

Israel Rafkind

**Volume IV**

**Policies and Procedures  
of the Administrator**

**Field Service**

DEPARTMENT OF HOUSING  
AND URBAN DEVELOPMENT

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**HOUSING AND HOME FINANCE AGENCY**  
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## **INTRODUCTION**

### **SCOPE**

Volume IV of the Manual series is the medium by which policies, standards, and procedures relating to the general supervisory and coordinating responsibilities of HHFA Regional Administrators and Office of the Administrator program activities in the field service are promulgated.

Each release in this Volume will be approved before publication by the Administrator or the Division Director primarily responsible for the specific program activity.

### **ORGANIZATION AND NUMBERING**

This Volume is divided into Parts, Chapters, and Sections. In some instances, the Chapter breakdown is omitted.

Sections are numbered in relationship to the rest of the Volume. Where a three digit number is used (e.g., 4-3-2), the first digit indicates the Part, the second the Chapter, and the third the Section. Where a two digit number is used (e.g., 4-2), there is no Chapter breakdown, the first digit indicating the Part and the second indicating the Section.

Pages are numbered consecutively within Sections. The date through which the material has been revised before issuance is shown at the bottom of each page.

### **MAINTENANCE**

Revised pages are sent out under cover of a Transmittal Letter. When changes have been made in accordance with the Transmittal Letter instructions, the check list at the back of the Volume should be initialled. This serves automatically to call attention to missing releases.

Notices of reissues of other instructions will be published in the transmittal letters for this Volume.

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REPRODUCTION OF  
THE ORIGINAL  
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## **Section 2**

### **PROGRAM STATUS REPORTS**

The current and prospective use of ADP for the handling, storage, and retrieval of program status information greatly increases the importance of the accuracy and consistency of all reports emanating from the Regional Office, either in response to special requests from the Central Office or in meeting the recurring reporting requirements of the constituent units.

Therefore, the Regional Administrator shall designate a person, from among existing staff reporting directly to him, to assist him in carrying out his responsibilities for such reports, as set forth below. The Regional Administrator shall inform the Administrator by memorandum of the person designated and of the provisions the Regional Administrator has made to assure continuity in the absence of the designee or a vacancy in the designated position.

The responsibilities are :

1. Establishing the necessary procedures for assuring the statistical accuracy of program data and the validity of identifying information—project number, location, congressional district(s)—contained in all reports, either special or recurring, which are prepared in the Regional Office ; and
2. Assuring the prompt handling of special requests from the Central Office for program status information, utilizing as appropriate the services of the Reports and Control Assistant in the Community Facilities Division, the Local Program Review and Evaluation Section in the Urban Renewal Division, and the Community Requirements Division.

## **Section 1**

### **CRITERIA FOR EVALUATING SUBMISSIONS OF WORKABLE PROGRAMS FOR COMMUNITY IMPROVEMENT**

The Federal aids for which a Workable Program for Community Improvement is a prerequisite can be made available only when there is acceptance on the part of the local government of the responsibility for doing everything that can reasonably be expected to utilize its authority and its local public and private resources in a comprehensive effort to eliminate and prevent slums and blight.

In order to provide a basis for making a determination of whether a community's Workable Program meets the requirements of the law the Administrator has established certain minimum criteria that are to be applied in the evaluation of the individual community submissions. Current HHFA publications on the Workable Program provide the communities with these criteria. Forms H-1081 and H-1082, with exhibits and supplementary material, provide a uniform means through which a community can demonstrate that it has met the criteria for certification and recertification of its Workable Program. These forms also set definite requirements such as approval of the submission by the governing body of the community, a declaration of Workable Program policy, the assignment of specific responsibilities within the community, and the establishment of firm goals and firm dates for their accomplishment.

This Section sets forth the criteria to be used in reviewing submissions to determine whether the submission is acceptable under Agency policies and requirements, including the general policy to be followed in evaluating any Workable Program submission; the requirements that must be met before an initial Workable Program can be certified; Part III outlines the requirements for recertification; and policy guidance on related issues that may arise in connection with the review of submissions.

#### **GENERAL CRITERIA FOR EVALUATING ALL WORKABLE PROGRAM SUBMISSIONS**

The action taken on any request for a Workable Program approval will be based on the following general criteria:

*Accomplishments and Objectives*—The Workable Program submissions must show that the community's goals and accomplishments are in line with the general objectives for each element set forth in current HHFA publications on the Workable Program and the more specific requirements established in this Section.

*Rate of Progress*—A Community's schedule for action should reflect steady, continuing progress toward all objectives. It should be timed to assure substantial achievements and yet provide sufficient opportunity to lay the groundwork which many of the far-reaching actions require. The submission should show that progress is planned—and, in the case of recertification requests, is also being made—at a rate which gives sound evidence of the community's intent to carry out its Workable Program.

*Balanced Progress*—A submission at the time of any request for recertification should also show a balanced program of action—with progress on all seven elements so that they move forward together. Some communities have made the mistake of jumping in to tackle certain elements with which they have had some previous experience, concentrating all their efforts on a few objectives to the neglect of others. There must be balanced and coordinated action across the board so that each element can play a strong supporting role for the others.

Where there is understanding and acceptance by the community of its Workable Program obligations but local circumstances make it impossible to secure compliance with these requirements, reasonable judgment must be applied in evaluating the community's submission. Before a submission is rejected, every effort should be made to secure local support and action toward Workable Program goals.

#### REQUIREMENTS FOR INITIAL SUBMISSION

Before the initial Workable Program of any locality can be approved, it must show that certain objectives have already been met, that the Program is actually under way and not simply a collection of lightly considered promises. These requirements have been established to assure (1) that a community is aware of what commitments are involved in undertaking a Workable Program, and (2) that it is willing to follow through to the extent of assigning definite responsibilities, determining initial local needs, and in some cases, appropriating funds. Even though some of these early actions which are prerequisite to approval may be subject to change and adjustment as the community gains experience, the Workable Program must be a going operation and have some substance before it is certified.

An initial submission must show that the community has taken the following steps to meet Workable Program objectives:

##### (1) *Codes and Ordinances*

(a) Established a codes review committee or similar group to review codes and codes enforcement technically and objectively.

(b) Established a target date for the adoption, if not already adopted, of nationally recognized model codes or codes that provide technical and administrative standards comparable to those in the



model codes. Codes required are building, plumbing, electrical, housing, fire prevention, as well as others that are necessary under local circumstances, for health and safety or to effectively deal with the community slum and blight problems. The target dates for adoption must be during the first year after original Workable Program certification.

(c) Assigned responsibility for developing a codes enforcement program to include adequate staffing, coordination and reporting.

(2) *Comprehensive Community Plan*

(a) Established an official local planning department, commission or agency in accord with State enabling legislation.

(b) Established firm or tentative arrangements for technical assistance to prepare the comprehensive community plan.

(c) Established a schedule for preparing and approving the four basic plan elements (Land Use Plan, Community Facilities Plan, Thoroughfare Plan, Public Improvements Program) and two supporting regulatory measures (Zoning Ordinance and Subdivision Regulations), or a schedule for preparation and approval of plan elements and regulatory measures the community does not have, and revision of any which should be improved or brought up to date. (See below, "Requirements for Recertification," item (2)(b) for timing requirements).

(3) *Neighborhood Analyses*

(a) Established the responsibility for preparing the Neighborhood Analyses.

(b) Established a schedule for preparing Analyses coordinated with planning studies and related Workable Program activities. (See below, "Requirements for Recertification," item (3)(b) for timing requirements).

(4) *Administrative Organization*

(a) Established some appropriate means, such as designating a local official or creating an interdepartmental committee, to coordinate Workable Program activities and to make Workable Program goals a part of local municipal management.

(b) Made a preliminary analysis of existing administrative procedures and resources, including staff, as a basis for planning any changes or for additional staffing necessary to efficiently and effectively carry out the Workable Program functions.

(5) *Financing*

(a) Estimated funds being provided to support any Workable Program activities now under way.

