§ 778.15 Right-of-entry information.

(a) An application shall contain a description of the documents upon which the applicant bases his legal right to enter and begin surface coal mining and reclamation operations in the permit area and shall state whether that right is the subject of pending litigation. The description shall identify the documents by type and date of execution, identify the specific lands to which the document pertains, and explain the legal rights claimed by the applicant.

(b) Where the private mineral estate to be mined has been severed from the private surface estate, an applicant shall also submit—

(1) A copy of the written consent of the surface owner for the extraction of coal by surface mining methods;

(2) A copy of the conveyance that expressly grants or reserves the right to extract coal by surface mining methods; or

(3) If the conveyance does not expressly grant the right to extract the coal by surface mining methods, documentation that under applicable State law, the applicant has the legal authority to extract the coal by those methods.

(c) Nothing in this section shall be construed to provide the regulatory authority with the authority to adjudicate property rights disputes.

§ 778.16 Status of unsuitability claims.

(a) An application shall contain available information as to whether the proposed permit area is within an area designated as unsuitable for surface coal mining and reclamation operations or is within an area under study for designation in an administrative proceeding under Parts 762, 764, and 769 of this chapter.

(b) An application in which the applicant claims the exemption described in § 762.13(c) of this chapter shall contain information supporting the assertion that the applicant made substantial legal and financial commitments before January 4, 1977, concerning the proposed surface coal mining and reclamation operations.

(c) An application in which the applicant proposes to conduct surface coal mining activities within 300 feet of an occupied dwelling or within 100 feet of a public road shall contain the necessary information and meet the requirements of § 761.12 of this chapter.

§ 778.17 Permit term.

(a) Each application shall state the anticipated or actual starting and termination date of each phase of the surface coal mining and reclamation operation and the anticipated number of acres of land to be affected during each phase of mining over the life of the mine.

(b) If the applicant requires an initial permit term in excess of 5 years in order to obtain necessary financing for equipment and the opening of the operation, the application shall—

(1) Be complete and accurate covering the specified longer term; and

(2) Show that the proposed longer term is reasonably needed to allow the applicant to obtain financing for equipment and for the opening of the operation with the need confirmed, in writing, by the applicant's proposed source of financing.

§ 778.18 Insurance.

An application shall contain either a certificate of liability insurance or evidence of self-insurance in compliance with § 800.60 of this chapter.

§ 778.21 Proof of publication.

A copy of the newspaper advertisements of the application for a permit, significant revision of a permit, or renewal of a permit, or proof of publication of the advertisements which is acceptable to the regulatory authority shall be filed with the regulatory authority and shall be made a part of the application not later than 4 weeks after the last date of publication as required by § 773.13(a)(1) of this chapter.

§778.22 Facilities or structures used in common.

The plans of a facility or structure that is to be shared by two or more separately permitted mining operations may be included in one permit application and referenced in the other applications. In accordance with Part 800 of this chapter, each permittee shall bond the facility or structure unless the permittees sharing it agree to another arrangement for assuming their respective responsibilities. If such agreement is reached, then the application shall include a copy of the agreement between or among the parties setting forth the respective bonding responsibilities of each party for the facility or structure. The agreement shall demonstrate to the satisfaction of the regulatory authority that all responsibilities under this chapter for the facility or structure will be met.

PART 782—[REMOVED]

10. Part 782 is removed.

PARTS 786, 787, AND 788—[REMOVED]

11. Parts 786, 787, and 788 are removed.

[Pub. L. 95-87, 30 U.S.C. 1201 *et seq.*]

[FR Doc. 83-26177 Filed 9-27-83; 8:45 am]
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federal register

Wednesday
September 28, 1983

Part IV

Department of Transportation

Federal Railroad Administration

Washington Union Station; Criteria and Procedures for Selecting a Developer

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Criteria and Procedures for Selecting a Developer for Washington Union Station

AGENCY: Federal Railroad Administration (FRA).

ACTION: Notice.

SUMMARY: This document provides notice of the criteria and procedures the Secretary will use to select a developer for Washington Union Station. Establishment of these criteria and procedures is required by law.

EFFECTIVE DATE: This notice is effective on September 28, 1983.

FOR FURTHER INFORMATION CONTACT: S. Mark Lindsey, Assistant Chief Counsel for Commerce and Legal Services, Federal Railroad Administration, Washington, D.C. 20590. Telephone 202-426-7710.

SUPPLEMENTARY INFORMATION:

Background

The Union Station Redevelopment Act of 1981 (Pub. L. 97-125) authorizes transfer of the lease on Union Station from the Secretary of the Interior to the Secretary of Transportation (Secretary) in order for the Secretary to rehabilitate and redevelop Union Station as a multi-use transportation terminal and commercial complex in accordance with the following goals:

(a) Preservation of the exterior facade and other historically and architecturally significant features of the Union Station building;

(b) Restoration and operation of a portion of the historic Union Station building as a rail passenger station, * * *;

(c) Commercial development of the Union Station complex that will, to the extent possible, support the continued operation and maintenance of such complex; and

(d) Withdrawal by the Federal Government from any active role in the management of the Union Station complex as soon as practicable and at the least possible Federal expense consistent with the goals set forth in subsections (a) through (c) of this section.

The Redevelopment Act required the Secretary of Transportation to conduct an engineering survey of Washington Union Station: (a) To determine the actions needed to rehabilitate the building and restore the rail passenger station to Union Station, and (b) to prepare detailed estimates of the cost of rehabilitating the building and restoring the rail passenger station to the building. The Redevelopment Act also required the Secretary to perform a market study to assess the commercial development potential of Union Station. Both studies were completed and submitted to Congress on December 29, 1982.

The engineering survey, performed for the Secretary by Ewing Cole Cherry Parsky, confirmed that Union Station can be rehabilitated and renovated to be suitable for the type of mixed-use commercial and transportation development contemplated by the statute. The market study, performed for the Secretary by Gladstone Associates, concluded that Union Station can be successfully redeveloped in accordance with the statutory goals to contain the Amtrak station, 100,000 square feet of retail space, and 80,000 square feet of office space. Thus, the initial Union Station project would include the historic building and concourse, along with the parking garage for 1300 vehicles, as noted below.

