

§ 1720.236

24 CFR Ch. X (4-1-11 Edition)

shall not interrupt or annul the effectiveness of the suspension order.

§ 1720.236 Notice of proceedings to withdraw a State's certification pursuant to § 1710.505 of this chapter.

A proceeding pursuant to § 1710.505 of this chapter is commenced by issuance and service of a notice which shall contain:

(a) An identification of the State certification to which the notice applies.

(b) A clear and concise statement of material facts, sufficient to inform the respondent with reasonable definiteness of the basis for the Secretary's determination, pursuant to § 1710.505, that the State's laws, regulations and the administration thereof, taken as a whole, no longer meet the requirements of § 1710. 501.

(c) A notice of hearing rights of the State under § 1720.237 and of the procedures for invoking those rights.

(d) A notice that failure to file an answer or motion as provided under § 1720.240 will result in an order suspending the State's certification.

[45 FR 40499, June 13, 1980]

§ 1720.237 Hearings—notice of proceedings pursuant to § 1710.505 of this chapter.

(a) A State, upon receipt of a notice of proceedings issued pursuant to § 1710.505 of this chapter, may obtain a hearing by filing a written request in accordance with the instructions regarding such request contained in the notice of proceedings. Such request must be filed within 15 days of receipt of the notice of proceedings and must be accompanied by an answer conforming to the requirements of § 1720.245. Filing of a motion for a more definite statement pursuant to § 1720.315 shall alter the period of time to request a hearing in accordance with § 1720.240.

(b) When a hearing is requested pursuant to paragraph (a) of this section, such hearing shall be held within 45 days of receipt of this request. The time and place for the hearing shall be fixed with due regard for the public interest and the convenience and necessity of the parties or their representatives.

(c) Failure to answer within the time allowed by § 1720.240 or failure to appear at a hearing duly scheduled shall result in an appropriate order under § 1710.505 of this chapter withdrawing the State's certification. Such order shall be effective as of the date of service or receipt.

[45 FR 40499, June 13, 1980]

§ 1720.238 Notices of proceedings to terminate exemptions pursuant to §§ 1710.14, 1710.15 and 1710.16 of this chapter.

A proceeding to terminate a self-determining exemption under § 1710.14 or an exemption order under § 1710.15 or § 1710.16 is commenced by issuance and service of a notice which shall contain:

(a) In the case of an exemption under § 1710.14, an identification of the developer and subdivision to which this notice applies. In the case of an exemption under either § 1710.15 or § 1710.16, an identification of the exemption order to which the notice applies.

(b) A clear and concise statement of material facts, sufficient to inform the respondent with reasonable definiteness of the basis for the Secretary's determination that further exemption from the registration and disclosure requirements is not in the public interest or that the sales or leases do not meet the requirements for exemption, or both.

(c) A notice of hearing rights of the respondent under § 1720.239 and of the procedures for invoking those rights.

(d) A notice that failure to file an answer or motion as provided under § 1720.240 will result, in the case of a notice issued under § 1710.14, an order terminating eligibility for the exemption, or, in the case of a notice issued under either § 1710.15 or § 1710.16, an order terminating the exemption order.

[45 FR 40499, June 13, 1980, as amended at 54 FR 40868, Oct. 4, 1989]

§ 1720.239 Hearings—notice of proceedings pursuant to §§ 1710.14, 1710.15 and 1710.16 of this chapter.

(a) A developer, upon receipt of a notice of proceedings issued under §§ 1710.14, 1710.15 and 1710.16 of this chapter, may obtain a hearing by filing a written request contained in the notice of proceedings. The request must