(b) Made a determination of what additional funds must be budgeted in order to meet Workable Program objectives, element by element, during the coming year.

(c) Assure the availability of funds for technical assistance needed for the preparation of a comprehensive community plan and neighborhood analyses.

(d) Made a preliminary analysis of existing financing procedures and resources as a basis for planning any changes or improvements to better carry out the community's Workable Program objectives.

(6) *Housing for Displaced Families*

(a) Established responsibility for planning to meet relocation needs of families displaced by governmental action; initiated a study to determine the community's needs for relocation housing in the immediate future.

(7) *Citizen Participation*

(a) Designated a local official as responsible for assuring citizen participation.

(b) Established a citizens advisory committee, designated by the chief executive and/or governing body, that is community-wide, representative, including representatives of principal minority groups in the community.

(c) Established a subcommittee of the advisory committee or a special committee, on minority group housing, with minority group representation.

(d) Established a tentative schedule of meetings of committees; outlined a citizen participation work program and assured the provision of needed staff assistance.

**REQUIREMENTS FOR RECERTIFICATION**

Recertification of a Workable Program will depend on a community's past record and its plans for continuing action. Substantial and balanced accomplishments, together with a steady rate of progress which promises attainment of all Workable Program objectives within a reasonable period of time, will determine approval. (See discussion above under "General Criteria for Evaluating all Workable Program Submissions.")

Below are set forth for each element of the Workable Program specific requirements and objectives a community will be expected to meet to qualify for recertification once its initial submission has been approved.

(1) *Codes and Ordinances*

(a) Before the first recertification is approved, adopt all codes for which target dates were required to be established in the initial submission. (See Item (1) (b) above under "Requirements for Initial Submission.")

(b) Provide sufficient staff to adequately enforce the building, plumbing, electrical and fire prevention codes, in accordance with the standards set forth in the model codes.

(c) During the first year following adoption of the housing codes begin a code compliance program to be followed in subsequent years by a systematic code compliance program, properly staffed. Such program should be reported in sufficient detail as part of each Workable Program submission to show that it is planned and carried out in such a manner that, in concert with other programs, slum formation will be prevented and existing slums will be eliminated within a reasonable period of years.

(d) Keep codes and codes enforcement up to date and responsive to local needs, this to be evidenced by actions taken and by reports on the work of the codes group or by others in the community with responsibilities in this field, and by a regular review schedule.

*(2) Comprehensive Community Plan*

(a) Provide the planning agency with professional services adequate to prepare the comprehensive community plan, to carry out the plans developed and to keep them up to date.

(b) Use every reasonable means to see that the Plan is prepared and made effective through adoption or official recognition with all due speed. For communities just initiating a planning program it can reasonably be expected that preparation and adoption of the Plan will take from two to three years depending on the size of the community, other local circumstances and the availability of professional assistance. Communities that have already made progress on their planning program will be expected to complete it in less time. More time may be permitted in both instances where satisfactory justification is submitted.

(c) After adoption, provide assurance that the zoning ordinance, subdivision regulations and the public improvements program are so administered as to appropriately play their role in slum and blight elimination and prevention.

(d) Coordinate the Comprehensive Community Plan with planning for the area or region of which the community is a part. Stimulate interest and participation in regional, metropolitan area and county-wide planning.

(e) Provide for the use of the Comprehensive Community Plan as a working document to guide community improvement, development and growth by all agencies of local government; refine and elaborate on the Plan as needed; keep it up to date and responsive to changing needs and conditions.

*(3) Neighborhood Analyses*

(a) Provide the professional services needed to prepare the Neighborhood Analyses and to keep it up to date.

(b) Use every reasonable means to see that the Neighborhood Analyses is prepared and made effective with all due speed. For communities just initiating a planning program it can reasonably be

expected that the preparation will take from two to three years depending on the size of the community, other local circumstances and upon the availability of professional assistance. Communities that have already made progress on their planning program will be expected to complete it in less time. More time may be permitted in both instances where satisfactory justification is submitted.

(c) After preparation, provide assurance that the Neighborhood Analyses is used to program a comprehensive community improvement effort, neighborhood by neighborhood, and report on accomplishments and goals in each annual Review of Progress under the Workable Program.

#### (4) *Administrative Organization*

(a) Provide administrative changes and staff necessary to effectively carry out the community's Workable Program goals as they exist from time to time.

(b) Establish an adequate system of recording and reporting on administrative action including codes administration, zoning, subdivision regulations, public improvements program, and housing of displaced families.

(c) Make the Workable Program an integrated and coordinated part of local municipal management.

#### (5) *Financing*

(a) Budget and appropriate funds for technical assistance, staff and other administrative costs to carry out the community's Workable Program goals from year to year.

(b) Establish procedures for long-range financial planning and for coordination of all capital outlays so as to effectively support neighborhood improvement, Title I urban renewal projects and community development and growth.

(c) As soon as the needed data is available from the Comprehensive Community Planning Program, prepare and keep current a capital improvements program or similar program, scheduling expenditures for a reasonable period, such as five or six years, into the future.

#### (6) *Housing for Displaced Families*

(a) Establish local responsibility for providing relocation assistance for all families displaced by governmental action and for coordinating or centralizing relocation planning and assistance.

(b) Maintain accurate data on progress and experience in rehousing displaced families. These data are to be reported with each request for recertification.

(c) Prepare a study of displacement needs and housing resources available to meet these needs for the next two-year period to be brought up to date with each application for recertification.

(d) Indicate what actions have been, or are to be taken, to provide additional housing resources where needed for relocation, including the establishment of a housing referral service, and to assist generally in the relocation of displacees.

(e) Establish a central relocation coordinating program, and a central relocation service if necessary, to achieve Workable Program relocation objectives; enlist the cooperation of property owners, the local housing authority, builders and lenders, welfare and social groups in making housing available as needed, and in helping families, where necessary, in adjusting to new neighborhoods or environments.

(f) Prepare a long-range plan, when necessary, for providing housing for families to be displaced using, as appropriate, the Federal aids to meet needs that cannot be met in the normal housing market.

*(7) Citizen Participation*

(a) The Workable Program submission must provide assurance that the citizen advisory committee is an effective focal point for citizen participation, providing support for public Workable Program activities and for the use of local private resources. The committee must meet on a regular schedule, with a work program or charter, endorsed by the local government, directed to all aspects of community improvement and development.

(b) Appoint subcommittees or designate existing committees to work on specific aspects of community improvement and development.

(c) Provide reports on committee and subcommittee activities, including minority group housing, indicating how they have worked with public agencies and private groups to foster community improvement and development.

(d) Provide an outline of goals and plans for the citizens advisory committee and subcommittees for the ensuing year.

(e) Report on specific accomplishments and goals in setting up neighborhood participation programs.

(f) Report on specific accomplishments and goals for a public information program.

**RELATED ISSUES IN THE REVIEW OF SUBMISSIONS**

Codes and planning criteria for the Workable Program and for Part I review and approval of Title I projects—the codes, codes administration and the comprehensive community plan requirements under the Workable Program are the same as such requirements for approval of Part I of an application for Loan and Grant for Title I projects. There may be differences as to timing. Therefore, the fact that a Workable Program is in effect at Part I review does not constitute prima facie evidence that Part I requirements have been met. This distinction as to

timing should, as necessary, be made clear to the community. The adoption of a housing code with standards generally comparable to those in the model codes and provision for adequate code administration in meeting Part I requirements are important considerations in support of project relocation and have a bearing on the finding by the Administrator under Section 105(c) that there is a feasible method for the relocation of families displaced from an urban renewal project area.

Indian Reservations—when primitive housing and environmental conditions exist on Indian Reservations that want to develop a Workable Program, the criteria for certification and recertification may be modified or altered so as to take these conditions into consideration.

Small Communities—although the size and complexity of blight problems of the small community are often different from those of the larger city, similar tools are needed to combat them. It is important, however, that a small community be permitted to modify those tools and their use to meet its needs so as not to place an unreasonable burden on its limited resources and authorities.