The National Railroad Passenger Corporation, or Amtrak, has committed up to $70 million of its funds to redevelopment of Union Station to insure that the building is structurally and mechanically sound, that its historically and architecturally significant features are preserved, and that suitable facilities are available for rail passengers. Separately, the District of Columbia is spending up to $40 million of its Interstate Highway funding allocation to complete the parking garage at Union Station. With those commitments in place, the Secretary is proceeding to redevelop Union Station.

The Secretary is implementing the Union Station Redevelopment Project through the Union Station Redevelopment Corporation, a non-profit corporation established for this purpose. The Secretary, acting through FRA, and Amtrak have entered into a cooperative agreement with the Union Station Redevelopment Corporation to manage the redevelopment project.

Selection of a private developer for the project is a key step. This document provides notice of the procedures and criteria to be used in making that selection.

Criteria and Procedures for Selecting a Developer for Washington Union Station

The Union Station Redevelopment Act of 1981 (Pub. L. 97-125) (40 U.S.C. 815(b)) requires the Secretary of Transportation (the "Secretary") to prescribe the procedures and criteria for selection of a developer for Union Station. This document provides public notice of those procedures and criteria.

Procedures for Developer Selection

The Secretary, acting through the Federal Railroad Administration, and Amtrak have entered into a cooperative agreement with the Union Station Redevelopment Corporation (USRC) to manage the redevelopment of Washington Union Station. Prior to October 31, 1983, USRC will issue a request for qualifications that will invite developers to submit statements of their qualifications. The request for qualifications will provide detailed information about the project and will contain detailed guidance concerning the information to be submitted to USRC. We presently contemplate that developers will be given thirty days to respond to the request for qualifications. Developers interested in receiving a request for qualifications should write to USRC, c/o Gladstone Associates, One Thomas Circle, Washington, DC 20005. In addition, notice of the availability of the request for qualifications will be published in *Commerce Business Daily* and major newspapers.

USRC will evaluate brief, written statements of qualifications received from developers in accordance with the selection criteria set forth in this notice, which criteria will also be contained in the request for qualifications. Based on that evaluation, USRC will prepare a list of developers to be eligible for further competition and will submit that list to the Secretary for the Secretary's approval.

Upon the Secretary's approval of USRC's list of eligible developers, USRC will send a prospectus to each eligible developer. The prospectus will invite those developers to submit detailed proposals for redeveloping Union Station. A substantial deposit will be required with submission of a proposal. If less than two detailed proposals conforming to the selection criteria and responsive to the prospectus are submitted, the competition will continue and, in the Secretary's discretion, may be broadened to include developers not previously listed as eligible developers.

USRC will review and evaluate all proposals submitted in response to the prospectus. In the course of that evaluation, USRC will conduct such interviews of the responding developers and their team members and such inspections of other projects as USRC believes appropriate to its evaluation task. USRC's evaluation will also include an appropriate review of the development and financial reference of developers. Upon completion of its evaluation, USRC will rank the development proposals received and submit that ranking, together with USRC'S recommendation of a Preferred Developer, to the Secretary.

Following such review as the Secretary deems appropriate of USRC's

evaluation of the development proposals, its ranking of those proposals, and its recommendation of a Preferred Developer, the Secretary will select a Preferred Developer. The Secretary will then enter into an appropriate agreement with that developer conferring an exclusive right to negotiate for a mutually agreed-upon period, which period may be extended at the discretion of the Secretary. The Preferred Developer will be required to make an additional substantial deposit. The Secretary reserves the right at every stage in the selection procedure, however, to reject all proposals and reopen the developer selection process.

During the term of the Preferred Developer's exclusive right to negotiate, the Preferred Developer will develop and submit to USRC detailed schematic plans for Union Station, secure financing for the project, and obtain all necessary public approvals. The Preferred Developer and the Secretary will also negotiate the terms and conditions of a development agreement during this period. Final selection will be made by signing a development agreement with the developer.

If the Preferred Developer's exclusive right to negotiate expires without a development agreement having been signed, or if the Secretary terminates the Preferred Developer's exclusive right to negotiate for cause (*e.g.*, inability to agree on terms of a development agreement, such as the development schedule, the terms of financing , rent, or detailed schematic plans), the Secretary may terminate the Preferred Developer's exclusive right to negotiate by so notifying the Preferred Developer in writing. In the Secretary's discretion, the Secretary may then select another Preferred Developer from among those ranked by USRC and seek to negotiate a development agreement with that developer, or may reopen the developer selection process.

Selection Criteria

Qualifications. Developers responding to the request for qualifications will submit a statement of developer qualifications and a statement of development team qualifications. This submission must demonstrate substantial development experience and capacity and substantial financial resources. Developers will be required to demonstrate their ability to plan, design, finance, construct, market, and manage mixed-use real estate developments involving retail, office, transportation, and other compatible uses in historic structures on the scale required at Union Station. Prior experience with public-private ventures as contemplated for Union Station is preferable. The request for qualifications will elaborate on these and other specific requirements for qualification.

Evaluation Criteria

Development proposals submitted by eligible developers in response to the prospectus will be evaluated in accordance with the following criteria:

(a) Compatibility of the proposed development with the utilization of the Union Station building as a rail passenger station for Amtrak;

(b) Compatibility of the proposed development with, and preservation of, historically and architecturally significant features of the Union Station building;

(c) Ability of the proposed commercial development to support and finance continued operation and maintenance of Union Station for the foreseeable future;

(d) The financial commitment and capacity of the developer and other investors to carry out a major mixed-use commercial and transportation development as contemplated by the Redevelopment Act and as the developer proposes;

(e) The business deal proposed, including the financial return provided to USRC from the development;

(f) The extent to which the proposed development will enhance pedestrian and vehicular circulation, the design and treatment of public spaces, and the relationship of development of this site to that on adjacent and nearby sites;

(g) The developer's commitment to equal opportunity employment and the developer's commitment to ensure that small and minority business enterprises (as defined in 49 CFR Part 23) shall have the maximum opportunity to compete for and perform contracts;

(h) The developer's ability to adhere to an agreed upon schedule implementing improvements to the Union Station complex;

(i) The quality of materials and workmanship;

(j) Ability and experience in marketing and managing mixed-use real estate development involving retail, office transporation, and other compatible uses in historic structures on the scale required at Union Station;

(k) The extent to which the proposed development will draw upon the local pedestrian market and on the market that can reach the site via mass transit; and

(l) Responsiveness to the prospectus.

