

§ 1710.506 State/Federal filing requirements.

(a)(1) If the Secretary has certified a state under § 1710.501, the Secretary shall accept for filing disclosure materials or other acceptable documents which have been approved by the certified state within which the subdivision is located. Only those filings made by the developer with the state after the state was certified by the Secretary shall be automatically accepted by the Secretary.

(2) Retroactive application of the effectiveness of state's certification to a specified date may be granted on a state-by-state basis, where the Secretary determines that retroactive application will not result in automatic federal registration of any state filing that has not met the requirements of the certified state laws.

(b) For a developer to be registered with the Secretary, the developer shall file with the Secretary a state certified copy of the Property Report or its equivalent, and any other documentation as stipulated in the Secretary's Notice of Certification to the state.

(c) The documents and materials filed under paragraph (b) of this section will be automatically effective as the Federal Statement of Record and Property Report after these materials and the proper filing fee have been received by the Secretary.

(d) The Secretary has authority pursuant to § 1710.45(b)(1) and (b)(2) to suspend individual filings which fail to meet the requirements of the certified state's law or regulations or the standards in the certification agreement whether or not the state agency has initiated a similar action.

(e)(1) State accepted materials filed with the Secretary pursuant to this section must be amended to reflect any amendment to such materials made effective by the state. All amendments to such materials must be submitted to the Secretary within 15 days after becoming effective under the applicable state laws. Amendments are automatically effective upon their receipt by the Secretary and the provisions of § 1710.45(b)(1) and (2) apply to amendments filed under this section.

(2) Amendments shall include or be accompanied by:

(i) A letter from the developer giving a narrative statement fully explaining the purpose and significance of the amendment and referring to that section and page of the material which is being amended, and;

(ii) A signed state acceptance certification substantially the same as that required by § 1710.504(a)(2).

(f) If a certified state suspends the registration of a particular subdivision for any reason, the subdivision's federal registration with the Secretary shall be automatically suspended as a result of the state action. No action need be taken by the Secretary to effect the suspension.

(g) A state is certified only with regard to land located within the state borders. The Secretary is not required to accept filings which have been accepted by a certified state if the land which is the subject of the filing is not located within that certified state. For example, if State A is certified by the Secretary and State B is not, the Secretary is not required to accept filings from State B simply because State A accepts filings from State B.

§ 1710.507 Effect of suspension or withdrawal of certification granted under § 1710.501(a): Full disclosure requirement.

(a) If a state certified under § 1710.501(a) suspends its own certification or has its certification withdrawn under § 1710.505, the Federal disclosure materials accepted and made effective by the Secretary, pursuant to § 1710.506, prior to the suspension or withdrawal shall remain in effect unless otherwise suspended by the Secretary.

(b) In the event that there is a change in a material fact with regard to a subdivision that remains registered under the provisions of paragraph (a), the developer shall file a new registration with the Secretary meeting the requirements of the then applicable Federal registration regulations. Modifications of the Federal format may be used as specified by the Secretary.