

fixed with due regard for the public interest and the convenience and necessity of the parties or their representatives.

(c) Failure to answer within the time allowed by §1720.240 or failure to appear at a hearing duly scheduled shall result in an appropriate order under §1710.505 of this chapter withdrawing the State's certification. Such order shall be effective as of the date of service or receipt.

[45 FR 40499, June 13, 1980]

§1720.238 Notices of proceedings to terminate exemptions pursuant to §§1710.14, 1710.15 and 1710.16 of this chapter.

A proceeding to terminate a self-determining exemption under §1710.14 or an exemption order under §1710.15 or §1710.16 is commenced by issuance and service of a notice which shall contain:

(a) In the case of an exemption under §1710.14, an identification of the developer and subdivision to which this notice applies. In the case of an exemption under either §1710.15 or §1710.16, an identification of the exemption order to which the notice applies.

(b) A clear and concise statement of material facts, sufficient to inform the respondent with reasonable definiteness of the basis for the Secretary's determination that further exemption from the registration and disclosure requirements is not in the public interest or that the sales or leases do not meet the requirements for exemption, or both.

(c) A notice of hearing rights of the respondent under §1720.239 and of the procedures for invoking those rights.

(d) A notice that failure to file an answer or motion as provided under §1720.240 will result, in the case of a notice issued under §1710.14, an order terminating eligibility for the exemption, or, in the case of a notice issued under either §1710.15 or §1710.16, an order terminating the exemption order.

[45 FR 40499, June 13, 1980, as amended at 54 FR 40868, Oct. 4, 1989]

§1720.239 Hearings—notice of proceedings pursuant to §§1710.14, 1710.15 and 1710.16 of this chapter.

(a) A developer, upon receipt of a notice of proceedings issued under

§§1710.14, 1710.15 and 1710.16 of this chapter, may obtain a hearing by filing a written request contained in the notice of proceedings. The request must be filed within 15 days of receipt of the notice of proceedings and must be accompanied by an answer conforming to the requirements of §1720.245. Filing of a motion for a more definite statement under §1720.315 shall alter the period of time to request a hearing in accordance with §1720.240.

(b) When a hearing is requested pursuant to paragraph (a) of this section, such hearing shall be held within 45 days of receipt of this request. The time and place for the hearing shall be fixed with due regard for the public interest and the convenience and necessity of the parties of their representatives.

(c) Failure to answer within the time allowed by §1720.240, or failure to appear at a duly scheduled hearing shall result in an appropriate order under §1710.14 §1710.15 or §1710.16 of this chapter terminating the developer's exemption. The order shall be effective as of the date of service or receipt.

[45 FR 40500, June 13, 1980, as amended at 54 FR 40868, Oct. 4, 1989]

§1720.240 Time for filing answer.

(a) Within 15 days after service of the notice or order, the respondent shall mail or submit to the Docket Clerk for Administrative Proceedings, Room 10278, Department of Housing and Urban Development, Washington, DC 20410, an answer and three copies thereof signed by the respondent or attorney. Unless a different time is fixed by the Secretary, the filing of a motion for a more definite statement of the allegations shall alter the period of time in which to file an answer as follows:

(1) If the motion is denied, the answer shall be filed within 15 days after service of the denial.

(2) If the motion is granted in whole or in part, the more definite statement of allegations shall be filed after service of the order granting the motion and the answer shall be filed within 15 days after service of the more definite statement of allegations.

(b) If a notice or order is amended pursuant to §1720.255(a), the respondent shall have 15 days after service of the