The prospectus will include more detailed and specific statements of the evaluation criteria.

Authority: Sec. 115 of the National Visitor Center Facilities Act of 1968 (40 U.S.C. 815), as amended by Sec. 3 of the Union Station Redevelopment Act of 1981, Pub. L. 97-125, 95 Stat. 1667, 1668; and 49 CFR 1.49(k).

Issued at Washington, D.C. on September 22, 1983.

Thomas A. Till,

Deputy Administrator.

[FR Doc. 83-26370 Filed 9-27-83; 8:45 am]

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Wednesday
September 28, 1983

Part V

Department of Housing and Urban Development

Office of Assistant Secretary for Housing—Federal Housing Commissioner

Interstate Land Sales; Proposed Registration Rules and Exemption Guidelines

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 1700, 1710, and 1730

[Docket No. R-83-1041]

Amendments Relating to Interstate Land Sales Registration

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

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend HUD's regulations implementing the Interstate Land Sales Full Disclosure Act to reduce the volume of the present regulations and remove a number of exemption and registration requirements for developers in the land sales industry. These proposed changes are part of an overall plan to eliminate unnecessary documentation and duplication and to relieve the industry of regulatory burdens to the extent practicable while preserving beneficial protections for consumers.

DATE: Comments must be received by November 28, 1983.

ADDRESS: Interested persons are invited to submit comments regarding this rule to the Rules Docket Clerk, Office of General Counsel, Room 10278, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection during regular business hours at the above address.

A Notice of Guidelines (Interpretive Rule) is being published concurrently with this proposed rule and interested parties are invited to comment on those proposals as well. Comments are invited as to whether anything included in the Guidelines should be included in this rule and whether anything in this rule should be included in the Guidelines.

FOR FURTHER INFORMATION CONTACT: Roger G. Henderson, Director, Program Development and Control Division, Department of Housing and Urban Development, Room 4106, 451 7th Street, SW., Washington, D.C. 20410, (202) 755-6314. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: This proposed rule would eliminate duplicative language to reduce the volume of the regulations governing interstate land sales registration and provide certain deregulatory changes, as described below.

The Delegations of Authority, Revision and Update, as published in the **Federal Register** on Wednesday, July 14, 1982 (47 FR 30653), stated that the sections in Subparts A and B of 24 CFR Part 1700 dealing with Delegations of Authority in the Interstate Land Sales program would be withdrawn. This proposed rule would eliminate those sections.

Section 1710.5 of the regulations exempts from the requirements of the Interstate Land Sales Full Dislosure Act the sale or lease of any improved land on which there is a residential, commercial, condominium or industrial building, or the sale or lease of land under a contract obligating the seller or lessor to erect such a building on the land within a period of two years. The proposed rule would modify this two-year provision in the case of the construction of condominiums, to permit a clause that conditions the sale on a certain percentage of sales of other units for a period not to exceed 180 days from the date the first purchaser signs the sales contract on the project or if a phased project, from the date the first purchaser signs the first contract in each phase. However, any such clause cannot extend the overall two-year obligation to construct. This modification is proposed to permit developers to test the viability of a project before being obligated to construct.

One of the requirements in § 1710.10 for obtaining the single family residence exemption from the registration requirements of the Act is that the lot be situated on an asphalt or concrete street or highway. The proposed rule would expand the types of streets or highways permitted to include those paved with any bituminous surface that is impervious to water, protects the base and is durable under the traffic load and maintenance contemplated. This change recognizes the fact that in many jurisdictions, road surfaces are finished with acceptable hard surface materials other than asphalt and concrete. The change would make the single family residence exemption available to developers in appropriate instances for subdivisions located in those jurisdictions.

Sections 1710.12, Intrastate exemption, and § 1710.13, SMSA exemption, are proposed to be amended to include a requirement that developers must turn over control of a developer-controlled Property Owners' Association or Architectural Control Committee to the lot owners when the developer no longer owns a majority of the lots in the subdivision. The Department's policy has been to accept a provision for transfer of control when the developer's ownership of lots was reduced to 30 percent. This change is proposed to allow the developer more control of the subdivision during the developmental period.

The sample Intrastate Exemption Statement and the SMSA Exemption Statement, found respectively at §§ 1710.12 and 1710.13, would be removed to reduce volume. Sample statements would be provided by OILSR upon request. Also, sample statements would be included in the Notice of Guidelines (Interpretive Rule) which is being published concurrently with this rule. Removal of the Sample Statements from the regulations does not signal a change in the substantive requirements of the Act or regulaitons.

Sections 1710.10(c)(6), 1710.12(a)(4)(i)(A), 1710.13(a)(6)(i)(A), and 1710.16(b)(2)(iv) would be revised to require that the contract of sale require delivery of a warranty deed, "which at the time of delivery" is free from liens and encumbrances. This revision would clarify that the title must be clear at the time the deed is delivered rather than afterwards—within 180 days—as some persons may infer from the current language. The deletion of the introductory phrase "From the date the purchaser signs the contract until the deed is delivered," is intended to achieve the same end—focus attention on the condition of title on the date of delivery of the deed.

In §§ 1710.12(a)(4)(v) and 1710.13(a)(6)(v), dealing with beneficial property restrictions that are uniformly applied to "every applicable lot", the words "or group of lots" would be added. This change would recognize that a subdivision may contain several sections with different beneficial property restrictions applicable to the group of lots in a section, rather than to all lots in the subdivision.

The word Standard would be dropped from the title of the Standard Metropolitan Statistical Area Exemption § 1710.13. This change is necessary to bring the regulation in line with Executive Order No. 12318.

Section 1710.15 would be removed. Those subdivisions exempt under that section as of June 20, 1980 would continue to be exempt under proposed § 1730.100(c).

In § 1710.112, Financial information, the requirement that the sales contract provide for delivery of deed within 120 days would be changed to 180 days. The purpose of this change is to make this provision consistent with the 180-day

provision which is used in the Act and elsewhere in regulations.

In § 1710.116(c), Violations and litigation, paragraphs (1) and (2) (concerning application of administrative sanctions and conviction of a crime) have been combined to shorten the section. The term "land investment" has been dropped from the types of activities for which a person may have been the subject of administrative sanctions or conviction, because "land sales" encompasses it. Similarly, the word "regulation" is dropped, since it is included in the term "law."

