

[42 USCS § 3535](#)

Current through Public Law 116-259, approved December 23, 2020. Some sections may be more current.

United States Code Service > TITLE 42. THE PUBLIC HEALTH AND WELFARE (Chs. 1 — 161) > CHAPTER 44. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (§§ 3531 — 3550)

§ 3535. Administrative provisions

(a) Transfer of personnel, assets, etc. The personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, or other funds held, used, arising from, or available or to be made available in connection with, the functions, powers, and duties transferred by section 5 of this Act [[42 USCS § 3534](#)] are hereby transferred with such functions, powers, and duties, respectively.

(b) [Repealed]

(c) Employment, compensation, authority, and duties of personnel. The Secretary is authorized, subject to the civil service and classification laws, to select, appoint, employ, and fix the compensation of such officers and employees, including attorneys, as shall be necessary to carry out the provisions of this Act and to prescribe their authority and duties: *Provided*, That any other provision of law to the contrary notwithstanding, the Secretary may fix the compensation for not more than six positions in the Department at the annual rate applicable to positions in level V of the Federal Executive Salary Schedule provided by the Federal Executive Salary Act of 1964 [the Executive Schedule provided by [5 USCS §§ 5311](#) et seq.].

(d) Delegation of authority; rules and regulations. The Secretary may delegate any of his functions, powers, and duties to such officers and employees of the Department as he may designate, may authorize such successive redelegations of such functions, powers, and duties as he may deem desirable, and may make such rules and regulations as may be necessary to carry out his functions, powers, and duties.

(e) Temporary employment of experts or consultants; compensation. The Secretary may obtain services as authorized by section 15 of the Act of August 2, 1946 [[5 USCS § 3109](#)], at the rates for individuals not to exceed the per diem equivalent to the highest rate for grade GS-18 of the General Schedule under [section 5332 of title 5, United States Code](#). The Secretary is authorized to enter into contracts with private companies for the provision of such managerial support to the Federal Housing Administration as the Secretary determines to be appropriate, including but not limited to the management of insurance risk and the improvement of the delivery of mortgage insurance.

(f) Working capital fund; establishment; uses; appropriations; capitalization; reimbursement. The Secretary is authorized to establish a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as he shall find to be desirable in the interest of economy and efficiency in the Department, including such services as a central supply service for stationery and other supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Department and its agencies; central messenger, mail, telephone, and other communications services; office space; central services for document reproduction and for graphics and visual aids; and a central library service. In addition to amounts appropriated to provide capital for said fund, which appropriations are hereby authorized, the fund shall be capitalized by transfer to it of such stocks of supplies and equipment on hand or on order as the Secretary shall direct. Such fund shall be reimbursed from available funds of agencies and offices in the Department for which services are performed at rates which will return in full all expenses of operation, including reserves for accrued annual leave and for depreciation of equipment.

(g) Seal. The Secretary shall cause a seal of office to be made for the Department of such device as he shall approve, and judicial notice shall be taken of such seal.

(h) Financial transactions, finality; checking accounts for funds in Treasury; availability of funds for administrative expenses; consolidation of cash for banking and checking purposes. Except as such authority is otherwise expressly provided in any other Act administered by the Secretary, such financial transactions of the Secretary as the making of loans or grants (and vouchers approved by the Secretary in connection with such financial transactions) shall be final and conclusive upon all officers of the Government. Funds made available to the Secretary pursuant to any provision of law for such financial transactions shall be deposited in a checking account or accounts with the Treasurer of the United States. Such funds and any receipts and assets obtained or held by the Secretary in connection with such financial transactions shall be available, in such amounts as may from year to year be authorized by the Congress, for the administrative expenses of the Secretary in connection with such financial transactions. Notwithstanding the provisions of any other law, the Secretary may, with the approval of the Comptroller General, consolidate into one or more accounts for banking and checking purposes all cash obtained or held in connection with such financial transactions, including amounts appropriated, from whatever source derived.

(i) Foreclosure of property; actions for protection and enforcement of rights; purchase of property; dealing with property after such acquisition; deprivation of State court civil and criminal jurisdiction; impairment of civil rights under State laws; application of 41 USCS § 5 [41 USCS § 6101]; annual payments in lieu of local property taxes; sale and exchanges of property; insurance; modification of interest, time for installment payment, and other terms; other covenants, conditions, and provisions. Except as such authority is otherwise expressly provided in any other Act administered by the Secretary, the Secretary is authorized to—

(1)foreclose on any property or commence any action to protect or enforce any right conferred upon him by any law, contract, or other agreement, and bid for and purchase at any foreclosure or any other sale any property in connection with which he has made a loan or grant. In the event of any such acquisition, the Secretary may, notwithstanding any other provision of law relating to the acquisition, handling, or disposal of real property by the United States, complete, administer, remodel and convert, dispose of, lease, and otherwise deal with, such property: *Provided*, That any such acquisition of real property shall not deprive any State or political subdivision thereof of its civil or criminal jurisdiction in and over such property or impair the civil rights under the State or local laws of the inhabitants on such property: *Provided further*, That section 3709 of the Revised Statutes [41 USCS § 6101] shall not apply to any contract for services or supplies on account of any property so acquired or owned if the amount of such contract does not exceed \$2,500;

(2)enter into agreements to pay annual sums in lieu of taxes to any State or local taxing authority with respect to any real property so acquired or owned;

(3)sell or exchange at public or private sale, or lease, real or personal property, and sell or exchange any securities or obligations, upon such terms as he may fix;

(4)obtain insurance against loss in connection with property and other assets held;

(5)consent to the modification, with respect to the rate of interest, time of payment of any installment of principal or interest, security, or any other term of any contract or agreement to which he is a party or which has been transferred to him; and

(6)include in any contract or instrument such other covenants, conditions, or provisions as he may deem necessary, including any provisions relating to the authority or requirements under paragraph (5).

(j) Fees and charges. Notwithstanding any other provision of law the Secretary is authorized to establish fees and charges, chargeable against program beneficiaries and project participants, which shall be adequate to cover over the long run, costs of inspection, project review and financing service, audit by Federal or federally authorized auditors, and other beneficial rights, privileges, licenses, and services. Such fees and charges heretofore or hereafter collected shall be considered nonadministrative and shall remain available for operating expenses of the Department in providing similar services on a consolidated basis.

(k) Gifts and services, acceptance; taxable status of property; investments; disbursements.

(1) The Secretary is authorized to accept and utilize voluntary and uncompensated services and accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury in a separate fund and shall be disbursed upon order of the Secretary. Property accepted pursuant to this paragraph, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift or bequest.

(2) For the purpose of Federal income, estate, and gift taxes, property accepted under paragraph (1) shall be considered as a gift or bequest to or for use of the United States.

(3) Upon the request of the Secretary, the Secretary of the Treasury may invest and reinvest in securities of the United States or in securities guaranteed as to principal and interest by the United States any moneys contained in the fund provided for in paragraph (1). Income accruing from such securities and from any other property held by the Secretary pursuant to paragraph (1) shall be deposited to the credit of the fund and shall be disbursed upon order of the Secretary.

