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References

1. Subtitle A of Title VI of the National Affordable Housing Act, the Low-Income Housing Preservation and Resident Homeownership Act of 1990, 12 U.S.C. 4101 et seq., P.L. 101-625.
2. Title II of the Housing and Community Development Act of 1987, the Emergency Low-Income Housing Preservation Act of 1987, 12 U.S.C. 1715.
3. 24 CFR Part 248, amended and published in the Federal Register on April 8, 1992.
4. Guidelines for Determining Appraisals of Preservation Value Under the Low-Income Housing Preservation and Resident Homeownership Act of 1990, published in the Federal Register on May 8, 1992.
5. Mortgagee Letter 91-25 issued May 28, 1991.
6. Notice H91-57, Restrictions on the Sale of Subsidized Rental Housing Imposed by Section 181(g) of the Housing and Community Development Act of 1987, issued June 27, 1991.
7. Notice H91-29, Processing Plans of Action under the Housing and Community Development Act of 1987, issued April 9, 1991.
8. Implementation of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 by Housing Development Staff.
9. Low-Income Housing; Technical Assistance Planning Grants for Resident Groups, Community Groups, Community-Based Nonprofit Organizations and Resident Councils; Notice, published in the Federal Register, September 3, 1992.
10. Notice H92-54, Processing Instructions for Implementation of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 by Housing Development Staff, issued July 2, 1992.

-
11. HUD Handbook 4350.1, REV. 1, Multifamily Asset Management and Project Servicing, issued September, 1992.
 12. HUD Handbook 4350.3, CHG 18, Occupancy Requirements of Subsidized Multifamily Housing Programs, August, 1991.
 13. Title III of the Housing and Community Development Act of 1992, 42 USC 5301.
 14. 24 CFR Part 248, Interim Rule and Notice, published in the Federal Register, July 13, 1993.
 15. HUD Handbook 4550.1 Basic Cooperative Housing Insurance Handbook
 16. HUD Handbook 4381.5 Management Documents; Agents and Fees
 17. HUD Handbook 4350.1 Management of HUD-Insured Multifamily Projects
 18. Form HUD-1, Settlement Statement
 19. Section 234 of the National Housing Act of 1937
 20. HUD Notice 92-32, Processing Instructions for the Fiscal Year 1992 for Homeownership of Multifamily Units Program (HOPE 2) - Applications for Grants

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