Under § 1710.208, General information, the requirement that a general plan of the subdivision be submitted would be simplified by eliminating most detailed specifications. In preparing a general plan, the developer would no longer be required to identify individual lots by lot numbers within the proposed sections or delineate a representative lot with dimensions. The developer is required to file a detailed plat map of each section at the time that the developer registers the offering with OILSR. The details omitted from the general plan under this proposed rule are provided in the plat map, which must be filed before sale of the lots.

Section 1710.209(c)(1) would be changed to accept a commitment to insure title satisfaction of the requirement to submit title evidence for the land being registered. This change would bring this rule into line with the normal practice of the industry.

The rule would also make a number of technical amendments designed to clarify the regulations in the industry.

The rule would also make a number of technical amendments designed to clarify the regulations and reduce their volume.

In this rulemaking proceeding, the Department is seeking to improve the efficiency of its land sales regulations, both with respect to substantive requirements and with respect to procedural requirements. Affected parties are invited to comment on problem areas not addressed by the proposed rule, as well as on the appropriateness of changes made in the proposed rule.

A finding of No Significant Impact with respect to the environment has been made in accordance with HUD Regulations in 24 CFR Part 50 that implement Section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 10278, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of the Executive Order on Federal Regulation issued by the President on February 10, 1981. Analysis of the rule indicate that it does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The rule was listed as item H–80–82 in the Department's Semiannual Agenda of Regulations published on April 25, 1983 (48 FR 18074), pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule would not have a significant economic impact on a substantial number of small entities. It would serve to relieve a part of the regulatory burden on real estate developers, some of whom constitute small entities, but its effect is not expected to exceed the threshold set forth in the Act.

The Catalog of Federal Domestic Assistance program number is 14.801.

Information collection requirements contained in this regulation have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and have been assigned OMB control number 2502–0243.

List of Subjects

24 CFR Part 1700

Authority delegations (Government agencies), Freedom of information, Organization and functions (Government agencies).

24 CFR Part 1710

Consumer protection, Land sales, Reporting and recordkeeping requirements.

24 CFR Part 1730

Consumer protection land sales.

Accordingly, the Department proposes to amend 24 CFR Parts 1700, 1710 and 1730 as follows:

PART 1700—INTRODUCTION

1. The Table of Contents to Part 1700 would be revised to read as follows:

PART 1700—INTRODUCTION

Sec.

2. The Authority section for Part 1700 would be revised to read as follows:

Authority: Section 1419, Interstate Land Sales Full Disclosure Act, 15 U.S.C. 1718; Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

3. Section 1700.1 would be revised to read as follows:

§ 1700.1 Scope of this Chapter.

A land developer is required by the Interstate Land Sales Full Disclosure Act (hereinafter referred to as the Act), Title XIV of Pub. L. 90–448, 82 Stat. 590, 15 U.S.C. 1701, to make full disclosure in the sale or lease of certain undeveloped, subdivided land. The Act makes it unlawful (except with respect to certain exempt transactions) for any developer to sell or lease, by use of the mail or the use of any means or instruments of transportation or communication in interstate commerce, any such land offered as part of a common promotional plan unless the land is registered with the Secretary of Housing and Urban Development and a printed property report is furnished to the purchaser or lessee in advance of the signing of an agreement for sale or lease.

(Approved by the Office of Management and Budget under OMB control number 2502–0243.)

§ 1700.5 [Reserved].

§ 1700.10 [Reserved].

§ 1700.20 [Reserved].

§ 1700.25 [Reserved].

4. Sections 1700.5, 1700.10, 1700.20 and 1700.25 would be removed and reserved.

5. Section 1700.30 would be amended by revising paragraph (c) to read as follows:

§ 1700.30 Public information.

* * * * *

(c) *Nonapplicability of exemptions authorized by 5 U.S.C. 552.* With the exception of information exempt from disclosure under 5 U.S.C. 552(b)(7) and 24 CFR 15.21(a)(7), all information

contained in or filed with any statement of record shall be made available to the public as provided by Section 1405(d) of the Act.

* * * * *

6. Section 1700.35 would be revised to read as follows:

§ 1700.35 Separability of provisions.

If any provision of these regulations is adjudged by any court of competent jurisdiction to be invalid, such judgment will not affect the remaining provisions of the regulations.

§ 1700.80 [Removed.]

§ 1700.85 [Removed.]

§ 1700.90 [Removed.]

§ 1700.91 [Removed.]

§ 1700.95 [Removed.]

§ 1700.100 [Removed.]

7. Sections 1700.80, 1700.85, 1700.90, 1700.91, 1700.95 and 1700.100 would be removed.

PART 1710—LAND REGISTRATION

8. The authority citation for Part 1710 would be revised to read as follows:

Authority: Sec. 1419, Interstate Land Sales Full Disclosure Act, 15 U.S.C. 1718; Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

9. Section 1710.3 would be amended by adding at the end, the following words:

(Approved by the Office of Management and Budget under OMB control number 2502-0243.)

10. Section 1710.5 would be amended by revising paragraph (b) to read as follows:

§ 1710.5 Statutory exemptions from the provisions of this chapter.

The requirements of the Act do not apply to—

* * * * *

(b) The sale or lease of any improved land on which there is a residential, commercial, condominium or industrial building, or the sale or lease of land under a contract obligating the seller or lessor to erect such a building thereon within a period of two years. In the case of condominium construction, a presale clause conditioning the sale of a unit on a certain percentage of sales of other units is permissible if it is legally binding on the parties and it is for a period not to exceed 180 days. However, the 180-day provision cannot extend the two-year period for performance. The permissible 180 days is calculated from the date the first purchaser signs a sales contract in the project or, if a phased project, from the date the first purchaser signs the first sales contract in each phase.

* * * * *

11. Section 1710.6 would be revised to read as follows:

§ 1710.6 One hundred lot exemption.

The sale of lots in a subdivision is exempt from the registration requirements of the Act if, since April 28, 1969, the subdivision has contained fewer than 100 lots, exclusive of lots which are exempt from jurisdiction under § 1710.5. In the sale of lots in the subdivision that are not exempt under § 1710.5, the developer must comply with the Act's anti-fraud provisions, set forth in § 1710.4 (b) and (c).

12. Section 1710.7 would be amended by revising paragraph (d) to read as follows:

§ 1710.7 Twelve lot exemption.

