

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**24 CFR Parts 215, 236, 813, 913, and 950**

[Docket No. FR-3324-N-02]

Office of the Secretary; Combined Income and Rent; Extension of Effective Period of Interim Regulatory Provisions**AGENCY:** Office of the Secretary, HUD.**ACTION:** Notice of extension of interim regulatory provisions.

SUMMARY: On April 5, 1995 (60 FR 17388), HUD published an interim rule amending its regulations governing public housing, Indian housing, and assisted housing programs by adding nine exclusions to the definition of annual income. The April 5, 1995 interim rule contains a "sunset provision" which provides that the interim rule will expire on May 6, 1996, unless prior to that date HUD publishes a Federal Register notice extending the rule's effective period. This notice extends the effective period of the April 5, 1995 interim rule to such time that a final rule is issued and becomes effective.

EFFECTIVE DATE: The effective date of the following provisions remains in effect until the date the final rule becomes effective: § 215.21 (c)(2), (c)(6), (c)(8) (iv) through (v), and (c)(11) through (c)(15); § 236.3 (c)(2), (c)(6), (c)(8) (iv) through (v), and (c)(11) through (c)(15); § 813.106 (c)(2), (c)(6), (c)(8) (iv) through (v), (c)(11), (c)(12), (c)(14), and (c)(15); § 913.106 (c)(2), (c)(6), (c)(8) (iv) through (v), (c)(11), (c)(12), (c)(15), and (c)(16); and § 950.102 (2)(ii), (2)(vi), (2)(viii) (D) through (E), (2)(xi), (2)(xii), (2)(xv), and (2)(xvi) of the definition of *Annual income*.

FOR FURTHER INFORMATION CONTACT: For Public Housing: Bruce Vincent, Room 4206, telephone number (202) 708-0744; for Native American Programs: Dominic A. Nessi, Room P8204, telephone number (202) 755-0032; for Housing: Barbara D. Hunter, Room 6182, telephone number (202) 708-3944; Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Hearing or speech-impaired individuals may access these numbers by calling the Federal Information Relay Service at 1-800-877-8339. (Except for the "800" number, these telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: On April 5, 1995 (60 FR 17388), HUD published for public comment an interim rule amending HUD's regulations governing public housing, Indian housing, Section 8 housing, and other assisted housing programs by adding nine exclusions to the definition of annual income. Specifically, the interim rule excludes from annual income the following: (1) Residential service stipends; (2) adoption assistance payments; (3) student financial assistance; (4) earned income of full-time students; (5) adult foster care payments; (6) compensation from State or local job training programs and training of resident management staff; (7) property tax rebates; (8) homecare payments for developmentally disabled children or adult family members; and (9) deferred periodic payments of supplemental security income and social security benefits that are received in a lump sum.

With regard to the first eight exclusions to the definition of income, the Secretary is merely exercising the discretion conferred upon him to define family income by section 3(b)(4) of the U.S. Housing Act of 1937 (42 U.S.C. 1437a(b)(4)), section 101(c)(2) of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s(c)(2)), and section 236(m) of the National Housing Act (12 U.S.C. 1715z-1(m)). HUD believes these exclusions are essential for achieving its goals of ensuring economic opportunity, empowering the poor and expanding affordable housing opportunities.

The ninth exclusion to the definition of annual income is statutorily mandated. Section 103(a)(1) of the Housing and Community Development Act of 1992 (Pub. L. 102-550, approved October 28, 1993) amended section 3(b)(4) of the U.S. Housing Act of 1937 to exclude from annual income, "any amounts which would be eligible for exclusion under section 1613(a)(7) of the Social Security Act (42 U.S.C. 1382b(a)(7))." Section 1613(a)(7) of the Social Security Act covers deferred periodic payments received in a lump sum from supplemental security income (SSI) and social security benefits.

Among other parts, the April 5, 1995 interim rule amended part 905. On April 10, 1995 (60 FR 18174), the Department published a final rule amending the Indian Housing consolidated regulations and moving these regulations from part 905 to a new part 950. On July 18, 1995 (60 FR 36666), the Department published a

final rule amending part 950 to incorporate the revisions made by the April 5, 1995 Combined Income and Rent interim rule.

It is HUD's policy to establish a "sunset date" for its interim rules. Accordingly, the April 5, 1995 interim rule and the July 18, 1995 final rule contain "sunset provisions" which provide that the interim and final rules will expire on May 6, 1996, unless prior to that date HUD publishes a rule finalizing the amendments made by the April 5, 1995 and July 18, 1995 rules or a notice extending their effective period.

The final rule adopting the amendments made by the April 5, 1995 and July 18, 1995 rules is in its final stages of development. However, in order to prevent a period in which HUD will be without effective regulations, HUD is extending the effective period of these amendments until the final rule is published and becomes effective.

For the reasons described above, the following provisions of title 24 of the Code of Federal Regulations will remain in effect until the date the final rule adopting these regulatory provisions, with or without changes, is published and becomes effective:

§ 215.21 [Amended]

1. Paragraphs (c)(2), (c)(6), (c)(8) (iv) through (v), and (c)(11) through (c)(15) of § 215.21;

§ 236.3 [Amended]

2. Paragraphs (c)(2), (c)(6), (c)(8) (iv) through (v), and (c)(11) through (c)(15) of § 236.3;

§ 813.106 [Amended]

3. Paragraphs (c)(2), (c)(6), (c)(8) (iv) through (v), (c)(11), (c)(12), (c)(14), and (c)(15) of § 813.106;

§ 913.106 [Amended]

4. Paragraphs (c)(2), (c)(6), (c)(8) (iv) through (v), (c)(11), (c)(12), (c)(15), and (c)(16) of § 913.106; and

§ 950.102 [Amended]

5. Paragraphs (2)(ii), (2)(vi), (2)(viii) (D) through (E), (2)(xi), (2)(xii), (2)(xv), and (2)(xvi) of the definition of *Annual income* in § 950.102.

Dated: March 25, 1996.

Henry G. Cisneros,
Secretary.

[FR Doc. 96-9068 Filed 4-10-96; 8:45 am]

BILLING CODE 4210-32-P