Workable Program Lapses—contracts or amendments to contracts for which a Workable Program is a prerequisite by law or by administrative action, will not, of course, be executed during a period of lapse. When lapses occur the community shall be required to show that there has been continuous progress toward Workable Program goals during the period of lapse. If such a showing is not made recertification shall be withheld until there is an appropriate demonstration of progress and of good faith on the part of the community to carry forward on the responsibilities it has assumed.

## **Section 2**

### **PROCESSING OF PROGRAMS FOR COMMUNITY IMPROVEMENT**

This Section prescribes procedures for Regional Office processing of community requests for the certification and recertification of Programs for Community Improvement. Policies relating to Programs for Community Improvement are contained in other Sections of this Chapter. Instructions and guides for communities developing and carrying out Programs for Community Improvement are contained in the publication "Program for Community Improvement (Workable Program)" and Circular R-2.

#### **REGIONAL OFFICE REVIEW**

General responsibility for directing and coordinating PFCI activities in the Regional Office, so as to assure consistency in objectives and approach and conformity with policy goals, is placed in the Special Assistant to the Regional Administrator (PFCI). While responsibility for PFCI coordination and supervision is placed in the Regional Administrator's office, the Urban Renewal Branch staff shall participate in assisting communities to prepare PFCIs, shall provide technical assistance in the review of submissions, and shall give follow-up assistance to localities to maintain a continuous review of program activities in the communities as a basis for stimulating attainment of stated goals.

The Special Assistant to the Regional Administrator (PFCI) shall coordinate the technical review of community submissions for certification and recertification through the Regional Director of Urban Renewal. He shall arrange with the Regional Director of Urban Renewal for assistance to communities by field representatives and by the technical staffs on particular program features and over-all local programs and progress. The Regional Director of Urban Renewal will submit reports of field representatives and technical staffs to the Special Assistant to the Regional Administrator (PFCI) on program activities and progress.

The function of visiting localities to discuss the PFCI requirements with local officials, either during the initial preparation stage or as a follow-up to stimulate and encourage community action, will be shared by the Special Assistant and the Urban Renewal Branch on a basis which will utilize the capacities of field representatives and technical staffs and at the same time permit the Special Assistant to become familiar at first hand with local conditions and to contribute to the solution of problems.

Regional Office review and processing of Programs for Community Improvement shall provide for:

- (1) Immediate notification of receipt of Form H-1081 or H-1082 to the Special Assistant to the Administrator (PFCI), the FHA

- Insuring Office concerned, and the PHA Regional Office. Form H-1078, *Notification of Receipt of Program for Community Improvement* (Exhibit A) shall be used for this purpose.
- (2) Review of submissions by the Special Assistant to the Regional Administrator. When the submission is routed to the Urban Renewal Branch for technical review, the Special Assistant should point out any special problems noted by him in his review of the submission or as the result of contacts with the community, and identify any factors of timing which should be considered in Urban Renewal Branch review.
  - (3) Technical review of submissions by the Urban Renewal Branch. Requests by technical staff for additional information shall be consolidated by the Urban Renewal Branch and referred to the Special Assistant (PFCI) who will prepare for the Regional Administrator's signature a letter to the community requesting such additional information. When field visits are needed for this purpose, they shall be made by the Special Assistant (PFCI) or, at his request, by appropriate Urban Renewal Branch staff. The Special Assistant (PFCI) should be kept informed of the status and progress of Urban Renewal Branch technical reviews through regular reports.
  - (4) Preparation by the Urban Renewal Branch of a review report to the Special Assistant (PFCI). This report will provide technical comment, favorable or unfavorable, but shall not be concerned with over-all recommendations for or against certification. This review report shall be prepared for the signature of the Regional Director of Urban Renewal.
  - (5) Preparation by the Special Assistant (PFCI) of the Regional Administrator's memorandum of recommendation for approval of the Administrator on Form H-1077 (Exhibit B).
  - (6) If certification or recertification cannot be recommended, the Special Assistant (PFCI) shall prepare a letter for the signature of the Regional Administrator to advise the community that the Regional Administrator cannot recommend certification or recertification because the PFCI fails to meet HHFA requirements. The letter shall specify the deficiencies in the submission and shall suggest how the community may correct them. The HHFA constituent which will be affected by this action shall be advised of the Regional Administrator's contemplated action prior to dispatch of the letter, and a copy of the letter shall be prepared for the Special Assistant to the Administrator (PFCI) and for the HHFA constituent concerned.

**DISTRIBUTION OF FORM H-1077**

The original and one copy of Form H-1077 shall be sent to the Special Assistant to the Administrator (PFCI). Information contained in Form H-1077 will be used in the Central Office to complete Form H-1072, *Program for Community Improvement (Workable Program) Determination and Certification* (Exhibit C).



For communities having a 1960 population of 5,000 or more, and for those under 5,000 which are a part of a standard metropolitan area, Form H-1077 shall also be accompanied by two copies of a PFCI Summary (see below). For all other communities, Form H-1077 shall be accompanied by Form H-1079, *Program for Community Improvement Fact Sheet* (Exhibit D).

One copy of Form H-1081 or H-1082, without attachments, for use of the Special Assistant to the Administrator (PFCI), shall accompany the original of Form H-1077.

#### SUMMARY OF THE PROGRAM FOR COMMUNITY IMPROVEMENT

The sole purpose of the Summary is to furnish information for the preparation of a press release on the certification or recertification for a community which has a population of 5,000 or more or which is a part of a standard metropolitan area.

Except for the information requested under Item 5, below, the data on a community's plans or accomplishments should be provided by the locality itself, through Form H-1081 or H-1082, or otherwise, and will be so attributed in the release. This is to protect the Agency against making statements in the release which may later be challenged.

The Summary, prepared by or under the supervision of the Special Assistant (PFCI), should include the following information to the extent available:

- (1) *Locality Data*: Name; location (section of State and/or relation to a larger city); population (indicate 1960 Census or later); the name, title, and address of the chief executive of the locality, for reference.
- (2) *Locality Background*: Historical and economic background and any unusual facts about the community—e.g., Lompoc, California, home of the Air Force base from which Discoverer I was launched. This data is required only for an original certification unless something of significance has occurred in the community since the previous certification.
- (3) *Current Activities under HHFA*: Specific and current information on activities under urban renewal, public housing, FHA Section 220 and Section 221, and other Agency programs. Check data for accuracy with Agency sources in the Region.
- (4) *Factual Information on PFCI*: For original certifications, a concise summary of the seven elements, showing the current status of each. For recertifications a concise summary of the progress made under each element since the previous certification. If no progress has been made under any element, indicate this for the information of the Central Office only.
  - (a) *Codes and Ordinances*. List codes and ordinances already in effect. List those still lacking or obsolete and indicate what the community intends to do about them, and when.
  - (b) *Comprehensive Community Plan*. State if community has

or is preparing a comprehensive community plan and list the elements completed or in preparation; or indicate what the community plans to do in connection with comprehensive planning.

- (c) *Neighborhood Analyses.* Describe briefly what the community has done, is doing, or plans to do to determine community-wide, logical neighborhood planning areas and the extent and intensity of blight within them. If the analyses are complete or well advanced, give a brief summary of the results and state how the locality is using or will use them. Keep data, such as number of substandard dwellings, factual, with Census or other sources indicated.
  - (d) *Administrative Organization.* Indicate whether the community has an administrative organization capable of carrying out its Program, and where the primary responsibility for this is lodged. Report significant changes. Summarize data on code enforcement, inspection activity, demolitions, and anything significant on zoning, subdivision regulations.
  - (e) *Financing.* Indicate whether the community states that it can afford to carry out its Program and describe any specific plans it may have to finance such activities. Do not discuss the community's general financial condition.
  - (f) *Housing for Displaced Families.* Indicate specifically what the community is doing or plans to do to rehouse its displaced families. Statements such as "Relocation resources appear to be adequate" should not be made unless they can be attributed to the community itself.
  - (g) *Citizen Participation.* Describe what the community has done officially to stimulate citizen participation, such as the appointment of a citizens' advisory committee, and a committee on minority group problems, and what support civic clubs, local newspapers, and radio and television stations are giving to the Program.
- (5) *Regional Office Comment:* There will be times when the Regional Office appraisal of a situation—as, for example, the adequacy of existing codes—will not agree with the locality's reviews. This item should contain the Regional Office appraisal of the situation. Data here will serve as a guide to the writer. The Region should also suggest under this item what, if anything, should be emphasized in the release as especially significant, relating it to the Declaration of Policy in Form H-1081 or H-1082.