* * * * *

(d) The sale must also comply with the anti-fraud provisions of § 1710.4 (b) and (c).

13. Section 1710.8 would be amended by revising paragraph (c) to read as follows:

§ 1710.8 Scattered site subdivisions.

* * * * *

(c) The sale must also comply with the anti-fraud provisions of § 1710.4 (b) and (c).

14. Section 1710.9 would be amended by revising paragraph (b) to read as follows:

§ 1710.9 Twenty acre lots.

* * * * *

(b) The sale must also comply with the anti-fraud provisions of § 1710.4 (b) and (c).

15. Section 1710.10 would be amended by revising paragraphs (c)(1), (3), and (6) and (d) to read as follows:

§ 1710.10 Single family residence exemption.

* * * * *

(c) *Lot requirements.* (1) The lot must be located within a municipality or county where a unit of local government or the State specifies minimum standards in the following areas for the development of subdivision lots taking place within its boundaries:

(i) Lot dimensions.

(ii) Plat approval and recordation.

(iii) Roads and access.

(iv) Drainage.

(v) Flooding.

(vi) Water supply.

(vii) Sewage disposal.

* * * * *

(3) The lot must be situated on a paved street or highway which has been built to standards established by the State or the unit of local government in which the subdivision is located. If the roads are to be public roads they must be acceptable to the unit of local government that will be responsible for maintenance. If the street or highway is not complete, the developer must post a bond or other surety acceptable to the municipality or county in the full amount of the cost of completing the street or highway to assure completion to local standards. For purposes of this exemption, "paved" means concrete or pavement with a bituminous surface that is impervious to water, protects the base and is durable under the traffic load and maintenance contemplated.

* * * * *

(6) The contract of sale must require delivery, within 180 days after the signing of the sales contract, of a warranty deed, which at the time of delivery is free from monetary liens and encumbrances. If a warranty deed is not commonly used in the jurisdiction where the lot is located, a deed or grant which warrants that the seller has not conveyed the lot to another person may be delivered in lieu of a warranty deed. The deed or grant used must warrant that the lot is free from encumbrances made by the seller or any other person claiming by, through, or under the seller.

* * * * *

(d) The sale must also comply with the anti-fraud provisions of § 1710.4 (b) and (c).

16. Section 1710.11(a)(5) would be removed and the following new paragraph (b) would be added, to read as follows:

§ 1710.11 Mobile home exemption.

(a) * * *

(b) The sale must also comply with the anti-fraud provisions of § 1710.4 (b) and (c).

17. Section 1710.12 would be amended by revising the introductory text of paragraph (a)(4), (a)(4)(i) (A), and (a)(4)(v) to read as follows:

§ 1710.12 Intrastate exemption.

(a) * * *

(4) The lost being sold is free and clear of all liens, encumbrances and adverse claims except the following:

(i) * * *

(A) The contract of sale obligates the developer to deliver, within 180 days, a warranty deed (or its equivalent under local law), which at the time of delivery is free from any monetary liens or encumbrances; and

* * * * *

(v) Beneficial property restrictions that are mutually enforceable by the lot owners in the subdivision. To be enforceable, restrictions must be part of a general plan of development. Restrictions, whether separately recorded or incorporated into individual deeds, must be applied uniformly to every lot or group of lots. To be considered beneficial and enforceable, any restriction or covenant that imposes an assessment on lot owners must apply to the developer on the same basis as other lot owners. Developers who maintain control of a subdivision through a Property Owners' Association, Architectural Control Committee, restrictive covenants or otherwise, shall transfer such control to the lot owners no later than when the developer ceases to own a majority of total lots in, or planned for, the subdivision. Relinquishment of developer control shall require affirmative action, usually in the form of an election based upon one vote per lot.

* * * * *

18. Section 1710.12 would be further amended by revising paragraph (b), by removing paragraph (c), and by redesignating paragraph (d) as paragraph (c) and revising it, so that paragraphs (b) and (c) would read as follows:

§ 1710.12 Intrastate exemption.

* * * * *

(b) *Intrastate Exemption Statement.* (1) To satisfy the requirements of paragraphs (a)(5) and (a)(6) of this section, an Intrastate Exemption Statement containing the information prescribed in each such paragraph shall be given to each purchaser. A State-approved disclosure document may be used to satisfy this requirement if all the information required by paragraphs (a)(5) and (a)(6) is included in this disclosure. A sample Intrastate Exemption Statement will be provided by OILSR upon request. In such a case, the developer must obtain a written receipt from the purchaser and comply with the other requirements of the exemption.

(2) To be acceptable for purposes of the exemption, the statement(s) given to purchasers must contain neither advertising or promotion on behalf of the developer or subdivision nor references to the U.S. Department of Housing and Urban Development.

(c) The sale must also comply with the anti-fraud provisions of § 1710.4 (b) and (c).

19. Section 1710.13 would be amended by removing paragraphs (d), (e), and (f), and by revising the caption of the section and paragraphs (a)(2), (a)(3), the introductory text of (a)(6), (a)(6)(i)(A), (a)(6)(v), (a)(7), (a)(9), (b) and (c), to read as follows:

§ 1710.13 Metropolitan Statistical Area (MSA) exemption.

(a) * * *

(2) The lot is located within a Metropolitan Statistical Area (MSA) as defined by the Office of Management and Budget and characterized in paragraph (b) of this section.

(3) The principal residence of the purchaser is within the same MSA as the subdivision.

* * * * *

(6) The lot being sold must be free and clear of liens such as mortgages, deeds of trust, tax liens, mechanics' liens, or judgments. For purposes of this exemption, the term "liens" does not include the following:

(i) * * *

(A) The contract of sale obligates the developer to deliver, within 180 days, a warranty deed (or its equivalent under local law), which at the time of delivery is free from any monetary liens or encumbrances; and

* * * * *

(v) Beneficial property restrictions that are mutually enforceable by the lot owners in the subdivision. To be enforceable, restrictions must be a part of a general plan of development. Restrictions, whether separately recorded or incorporated into individual deeds, must be applied uniformly to every lot or group of lots. To be considered beneficial and enforceable, any restriction or covenant that imposes an assessment on lot owners must apply to the developer on the same basis as other lot owners. Developers who maintain control of a subdivision through a Property Owners' Association, Architectural Control Committee, restrictive covenants, or otherwise, shall transfer such control to the lot owners no later than when the developer ceases to own a majority of total lots in, or planned for, the subdivision. Relinquishment of developer control shall require affirmative action, usually in the form of an election based upon one vote per lot.