(l) Consultants; appointment of advisory committees; compensation and travel expenses. The Secretary is authorized to appoint, without regard to the civil service laws, such advisory committees as shall be appropriate for the purpose of consultation with and advice to the Department in performance of its functions. Members of such committees, other than those regularly employed by the Federal Government, while attending meetings of such committees or otherwise serving at the request of the Secretary, may be paid compensation at rates not exceeding those authorized for individuals under subsection (e) of this section, and while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by [section 5703 of title 5, United States Code \[5 USCS § 5703\]](#), for persons in the Government service employed intermittently.

(m) Occupancy preference in rental housing for military personnel. Whenever he shall determine that, because of location, or other considerations, any rental housing project assisted under title II of the National Housing Act or title I of the Housing and Urban Development Act of 1965 could ordinarily be expected substantially to serve the family housing needs of lower income military personnel serving on active duty, the Secretary is authorized to provide for or approve such preference or priority of occupancy of such project by such military personnel as he shall determine is appropriate to assure that the project will serve their needs on a continuing basis notwithstanding the frequency with which individual members of such personnel may be transferred or reassigned to new duty stations.

(n) Day care center for children of employees of the Department; establishment; fees and charges. Notwithstanding any other provision of law, the Secretary is authorized by contract or otherwise to establish, equip, and operate a day care center facility or facilities, or to assist in establishing, equipping, and operating interagency day care facilities for the purpose of serving children who are members of households of employees of the Department. The Secretary is authorized to establish or provide for the establishment of appropriate fees and charges to be chargeable against the Department of Housing and Urban Development employees or others who are beneficiaries of services provided by any such day care center. In addition, limited start-up costs may be provided by the Secretary in an amount limited to 3 per centum of the first year's operating budget, but not to exceed \$3,500.

(o) Agenda of rules and regulations under development or review; transmittal to Congress.

(1) Notwithstanding any other provision of law, the Secretary shall transmit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives an agenda of all rules or regulations which are under development or review by the Department. Such an agenda shall be transmitted to such Committees within 30 days of the date of enactment of this subsection [enacted Oct. 31, 1978] and at least semi-annually thereafter.

(2)

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(A) Any rule or regulation which is on any agenda submitted under paragraph (1) may not be published for comment prior to or during the 15-calendar day period beginning on the day after the date on which such agenda was transmitted. If within such period, either Committee notifies the Secretary in writing that it intends to review any rule or regulation or portion thereof which appears on the agenda, the Secretary shall submit to both Committees a copy of any such rule or regulation, in the form it is intended to be proposed, at least 15 calendar days prior to its being published for comment in the Federal Register.

(B) Any rule or regulation which has not been published for comment before the date of enactment of this subsection [enacted Oct. 31, 1978] and which does not appear on an agenda submitted under paragraph (1) shall be submitted to both such Committees at least 15 calendar days prior to its being published for comment.

(3) No rule or regulation may become effective until after the expiration of the 30-calendar day period beginning on the day after the day on which such rule or regulation is published as final. Any regulation implementing any provision of the Department of Housing and Urban Development Reform Act of 1989 that authorizes the imposition of a civil money penalty may not become effective until after the expiration of a public comment period of not less than 60 days.

(4) The provisions of paragraphs (2) and (3) may be waived upon the written request of the Secretary, if agreed to by the Chairmen and Ranking Minority Members of both Committees.

(5), (6) [Deleted]

(7) The Secretary shall include with each rule or regulation required to be transmitted to the Committees under this subsection a detailed summary of all changes required by the Office of Management and Budget that prohibit, modify, postpone, or disapprove such rule or regulation in whole or part.

(p) Cost-benefit analysis of field reorganizations; requirements, contents, etc. A plan for the reorganization of any regional, area, insuring, or other field office of the Department of Housing and Urban Development may take effect only upon the expiration of 90 days after publication in the Federal Register of a cost-benefit analysis of the effect of the plan on each office involved. Such cost-benefit analysis shall include, but not be limited to—

(1) an estimate of cost savings supported by background information detailing the source and substantiating the amount of the savings;

(2) an estimate of the additional cost which will result from the reorganization;

(3) a study of the impact on the local economy; and

(4) an estimate of the effect of the reorganization on the availability, accessibility, and quality of services provided for recipients of those services.

[Where] where any of the above factors cannot be quantified, the Secretary shall provide a statement on the nature and extent of those factors in the cost-benefit analysis.

(q) Waiver of regulations.

(1) Any waiver of regulations of the Department shall be in writing and shall specify the grounds for approving the waiver.

(2) The Secretary may delegate authority to approve a waiver of a regulation only to an individual of Assistant Secretary rank or equivalent rank, who is authorized to issue the regulation to be waived.

(3) The Secretary shall notify the public of all waivers of regulations approved by the Department. The notification shall be included in a notice in the Federal Register published not less than quarterly. Each notification shall cover the period beginning on the day after the last date covered by the prior notification, and shall—

(A) identify the project, activity, or undertaking involved;

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- (B)** describe the nature of the requirement that has been waived and specify the provision involved;
- (C)** specify the name and title of the official who granted the waiver request;
- (D)** include a brief description of the grounds for approval of the waiver; and
- (E)** state how more information about the waiver and a copy of the request and the approval may be obtained.

(4) Any waiver of a provision of a handbook of the Department shall—

- (A)** be in writing;
- (B)** specify the grounds for approving the waiver; and
- (C)** be maintained in indexed form and made available for public inspection for not less than the 3-year period beginning on the date of the waiver.

(r) Program evaluation and monitoring.

(1) For the programs listed in paragraph (2), amounts appropriated under this subsection shall be available to the Secretary for evaluating and monitoring of all such programs (including all aspects of the public housing and section 202 [12 USCS § 1701q] programs) and collecting and maintaining data for such purposes. The Secretary shall expend amounts made available under this subsection in accordance with the need and complexity of evaluating and monitoring each such program and collecting and maintaining data for such purposes.

(2) The programs subject to this subsection shall be the programs authorized under—

- (A)** titles I and II of the United States Housing Act of 1937;
- (B)** section 202 of the Housing Act of 1959 [12 USCS § 1701q];
- (C)** section 106 of the Housing and Urban Development Act of 1968 [[12 USCS § 1701x](#)];
- (D)** the Fair Housing Act [[42 USCS §§ 3601](#) et seq.];
- (E)** title I and section 810 of the Housing and Community Development Act of 1974;
- (F)** section 201 of the Housing and Community Development Amendments of 1978;
- (G)** the Congregate Housing Services Act of 1978 [[42 USCS §§ 1437e](#); 8001 et seq.];
- (H)** section 222 of the Housing and Urban-Rural Recovery Act of 1983 [[12 USCS § 1701z-6](#) note];
- (I)** section 561 of the Housing and Community Development Act of 1987 [[42 USCS § 3616](#) note];
- (J)** title IV of the Stewart B. McKinney Homeless Assistance Act [McKinney-Vento Homeless Assistance Act] [[42 USCS §§ 11361](#) et seq.]; and
- (K)** titles II, III, and IV and section 811 of the Cranston-Gonzalez National Affordable Housing Act.

