

§ 1321.21 Withdrawal of area agency designation.

(a) In carrying out section 305 of the Act (42 U.S.C. 3025), the State agency shall withdraw the area agency designation whenever it, after reasonable notice and opportunity for a hearing, finds that:

- (1) An area agency does not meet the requirements of this part;
- (2) An area plan or plan amendment is not approved;
- (3) There is substantial failure in the provisions or administration of an approved area plan to comply with any provision of the Act, regulations and other guidance as set forth by the Assistant Secretary for Aging, terms and conditions of Federal grant awards under the Act, or policies and procedures established and published by the State agency on aging;
- (4) Activities of the area agency are inconsistent with the statutory mission prescribed in the Act;
- (5) The State agency changes one or more planning and service area designations; or
- (6) The area agency voluntarily requests the State agency withdraw its designation.

(b) If a State agency withdraws an area agency's designation under this section it shall:

- (1) Provide a plan for the continuity of area agency functions and services in the affected planning and service area;
- (2) Submit a State plan amendment as set forth in § 1321.31(b) or State plan as set forth in § 1321.33; and
- (3) Designate a new area agency in the planning and service area in a timely manner.

(c) If necessary to ensure continuity of services in a planning and service area, the State agency may, for a period of up to 180 days after its final decision to withdraw designation of an area agency:

- (1) Perform the responsibilities of the area agency; or
- (2) Assign the responsibilities of the area agency to another agency in the planning and service area.

(d) The Assistant Secretary for Aging may extend the 180-day period if a State agency:

- (1) Notifies the Assistant Secretary for Aging in writing of its action under this section;
- (2) Requests an extension; and
- (3) Demonstrates to the satisfaction of the Assistant Secretary for Aging a need for the extension. Need for the extension may include the State agency's reasonable but unsuccessful attempts to procure an applicant to serve as the area agency.