* * * * *

(7) Before the sale the developer gives a written MSA Exemption Statement to the purchaser and obtains a written receipt acknowledging that the statement was received. A sample MSA Exemption Statement will be provided by OILSR upon request. A State-approved disclosure document may be used to satify this requirement if all of the information required by this section is included. The statement(s) given to purchasers must contain neither advertising or promotion on behalf of the developer or the subdivision nor references to the U.S. Department of Housing and Urban Development. In descriptive and concise terms, the statement that the developer must give the purchaser shall disclose the following:

(i) All liens, reservations, taxes, assessments, beneficial property restrictions which are enforceable by other lot owners in the subdivision, and adverse claims which are applicable to the lot to be purchased.

(ii) Good faith estimates of the cost to the purchaser of providing electric, water, sewer, gas and telephone service to the lot. The estimates for unsold lots must be updated every two years, or more frequently if the developer has reason to believe that significant cost increases have occurred. The dates on which the estimates were made must be included in the statement.

* * * * *

(9) The developer executes a written affirmation for each sale made under this exemption. By Janaury 31 of each year, the developer submits to the Secretary a copy of the executed affirmation for each sale made during the preceding calendar year or a master affirmation in which are listed all purchasers' names and addresses and the identity of the lots purchased. Individual affirmations must be available for the Secretary's review at all times during the year.

The affirmation must be in the following form:

Developer's Name _____
Developer's Address _____
Purchaser's Name(s) _____
Purchaser's Address(es) (including county) _____
Name of Subdivision _____
Legal Description of Lot(s) Purchased _____

I hereby affirm that all of the requirements of the MSA exemption as set forth in 15 U.S.C. 1702(b)(8) and 24 CFR 1710.13 have been met in the sale or lease of the lot(s) described above.

I also affirm that I submit to the jurisdiction of the Interstate Land Sales Full Disclosure Act with regard to the sale or lease cited above.

(Date) _____
(Signature of Developer or Authorized Agent) _____
(Title) _____

(b) *Metropolitan Statistical Area.* Metropolitan Statistical Areas are defined by the Office of Management and Budget generally on the basis of population statistics reported in a census. To determine whether a subdivision is located within an MSA and the boundaries of an MSA, contact the Office of Informaiton and Regulatory Affairs, Office of Management and

Budget, 726 Jackson Place NW., Washington, D.C. 20503.

(c) The sale must also comply with the anti-fraud provisions of § 1710.4 (b) and (c).

20. Section 1710.14 would be amended by revising paragraph (c) to read as follows:

§ 1710.14 Regulatory exemptions.

* * * * *

(c) The sale must also comply with the anti-fraud provisions of § 1710.4 (b) and (c).

21. Section 1710.15 would be removed and reserved.

§ 1710.15 [Reserved.]

22. Section 1710.16 would be amended by removing paragraph (b)(5), and by revising paragraphs (b)(2)(iv), (b)(4), and (e), to read as follows:

§ 1710.16 Regulatory exemption—determination required.

* * * * *

(b) * * *

(2) * * *

(iv) Contains a provision which obligates the developer to deliver, within 180 days of the date the purchaser signed the sales contract, a warranty deed (or its equivalent under local law), which at the time of delivery is free from any monetary liens or encumbrances.

* * * * *

(4) The developer files a request for an exemption order and supporting documentation in accordance with paragraphs (c) and (d) of this section and a filing fee of $250.00 in accordance with § 1710.35(a). This fee is not refundable.

* * * * *

(e) The sale must also comply with the anti-fraud provisions of §§ 1710.4 (b) and (c).

* * * * *

23. Section 1710.17 would be amended by revising paragraphs (b)(1) and (b)(2) as follows:

§ 1710.17 Advisory opinion.

* * * * *

(b) * * *

(1) A $250 filing fee in accordance with § 1710.35(a). This fee is not refundable.

(2) A comprehensive description of the conditions and operations of the offering. There is no prescribed format for submitting this information, but the developer should at least cite the applicable statutory or regulatory basis for the exemption or lack of jurisdiction and thoroughly explain how the offering either satisfies the requirements for exemption or falls outside the purview of the Act.

* * * * *

24. Section 1710.21 would be amended by removing paragraph (b), by redesignating paragraph (c) as paragraph (b), and by revising the introductory language in paragraph (a) to read as follows:

§ 1710.21 Effective dates.

(a) *General.* The effective date of an initial, consolidated or amended Statement of Record shall be the 30th day after the filing of the latest amendatory material unless the Secretary notifies the developer in writing prior to such 30th day that:

* * * * *

25. Sections 1700.100 and 1710.102 would be amended by adding at the end of each of them, the following words:

(Approved by the Office of Management and Budget under OMB control number 2502-0243.)

26. Section 1710.103 would be revised to read as follows:

§ 1710.103 Developer obligated improvements.

(a) If the developer represents that it will provide or complete roads or facilities for water, sewer, gas, electricity or recreational amenities, it shall be contractually obligated to do so (see § 1715.15(f)), and the obligation shall be clearly stated in the Property Report. While the developer may disclose relevant facts about completion, the obligation to complete cannot be conditioned, other than as provided for in § 1715.15(f), and an estimated completion date (month and year) must be stated in the Property Report.

(b) If a party other than the developer is responsible for providing or completing roads or facilities for water, sewer, gas, electricity or recreational amenities, that entity shall be clearly identified in accordance with §§ 1710.110, 1710.111 or 1710.114, as applicable. A statement for that facility or amenity shall be included in the proper section of the Property Report to the effect that the developer is not responsible for providing or completing the facility or amenity and can give no assurance that it will be completed or available for use.

27. Section 1710.112 would be amended by revising paragraph (b) to read as follows:

§ 1710.112 Financial information.