(3) In conducting evaluations and monitoring pursuant to the authority under this subsection, and collecting and maintaining data pursuant to the authority under this subsection, the Secretary shall determine any need for additional staff and funding relating to evaluating and monitoring the programs under paragraph (2) and collecting and maintaining data for such purposes.

(4)

- (A)** The Secretary may provide for evaluation and monitoring under this subsection and collecting and maintaining data for such purposes directly or by grants, contracts, or interagency agreements. Not more than 50 percent of the amounts made available under paragraph (1) may be used for grants, contracts, or interagency agreements.
- (B)** Any amounts not used for grants, contracts, or interagency agreements under subparagraph (A) shall be used in a manner that increases and strengthens the ability of the Department to monitor

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and evaluate the programs under paragraph (2) and to collect and maintain data for such purposes through officers and employees of the Department.

(5) There are authorized to be appropriated to carry out this subsection such sums as may be necessary for fiscal year 1993 and fiscal year 1994.

(s) Authorization of appropriations; allocations for staff and training.

(1) Notwithstanding any other provision of law there is authorized to be appropriated for salaries and expenses to carry out the purposes of this section \$988,000,000 for fiscal year 1993 and \$1,029,496,000 for fiscal year 1994.

(2) Of the amounts authorized to be appropriated by this section, \$96,000,000 shall be available for each of the fiscal years 1993 and 1994, which amounts shall be used to provide staff in regional, field, or zone offices of the Department of Housing and Urban Development to review, process, approve, and service applications for mortgage insurance under title II of the National Housing Act for housing consisting of 5 or more dwelling units.

(3) Of the amounts authorized to be appropriated to carry out this section, not less than \$5,000,000 of such amount shall be available for each fiscal year exclusively for the purposes of providing ongoing training and capacity building for Department personnel.

(t) Training regarding issues relating to grandparent-headed and relative-headed families. The Secretary shall ensure that all personnel employed in field offices of the Department who have responsibilities for administering the housing assistance program under section 8 of the United States Housing Act of 1937 (*42 U.S.C. 1437f*) or the supportive housing program under section 202 of the Housing Act of 1959 (*12 U.S.C. 1701q*), and an appropriate number of personnel in the headquarters office of the Department who have responsibilities for those programs, have received adequate training regarding how covered families (as that term is defined in section 202 of the LEGACY Act of 2003) can be served by existing affordable housing programs.

History

HISTORY:

Act Sept. 9, 1965, *P. L. 89-174*, § 7(a)–(c), (d) in part, (e)–(g), *79 Stat. 669*; April 11, 1968, *P. L. 90-284*, Title VIII, § 808(b)(2), *82 Stat. 84*; Aug. 1, 1968, *P. L. 90-448*, Title VIII, § 807(d), *82 Stat. 544*; Dec. 31, 1970, *P. L. 91-609*, Title I, § 120(c), Title IX, §§ 905, 906, *84 Stat. 1775*, 1809, 1811; Aug. 3, 1976, *P. L. 94-375*, §§ 17(d), 21, *90 Stat. 1077*; Oct. 31, 1978, *P. L. 95-557*, Title III, §§ 316, 324, Title IX, § 908, *92 Stat. 2099*, 2103, 2129; Oct. 8, 1980, *P. L. 96-399*, Title III, § 334(a), *94 Stat. 1653*; Oct. 17, 1984, *P. L. 98-479*, Title I, § 104(b), *98 Stat. 2225*; Feb. 5, 1988, *P. L. 100-242*, Title V, Subtitle C, § 563(a), *101 Stat. 1944*; Dec. 15, 1989, *P. L. 101-235*, Title I, Subtitle A, § 106, Subtitle B, §§ 123, 124, Subtitle C, § 141, *103 Stat. 2000*, 2021, 2022, 2030; Nov. 28, 1990, *P. L. 101-625*, Title IX, Subtitle D, § 954(a), *104 Stat. 4420*; Oct. 28, 1992, *P. L. 102-550*, Title IX, Subtitle A, §§ 902(b), 929, *106 Stat. 3867*, 3887; April 11, 1994, *P. L. 103-233*, Title I, § 104, *108 Stat. 363*; Nov. 10, 1998, *P. L. 105-362*, Title VII, § 701(a), *112 Stat. 3287*; Dec. 16, 2003, *P. L. 108-186*, Title II, § 204, *117 Stat. 2691*.

Annotations

Notes

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Carolyn P Johnson

References in text:**Explanatory notes:****Effective date of section:****Amendment Notes**

1968.

1970.

1976.

1978.

1980.

1984.

1988.

1989.

1990.

1992.

1994.

1998.

2003.

Other provisions:**References in text:**

The civil service laws, referred to in this section, are generally located in 5 USCS; see particularly [5 USCS §§ 3301](#) et seq.

The classification laws, referred to in this section, appear generally as [5 USCS §§ 5101](#) et seq., [5331](#) et seq.

“This Act”, referred to in this section, is Act Sept. 9, 1965, [P. L. 89-174](#), popularly known as the Department of Housing and Urban Development Act, and appears generally as [42 USCS §§ 3531](#) et seq. For full classification of such Act, consult USCS Tables volumes.

“Title II of the National Housing Act”, referred to in this section, is Title II of Act June 27, 1934, ch 847, [48 Stat. 1246](#) which appears generally as [12 USCS §§ 1707](#) et seq. For full classification of such Act, consult USCS Tables volumes.

“Title I of the Housing and Urban Development Act of 1965”, referred to in this section, is Title I of Act Aug. 10, 1965, [P. L. 89-117](#), [79 Stat. 451](#). For full classification of such Title, consult USCS Tables volumes.

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The “Department of Housing and Urban Development Reform Act of 1989”, referred to subsec. (o)(3) of this section, is Act Dec. 15, 1989, *P. L. 101-235, 103 Stat. 1987*. For full classification of such Act, consult USCS Tables volumes.

“Titles I and II of the United States Housing Act of 1937”, referred to in this section, are Titles I and II of Act Spet. 1, 1937, ch 896. Title I of such Act appears generally as [42 USCS § 1437](#) et seq. Title II of such Act formerly appeared as [42 USCS §§ 1437aa](#) et seq., and was repealed by Act Oct. 26, 1996, *P. L. 104-330, Title V, § 501(a), 110 Stat. 4041*. For full classification of such Act, consult USCS Tables volumes.

“Title I and section 810 of the Housing and Community Development Act of 1974”, referred to in this section, are Title I and § 810 of Act Aug. 22, 1974, *P. L. 93-383*. Title I of such Act appears generally as [42 USCS §§ 5301](#) et seq. Section 810 of such Act, which formerly appeared [12 USCS § 1706e](#), was repealed by Act Nov. 28, 1990, *P. L. 101-625, Title II, § 289(b), 104 Stat. 4128*.

