

borrower has appropriately represented a borrower or lender, respectively, on past transactions in accordance with the applicable state's rules of professional responsibility, such prior representation does not make counsel an employee of lender pursuant to the Map Guide or create an identity of interest with borrower or lender.

**Note:** Commenters have identified confusion with section 9(c) of the note and HUD has taken this opportunity to clarify this section. This section identifies circumstances that shall not be considered prepayments and shall not trigger prepayment premiums.

#### *Regulatory Agreement*

A commenter suggested deleting reference to the "Building Loan Agreement" in Section 8(b) because this section applies to refinancings with limited repairs where the Building Loan Agreement would be inapplicable. However, certain jurisdictions require the use of this document for repairs, so HUD has declined to make this change.

A commenter requested a change to Section 10(b) with respect to the initial deposit to the reserve for replacement, stating that requiring a specific amount in the Regulatory Agreement for a one-time deposit that occurs at closing is often problematic since the Reserve for Replacement amount can change. HUD agrees and has removed the first sentence of Section 10(b). The initial deposit to the reserve for replacement account should be disclosed, including any applicable transfer amounts, in the closing statement and the Request for Endorsement.

#### *Opinion of Borrower's Counsel and Instructions*

One commenter asked HUD to reconsider previously submitted comments to the Opinion of the Borrower's Counsel. The commenter asserts that the comments align with "customary practice" and with the practices of Fannie Mae and Freddie Mac, who, the commenter asserts negotiate their model opinion forms. Although HUD looks occasionally to the example of Fannie Mae and Freddie Mac, FHA's role in the housing market, its obligations as the Federal Government and its congressional mandate are distinct. HUD has determined that the requested changes would increase the cost, time and administrative burdens associated with transactions and conflict with HUD's interests in maintaining a uniform practice nationwide and protecting the Federal Government's interests. Thus, HUD declines to make commenter's requested changes.

#### *Escrow Agreement for Working Capital*

A commenter noted that the Escrow Agreement for Working Capital improperly references the firm commitment when providing for the allocation of escrow funds for new construction because the MAP Guide sets forth this policy. HUD has determined, however, that the firm commitment does set forth provisions regarding the working capital amount and should be reviewed in connection with the Escrow Agreement for Working Capital. There should not be discrepancies between the firm commitment and other HUD requirements; if participants notice discrepancies in their transactions, they should notify HUD's Office of Housing. HUD has also inserted the word "equally" in Section 2 of the Escrow Agreement for Working Capital in order to clarify HUD's MAP Guide requirement.

#### *Security Instrument*

A commenter noted that the provision in section 7(a)(ii) of the Security Instrument setting forth a monthly service charge in the event the note is held by HUD needs to be updated to reflect current policy and suggested a revision. HUD agrees and has updated the provision but has not used the language suggested by the commenter.

**Authority** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: July 8, 2014.

**Laura Marin,**

*Associate General Deputy Assistant Secretary for Housing—Federal Housing Commissioner.*  
[FR Doc. 2014-16315 Filed 7-10-14; 8:45 am]

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## **DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**[Docket No. FR-5756-N-25]**

### **60-Day Notice of Proposed Information Collection: Request for Prepayment of Section 202 or 202/8 Direct Loan Project**

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

**ACTION:** Notice.

**SUMMARY:** HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice

is to allow for 60 days of public comment.

**DATES:** *Comments Due Date:* September 9, 2014.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410-5000; telephone 202-402-3400 (this is not a toll-free number) or email at [Colette.Pollard@hud.gov](mailto:Colette.Pollard@hud.gov) for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

#### **FOR FURTHER INFORMATION CONTACT:**

Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at [Colette.Pollard@hud.gov](mailto:Colette.Pollard@hud.gov) or telephone (202) 402-3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

**SUPPLEMENTARY INFORMATION:** This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

#### **A. Overview of Information Collection**

*Title of Information Collection:* Request for Prepayment of Section 202 or 202/8 Project.

*OMB Approval Number:* 2502-0554.

*Type of Request:* Extension of a currently approved collection.

*Form Number:* 9808.

*Description of the need for the information and proposed use:* Owners of Section 202 projects use the form as the initial application to prepay their Section 202 Direct Loan and provide narrative information relative to the prepayment that must be reviewed by HUD staff.

*Respondents:* Business, not for profit institutions.

*Estimated Number of Respondents:* 185.

*Estimated Number of Responses:* 185.

*Frequency of Response:* On occasion.

*Average Hours per Response:* 2 hours.

*Total Estimated Burdens:* 370.