* * * * *

(b) Has the developer had a deficit in retained earnings or experienced an operating loss during the last fiscal year or, if less than a year old, since its formation? If so, include a statement to the effect that this may affect the developer's ability to complete promised facilities and to discharge its financial obligations. This statement may be omitted if:

(1) All facilities, utilities and amenities proposed to be completed by the developer in the Property Report and sales contract have been completed so that the lots included in the Statement of Record are immediately usable for the purpose for which they are sold, or if:

(2) The developer is contractually obligated to the purchaser to complete all facilities, utilities and amenities promised by it in the Statement of Record, and:

(i) The developer has made financial arrangements, such as the posting or surety bonds (corporate or individual notes or bonds are not acceptable), irrevocable letters of credit, escrow or trust accounts, to assure that the facilities, utilities and amenities will be completed by the dates set out in the Property Report or contract;

(ii) The sales contract provides for delivery of a deed, within 180 days of the signing of the contract, which conveys title free of any mortgage or lien, or the developer has filed an assurance of title agreement with OILSR as outlined in § 1710.212(e); and

(iii) Any downpayments or deposits are held in an escrow or trust account.

* * * * *

28. Section 1710.116 would be amended by removing paragraph (c)(2), by redesignating paragraphs (c)(3) and (c)(4) as paragraphs (c)(2) and (c)(3), respectively, and by revising paragraph (c)(1) to read as follows:

§ 1710.116 Additional information.

* * * * *

(c) Violations and litigations. * * *

(1) With respect to activities relating to or in violation of a Federal, State or local law concerned with the environment, land sales, securities sales, construction or sale of homes or home improvements, consumer fraud or similar activity, has the developer, the owner of the land or any of their principals officers, directors, parent corporation, subsidiaries or an entity in which any of them hold a 10% or more financial interest, been:

(i) Disciplined, debarred or suspended by any governmental agency or is there now pending against them an action which could result in their being disciplined, debarred or suspended (OILSR suspension notices on pre-

effective Statements of Record and amendments need not be listed) or,

(ii) Convicted by any court, or is there now pending against them any criminal proceedings in any court?

* * * * *

29. Section 1710.116 would be further amended by removing paragraphs (d)(4) and (d)(5) and by revising paragraphs (d)(2) and (d)(3) to read as follows:

§ 1710.116 Additional information.

* * * * *

(d)(1) * * *

(2) Does the developer have an active resale program? If the answer is "no", include the following statement: "We have no program to assist you in the sale of your lot."

(3) Does the developer have a lot exchange program? If the answer is "yes", describe the program; state any conditions and indicate if the program reserves a sufficient number of lots to accommodate all those wishing to participate. If there is no program or if sufficient lots are not reserved, include one of the following statements, as applicable: "We do not have any provision to allow you to exchange one lot for another" or "We do not have a program which assures that you will be able to exchange your lot for another."

* * * * *

30. Section 1710.117 would be amended by removing paragraph (a)(2)(iii), by redesignating paragraphs (a)(2)(iv), (a)(2)(v), (a)(2)(vi), (a)(2)(vii), and (a)(2)(viii) as paragraphs (a)(2)(iii), (a)(2)(iv), (a)(2)(v), (a)(2)(vi), and (a)(2)(vii), respectively, and by revising paragraphs (a)(2)(i), and (a)(2)(ii) to read as follows:

§ 1710.117 Cost Sheet, Signature of Senior Executive Officer.

(a) * * *

(2) *Cost sheet instructions.* (i) All amounts for cost sheet items will be entered before the purchaser signs the receipt. However, any costs which are identical for all lots may be pre-printed.

(ii) If a central water or sewer system will be used in all or part of the subdivision and a private system in all or other parts, then the portion which does not apply to the purchaser's lot shall be crossed out.

* * * * *

31. Section 1710.208 would be amended by revising paragraph (d)(2) to read as follows:

§ 1710.208 General information.

* * * * *

(d) * * *

(2) Submit two copies of a general plan of the subdivision. This general plan shall consist of a map, prepared to scale, and it shall identify the various proposed sections or blocks within the subdivision, the existing or proposed roads or streets, and the location of the existing or proposed recreational and/or common facilities. In an initial filing, this map must at least show the lots in the offering and the area included in the Statement of Record. In a consolidated Statement of Record, show the lots and areas being added, as well as the lots and areas previously registered. If a map of the entire subdivision is submitted with the initial Statement of Record, and if no substantial changes are made when material for a consolidated Statement of Record is submitted, the original map may be incorporated by reference.

* * * * *

32. Section 1710.209 would be amended by revising paragraph (a)(4) to read as follows:

§ 1710.209 Title and land use.

(a) * * *

(4)(i) Identify the Federal, State and local agencies or similar organizations which have the authority to regulate or issue permits, approvals or licenses which may have a material effect on the developer's plans with respect to the proposed division of the land, and any existing or proposed facilities, common areas or improvements to the subdivision.

(ii) Describe or identify the land or facilities affected; the permit, approval or license required; and indicate whether the permit, approval or license has been obtained by the developer.

(iii) If no agency regulates the division of the land or issues any permits, approvals or licenses with respect to improvements, so state.

(iv) Answers must specifically cover the areas of environmental protection; environmental impact statements; and construction, dredging, bulkheading, etc. that affect bodies of water within or around the subdivision. Also include licenses or permits required by water resources boards, pollution control boards, river basin commissions, conservation agencies or similar organizations.

* * * * *

33. Section 1710.209 would be further amended by revising paragraphs (b) and (c) to read as follows:

§ 1710.209 Title and land use.

* * * * *

(b) *Title evidence.* (1) Submit title evidence which specifically states the status of the legal and equitable title to the land comprising the lots covered by the Statement of Record and any common areas or facilities disclosed in the Property Report. Title evidence need not be submitted for those common areas and facilities which are not owned by the developer.

(2) Acceptable title evidence shall be dated no earlier than 20 business days preceding the date of the filing of the Statement of Record with the Secretary. Previously issued title evidence may be updated to the date referred to in the preceding sentence by endorsements or attorneys' opinions of title.

(3) The developer shall amend the title evidence to reflect the change in status of title of any previously registered, reacquired lots unless their status is at least as marketable as they were when first offered for sale by the developer as registered lots.

