

For: State and County Offices

**Continuing the State Civil Rights Review Groups
for the Review of Pending Acceleration and Foreclosure Cases**

Approved by: Deputy Administrator, Farm Loan Programs



Note: No acceleration or subsequent actions on foreclosures are to proceed until compliance with this notice is achieved.

1 Overview

A

Background

State Civil Rights Review Groups were established to review all pending acceleration and foreclosure cases.

B

Purpose

This notice:

- continues the processes established in previous notices for State civil rights self-certification
- modifies the composition of the State Civil Rights Review Group.

C

Contact

Direct any questions about this notice to Veldon Hall, LSPMD, at 202-720-4572.

Disposal Date

October 1, 2004

Distribution

State Offices; State Offices relay to County Offices

Notice FLP-268

2 Action

A

Reviewing Cases To Be Accelerated

Each State Office shall use the State Civil Rights Review Group to determine whether inconsistencies, discrimination, or inequitable treatment contributed to the failure of the farming operation.

Each member of the group must have an equal voice. The group should consist of the following:

- FSA State Executive Director (SED)
- FSA Farm Loan Chief (FLC)
- FSA State Civil Rights Coordinator (SCRC)
- Food and Agriculture Council (FAC) member or designee.

The FAC member shall be notified of the meeting and invited to attend, but their presence is not mandatory for the process to continue.

B

Farm Loan Manager (FLM) and District Director (DD) Responsibilities

Before referring the account for acceleration according to RD Instruction 1955-A, section 1955.15(c), FLM must comply with:

- FmHA Instruction 1951-S, section 1951.907(e)(8), which requires the servicing official to complete FSA-580
- RD Instruction 1955-A, section 1955.15(b).

While completing the review required under RD Instruction 1955-A, section 1955.15(c), DD's shall complete FSA-581, Part A. If the account qualifies for acceleration, FSA-581 will be forwarded to the State Office with FSA-580, which was previously completed by FLM.

Note: FSA-580 and FSA-581 will be revised in the near future.

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2 Action (Continued)

C

State Review Procedure

The State Civil Rights Review Group shall:

- review FSA-580 and FSA-581, Part A
- complete FSA-581, Part B.

FSA-581, Part C, must be signed by the members of the review group to indicate that no evidence of inconsistencies, inequitable treatment, or discrimination complaints, written or oral, exist and the borrower has received all applicable primary loan servicing options before proceeding with acceleration and foreclosure.

After the members of the State Civil Rights Review Group sign FSA-581, the State Office will return FSA-581 and the case file to DD. If no inconsistencies, inequitable treatment, or discrimination is identified, DD may approve the acceleration.

If inconsistencies, inequitable treatment, or discrimination is found, State Offices must immediately FAX a copy of FSA-581 to the Director, CR&SBUS, at 202-401-7100.

Reminder: Do **not** send FSA-581 to the National Office unless inconsistencies, discrimination, or inequitable treatment is identified.