“Section 201 of the Housing and Community Development Amendments of 1978”, referred to in subsec. (r)(2) of this section, is § 201 of Act Oct. 30, 1978, *P. L. 95-557, 92 Stat. 2084*, which added [12 USCS §§ 1715z-1](#) note and 1715z-1a and amended [12 USCS § 1715z-1](#).

“Titles II, III, and IV and section 811 of the Cranston-Gonzalez National Affordable Housing Act”, referred to in this section, are Titles II, III, and IV of Act Nov. 28, 1990, *P. L. 101-625, 104 Stat. 4085, 4094, 4356, and 4324*. Title II appears generally as [42 USCS §§ 12721](#) et seq. Title III appears generally as [42 USCS §§ 12751](#) et seq. Title IV is classified to [42 USCS §§ 11361](#) et seq. and to [42 USCS § 11361](#). Section 811 appears as [42 USCS § 8013](#). For full classification of Titles II, III and IV, consult USCS Tables volumes.

The Committee on Banking, Finance and Urban Affairs of the House of Representatives is treated as referring to the Committee on Banking and Financial Services of the House of Representatives, pursuant to § 1(a) of June 3, 1995, *P.L. 104-14*, which appears as a note preceding [2 USCS § 21](#). The Committee on Banking and Financial Services of the House of Representatives was abolished and replaced by the Committee on Financial Services of the House of Representatives, and jurisdiction over matters relating to securities and exchanges and insurance generally were transferred from the Committee on Energy and Commerce of the House of Representatives by H. Res. No. 5 of Jan. 3, 2001.

Explanatory notes:

In subsecs. (c) and (e), “the Executive Schedule provided by [5 USCS § 5311](#) et seq.” and “[5 USCS § 3109](#)” have been inserted in brackets pursuant to § 7(b) of Act Sept. 6, 1966, *P. L. 89-554*, which appears as a note preceding [5 USCS § 101](#). Section 1 of such Act enacted Title 5 as positive law, and § 7(b) of such Act provided that a reference to a law replaced by § 1 of such Act is deemed to refer to the corresponding provision enacted by such Act.

In subsec. (i)(1), “[41 USCS § 6101](#)” has been inserted in brackets pursuant to § 6(c) of Act Jan. 4, 2011, *P.L. 111-350*, which appears as a note preceding [41 USCS § 101](#). Section 3 of such Act enacted Title 41 as positive law, and § 6(c) of such Act provided that a reference to a law replaced by such Act is deemed to refer to the corresponding provision enacted by such Act.

The bracketed word “Where” has been inserted in the concluding matter of subsec. (p) to reflect the capitalization probably intended by Congress.

“McKinney-Vento Homeless Assistance Act” has been inserted in brackets in subsec. (r)(2)(J) pursuant to § 2 of Act Oct. 30, 2000, *P. L. 106-400* ([42 USCS § 11301](#) note), which provides that any reference in any law, regulation, document, paper, or other record of the United States to the Stewart B. McKinney Homeless Assistance Act shall be deemed to be a reference to the “McKinney-Vento Homeless Assistance Act”.

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This section formerly appeared as 5 USCS § 624d prior to the general revision and enactment of Title 5 by Act Sept. 6, 1966, [P. L. 89-554](#), § 1, [80 Stat. 378](#).

The first sentence of § 7(d) of Act Sept. 9, 1965, appears as subsec. (d) of this section. The second sentence of § 7(d) of Act Sept. 9, 1965, repealed the second proviso of 42 USCS § 1451(c).

Effective date of section:

For the effective date of this section, see § 11 of Act Sept. 9, 1965, [P. L. 89-174](#), which appears as [42 USCS § 3531](#) note.

Amendment Notes**1968.**

Act April 11, 1968, in subsec. (c), substituted “seven positions” for “six positions”.

Act Aug. 1, 1968 (effective from and after a date, no more than 120 days following Aug. 1, 1968, as established by the Secretary of Housing and Urban Development, as provided by § 808 of such Act, which appears as 12 USCS § 1716b note), deleted subsec. (b), which read: “No transfer of functions, powers, and duties shall at any time be made within the Department in connection with the secondary market operations of the Federal National Mortgage Association unless the Secretary finds that the rights and interests of owners of outstanding common stock issued under the Federal National Mortgage Association Charter Act will not be adversely affected thereby.”.

1970.

Act Dec. 31, 1970, in subsec. (e), substituted “for individuals not to exceed the per diem equivalent to the highest rate for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code” for “not to exceed \$100 per diem for individuals”; and added subsecs. (h)–(m).

1976.

Act Aug. 3, 1976, in subsec. (c), substituted “six” for “seven”; and added subsec. (n).

1978.

Act Oct. 31, 1978, substituted subsec. (n) for one which read: “Notwithstanding any other provision of law, the Secretary is authorized by contract or otherwise to establish, equip and operate a day care center facility for the purpose of serving children who are members of households of employees of the Department. The Secretary is authorized to establish or provide for the establishment of appropriate fees and charges to be chargeable against the Department of Housing and Urban Development employees or others who are beneficiaries of services provided by such a day care center.”; and added subsecs. (o) and (p).

1980.

Act Oct. 8, 1980 (applicable as provided by § 334(b) of such Act, which appears as a note to this section), in subsec. (o)(3), substituted “30” for “20” in three places.

1984.

Act Oct. 17, 1984, in subsec. (o)(6)(C), substituted “235 or 236 of the National Housing Act” for “3 of Public Law 90-301”.

1988.

Act Feb. 5, 1988, in subsec. (o), added para. (7).

1989.

Act Dec. 15, 1989, in subsec. (e), inserted the sentence beginning “The Secretary is authorized . . .”; in subsec. (o), in para. (2), in subpara. (A), substituted “15-calendar day period beginning on the day” for “first period of 15 calendar days of continuous session of Congress which occurs” and deleted “of continuous session” following “15 calendar days”, in subpara. (B), deleted “of continuous session of Congress” following “15 calendar days”, in para. (3), substituted “expiration of the 30-calendar day period beginning on the day” for “first period of 30 calendar days of continuous session of Congress which occurs” and substituted “Any regulation implementing any provision of the Department of Housing and Urban Development Reform Act of 1989 that authorizes the imposition of a civil money penalty may not become effective until after the expiration of a public comment period of not less than 60 days.” for “If within such 30-day period, either Committee has reported out or been discharged from further consideration of a joint resolution of disapproval or other legislation which is intended to modify or invalidate the rule or regulation or any portion thereof, the rule or regulation or portion thereof so addressed shall not become effective for a period of 90 calendar days from the date of Committee action or discharge unless the House to which such Committee reports has rejected such resolution or legislation, in which case the rule or regulation may go into effect only after the expiration of the 30 calendar days described in the first sentence of this paragraph if the other House does not have such a resolution or legislation pending or adopted, and if the requirements of section 553 of title 5, United States Code, are met.”, and deleted paras. (5) and (6) which read:

“(5) Congressional inaction on any rule or regulation shall not be deemed an expression of approval of the rule or regulation involved.