#### NOTIFICATION OF ADMINISTRATOR'S APPROVAL

At the time Form H-1077 is forwarded to the Central Office, a letter shall be prepared by the Special Assistant (PFCI) addressed to the head of the local government advising him of the Administrator's certification or recertification of the community's Program.

This letter shall be prepared for the signature of the Regional Administrator, but shall not be signed by him until official notice is received of the Administrator's action. The letter shall contain suggestions, if any, for improving the community's Program and shall indicate any specific goals which must be met as a basis for future recertification.

It should also point out, where appropriate, the distinction between Program requirements and urban renewal project requirements which must be met without regard to the status of the Program for Community Improvement. Copies of letters containing such comments shall be sent to the appropriate local public agency for its information.

When the Administrator has acted, two conformed copies of Form H-1072 and a certificate suitable for public display by the community will be furnished the Regional Office.

The notification letter shall then be signed by the Regional Administrator and dispatched, with a copy of Form H-1072 and the certificate, to the head of the local government. The second copy of Form H-1072 is for the Regional file. A copy of the Regional Administrator's letter shall be sent to the Special Assistant to the Administrator (PFCI).

#### **PUBLIC ANNOUNCEMENT OF APPROVALS**

The Central Office will issue a press announcement for certification and recertifications involving only communities having a population of 5,000 or more or which are a part of a standard metropolitan area. If exceptions are desired the Regional Office shall make the necessary arrangements with the Director of Information.

The Regional Office will be informed of all approvals by the Administrator on Form H-1083 (Exhibit E). Teletype notice of approval will be provided on request.

#### **CONGRESSIONAL ANNOUNCEMENTS**

Notice of certification or recertification by the Administrator will be given by the Central Office to the appropriate Congressional delegation, together with copies of the press release or a special release when no press release is issued. Such notice will be given prior to the press release date and before copies of the release are furnished to the press.

#### **NOTICE OF PFCI EXPIRATION**

At least 90 days prior to the expiration date of a PFCI, the Regional Administrator shall, by letter prepared by or under the supervision of the Special Assistant (PFCI), advise the head of the local government of the forthcoming expiration. The letter shall enclose copies of Form H-1082 and instructions for its completion. The letter should reemphasize the purposes of the Program and the necessity for its extension, both as a means for achieving community improvement and as a prerequisite for Federal aids.

#### **PFCI LAPSES**

The expiration date of the PFCI certification or recertification

will be one year from the first day of the month following the date of approval. Every effort should be made to avoid lapses.

#### PROGRESS REPORTS

Each Regional Office shall submit a monthly report on Form H-1080 *Status of Program for Community Improvement Submissions* (Exhibit F), in duplicate, to the Special Assistant to the Administrator (PFCI). This report shall be mailed so as to reach the Central Office by the fifth day of the month following that covered by the report.

#### COORDINATION WITH PUBLIC HOUSING ADMINISTRATION

Before PHA will approve a preliminary loan contract or authorize resumption of planning for a low-rent project the community must have an approved PFCI or must have provided assurance that it will prepare and submit a Program meeting the requirements set forth in the publication "Program for Community Improvement (Workable Program)" or Circular R-2 and in Section 1-2-1. PHA will be advised of the receipt of satisfactory assurance from the community on Form H-1084, *Finding of Reasonable Probability* (Exhibit G), that a Program will be certified.

The Regional Administrator shall effect the necessary coordination with the PHA Regional Director so that communities requesting low-rent housing will be provided with Program information and assistance. When a Finding of Reasonable Probability is required to permit the execution of a preliminary loan contract, the Regional Administrator, after securing formal assurance from the community that it will promptly develop and submit a Program, shall complete the first section of Form H-1084, the original and five copies to be transmitted to the Special Assistant to the Administrator (PFCI).

EXHIBIT A

H-1078  
(7-61)

HOUSING AND HOME FINANCE AGENCY  
OFFICE OF THE REGIONAL ADMINISTRATOR

Region \_\_\_\_\_

NOTIFICATION OF RECEIPT OF  
WORKABLE PROGRAM FOR COMMUNITY IMPROVEMENT

Date \_\_\_\_\_

TO: Assistant Administrator  
Workable Program for Community Improvement

FROM: Regional Administrator

Locality \_\_\_\_\_

Submitted by \_\_\_\_\_

Date of Submission \_\_\_\_\_ Date Received \_\_\_\_\_

Original Submission

Recertification

Remarks: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Copies to: FHA Regional Director  
FHA Insuring Office Director

EXHIBIT B

H-96 (5-60)

UNITED STATES GOVERNMENT

H-1077  
(6-61)

*Memorandum*

HOUSING AND HOME FINANCE AGENCY

TO : Robert C. Weaver, Administrator, OA

DATE:

FROM : Regional Administrator, Region \_\_\_\_\_

SUBJECT: Workable Program for Community Improvement Recommendation

for \_\_\_\_\_

( ) Certification ( ) Recertification

Based on my review and on the review and evaluation of my technical staff of the Workable Program for Community Improvement submission for this locality, as identified below, I recommend that you determine that such program meets the requirements of Section 101(c) of the Housing Act of 1949, as amended, and that you make the certification required under this subsection of the law.

This Program may be identified as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Regional Administrator

Attachments

Concur \_\_\_\_\_  
Assistant Administrator  
Program for Community Improvement

Senators: \_\_\_\_\_  
\_\_\_\_\_

Representatives: \_\_\_\_\_  
\_\_\_\_\_

## EXHIBIT C

H-1072

HOUSING AND HOME FINANCE ADMINISTRATOR'S  
PROGRAM FOR COMMUNITY IMPROVEMENT (WORKABLE PROGRAM)  
DETERMINATION AND CERTIFICATION

(11-60)

The above locality, pursuant to Section 101(c) of the Housing Act of 1949, as amended, has presented to the undersigned certain materials which are represented to be the locality's workable program (a) for utilizing appropriate private and public resources to eliminate and prevent the development or spread of slums and urban blight, (b) to encourage needed urban rehabilitation, (c) to provide for the redevelopment of blighted, deteriorated or slum areas, or (d) to undertake such of the aforesaid activities or other feasible activities as may be suitably employed to achieve the objectives of such program.

It is hereby determined, based upon a review of such program by the undersigned, that it constitutes a workable program which meets the requirements of said Section 101(c).

Accordingly, it is hereby certified to the Federal Housing Administration, the Public Housing Administration and the Urban Renewal Administration, respectively, that Federal assistance of the types specified in such Section 101(c) may be made available in such locality in accordance with and subject to applicable laws and other requirements.