(c) *Forms of acceptable title evidence.* (1) An original of a copy of a signed owner's or mortgagee's policy of title insurance, title commitment, certificate of title or similar instrument issued by a title company authorized by law to issue such instrument in the State in which the subdivision is located. Title insurance policies are not acceptable, nor are certificates or title or similar instruments, which limit insurance and negligence liability to amounts less than the market value of the subject land at the time of its acquisition by the subdivision owner; or

(2) A legal opinion stating the condition of title, prepared and signed by an attorney at law experienced in the examination of titles and a member of the Bar in the State in which the property is located. The title opinion may be based on a Torrens land registration system certificate of title, or similar instrument, provided it meets all general title evidence requirements of this section and a copy of the registration certificate of title is submitted. Title opinions which limit negligence liability to amounts less than the market value of the subject land at the time of its acquisition by the subdivision owner are not acceptable.

* * * * *

34. Section 1710.209 would be further amended by revising the introductory text of paragraph (e) and by revising paragraph (f)(3)(iv), to read as follows:

§ 1710.209 Title and land use.

* * * * *

(e) *Items to be included in the title evidence.* The acceptable title evidence shall include the following information, instruments and statements and shall not be repeated or duplicated elsewhere in the Statement of Record.

* * * * *

(f) * * *

(3) * * *

(iv) If it is represented that the developer will provide or complete roads or facilities for water, sewer, gas, electric service or recreational amenities, the contract shall contain a provision that the developer is obligated to provide or complete such roads, facilities and amenities (see § 1715.15(f) of this Chapter).

* * * * *

35. Section 1710.212 would be amended by revising the introductory text of paragraph (e)(2), by revising paragraph (e)(3)(ii), by removing paragraphs (e)(3) (iii) and (iv), and by revising paragraphs (f) and (j)(1), to read as follows:

§ 1710.212 Financial information.

* * * * *

(e)(1) * * *

(2) The term "conveys title free of any mortgage or lien" in these exceptions is not intended to prohibit the taking of an instrument as security for the lot purchase price after title is conveyed. For the purposes of these exceptions, these definitions shall apply:

* * * * *

(3) * * *

(ii) Each of the following conditions of paragraphs (e)(3)(ii) (A) and (B) are met, plus one of the conditions of paragraph (e)(3)(ii) (C), (D), or (E):

(A) Downpayments and deposits are held in an escrow or trust account.

(B) The contract provides for delivery of a deed, within 180 days of the signing of the contract, which at the time of delivery conveys title free of any mortgage or lien (in lieu of delivery of a deed, the developer may submit to OILSR an Assurance of Title Agreement).

(C) The aggregate sales prices of all lots offered pursuant to a common promotional plan is at least $500,000 but less than $1,500,000.

(D) All facilities, utilities and amenities proposed by the developer in the Property Report or sales contract have been completed so that all the lots included in the Statement of Record are immediately usable for the purpose which they are sold.

(E)(*1*) The developer is contractually obligated to the purchaser to complete all facilities, utilities and amenities proposed by the developer in the Property Report or sales contract so that all lots included in the Statement of Record will be usable for the purpose for which they are sold by the dates set out in the Property Report, and;

(*2*) The developer has made financial arrangements, such as the posting of surety bonds (corporate bonds or individual notes or bonds are not acceptable), irrevocable letters of credit or the establishment of escrow or trust accounts, which assure completion of all facilities, utilities and amenities proposed by the developer in the Property Report or contract.

(f) *Newly formed entity.* If the developer is new formed or has not had any sinificant operating experience, an audited or unaudited balance sheet and statements of receipts and disbursements of funds may be submitted.

* * * * *

(j) * * *

(1) Developers who file audited statements must continue with audited statements throughout the duration of the registration unless, at a later date, the developer submits amendments which demonstrate to the satisfaction of the Secretary that it then qualifies for an exception from audited statements under paragraph (e)(3)(ii) of this section. For purposes of paragraph (e)(3)(ii)(C) of this section, the Secretary will consider the aggregate sales prices of only the lots yet to be sold, and may consider whether any additions to the subdivisions or reacquisitions of lots already sold would be likely to cause the dollar limits to be exceeded.

* * * * *

36. Section 1710.556 would be amended by revising paragraph (d) to read as follows:

§ 1710.556 Previously accepted state filings—amendments and consolidations.

* * * * *

(d) *Amendments and consolidations for previously accepted State filing in certified States.* If at the time a developer would otherwise make an amendment or consolidation pursuant to this section, a State has been certified with the Secretary pusuant to § 1710.503, then the developer must file such amendment or consolidation pursuant to § 1710.506 rather than this section.

PART 1730—APPLICATION OF REGULATIONS TO EXISTING AND FUTURE FILINGS

37. Section 1730.100 would be revised to read as follows:

§ 1730.100 Application of regulations to existing and future filings.

(a) Amendments to existing registrations shall bring the Property Report portion of the Statement of Record into compliance with the revised regulations. The entire Additional Information and Documentation portion of the Statement of Record need not be submitted. However, a material change in a section or in documentation will require the submission of the entire affected section with any changed supporting documentation. Sections containing information and documents not previously furnished and the financial information and documents required by § 1710.212 must be included.

(b) If, at the time of a material change or the date a conversion is due, there are fewer than 100 lots remaining for sale in a registered offering, an affidavit, in lieu of complete conversion, may be submitted. The developer must state in the affidavit that there are fewer than 100 lots remaining for sale in the registered offering and that it is not expected that this number will be exceeded through reacquisitions or the adding of land. If changes are necessary to the content of the Property Report or Statement of Record, an amendment in the format required by the regulations in effect at the time of the last effective date shall accompany the affidavit. However, the amendment shall include the new revocation language on the cover sheet required by § 1710.105 and the contract provisions required by §§ 1710.103, 1710.209(f), 1710.558 and 1710.559.

(c) Subdivisions which met the eligibility criteria for continuing operation under the five acre, free and clear, limited offering or local offering exemptions previously set forth in former § 1710.15, as published at 45 **Federal Register** 40486–87 (1980), may continue exempt sales so long as all applicable eligibility requirements are met. However, these exemptions are no longer available for new offerings.

Dated: September 7, 1983.

Philip Abrams,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 83-26345 Filed 9-27-83; 8:45 am]

BILLING CODE 4210-27-M

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24 CFR Parts 1710 and 1720

[Docket No. N-83-1286]

Guidelines for Exemptions Available Under the Interstate Land Sales Full Disclosure Act

AGENCY: Office of Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of Proposed Guidelines (Interpretive Rule).

SUMMARY: These Guidelines are intended to provide information concerning the requirements for statutory and regulatory exemptions which are available to developers and are contained in the rules and regulations (24 CFR 1710.5 through