“(6) For purposes of this subsection—

“(A) continuity of session is broken only by an adjournment of Congress sine die;

“(B) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of calendar days of continuous session of Congress; and

“(C) the term ‘rule or regulation’ does not include the setting of interest rates pursuant to section 235 or 236 of the National Housing Act.”.

Such Act further added subsecs. (q) and (r).

1990.

Act Nov. 28, 1990, in subsec. (r), in para. (1), inserted in two places “and collecting and maintaining data for such purposes”, in para. (2), in subpara. (I), deleted “and” after the concluding semicolon in subpara. (J), substituted “; and” for the concluding period, and added subpara. (K), in para. (3), inserted “and collecting and maintaining data pursuant to the authority under this subsection,” and “and collecting and maintaining data for such purposes” and, in para. (4), in subpara. (A), inserted “and collecting and maintaining data for such purposes” and “and to collect and maintain data for such purposes”.

1992.

Act Oct. 28, 1992 (effective and applicable on enactment, as provided by § 2 of such Act, which appears as 42 USCS § 5301 note), in subsec. (i), in para. (5), inserted “; except that with respect to any mortgage held by the Secretary, the Secretary shall, subject to the availability of amounts provided in appropriation Acts, implement the authority under this paragraph to reduce the interest rate on the mortgage to a rate not less than the rate for recently issued marketable obligations of the Treasury having a comparable maturity if (and to the extent that) such a reduction, when taken together with other actions authorized under the National Housing Act, is necessary to avoid foreclosure on the mortgage; and except that for any mortgage for which the interest rate is reduced pursuant to an appropriation under the preceding clause, if the Secretary determines that the income or ability of the mortgagor to make interest payments has increased, the Secretary may (not more than once for each such mortgage) increase such interest rate to a rate not exceeding the prevailing market rate, as determined by the Secretary” and, in para. (6), inserted “, including any provisions relating to the authority or requirements under paragraph (5)”; in subsec. (r), substituted para. (6) for one which read: “(6) There is authorized to be appropriated to carry out this subsection \$25,000,000 for fiscal year 1991. Such amounts shall remain available until expended.”; and added subsec. (s).

1994.

Act April 11, 1994, in subsec. (i)(5), deleted “; except that with respect to any mortgage held by the Secretary, the Secretary shall, subject to the availability of amounts provided in appropriation Acts, implement the authority under this paragraph to reduce the interest rate on the mortgage to a rate not less than the rate for recently issued marketable obligations of the Treasury having a comparable maturity if (and to the extent that) such a reduction, when taken together with other actions authorized under the National Housing Act, is necessary to avoid foreclosure on the mortgage; and except that for any mortgage for which the interest rate is reduced pursuant to an appropriation under the preceding clause, if the Secretary determines that the income or ability of the mortgagor to make interest payments has increased, the Secretary may (not more than once for each such mortgage) increase such interest rate to a rate not exceeding the prevailing market rate, as determined by the Secretary” following “transferred to him”.

1998.

Act Nov. 10, 1998, in subsec. (r), deleted para. (5), which read: “(5) Not later than December 31 of each year, the Secretary shall submit to the Congress a report regarding the use of amounts made available under this subsection during the fiscal year ending on September 30 of that year, including an analysis of the ability of the Department to monitor and evaluate the programs under paragraph (2) and a statement of any needs determined under paragraph (3).”, and redesignated para. (6) as para. (5).

2003.

Act Dec. 16, 2003, added subsec. (t).

Other provisions:

Termination of advisory committees, boards and councils, in existence on Jan. 5, 1973. Act Oct. 6, 1972, [P. L. 92-463](#), §§ 3(2) and 14, [86 Stat. 770, 776](#) (effective 1/5/73, as provided by § 15 of such Act), which is classified to 5 USCS Appx, provides that the advisory committees in existence on Jan. 5, 1973, are to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a board established by the

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President or an officer of the Federal Government, such board is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a board established by the Congress, its duration is otherwise provided for by law.

Applicability of 1980 amendment. Act Oct. 8, 1980, [P. L. 96-399](#), Title III, § 334(b), [94 Stat. 1653](#), provided: “The amendment made by subsection (a) [amending subsec. (o)(3)] shall apply only to rules and regulations which are published as final on or after the date of enactment of this Act.”.

GS 16–18 pay rates. Act Nov. 5, 1990, *P. L. 101-509*, Title V, § 529 [Title I, § 101(c)–(e)], *104 Stat. 1442*, which appears as [5 USCS § 5376](#) note, provides for the construction of references to rates of pay for GS 16-18 employees.

Report on single family and multifamily homes. Act Oct. 21, 1998, *P. L. 105-276*, Title V, Subtitle G, § 591, *112 Stat. 2652*, provides:

“(a) In general. Not later than 12 months after the date of the enactment of this Act, the Inspector General of the Department of Housing and Urban Development shall submit to the Congress a report, which shall include information relating to—

“(1) with respect to 1- to 4-family dwellings owned by the Department of Housing and Urban Development, on a monthly average basis—

“(A) the total number of units in those dwellings;

“(B) the number and percentage of units in those dwellings that are unoccupied, and their average period of vacancy, and the number and percentage of units in those dwellings that have been unoccupied for more than 1 year, as of that date; and

“(C) the number and percentage of units in those projects that are determined by the Inspector General to be substandard, based on any—

“(i) lack of hot or cold piped water;

“(ii) lack of working toilets;

“(iii) regular and prolonged breakdowns in heating;

“(iv) dangerous electrical problems;

“(v) unsafe hallways or stairways;

“(vi) leaking roofs, windows, or pipes;

“(vii) open holes in walls and ceilings; and

“(viii) indications of rodent infestation; and

“(2) with respect to multifamily housing projects (as that term is defined in section 203 of the Housing and Community Development Amendments of 1978 [[12 USCS § 1701z-11](#)]) owned by the Department of Housing and Urban Development on a monthly average basis—

“(A) the total number of units in those projects;

“(B) the number and percentage of units in those projects that are unoccupied, and their average period of vacancy, and the number and percentage of units in those projects that have been unoccupied for more than 1 year, as of that date; and

“(C) the number and percentage of units in those projects that are determined by the Inspector General to be substandard, based on any—

“(i) lack of hot or cold piped water;

“(ii) lack of working toilets;

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“(iii) regular and prolonged breakdowns in heating;

“(iv) dangerous electrical problems;

“(v) unsafe hallways or stairways;

“(vi) leaking roofs, windows, or pipes;

“(vii) open holes in walls and ceilings; and

“(viii) indications of rodent infestation; and

“(3) the Department’s plans and operations to address vacancies and substandard physical conditions described in paragraphs (1) and (2).

“(b) Effective date. This section shall take effect on the date of the enactment of this Act.”.