This Determination and Certification shall be effective until (such Expiration Date being one year from the first day of the month following the date of this Determination and Certification) except that for the following purposes this Determination and Certification shall continue to be effective on and after such Expiration Date:

1. Title I Urban Renewal Aid. To provide (subject to applicable requirements) Federal assistance under Title I of the Housing Act of 1949, as amended, for any urban renewal project in the locality which has received Federal recognition prior to the Expiration Date;
2. Low-Rent Public Housing Aid. To provide (subject to applicable requirements) Federal assistance under the United States Housing Act of 1937, as amended, for any low-rent public housing being undertaken by the community with respect to which a contract for annual contributions or capital grant is executed prior to the Expiration Date;
3. Section 220 Mortgage Insurance. To provide (subject to applicable requirements) mortgage insurance under Section 220 of the National Housing Act, as amended, with respect to property in the locality situated in:

EXHIBIT C (Page 2)

H-1072a

- 2 -

(11-60)

- (a) the area of any slum clearance and urban redevelopment or urban renewal project which has received Federal recognition prior to the Expiration Date, or
  - (b) any urban renewal area not involving Federal aid under Title I of the Housing Act of 1949, as amended, respecting which, prior to the Expiration Date, the Housing and Home Finance Administrator certifies to the Commissioner of the Federal Housing Administration that he has approved the urban renewal plan for the area, that such plan conforms to the general plan for the locality as a whole and that there exist the necessary authority and financial capacity to assure the completion of such urban renewal plan; and
4. Section 221 Mortgage Insurance. To provide (subject to applicable requirements) mortgage insurance under Section 221 of the National Housing Act, as amended, covering dwelling units (in a community otherwise eligible therefor), not in excess of the number which the Housing and Home Finance Administrator prior to the Expiration Date has certified to the Commissioner of the Federal Housing Administration as needed for the relocation of families from urban renewal areas and in relocating families to be displaced as a result of governmental action in the community and who would be eligible to rent or purchase dwelling accommodations in properties covered by mortgage insurance authorized under such Section.

Nothing herein is intended to limit or restrict in any way the authority vested in the Commissioner of the Federal Housing Administration under Sections 220 and 221 of the National Housing Act, as amended, to insure mortgages where a workable program certification under Section 101(c) of the Housing Act of 1949, as amended, is not required.

A conformed copy of this signed original, duly authenticated by affixing thereon the official seal of the Housing and Home Finance Agency, shall be transmitted respectively to the said locality, the Federal Housing Administration, the Public Housing Administration and the Urban Renewal Administration.

Dated: \_\_\_\_\_  
Housing and Home Finance Administrator

(SEAL)

This is a true, correct and conformed copy of the within documents, the original counterpart of which has been duly signed by the Housing and Home Finance Administrator and made a part of the records of the Housing and Home Finance Agency.

\_\_\_\_\_  
Attesting Officer

FHLLB-Washington, D. C.



EXHIBIT D

H-1079  
(11-60)

HOUSING AND HOME FINANCE AGENCY  
Office of the Administrator

PROGRAM FOR COMMUNITY IMPROVEMENT FACT SHEET  
for localities under 5,000 population  
not in standard metropolitan areas

Locality: \_\_\_\_\_

Location, including miles and direction from nearest major city:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Population:

1960 Census: \_\_\_\_\_

Current: \_\_\_\_\_

Name, title and address of chief executive:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

EXHIBIT E

H-96 (5-60)

UNITED STATES GOVERNMENT

H-1083

(11-60)

HOUSING AND HOME FINANCE AGENCY

Memorandum

TO : Regional Administrator, Region \_\_\_\_\_

DATE:

FROM : F. David Clarke, HHFA-OA

SUBJECT: Workable Program for Community Improvement Approval:

RELEASE DATE: \_\_\_\_\_

Attached are the approved Certificate and the Determination and Certification, Form H-1072, for this locality. Press announcement of this approval will be made on the release date shown above. No announcement should be made by your office prior to the time shown as the release date.

*F. David Clarke*  
Assistant Administrator  
Program for Community Improvement

Attachments

EXHIBIT F

H-1080  
(11-60)

HOUSING AND HOME FINANCE AGENCY  
OFFICE OF THE ADMINISTRATOR  
STATUS OF PROGRAM FOR COMMUNITY IMPROVEMENT SUBMISSIONS

As of \_\_\_\_\_

State and Locality	Program in preparation not yet submitted	Date initial submission received	Awaiting additional data	Date submitted to Central Office

**EXHIBIT F (Page 2)**INSTRUCTIONS

List only localities that have indicated a firm intention of requesting a Program certification or recertification or those that have made a submission. This would include those with firm plans for requesting assistance under Title I, Sections 220 or 221, and public low-rent programs. In particular, list localities for which a "Finding of Reasonable Probability" has been approved. Deletion from the list other than as a result of the approval of the Program should be explained at the bottom of the list.

"Program in preparation not yet submitted." Place an X after each locality which has indicated a firm intention of preparing a Program but which has not made a submission as defined below.

"Date initial submission received." Place in this column the date a Program submission is received from the locality. A submission is one made on Form H-1081 or H-1082, including the supporting exhibits.

"Awaiting additional data." Place an X in this column if a submission has been received but additional data has been requested to supplement, support or clarify any item or items in the submission.

"Date submitted to Central Office." Place here the date of dispatch of Form H-1077 from the Regional Administrator to the Administrator. (When a date is entered in this column, entries in the preceding columns concerning this locality should be omitted.)

Place an asterisk (\*) before the name of any locality where the reported status relates to a recertification.

Expired programs not reported on this form will be carried on the consolidated monthly report as having expired with no request for recertification.

**EXHIBIT G**

H-1084  
(11-60)

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Housing and Home Finance Agency  
Finding of Reasonable  
Probability that a Program for Locality \_\_\_\_\_  
Community Improvement (Workable Program)  
will be certified

---

RECOMMENDATION

TO: Housing and Home Finance Administrator  
FROM: Regional Administrator, Region \_\_\_\_\_

The chief executive of the local government having jurisdiction over the locality named above has provided me with assurance that a Program for Community Improvement will be submitted to me as soon as possible. I recommend that you find that there is a reasonable probability that such submission will be certified as meeting the requirements of Section 101(c) of the Housing Act of 1949, as amended.

\_\_\_\_\_ Date \_\_\_\_\_ Regional Administrator

---

FINDING

TO: Public Housing Commissioner  
FROM: Housing and Home Finance Administrator

Based on the recommendation of the Regional Administrator, I find that there is a reasonable probability that a Program for Community Improvement will be certified for this locality.

\_\_\_\_\_ Date \_\_\_\_\_ Housing and Home Finance Administrator

## **Section 1**

### **RELOCATION POLICIES AND PROCEDURES AND SECTION 105(c) RELOCATION DETERMINATIONS**

This issuance establishes and gives proper emphasis to Agency policies, procedures, and requirements which govern the making of findings of relocation feasibility in conformance with the provisions of Section 105(c) of the Housing Act of 1949, as amended. It supplements Volume VII, Part 16, which details, among other things, the processing procedures and review at the Regional Office level of Relocation Programs submitted by LPA's in accordance with the policies and requirements in the Urban Renewal Manual.

#### **STATUTORY REQUIREMENTS**

Under Section 101(c), no contract may be entered into for any loan or capital grant for an urban renewal project unless the Administrator determines that the relocation requirements of Section 105(c) have been met. The making of this determination may not be delegated by the Administrator.

Section 105(c) provides that contracts for loans or capital grants shall require that:

There be a feasible method for the temporary relocation of families displaced from the urban renewal area, and that there are or are being provided, in the urban renewal area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families displaced from the urban renewal area, decent, safe, and sanitary dwellings equal in number to the number of and available to such displaced families and reasonably accessible to their places of employment.

#### **ALLOCATION ORDER AND CONTRACT REQUIREMENTS**

The Administrator's Section 105(c) determination must be made before a loan or grant allocation order is executed for a Title I project.

No recommendations shall be submitted to the Administrator for a favorable Section 105(c) finding based on a conditional approval of the Relocation Program.

Where federally aided low-rent housing is to be provided for relocation purposes, an annual contributions contract must have been executed by the time a recommendation is made for a favorable Section

105(c) finding. Where other publicly aided financing is proposed for rehousing project families, construction must also be assured prior to such a recommendation.

#### RELOCATION PROPOSALS FOR FAMILIES DISPLACED BY EARLY LAND ACQUISITION

In the case of projects involving early land acquisition under the provisions of Section 102(a) of the Housing Act of 1949, as amended, no loan contract shall be executed until the relocation proposals for families to be displaced by early land acquisition activities are found acceptable by the Administrator.

