



Rural Development

RD AN No. 4826 (1942-A, 3570-B, 3575-A)
March 9, 2017

Richard A. Davis
Acting Administrator

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TO: State Directors
Rural Development

ATTN: Community Programs Directors

FROM: Richard A. Davis /s/ *Richard A. Davis*
Acting Administrator
Rural Housing Service

SUBJECT: Use of Community Facilities Funds for Buildings with Leased Space

PURPOSE/INTENDED OUTCOME:

This Administrative Notice (AN) is being issued to provide uniform and consistent Agency interpretation on ineligibility of Community Facilities (CF) loans and grants for projects whose primary purpose is leased space to Federal and State Agencies.

COMPARISON WITH PREVIOUS AN:

This AN replaces RD AN No. 4762 (1942-A, 3570-B, and 3575-A) dated June 2, 2014, which expired on April 30, 2015.

IMPLEMENTATION RESPONSIBILITIES:

We continue to receive inquiries about CF financing of office buildings that primarily serve State or Federal agencies. CF funds may be used only for services customarily provided by a local unit of government. CF loans and grants are not permitted to fund a building primarily used by Federal and State agencies. The

Agency recognizes that in many parts of the country, local governments provide limited office space to other local, State, or Federal agencies. In these limited circumstances, the CF applicant must provide documentation to support the projected use of the property.

EXPIRATION DATE:
February 28, 2018

FILING INSTRUCTIONS:
Preceding RD Instructions
1942-A, 3570-B, and 3575-A

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If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form (PDF), found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

With respect to the lease of a small portion of an eligible community facility to organizations involved in a commercial, and otherwise ineligible, activity, these facilities are and will remain eligible for CF funding provided the space occupied by an ineligible organization or used for ineligible commercial activities is insignificant. For purposes of uniform administration, we have determined that a facility with less than 25 percent of its floor space occupied by ineligible organizations or used for ineligible commercial activities is insignificant. In addition, the ineligible organization and the ineligible commercial activity must be related to and enhance the primary purpose for which the facility is being established by our borrower.

If you have any questions, please contact Karla Peiffer, Asset Risk Management Specialist, Community Facilities Programs, at karla.peiffer@wdc.usda.gov.