

**Subpart H. [Reserved]**

<b>Chap.</b>	<b>Sec.</b>
<b>40.</b> [Reserved and Renumbered] .....	<b>40.1</b>

**CHAPTER 40. [Reserved and Renumbered]**

**§§ 40.1 and 40.2. [Reserved and Renumbered].**

**Source**

The provisions of these §§ 40.1 and 40.2 adopted December 29, 1978, effective December 30, 1978, 8 Pa.B. 3811; amended February 1, 1980, effective February 2, 1980, 10 Pa.B. 461; reserved and renumbered as 12 Pa. Code §§ 31.1 and 31.2, May 16, 1997, effective May 17, 1997, 27 Pa.B. 2415. Immediately preceding text appears at serial pages (205046) to (205048).

**§§ 40.3 and 40.4. [Reserved and Renumbered].**

**Source**

The provisions of these §§ 40.3 and 40.4 adopted December 29, 1978, effective December 30, 1978, 8 Pa.B. 3811; reserved and renumbered as 12 Pa. Code §§ 31.3 and 31.4, May 16, 1997, effective May 17, 1997, 27 Pa.B. 2415. Immediately preceding text appears at serial pages (205050) to (205051).

**§§ 40.11—40.25. [Reserved and Renumbered].**

**Source**

The provisions of these §§ 40.11—40.25 adopted December 29, 1978, effective December 30, 1978, 8 Pa.B. 3811; reserved and renumbered as 12 Pa. Code §§ 31.11—31.25, May 16, 1997, effective May 17, 1997, 27 Pa.B. 2415. Immediately preceding text appears at serial pages (205051) to (205055).

**§§ 40.101—40.105. [Reserved and Renumbered].**

**Source**

The provisions of these §§ 40.101—40.105 adopted May 7, 1982, effective May 8, 1982, 12 Pa.B. 1485; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1248; reserved and renumbered as 12 Pa. Code §§ 31.101—31.105, May 16, 1997, effective May 17, 1997, 27 Pa.B. 2415. Immediately preceding text appears at serial pages (205055) to (205057).

**§§ 40.111—40.117. [Reserved and Renumbered].**

**Source**

The provisions of these §§ 40.111—40.117 adopted May 7, 1982, effective May 8, 1982, 12 Pa.B. 1485; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1248; reserved and renumbered as 12 Pa. Code §§ 31.111—31.117, May 16, 1997, effective May 17, 1997, 27 Pa.B. 2415. Immediately preceding text appears at serial pages (205057) to (205059).

## 16 § 40.121

### §§ 40.121—40.127. [Reserved].

#### Source

The provisions of these §§ 40.121—40.127 adopted May 7, 1982, effective May 8, 1982, 12 Pa.B. 1485; reserved April 8, 1983, effective April 9, 1983. Immediately preceding text appears at serial pages (71452) to (71454).

### Subchapter B. [Reserved]

### §§ 40.201—40.204. [Reserved and Renumbered].

#### Source

The provisions of these §§ 40.201—40.204 adopted March 2, 1984, effective March 3, 1984, 14 Pa.B. 723; amended through June 13, 1986, effective June 14, 1986, 16 Pa.B. 2126; amended July 1, 1994, effective July 2, 1994, 24 Pa.B. 3224; reserved and renumbered as 12 Pa. Code §§ 31.201—31.205, May 16, 1997, effective May 17, 1997, 27 Pa.B. 2415. Immediately preceding text appears at serial pages (205059) to (205069).

#### Notes of Decisions

A debtor in bankruptcy may only receive emergency mortgage assistance from the Housing Finance Agency if the automatic stay has been lifted. *Watts v. Housing Finance Agency*, 876 F.2d 1090 (1989).

The enabling statute, 35 P. S. § 168.401(c)(a)(2), will not be read narrowly by reason of a grammatical interpretation so as to exclude one-family dwellings from the “owner-occupied” requirement for emergency mortgage assistance; therefore this section is consistent with the statute. *Hawkins v. Housing Finance Agency*, 595 A.2d 712 (Pa. Cmwlth. 1991).

While the Housing Finance Agency may not base a determination of ownership on compliance with the recording laws for purposes of 35 P. S. § 1680.402(c) governing mortgage assistance they may require recordation as evidence of ownership under the housing finance regulations in the *Pennsylvania Code*. *Land v. Housing Finance Agency*, 515 A.2d 1024 (Pa. Cmwlth. 1986).