#### RESPONSIBILITIES OF REGIONAL ADMINISTRATOR

The Administrator will look to the recommendations of the Regional Administrator, the Urban Renewal Commissioner, and the Assistant Administrator (Community Programs) in making his determination that the relocation requirements of Section 105(c) have been met, or, if applicable, that the relocation proposals for families to be displaced by early land acquisition activities are acceptable.

In making his recommendation, the Regional Administrator shall bear in mind his particular responsibility—in addition to that involved in processing an urban renewal project—for assisting the Administrator in making his nondelegable determination under Section 105(c).

In reviewing staff recommendations, the Regional Administrator shall give careful consideration to the guidelines for evaluating Relocation Programs set forth in this issuance. He shall assure himself that the Relocation Program conforms to established policies, requirements, and standards; and is realistic and achievable. He shall also assure that satisfactory solutions have been developed during the planning phase to problems of particular difficulty, and that there is reasonable assurance that such problems will not seriously delay project execution or impede the successful carrying out of the approved Relocation Program.

If the Regional Administrator has serious doubts about major features of the Relocation Program or the ability of the LPA to implement it, he shall not recommend a favorable Section 105(c) finding until such doubts have been removed. In that event, he shall return the case to the Regional Director of Urban Renewal for resolution of such doubts and resubmission to him before making an affirmative recommendation to the Administrator.

Questions as to relocation feasibility can be significantly minimized by competent planning and action during the early planning phase to assure that the needed housing resources will become available as the project proceeds into execution. Therefore, during the planning phase of urban renewal projects, the Regional Administrator should keep informed on any actions which are required at the community level or by HHFA constituents in order to assure that additional housing

resources will be available when needed. He should bear in mind that when project planning is completed he will be called upon to make a firm recommendation to the Administrator on relocation feasibility.

When Central Office participation is required to deal with special problems or to expedite action on the part of the constituent agencies, the Regional Administrator shall make a timely request for such participation by memorandum to the Assistant Administrator (Community Programs) and the Urban Renewal Commissioner, who will consult with each other and with the heads of the other constituents concerned.

Questions requiring policy determination or interpretation shall be referred to the Urban Renewal Commissioner, with a copy of the memorandum for the Assistant Administrator (Community Programs).

#### **RESPONSIBILITIES OF ASSISTANT ADMINISTRATOR (COMMUNITY PROGRAMS)**

Recommendations submitted by Regional Offices for a Section 105(c) finding by the Administrator will be forwarded through URA to the Assistant Administrator (Community Programs) who will review the recommendations and supporting documentation. When such documentation or other information suggests possible questions as to relocation feasibility, the Assistant Administrator may refer the matter to URA for further information and clarification. If in his judgment the Relocation Program adequately supports a finding of relocation feasibility, he will so recommend to the Administrator.

The Assistant Administrator will also review the Relocation Report submitted in support of an Application for Early Land Acquisition Loan and related Regional Office and URA documentation. If the material suggests possible questions as to acceptability of the relocation proposals, the Assistant Administrator may refer the matter to URA for further information and clarification. If in his judgment the relocation proposals are adequate and acceptable to assure that relocation will be satisfactorily accomplished by the LPA, he will so recommend to the Administrator.

#### **GUIDELINES FOR EVALUATING RELOCATION PROGRAM**

The following guidelines shall be used in considering recommendations to the Administrator for a finding of relocation feasibility under Section 105(c) :

1. The program should reflect careful thought by the LPA in the preparation of its various elements, and a full understanding on the part of the LPA of its responsibilities for proper relocation of families to be displaced.
2. The Program and its supporting documentation should contain a clear statement of relocation requirements—in terms of number of units, public and private, existing and new, sales prices and rents, and unit size—essential to assure that all displaced families



will have the maximum opportunity to obtain decent, safe, and sanitary housing within their means.

3. Proposals for providing and procuring housing resources—public and private, new and existing—should be clear and unambiguous, and should reflect a positive program which is realistic and achievable for assuring that such resources will become available when needed. This will entail the establishment during the relocation planning period of effective operating methods for carrying out relocation in accordance with statutory requirements and the approved program after the project goes into execution.
4. In connection with new construction needed for relocation purposes, all doubts must be resolved during the planning stage with respect to the availability of sites and financing, achievability of sales prices and rents which project families can afford to pay, and participation by FHA, builders, lenders, and others. The Relocation Program or supplementary information submitted in connection therewith should reflect the resolution of these problems.
5. Vague promises or commitments for cooperation or participation in undertakings for the provision of required rehousing resources cannot be considered a satisfactory or dependable basis for a finding of relocation feasibility. Relocation Programs should not reflect the deferment for solution to the execution stage of significant relocation problems which could preclude maximum opportunity for displaced families to relocate into standard housing within their means.
6. The analysis of data submitted on needs and resources should be current and should encompass a determination as to whether the LPA has fully considered competing demands for the available supply of housing on the part of families to be displaced by non-Title I activities or by other Title I projects.

#### **COMMUNITY REQUIREMENTS BRANCH PARTICIPATION**

The Community Requirements Branch shall assist the Regional Administrator in discharging his responsibilities for carrying out Agency policies and requirements governing relocation feasibility findings in conformance with provisions of Section 105(c), as set forth in this issuance. This will entail participation in the review of relocation submissions and other related activities, as prescribed in Volume VII, Part 16, including technical advice and guidance on relocation problems in connection with initial conferences, survey and planning applications, project feasibility conferences, the evaluation of the feasibility and statistical adequacy of surveys concerned with relocation, and assistance to LPA's in developing programs of new construction needed for project families. The Branch shall work closely with the Regional Director of Urban Renewal and his staff in helping to achieve Agency relocation objectives, and shall make his services available whenever required in connection with the aforementioned activities.

Because of its special knowledge of housing markets and conditions and the volume of concurrent overall displacement and of the type of financing available, the Community Requirements Branch shall from time to time make available to the Regional Director of Urban Renewal any information which may come to its attention having a significant bearing on the ability of the LPA to comply with the requirements of Section 105(c).

The Regional Director of Urban Renewal shall be responsible for scheduling and establishing the timing of Section 105(c) reviews to be made by the Community Requirements Branch, with the Regional Administrator resolving any problems of workload priority between these reviews and the requirements of other Regional Office programs.

Copies of correspondence between the Community Requirements Branch and the Regional Director and special reports dealing with relocation shall be forwarded to the Urban Renewal Commissioner and to the Assistant Administrator (Community Programs).

#### **ASSISTANCE TO LOCAL PUBLIC AGENCIES**

Because of the complexity of relocation and the need to anticipate requirements as far in advance of execution as is feasible in order to assure the availability of the needed resources, the Regional Office shall give LPA's as much assistance as staff resources (including the Community Requirements Branch and the Relocation Staff) will permit in developing programs of new construction for rehousing project families. This generally will entail efforts to encourage participation in such programs by builders, contractors, lenders, etc., and will involve the cooperation of Agency constituents, particularly FHA and PHA, as indicated in Volume VII. Emphasis should be placed on the importance of the LPA developing in the early planning phase of the project a close working relationship with FHA or PHA when dependence on mortgage insurance assistance or on the low-rent housing program appears necessary to accomplish relocation. This also applies to units to be financed under State or locally aided programs. If there is to be concurrent displacement by other governmental action, the responsibility for which resides in another local agency, the need to coordinate efforts in providing the required housing should be called to the attention of local officials.

Throughout the entire planning stage, and thereafter when necessary, the Regional Office shall maintain close contact with any LPA which is expected to have difficulties in developing adequate housing resources to meet projected displacement.

The Relocation Staff, in collaboration with the Community Requirements Branch, shall give maximum assistance and guidance to such LPA's in their efforts to promote and encourage the production of housing for relocation purposes, as detailed in Volume VII. This applies particularly to units to be financed with FHA or PHA assistance or under State and local legislation.

