

**§ 1955.82**

the authorizing statute or other applicable law, if the Administrator determines that the Government's interest would be adversely affected or the immediate health and/or safety of tenants or the community are endangered if there is no adverse effect on the Government's interest. The Administrator will exercise this authority upon request of the State Director with the recommendation of the appropriate program Assistant Administrator or upon a request initiated by the appropriate program Assistant Administrator. Requests for exceptions must be made in writing and supported with documentation to explain the adverse effect, propose alternative courses of action, and show how the adverse effect will be eliminated or minimized if the exception is granted.

[53 FR 35765, Sept. 14, 1988, as amended at 58 FR 58649, Nov. 3, 1993]

**§ 1955.82 State supplements.**

State supplements will be prepared with the assistance of OGC as necessary to comply with State laws or only as specifically authorized in this regulation to provide guidance to FmHA or its successor agency under Public Law 103-354 officials. State supplements applicable to MFH must have prior approval of the National Office; others may receive post approval. Requests for approval for those affecting MFH must include complete justification, citations of State law, and an opinion from OGC.

**§§ 1955.83-1955.99 [Reserved]**

**§ 1955.100 OMB control number.**

The collection of information requirements in this regulation have been approved by the Office of Management and Budget and assigned OMB control number 0575-0110.

EXHIBIT A TO SUBPART B OF PART 1955—  
MEMORANDUM OF UNDERSTANDING  
BETWEEN THE FEDERAL EMERGENCY  
MANAGEMENT AGENCY AND THE  
FARMERS HOME ADMINISTRATION OR  
ITS SUCCESSOR AGENCY UNDER PUBL-  
LIC LAW 103-354

EDITORIAL NOTE: Exhibit A is not published in the Code of Federal Regulations. It is

**7 CFR Ch. XVIII (1-1-12 Edition)**

available in any FmHA or its successor agency under Public Law 103-354 County Office.

EXHIBIT B TO SUBPART B OF PART 1955—  
NOTIFICATION OF TRIBE OF AVAIL-  
ABILITY OF FARM PROPERTY FOR  
PURCHASE

(To Be Used By Farm Service Agency To  
Notify Tribe)

From: County official  
To: (Name of Tribe and address)  
Subject: Availability of Farm Property for  
Purchase

[To be Used within 90 days of acquisition]

Recently the Farm Service Agency (FSA) acquired title to \_\_\_\_\_ acres of farm real property located within the boundaries of your Reservation. The previous owner of this property was \_\_\_\_\_. The property is available for purchase by persons who are members of your tribe, an Indian Corporate entity, or the tribe itself. Our regulations provide for those three distinct priority categories which may be eligible; however, you may revise the order of the priority categories and may restrict the eligibility to one or any combination of categories. Following is a more detailed description of these categories:

1. Persons who are members of your Tribe. Individuals so selected must be able to meet the eligibility criteria for the purchase of Government inventory property and be able to carry on a family farming operation. Those persons not eligible for FSA's regular programs may also purchase this property as a Non-Program loan on ineligible rates and terms.

2. Indian corporate entities. You may restrict eligible Indian corporate entities to those authorized by your Tribe to purchase lands within the boundaries of your Reservation. These entities also must meet the basic eligibility criteria established for the type of assistance granted.

3. The Tribe itself is also considered eligible to exercise their right to purchase the property. If available, Indian Land Acquisition funds may be used or the property financed as a Non-Program loan on ineligible rates and terms.

We are requesting that you notify the local FSA county office of your selection or intentions within 45 days of receipt of this letter, regarding the purchase of this real estate. If you have questions regarding eligibility for any of the groups mentioned above, please contact our office. If the Tribe wishes to purchase the property, but is unable to do so at this time, contact with the FSA county office should be made.

**RHS, RBS, RUS, FSA, USDA**

**§ 1955.103**

Sincerely,

County official

[62 FR 44399, Aug. 21, 1997]

**EXHIBIT C TO SUBPART B OF PART 1955—  
COOPERATIVE AGREEMENT (EXAMPLE)**

EDITORIAL NOTE: Exhibit C is not published in the Code of Federal Regulations. It is available in any FmHA or its successor agency under Public Law 103-354 County Office.

**EXHIBIT D TO SUBPART B OF PART 1955—  
FACT SHEET—THE FEDERAL INTER-  
AGENCY TASK FORCE ON FOOD AND  
SHELTER FOR THE HOMELESS**

EDITORIAL NOTE: Exhibit D is not published in the Code of Federal Regulations. It is available in any FmHA or its successor agency under Public Law 103-354 County Office.

**Subpart C—Disposal of Inventory  
Property**

**INTRODUCTION**

**§ 1955.101 Purpose.**

This subpart delegates program authority and prescribes policies and procedures for the sale of inventory property including real estate, related real estate rights, and chattels. It also covers the granting of easements and rights-of-way on inventory property. Credit sales of inventory property to ineligible (non-program (NP)) purchasers will be handled in accordance with Subpart J of Part 1951 of this chapter, except Community and Business Programs (C&BP) and Multi-Family Housing (MFH) which will be handled in accordance with this Subpart. In addition, credit sales of Single Family Housing (SFH) properties converted to MFH will be handled in accordance with this Subpart. This subpart does not apply to Farm Service Agency, Farm Loan Programs, Single Family Housing (SFH) inventory property, or to the Rural Rental Housing, Rural Cooperative Housing, and Farm Labor Housing Programs. In addition, this subpart does not apply to Water and Waste Programs of the Rural Utilities Service, Watershed loans, and Resource Conservation and Development loans,

which are serviced under part 1782 of this title.

[72 FR 55019, Sept. 28, 2007, as amended at 72 FR 64123, Nov. 15, 2007]

**§ 1955.102 Policy.**

The terms “nonprogram (NP)” and “ineligible” may be used interchangeably throughout this subpart, but are identical in their meaning. Sales efforts will be initiated as soon as property is acquired in order to effect sale at the earliest practicable time. When a property is of a nature that will enable a qualified applicant for one of Farmers Home Administration or its successor agency under Public Law 103-354s (FmHA or its successor agency under Public Law 103-354’s) loan programs to meet the objectives of that loan program, preference will be given to the program applicants. Sales are authorized for program purposes which differ from the purposes of the loan the property formerly secured, and property which secured more than one type loan may be sold under the program most appropriate for the specific property and community needs as long as the price is not diminished. Examples are: (RH) property; detached Labor Housing or Rural Rental Housing units may be sold as SFH units; or SFH units may be sold as a Rural Rental Housing project. All such properties and applicants must meet the requirements for the loan program under which the sale is proposed.

[53 FR 35776, Sept. 14, 1988, as amended at 58 FR 52652, Oct. 12, 1993; 62 FR 44399, Aug. 21, 1997]

**§ 1955.103 Definitions.**

As used in this subpart, the following apply:

*Approval official.* The FmHA or its successor agency under Public Law 103-354 official having loan and grant approval authority authorized under Subpart A of Part 1901 of this chapter.

*Auction sale.* A public sale in which property is sold to the highest bidder in open verbal competition.

*Beginning farmer or rancher.* A beginning farmer or rancher is an individual or entity who:

- (1) Is an eligible applicant for FO loan assistance in accordance with