This policy statement requiring all co-owners, except separated spouses or ex-spouses, to jointly apply for mortgage assistance conflicts with 35 P. S. §§ 1680.401c—1680.411c. *Anela v. Pennsylvania Housing Finance Agency*, 663 A.2d 850 (Pa. Cmwlth. 1995); appeal granted 675 A.2d 1252 (Pa. 1996); reversed 690 A.2d 1157 (Pa. 1997).

The occupancy requirements which must be met in order to be eligible for emergency mortgage assistance require physical presence in the dwelling and assistance was properly denied to an incarcerated applicant. *Hawkins v. Housing Finance Agency*, 595 A.2d 712 (Pa. Cmwlth. 1991).

Submission of Act 91 Notice is not required for emergency mortgage assistance because this section did not require its submission. *Vianello v. Housing Finance Agency*, 562 A.2d 441 (Pa. Cmwlth. 1989).

Administrative hearing provided after agency decision, which revised prior agency determination of qualification for mortgage assistance, satisfied due process consistent with *Kentucky Fried Chicken of Altoona, Inc. v. Unemployment Compensation Board of Review*, 309 A.2d 165 (Pa. Cmwlth. 1973). *Hessler v. Housing Finance Agency*, 500 A.2d 914 (Pa. Cmwlth. 1985).

**§ 40.205. [Reserved and Renumbered].****Source**

The provisions of this § 40.205 adopted December 29, 1978, effective December 30, 1978, 8 Pa.B. 3811; amended July 1, 1994, effective July 2, 1994, 24 Pa.B. 3224; reserved and renumbered as 12 Pa. Code § 31.205, May 16, 1997, effective May 17, 1997, 27 Pa.B. 2415. Immediately preceding text appears at serial pages (205069) to (205072).

**§ 40.206. [Reserved and Renumbered].****Source**

The provisions of this § 40.206 adopted December 29, 1978, effective December 30, 1978, 8 Pa.B. 3811; amended July 1, 1994, effective July 2, 1994, 24 Pa.B. 3224; reserved and renumbered as 12 Pa. Code § 31.206, May 16, 1997, effective May 17, 1997, 27 Pa.B. 2415. Immediately preceding text appears at serial pages (205072) to (205073).

**§ 40.207. [Reserved and Renumbered].****Source**

The provisions of this § 40.207 adopted December 29, 1978, effective December 30, 1978, 8 Pa.B. 3811; amended July 1, 1994, effective July 2, 1994, 24 Pa.B. 3224; reserved and renumbered as 12 Pa. Code § 31.207, May 16, 1997, effective May 17, 1997, 27 Pa.B. 2415. Immediately preceding text appears at serial page (205074).

**§§ 40.208 and 40.209. [Reserved and Renumbered].****Source**

The provisions of these §§ 40.208 and 40.209 adopted July 1, 1994, effective July 2, 1994, 24 Pa.B. 3224; reserved and renumbered as 12 Pa. Code §§ 31.208 and 31.209, May 16, 1997, effective May 17, 1997, 27 Pa.B. 2415. Immediately preceding text appears at serial pages (205074) to (205075).

**APPENDIX A. [Reserved and Renumbered]****Source**

The provisions of this Appendix A amended through June 13, 1986, effective June 14, 1986, 16 Pa.B. 2126; amended July 1, 1994, effective July 2, 1994, 24 Pa.B. 3224; reserved and renumbered as 12 Pa. Code Chapter 31, Appendix A, May 16, 1997, effective May 17, 1997, 27 Pa.B. 2415. Immediately preceding text appears at serial pages (205076) to (205079).

**APPENDIX B. [Reserved and Renumbered]****Source**

The provisions of this Appendix B amended December 13, 1985, effective December 14, 1985, 15 Pa.B. 4435; amended July 1, 1994, effective July 2, 1994, 24 Pa.B. 3224; reserved and renumbered as 12 Pa. Code Chapter 31, Appendix B, May 16, 1997, effective May 17, 1997, 27 Pa.B. 2415. Immediately preceding text appears at serial pages (205080) to (205081).

**APPENDIX C. [Reserved and Renumbered]**

**Source**

The provisions of this Appendix C adopted December 13, 1985, effective December 14, 1985, 15 Pa.B. 4435; amended July 1, 1994, effective July 2, 1994, 24 Pa.B. 3224; reserved and renumbered as 12 Pa. Code Chapter 31, Appendix C, May 16, 1997, effective May 17, 1997, 27 Pa.B. 2415. Immediately preceding text appears at serial pages (205082) to (205106).

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