**Part 1. Regional Administration and Coordination of HHFA Programs**

**Chapter 4. Regional Coordination of CFA and URA Programs**

**Section 1**

**GENERAL**

The Housing and Home Finance Agency is responsible for the administration of a number of related programs under which funds are advanced and loans and grants made to assist communities and local agencies in the planning, development, and construction of needed improvements in housing and community facilities.

Related programs administered by the Office of the Administrator, the Community Facilities Administration, and the Urban Renewal Administration, include Advances for Public Works Planning, Public Facility Loans, College Housing, Urban Planning, Demonstration Grants, and Urban Renewal. A community or local agency may have overlapping applications pending simultaneously under two or more of these programs; or a community which has already received financial assistance under one program also may seek to qualify for assistance under another; or an applicant for financial assistance may be in default to the Federal Government on an advance or loan which has previously been made under another program.

Prudent administration requires careful coordination of the various programs to detect such situations in order that proper consideration may be given to pending applications. Program procedures under each of the above-mentioned programs should provide for routine cross-checking of applications and background data at the source, to assure against overlapping applications for related types of assistance, and to call attention to cases involving default or liability with respect to previous assistance given. (See Section 2 for Regional action in default cases.)

Regional Office approval or recommendations for approval of a current application under any program should reflect such review for problems of default, overlapping or similar matters. A statement should be included in each approval or recommendation for approval that review has disclosed no problems hindering favorable consideration.

## Part 1. Regional Administration and Coordination of HHFA Programs

## Chapter 4. Regional Coordination of CFA and URA Programs

## Section 2

## ACTION IN DEFAULT CASES

Upon receipt of an application for an advance of funds, loan, or grant under a CFA program which may relate to or overlap with a URA program or vice versa, the Regional Office shall check to determine whether the applicant may be in default to the Federal Government on an advance or loan. Each program has its prescribed provisions respecting default or liability which should be considered in connection with the approval of applications for other program assistance. For example, if a community has received a public works planning advance, has actually constructed the facility planned, but has not repaid the advance in accordance with its obligations under the contract, consideration must be given to whether an urban renewal application should be approved until action is taken to satisfy the existing debt to the Federal Government.

In such situations, Regional Administrators should make every effort to arrange repayment of the defaulted obligation before taking approval action on any new application; provided, however, that if the claim is pending in the General Accounting Office for collection action the Regional Administrator shall obtain the approval of the appropriate Commissioner before making further collection efforts; if the claim has been transferred by the General Accounting Office to the Department of Justice for collection action, the constituent unit shall obtain the concurrence of the General Counsel before advising the Regional Administrator of its approval. Discussion with the community officials concerned may be effective in resolving the problem. If the Regional Administrator feels that participation by representatives of the Central Office might be effective in such discussions, he may request such participation.

However, in any such situations it must first be determined that there is a clear-cut case of default, and that adequate notice and opportunity have been given to the community to discharge its obligation or explain why it does not do so. There may be sound reasons why a default has not been corrected, or the community may be making every effort to correct the situation and is showing good faith in trying to solve its problems. Such facts should be taken into account so that undue hardship is not placed on any community or local agency.

Since it is expected that the actual number of cases involving these problems will be small, it appears best to handle each situation on an individual basis rather than attempt to formulate specific regulations or criteria which might not be equitable in all cases. It is not the policy of this Agency to be unduly restrictive with respect to applications from any community or local agency which seeks to utilize the various community development aids provided by law. However, it is the Agency's responsibility to administer the various programs fairly, efficiently, and economically, and to exercise suitable precau-

tion in carrying out the intent of the laws which established the programs. Therefore, if it is determined that there is a clear-cut case of default which cannot be justified by the community, the Regional Administrator shall address identical memorandums to the Community Facilities Commissioner and the Urban Renewal Commissioner, summarizing all of the relevant facts in the case. The Regional Administrator shall also state his recommendation as to whether consideration of the application should be suspended pending resolution of the default case.

A memorandum of this nature should be prepared whether or not the legal applicant in the two programs is identical, if the same locality will secure benefits from the two programs; but the legal aspects of the question should be covered in the memorandum, including an analysis as to whether either local agency involved is an agent of, or is controlled by, the other and whether both are controlled by a third entity. A copy of the memorandum shall be sent to the HHFA General Counsel.

Following their review of the matter, the Community Facilities Commissioner and the Urban Renewal Commissioner shall make a recommendation on the case to be forwarded through the HHFA General Counsel to the Administrator. When the recommendations of both Commissioners have been received and reviewed by the General Counsel, he will transmit them with his own recommendations to the Administrator, for determination.

The Regional Administrator will be advised by the program Commissioner under which the application was received of Central Office decisions and actions, after receipt of the Administrator's determination.

In the event the claim for which a default action has been initiated in accordance with the above procedures is paid at the HHFA Regional Office, the Regional Administrator shall immediately so advise the Community Facilities Commissioner and the Urban Renewal Commissioner. If the claim is paid at the Central Office, the Commissioner responsible for the program under which the payment is made shall so advise the Regional Administrator and the other Commissioner. Whether payment is received at the Regional Office or the Central Office, the responsible Commissioner shall inform the Administrator and the HHFA General Counsel that the claim has been paid.

## Section 1

### GENERAL

#### PHA CHECKPOINTS SYSTEM

As a means of assuring full opportunity for the coordination of the programming and development of low-rent housing and other public housing activities with other Agency programs in each Region the Public Housing Commissioner has issued instructions to the PHA Regional Offices providing for Regional coordination checkpoints between the PHA and HHFA Regional Offices. A copy of the instructions is provided as Exhibit A. As indicated in the instructions, Regional Administrators will be informed of key actions taken or proposed in connection with the programming, development and disposition of public housing projects.

The primary purpose in providing for these checkpoints is to furnish Regional Administrators with a better basis for improving coordination between the public low-rent housing program and other Agency programs, particularly the Program for Community Improvement, urban renewal and FHA activities. The exchange of information that will be provided will assist in promoting a balanced approach to a community's problems and to the participation of HHFA programs designed to assist in resolving those problems.

It is expected that any problems, questions or conflicts that arise in connection with the coordination growing out of these checkpoints will be resolved by consultation and discussion at the field level. This does not imply the direct exercise of any authority by the Regional Administrator over PHA operations in the field nor a veto power over any action taken or proposed by the Regional Director. Any questions, problems, or conflicts that cannot be resolved in the Region within the above framework should be referred to the respective Central Offices by each of the parties concerned for resolution between the Administrator and the Commissioner.

One copy each of the duplicate information supplied by PHA under the checkpoints system shall be distributed to the Urban Renewal Branch and the Community Requirements Branch, respectively. Other Regional Office officials who may have a use for this information, such as the Special Assistant to the Regional Administrator (WPFCE), should be aware of its availability and consult with the Urban Renewal or Community Requirements Branch, as appropriate, in its use.

Procedures for the use of the checkpoints system in coordinating other Agency activities are presented in other Sections of this Chapter.

**ADVICE TO PHA REGIONAL DIRECTOR OF LOCALITY INTEREST IN LOW-RENT PUBLIC HOUSING**

Representatives of the HHFA Regional Office may, in connection with their activities, be advised of local interest in low-rent public housing. In such cases, when there is reason to believe that the PHA Regional Office has not already been advised by the locality, a memorandum shall be sent from the HHFA Regional Administrator to the PHA Regional Director, advising him of the local interest in low-rent public housing.

**COORDINATION WITH FHA**

It shall be the responsibility of the Regional Administrator, based upon the knowledge he gains through the checkpoints procedure or otherwise, to inform and advise FHA Insuring Office Directors of public low-rent housing activities within their areas of jurisdiction which it is believed would be of genuine or significant interest to the Federal Housing Administration.