**B. Solicitation of Public Comment**

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

**Authority:** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: July 7, 2014.

**Laura M. Marin,**

*Associate General Deputy Assistant Secretary for Housing-Associate Deputy Federal Housing Commissioner.*

[FR Doc. 2014-16314 Filed 7-10-14; 8:45 am]

**BILLING CODE 4210-67-P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5696-N-10]

### Additional Clarifying Guidance, Waivers, and Alternative Requirements for Grantees in Receipt of Community Development Block Grant Disaster Recovery Funds Under the Disaster Relief Appropriations Act, 2013

**AGENCY:** Office of the Assistant Secretary for Community Planning and Development, HUD.

**ACTION:** Notice.

**SUMMARY:** This Notice provides additional clarifying guidance, waivers, and alternative requirements for all Community Development Block Grant (CDBG) disaster recovery grantees in receipt of funds under the Disaster Relief Appropriations Act, 2013 (Pub. L. 113-2).<sup>1</sup> To date, the Department has

allocated \$14.1 billion under the Act to assist recovery in the most impacted and distressed areas identified in major disaster declarations due to Hurricane Sandy and other eligible events in calendar years 2011, 2012, and 2013.

**DATES:** *Effective Date:* July 16, 2014.

**FOR FURTHER INFORMATION CONTACT:** Stan Gimont, Director, Office of Block Grant Assistance, Department of Housing and Urban Development, 451 7th Street SW., Room 7286, Washington, DC 20410, telephone number 202-708-3587.

Persons with hearing or speech impairments may access this number via TTY by calling the Federal Relay Service at 800-877-8339. Facsimile inquiries may be sent to Mr. Gimont at 202-401-2044. (Except for the "800" number, these telephone numbers are not toll-free.) Email inquiries may be sent to [disaster\\_recovery@hud.gov](mailto:disaster_recovery@hud.gov).

#### SUPPLEMENTARY INFORMATION:

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#### I. Background

The Disaster Relief Appropriations Act, 2013 (Pub. L. 113-2, approved January 29, 2013) (Appropriations Act) made available \$16 billion in Community Development Block Grant (CDBG) funds for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (42 U.S.C. 5121 *et seq.*) (Stafford Act), due to Hurricane Sandy and other eligible events in calendar years 2011, 2012, and 2013. As the Appropriations Act requires funds to be awarded directly to a State, or unit of general local government (hereinafter, local government), at the discretion of the Secretary, the term "grantee" refers to any jurisdiction that has received a direct award from HUD under the Appropriations Act.

On March 1, 2013, the President issued a sequestration order pursuant to section 251A of the Balanced Budget and Emergency Deficit Control Act, as amended (2 U.S.C. 901a), and reduced funding for CDBG-DR grants under the Appropriations Act to \$15.18 billion. To date, \$14.1 billion has been allocated for the areas most impacted by Hurricane Sandy and other disasters occurring in 2011, 2012, and 2013. To describe these

allocations and the accompanying requirements, the Department published multiple **Federal Register** notices: March 5, 2013 (78 FR 14329), April 19, 2013 (78 FR 23578), May 29, 2013 (78 FR 32262), August 2, 2013 (78 FR 46999), November 18, 2013 (78 FR 69104), March 27, 2014 (78 FR 17173), and June 3, 2014 (79 FR 31964), referred to collectively in this Notice as the "Prior Notices"). The requirements of the Prior Notices continue to apply, except as modified by this Notice.<sup>2</sup>

#### II. Applicable Rules, Statutes, Waivers, and Alternative Requirements

The Appropriations Act authorizes the Secretary to waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with HUD's obligation or use by the recipient of these funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment). Waivers and alternative requirements are based upon a determination by the Secretary that good cause exists and that the waiver or alternative requirement is not inconsistent with the overall purposes of title I of the HCD Act. Regulatory waiver authority is also provided by 24 CFR 5.110, 91.600, and 570.5.

This Notice clarifies or modifies requirements of the Prior Notices. Except as noted, the waivers and alternative requirements in this Notice apply to all grants under the Appropriations Act. For each waiver and alternative requirement described in this Notice, the Secretary has determined that good cause exists and the action is not inconsistent with the overall purpose of the HCD Act. Grantees may request additional waivers and alternative requirements from the Department as needed to address specific needs related to their recovery activities. Under the requirements of the Appropriations Act, waivers must be published in the **Federal Register** no later than five days before the effective date of such waiver.

1. *Reporting of contracts.* Public Law 113-2 requires grantees "to maintain on a public Web site information accounting for how all grant funds are

<sup>2</sup> Links to the Prior Notices, the text of the Appropriations Act, and additional guidance prepared by the Department for CDBG-DR grants, are available on HUD's Web site under the Office of Community Planning and Development, Disaster Recovery Assistance: [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/comm\\_planning/communitydevelopment/programs/drsi](http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment/programs/drsi). The same information is also available on HUD's OneCPD Web site: <https://www.onecpd.info/cdbg-dr/>.

<sup>1</sup> Luzerne, PA initially received disaster assistance under Public Law 112-55 and was provided with additional assistance through Pub. L. 113-2. The waiver in this Notice specific to Luzerne, PA applies to both its 112-55 funds and 113-2 funds as described herein.