NOTES TO DECISIONS

I. IN GENERAL

1. Generally

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4.—24 CFR 403.4 - 403.6

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6. Suspensions and debarments

7.—Criminal activity

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I. IN GENERAL

1. Generally

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Area Director of HUD had authority to extend deadline for city to resubmit its applications for grant under Title I of Housing and Community Development Act ([42 USCS § 5301–5316](#)) where such authority did not fit within any category of powers specifically excepted from delegation of authority to regional staff under regulations. [East Hartford v. Harris, 450 F. Supp. 512 \(D.D.C. 1978\)](#).

Federal Insurance Administrator, position established under [42 USCS § 3533a](#), requires Presidential nomination and confirmation under Article II, Sec. 2, Cl. 2 of Constitution; Constitution presumes all officers of United States must be appointed with advice and consent of Senate except when Congress affirmatively delegates full appointment authority elsewhere; rejection by Conference Committee of Senate amendment to require confirmation of Federal Insurance Administrator does not constitute waiver of constitutional right and duty to advise and consent; Secretarial authority to appoint, including officers, under [42 USCS § 3535\(c\)](#) does not include Insurance Administrator; however, no exception will be taken to past compensation of incumbent or for reasonable period after date of this decision to allow time for presentation of his name for Senate confirmation. 56 Op. Att'y Gen. 137 (1976).

With respect to computation of debts owed HUD on defaulted, FHA-guaranteed manufactured home loans, and assessment of interest on those loans and property improvement loans, FHA properly subtracts from outstanding loan balance greater of sale proceeds or appraised value of manufactured home, and properly assesses interest on debts at lesser of note rate or Treasury rate. [Matter of Calculation of Debt, and Interest on Debt, Owed to HUD, 71 Comp. Gen. 449, 1992 U.S. Comp. Gen. LEXIS 831 \(Comp. Gen. July 7, 1992\)](#).

2. Preemption

Action of Department of Housing and Urban Development in preempting authority of city Rent Control Board to regulate rents in their buildings is within statutory authority of Secretary of Department of Housing and Urban Development, as provided in [42 USCS § 3535\(d\)](#). [515 Associates v. Newark, 424 F. Supp. 984 \(D.N.J. 1977\)](#).

3. Validity of regulations

Plaintiff mobile home park owners' Fair Housing Amendments Act of 1988 challenge to defendant city's zoning ordinance prohibiting any such park operating as senior housing from converting to all-age housing failed because ordinance fell within Act's senior exemption in [42 USCS § 3607\(b\)\(1\)](#), (2)(C)(ii); Department of Housing and Urban Development Secretary had been invested with rulemaking authority as provided in [42 USCS § 3535\(d\)](#), and had general authority and responsibility for administering Act as provided in [42 USCS § 3608\(a\)](#), and Secretary's regulation in [24 CFR § 100.304\(b\)](#) defined "housing facility or community" as used in § 3607(b)(2)(C)(ii) to include dwellings governed by municipally zoned area, so § 100.304(b) clearly allowed city-zoned senior housing like ordinance. [Putnam Family P'ship v. City of Yucaipa, 673 F.3d 920 \(9th Cir. 2012\)](#).

Under [42 USCS § 3535\(i\)](#), authorizing Secretary of HUD to foreclose on FHA mortgages, and upon acquisition, to complete, administer, remodel and convert, dispose of, lease, and otherwise deal with, such property, HUD may promulgate rules and regulations concerning maintenance and rehabilitation of HUD-acquired and owned properties. City-Wide Coalition against [City-Wide Coalition against Childhood Lead Paint Poisoning v. Philadelphia Housing Authority, 356 F. Supp. 123, 3 Env'tl. L. Rep. 20367 \(E.D. Pa. 1973\)](#).

Active HUD mortgage lenders are denied temporary restraining order, even though they have made facially convincing showing that HUD officials have violated [42 USCS § 3535\(o\)](#) by creating and issuing substantive rules which vastly change standard operating procedures of coinsurance program without first transmitting rules for congressional review, because lenders have not specifically identified any acts of officials they wish to have enjoined pending preliminary injunction stage. [Housing Study Group v. Kemp, 732 F. Supp. 180 \(D.D.C. 1990\)](#).

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HUD is preliminarily enjoined from giving effect to recently issued Coinsuring Lending Letters, where letters dramatically alter rights and interests of previously approved coinsuring lenders and can hardly be characterized as “housekeeping measures” or HUD’s “tentative view of meaning of particular statutory term,” because approved lenders have shown likelihood of success on their claims that letters are substantive rules which should have required congressional review followed by notice and comment rulemaking under [42 USCS § 3535\(o\)](#) and [5 USCS § 553](#). *Housing Study Group v. Kemp*, 736 F. Supp. 321 (D.D.C. 1990).

4. —24 CFR 403.4 - 403.6

HUD regulation (24 CFR §§ 403.4 - 403.6) which governs unsubsidized projects with mortgages insured or held by HUD and states that HUD will not interfere with regulation by local rent control board unless it determines that delay or decision or board or other authority regulating rents jeopardizes HUD’s economic interest in project in that there is danger of owner’s default on its HUD-insured mortgage, is valid under [42 USCS § 3535](#). *Gramercy Spire Tenants’ Asso. v. Harris*, 446 F. Supp. 814 (S.D.N.Y. 1977).

5. —24 CFR 24.0

HUD’s administrative sanction regulations at 24 CFR §§ 24.0 et seq. are within authority of Secretary under [42 USCS § 3535\(d\)](#). *American Fidelity Fire Ins. Co. v. Harris*, 456 F. Supp. 606 (D.D.C. 1978).

6. Suspensions and debarments

Attorney who closed mortgages issued by FHA was not “participant” in HUD program; therefore, HUD Secretary had no power under regulation promulgated pursuant to [42 USCS § 3535\(d\)](#) to suspend attorney indicted for bribery and other crimes connected with FHA-insured mortgages from further participating in professional activity relative to HUD programs. *Fayer v. Romney*, 365 F. Supp. 317 (S.D.N.Y. 1973).

Contractor under [12 USCS § 1715z-1](#) HUD housing program was properly debarred from participation in departmental programs for period of one year for failure to comply with regulatory agreement regarding keeping of accurate books and records and filing proper reports with HUD. Johnson (HUD BCA 1979).

Relative culpability of contractor is not to be considered as mitigating circumstance in hearing to decide whether contractor should be suspended, but contractor’s cooperation with government investigation, severity of offense, and other mitigating factors may be considered in setting period of debarment. Patterson (HUD BCA 1979).

7. —Criminal activity

Conviction of commission of criminal offense affecting HUD is ground for debarment from future HUD programs. Kennedy (HUD BCA 1979).

Real estate broker after pleading guilty to giving cash to HUD employee to influence sale and disposition of HUD properties in violation of [18 USCS § 201\(f\)](#) was properly debarred from participating in HUD programs for 3 years. Newman & Kilmer Realty Co. (HUD BCA 1979).

8. Liability of government

Exercise by government of discretion in favor of retroactively funding some overruns under construction contract did not operate to bind Government to fund all subsequent overruns; contractor still had duty under Limitation of Cost

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clause to notify government of impending overruns, and failing to do so is not entitled costs. Wichita Falls (HUD BCA 1977).

