to be made through electronic means. HUD supports this policy, and is therefore amending § 1710.35 to permit HUD to accept electronic payment of registration fees and other fees required by part 1710. HUD will continue to accept payment by check or money order, mailed to the address specified by the Secretary. Information on how to begin electronic payment of fees is available from HUD at: HUD, Interstate Land Sales/RESPA Office, Room 9156, 451 7th St., SW, Washington, DC 20410, (202) 708-0502.

Other Matters

Justification for Final Rule

In general, the Department publishes a rule for public comment before issuing a rule for effect, in accordance with its own regulations on rulemaking, 24 CFR part 10. Part 10 does provide, however, that public comment is not required for a rule governing the Department's internal practices or procedures. A rule specifying the address at which the Department will receive a required fee, and permitting but not mandating electronic payment of fees, falls within this exception. There is no substantive impact on the rights or obligations of regulated parties.

Environmental Finding

This final rule is exempt from environmental review requirements under 24 CFR 50.19(c)(3).

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 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. As a result, the rule is not subject to review under the Order.

The Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Secretary, by approval of this rule, certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule allows developers greater flexibility by permitting electronic payment and thereby reduces processing time and expense.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4; approved March 22, 1995) (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments, and on the private sector. This rule does not impose any Federal mandates on any State, local, or tribal governments, or on the private sector, within the meaning of the UMRA.

List of Subjects in Part 1710

Administrative practice and procedure, Consumer protection, Freedom of information, Land sales, Reporting and recordkeeping requirements.

Accordingly, 24 CFR part 1710 is amended as follows:

PART 1710—LAND REGISTRATION

1. The authority for part 1710 continues to read as follows:

Authority: 15 U.S.C. 1718; 42 U.S.C. 3535(d).

2. Section 1710.20 is amended by revising the last sentence of paragraph (a) to read as follows:

§ 1710.20 Requirements for registering a subdivision— Statement of Record— filing and form.

(a) * * * When the Statement of Record is filed, a fee in the amount set out in § 1710.35(b) must be paid in accordance with § 1710.35(a).

* * * * *

3. Section 1710.35 is amended by revising paragraph (a) to read as follows:

§ 1710.35 Payment of fees.

(a) *Method of payment.* (1) Each fee must be paid by:

(i) Certified check, cashier's check, or postal money order made payable to the

Treasurer of the United States, with the registration number, when known, and the name, of the subdivision on the face of the check, and mailed to an address specified by the Secretary; or

(ii) Electronic payment in a manner specified by the Secretary.

(2) Information regarding the current mailing address or electronic payment procedures is available from: HUD, Office of Interstate Land Sales/RESPA Division, Room 9156, 451 7th St., SW, Washington, DC 20410.

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Dated: September 25, 1998.

Ira Peppercorn,

General Deputy Assistant Secretary for Housing.

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