Government contractor must absorb cost of California use tax which it fails to include in its bid since Federal, State and Local Taxes clause incorporated in both Solicitation for Bids and ultimate contracts places on contractor onus of correctly determining applicability of state taxes to contract and does not compensate him for misjudgment or misapplication of taxing statutes. Westland Carpet Mills, Inc. (HUD BCA 1977).

HUD Fiscal Officer has no authority to unilaterally delete items for payment from contractor's invoice and contractor is entitled to payment of amounts deleted without his consent. Contractors, Inc. (HUD BCA 1979).

9. Default actions

Even if bias of Government employee did exist, contention that default action against contractor was improper because of alleged bias will not be examined where independent grounds for default action exist and where right is properly exercised by government. Robertson (HUD BCA 1978).

Government is justified in terminating for default contract to perform Area Management Broker services for contractor's repeated failure to follow agency procedures set forth in handbook and his demonstrated disregard of contract requirements. McIntyre (HUD BCA 1979).

10. Foreclosure actions

[42 USCS § 3535\(i\)\(1\)](#) applies only when HUD has purchased property by means of foreclosure or any other sale in cases where HUD has made loan. [United States v. City of St. Paul, 258 F.3d 750 \(8th Cir. 2001\)](#), cert. denied, 535 U.S. 904, 122 S. Ct. 1203, 151 L. Ed. 2d 141 (2002).

Once Secretary's right to foreclose has been established, party opposing such action must come forward with affirmative defense which would defeat HUD's foreclosure right. [United States v. Beacon Terrace Mut. Homes, Inc., 594 F. Supp. 53 \(D. Md. 1984\)](#).

Secretary did not act arbitrarily or capriciously in foreclosing federally subsidized 100 unit co-operative housing project, since decision to foreclose serves national housing policy by minimizing losses and by preserving assets of HUD's insurance funds as well as by protecting public's treasury, and since defendants have failed to establish any affirmative defenses to foreclosure. [United States v. Beacon Terrace Mut. Homes, Inc., 594 F. Supp. 53 \(D. Md. 1984\)](#).

II. BOARD OF CONTRACT APPEALS

11. Jurisdiction

[24 CFR 20.4](#) does not vest in Board power to hear and adjust all contractual controversies, including claims for unliquidated damages for breach of contract. Electrical Testing Laboratories, Inc. (HUD BCA 1977).

Indefinite-quantity contract entitled contractor only to reimbursement received for services performed; therefore, Housing and Urban Development Board of Contract Appeals does not have jurisdiction for action seeking whole contract price for amount of services performed which were less than maximum amount stated in contract. Shay (HUD BCA 1977).

Although purchase order and payment authorization did not contain Disputes clause, Liquidated Damages clause, or clauses authorizing termination for default or for convenience of government, Board of Contract Appeals has

jurisdiction over action where parties by agreement expanded kinds of controversies over which Board had mandatory cognizance. Poindexter (HUD BCA 1977).

12. Practice and procedure

Boards of contract appeals were established to provide forum for “just, speedy, and inexpensive determination of appeals without unnecessary delay” and although board does not intend to discourage procedural motions in appropriate case, contract appeals should be decided promptly, not on technicalities, but on merits whenever possible; principles of “notice pleading” in Federal Rules of Civil Procedure are applicable to proceedings before Housing and Urban Development Board of Contract Appeals; allegations of “numerous actions of harassment, threats and intimidations” in effect state claims that government employees acted arbitrarily, capriciously, or in bad faith in administering and terminating contract under dispute and therefore states legal defense to grounds supporting termination for default; exhibits can be incorporated into complaint filed with boards of contract appeals by reference; procedure for supplementing appeal filed set forth in [24 CFR § 20.10](#) is not exclusive; consequently, submission of exhibits with complaint is not and of itself grounds for striking them. Mary Rogers Manley (HUD BCA 1977).

Housing and Urban Development Board of Contract Appeals Regulation 24 CFR 20.20(a) regarding pleadings, embodies principles of “notice pleading” contained in Federal Rules of Civil Procedure; purpose of pleading is to facilitate proper decision on merits and complaint will be found adequate where its terms are sufficient to enable opposing party to file responsive answer. Electrical Testing Laboratories, Inc. (HUD BCA 1977).

Appeal to Board of Contracts Appeals will not be dismissed on order to show cause where although properly addressed order reached intended destination and individual signed return receipt on behalf of addressee, counsel for appellant denied under oath receipt of order either by himself or authorized agent individual who signed return receipt had never accepted past correspondence from Board on behalf of appellant. R. J. Home Improvements, Inc. (HUD BCA 1978).

Subcontractors, corporate officers, stockholders, sureties or employees of contractor may not file appeal in own names; appeal must be brought in name of contractor either by permission or by contractor directly. Thompson (HUD BCA 1980).

13. Evidence

Government bears burden of proving, by preponderance of evidence, failure of contractor’s compliance under warranty clause; government fails to make such showing where exact nature of failure or defect was not shown, mere existence of malfunction in sewer did not satisfy government’s burden of proof, and under circumstances termination for default will be converted to termination for convenience of government. Townhouse Constr. Co. (HUD BCA 1977).

Research References & Practice Aids

Cross References:

Compensation of positions in level V of the Executive Schedule, [5 USCS § 5316](#).

Code of Federal Regulations:

Department of Housing and Urban Development—Requirements for drug-free workplace (financial assistance), [24 CFR 2429.10](#) et seq.

Office of the Secretary, Department of Housing and Urban Development—Nondiscrimination in federally assisted programs of the Department of Housing and Urban Development-effectuation of Title VI of the Civil Rights Act of 1964, [24 CFR 1.1](#) et seq.

Office of the Secretary, Department of Housing and Urban Development—HUD Reform Act, [24 CFR 4.1](#) et seq.

Office of the Secretary, Department of Housing and Urban Development—General HUD program requirements; waivers, [24 CFR 5.100](#) et seq.

Office of the Secretary, Department of Housing and Urban Development—Nondiscrimination in programs and activities receiving assistance under Title I of the Housing and Community Development Act of 1974, [24 CFR 6.1](#) et seq.

Office of the Secretary, Department of Housing and Urban Development—Nondiscrimination based on handicap in federally assisted programs and activities of the Department of Housing and Urban Development, [24 CFR 8.1](#) et seq.

Office of the Secretary, Department of Housing and Urban Development—Enforcement of nondiscrimination on the basis of disability in programs or activities conducted by the Department of Housing and Urban Development, [24 CFR 9.101](#) et seq.

Office of the Secretary, Department of Housing and Urban Development—Rulemaking: policy and procedures, [24 CFR 10.1](#) et seq.

Office of the Secretary, Department of Housing and Urban Development—Public access to HUD records under the Freedom of Information Act and testimony and production of information by HUD employees, [24 CFR 15.1](#) et seq.

Office of the Secretary, Department of Housing and Urban Development—Implementation of the Privacy Act of 1974, [24 CFR 16.1](#) et seq.

Office of the Secretary, Department of Housing and Urban Development—Administrative claims, [24 CFR 17.1](#) et seq.

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Office of the Secretary, Department of Housing and Urban Development—Governmentwide requirements for drug-free workplace (grants), [24 CFR 21.100](#) et seq.

Office of Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development—Governmentwide debarment and suspension (nonprocurement), [24 CFR 24.1](#) et seq.

Office of the Secretary, Department of Housing and Urban Development—Mortgagee Review Board, [24 CFR 25.1](#) et seq.

Office of the Secretary, Department of Housing and Urban Development—Hearing procedures, [24 CFR 26.1](#) et seq.

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Office of the Secretary, Department of Housing and Urban Development—Nonjudicial foreclosure of multifamily and single family mortgages, [24 CFR 27.1](#) et seq.

Office of the Secretary, Department of Housing and Urban Development—Implementation of the Program Fraud Civil Remedies Act of 1986, [24 CFR 28.1](#) et seq.

Office of the Secretary, Department of Housing and Urban Development—Civil money penalties: Certain prohibited conduct, [24 CFR 30.1](#) et seq.

Office of the Secretary, Department of Housing and Urban Development—Lead-based paint poisoning prevention in certain residential structures, [24 CFR 35.1](#) et seq.

Office of the Secretary, Department of Housing and Urban Development—Accessibility standards for design, construction, and alteration of publicly owned residential structures, [24 CFR 40.1](#) et seq.

Office of the Secretary, Department of Housing and Urban Development—Policies and procedures for the enforcement of standards and requirements for accessibility by the physically handicapped, [24 CFR 41.1](#) et seq.

Office of the Secretary, Department of Housing and Urban Development—Displacement, relocation assistance, and real property acquisition for HUD and HUD-assisted programs, [24 CFR 42.1](#) et seq.

Office of the Secretary, Department of Housing and Urban Development—Protection and enhancement of environmental quality, [24 CFR 50.1](#) et seq.

Office of the Secretary, Department of Housing and Urban Development—Environmental criteria and standards, [24 CFR 51.1](#) et seq.

Office of the Secretary, Department of Housing and Urban Development—Intergovernmental review of Department of Housing and Urban Development programs and activities, [24 CFR 52.1](#) et seq.

Office of the Secretary, Department of Housing and Urban Development—Floodplain management and protection of wetlands, [24 CFR 55.1](#) et seq.

Office of the Secretary, Department of Housing and Urban Development—Environmental review procedures for entities assuming HUD environmental responsibilities, [24 CFR 58.1](#) et seq.

Office of the Secretary, Department of Housing and Urban Development—Protection of human subjects, [24 CFR 60.101](#) et seq.

Office of the Secretary, Department of Housing and Urban Development—Use of volunteers on projects subject to Davis-Bacon and HUD-determined wage rates, [24 CFR 70.1](#) et seq.

Office of the Secretary, Department of Housing and Urban Development—The Secretary of HUD's regulation of the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac), [24 CFR 81.1](#) et seq.

Office of the Secretary, Department of Housing and Urban Development—Uniform administrative requirements for grants and agreements with institutions of higher education, hospitals, and other non-profit organizations, [24 CFR 84.1](#) et seq.

Office of the Secretary, Department of Housing and Urban Development—Administrative requirements for State, local, and federally recognized Indian tribal governments under OMB Circular A-102, [24 CFR 85.1](#) et seq.

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Office of the Secretary, Department of Housing and Urban Development—New restrictions on lobbying, [24 CFR 87.100](#) et seq.

Office of the Secretary, Department of Housing and Urban Development—Consolidated submissions for community planning and development programs, [24 CFR 91.1](#) et seq.

Office of the Secretary, Department of Housing and Urban Development—Home investment partnerships programs, [24 CFR 92.1](#) et seq.

Office of the Secretary, Department of Housing and Urban Development—Housing Trust Fund, [24 CFR 93.1](#) et seq.

Office of Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development—Discriminatory conduct under the Fair Housing Act, [24 CFR 100.1](#) et seq.

Office of Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development—Fair housing-complaint processing, [24 CFR 103.1](#) et seq.

Office of Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development—Nondiscrimination and equal opportunity in housing under Executive Order 11063, [24 CFR 107.10](#) et seq.

Office of Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development—Compliance procedures for affirmative fair housing marketing, [24 CFR 108.1](#) et seq.

Office of Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development—Fair housing poster, [24 CFR 110.1](#) et seq.

Office of Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development—Certification and funding of State and local fair housing enforcement agencies, [24 CFR 115.100](#) et seq.

Office of Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development—Collection of data, [24 CFR 121.1](#) et seq.

Office of Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development—Fair housing initiatives program, [24 CFR 125.103](#) et seq.

Office of Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development—Economic opportunities for low- and very low-income persons, [24 CFR 135.1](#) et seq.

Office of Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development—Nondiscrimination on the basis of age in HUD programs or activities receiving Federal financial assistance, [24 CFR 146.1](#) et seq.

Office of Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development—Consolidated HUD hearing procedures for civil rights matters, [24 CFR 180.100](#) et seq.

Office of Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development—Introduction to FHA programs, [24 CFR 200.1](#) et seq.

Office of Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development—Approval of lending institutions and mortgagees, [24 CFR 202.1](#) et seq.

Office of Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development—Single family mortgage insurance, [24 CFR 203.1](#) et seq.

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Office of Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development—Coinsurance, [24 CFR 204.1](#) et seq.

Office of Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development—Home equity conversion mortgage insurance, [24 CFR 206.1](#) et seq.

Office of Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development—Multifamily housing mortgage insurance, [24 CFR 207.1](#) et seq.

Office of Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development—Electronic transmission of required data for certification and recertification and subsidy billing procedures for multifamily subsidized projects, [24 CFR 208.101](#) et seq.

Office of Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development—Cooperative housing mortgage insurance, [24 CFR 213.1](#) et seq.

Office of Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development—Housing Counseling program, [24 CFR 214.1](#) et seq.

Office of Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development—Flexible subsidy program for troubled projects, [24 CFR 219.1](#) et seq.

Office of Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development—Mortgage insurance and insured improvement loans for urban renewal and concentrated development areas, [24 CFR 220.251](#) et seq.

Office of Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development—Low cost and moderate income mortgage insurance—savings clause, [24 CFR 221.1](#) et seq.

Office of Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development—Housing mortgage insurance for the elderly, [24 CFR 231.1](#) et seq.

Office of Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development—Mortgage insurance for nursing homes, intermediate care facilities, board and care homes, and assisted living facilities, [24 CFR 232.1](#) et seq.

Office of Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development—Condominium ownership mortgage insurance, [24 CFR 234.1](#) et seq.

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Office of Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development—Evictions from certain subsidized and HUD-owned projects, [24 CFR 247.1](#) et seq.

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Office of Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development—Coinsurance for the purchase or refinancing of existing multifamily housing projects, [24 CFR 255.1](#) et seq.

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