**EXHIBIT A**

**Regional Coordination Checkpoints**

**1. Purpose.**

In order to provide the Regional Administrators of the HHFA with information that will ensure coordinated Regional activity within the Housing and Home Finance Agency, the PHA Regional Directors shall advise the appropriate Regional Administrators of key actions taken with respect to the programs of the PHA. These key actions, or "checkpoints," are identified in this Section. In general they contemplate that the Regional Administrator will be kept informed of developments within the PHA, and that he in turn will advise the PHA of pertinent actions which may have an impact on the work and progress schedules of any of the HHFA constituents. This does not imply a veto power over any action of a Regional Office and should not be so considered by anyone.

**2. Information To Be Furnished the Regional Administrator**

- a. In connection with processing Applications for Program Reservations, if the demographic and economic factors indicate significant doubts as to the feasibility of programming low-rent housing, the Regional Director shall inform the HHFA Regional Administrator by memorandum. (See Section 201.1A, Supplement 3.)
- b. For all low-rent programs, the following information shall be furnished the Regional Administrator, in duplicate, by the methods indicated:

<b>Information</b>	<b>How Furnished</b>
PHA Regional Office activities connected with preliminary planning (Applications for Program Reservations and Preliminary Loan Contracts).	Form PHA-2536, Preliminary Planning Control Chart. See Section 81-20-4.
PHA Regional Office activities connected with preconstruction (Development Program, Annual Contributions Contract and Contract Award).	Form PHA-2035, Pre-Construction Control Chart. See Section 502.2B.
Termination of Preliminary Loan or Annual Contributions Contracts.	Copies of Regional Director's recommendation to Central Office. See Sections 201.3A and 206.7C.
Schedules of initial and revised maximum income limits for admission to and continued occupancy in low-rent projects.	Copies of approval recommendation and Regional Director's letter to Local Authority. See Section 86-4-1.



**EXHIBIT A (Page 2)****3. Interagency Coordination at the Regional Offices.**

The checkpoints system shall operate through the HHFA Regional Administrator. It is also necessary and desirable, however, for the PHA to establish and maintain working relationships with other constituent agencies within the scope of their program responsibilities.

**a. Where PHA Low-Rent Housing Will Be a URA Relocation Resource**

(1) In order to coordinate the timing of construction of PHA-aided low-rent public housing as a necessary resource for the relocation of site occupants to be displaced by a URA-aided urban renewal project, consultations should be held between PHA Regional Programs and Development staffs and HHFA Regional Urban Renewal Branch staffs. (See Section 201.1C.) Particular attention shall be given to the following items:

- (a) Number of units to be specifically earmarked for relocation purposes.

At the preapplication stages of an urban renewal project where new low-rent housing units will be needed as a relocation resource, Regional Office PHA and Urban Renewal staffs shall consult on the number of units to be considered by the Local Authority as a relocation resource and shall arrange for a joint timetable for PHA contracting. Such timetable shall be kept up to date by continuing consultation.

- (b) Joint timetable for specific activity stages of PHA and URA projects to ensure availability of low-rent dwellings contemporaneously with anticipated relocation activity.

Such timetable shall be kept up to date by continuing consultation. (In view of leadtimes for accomplishment of various stages of the projects, it is generally advisable to time execution of the Annual Contributions Contract simultaneously with approval by the URA Commissioner of Part I of the Application for Loan and Grant submitted by the local public agency.)

(2) To implement the PHA-URA joint timetable, the following information shall be furnished in duplicate to the Regional Director of Urban Renewal through the HHFA Regional Administrator:

<b>Information</b>	<b>How Furnished</b>
PHA Program Reservation.	Form PHA-2477. See Section 201.1B.

**EXHIBIT A (Page 3)**

<b>Information</b>	<b>How Furnished</b>
PHA Regional Office recommendations to Central Office with respect to Development Programs.	Form PHA-1955, Development Program Review Sheet. See Section 206.6A.
Award of Main Construction Contracts.	Copies of Regional Director's letter approving award. See Section 213.51A.
Estimated Initial Occupancy.	By memorandum when construction of project is approximately 50 percent completed.
Excessive or unforeseen delay in planning or construction of project.	Copies of pertinent correspondence, memorandums, field reports, etc.

**b. Where PHA Low-Rent Housing Will Be Located on Urban Renewal Site.**

The following information shall be furnished the Regional Director of Urban Renewal:

<b>Information</b>	<b>How Furnished</b>
PHA determination pursuant to Section 107(a) of Title I of the Housing Act of 1949, as amended, regarding noncash local grant-in-aid credit.	Memorandum to Regional Director of Urban Renewal. See Section 205.1B.

**c. Contacts with FHA.**

In its Operations Letter 358 dated May 25, 1962, subject: Publicizing Availability for Sale and Rent of Acquired Properties, the FHA has instructed its Field Office Directors to publish and make available for distribution a list of FHA acquired properties readied for sale or rent. After preparation of the initial list, each month a new list of (1) those properties removed from availability and (2) those properties that have become available during the month will be prepared. The FHA Field Offices will provide PHA Regional Directors two copies of the lists for their areas. To the extent necessary, PHA Regional staff shall establish and maintain contact with appropriate FHA Field Offices. (See Section 205.2A.)

## Section 2

### REGIONAL ADVICE ON PHA LISTS OF NEW PHA CONTRACTS

Under Section 6(d) of the U. S. Housing Act, as amended, and Executive Order 10530, no contract for any annual contribution, grant, or loan under the Act may be undertaken by the Public Housing Administration except with the approval of the Administrator. This Section provides for utilization of the Regional coordination checkpoints procedure as a basis for Regional Administrators advising the Administrator in carrying out this responsibility.

Under the Regional coordination checkpoints procedure (see Section 1, Exhibit A) the Regional Administrator will have advance knowledge of new applications from communities for program reservations and of the PHA Regional Director's recommendations thereon, plus information on changes, progress, location and timing of low-rent project development. He will also have information about the locality's Workable Program or its plans for one and about housing, urban renewal and community facilities activities in many of these localities under other programs of the Agency.

#### ADVICE ON NEW PROJECTS

When the Regional Administrator receives information under the check-points procedure as to new applications for Program Reservations (from Form PHA-2536), he shall give consideration to the relationship of the proposed low-rent public housing to other Agency programs and to the status of the Workable Program for Community Improvement. If it is his conclusion that there will not result any adverse affect on other Agency programs, and if the Workable Program is active (or, if inactive, an adequate submission has been received or is expected to be received within reasonable time), he shall prepare a memorandum to the Assistant Administrator (Community Programs) on Form H-1085. (Exhibit A).

If in his judgment either of the following circumstances exists, the Regional Administrator shall attempt to resolve questions of coordination with the PHA Regional Director and shall immediately advise the Assistant Administrator (Community Programs) by memorandum as to the actions being taken and the reasons for them:

(1) The proposed low-rent public housing would have an adverse effect on the allocation of HHFA resources within the housing market. (This judgment should include consideration of FHA-acquired and VA-acquired properties for public housing use.)

(2) There is not an active Workable Program in the community and an acceptable submission is not expected from the community within a reasonable time.

The Regional Administrator shall continue to report to the Assistant Administrator (Community Programs) as appropriate until any question of adverse effect or Workable Program coordination is resolved. In all cases where there is a question of the allocation of HHFA resources within the housing market, the Assistant Administrator (Community Programs) will advise with the Assistant Administrator (Program Policy) until the question is resolved.

Such coordination by the Regional Administrators does not imply the direct exercise of authority by the Regional Administrator over PHA operations in the field nor a veto power over any action taken or proposed by the Regional Director. Any conflicts that cannot be resolved within the framework of this Section should be referred to the Central Office.

#### **ADVICE ON DEVELOPMENT PROGRAMS**

When the Regional Administrator receives information under the check-points procedure as to receipt of a Development Program by the PHA Regional Office (from Form PHA-2035) he shall again give consideration to the relationship of the proposed low-rent public housing to other Agency programs and to the status of the Workable Program for Community Improvement. If it is his conclusion that there will not result any adverse effect on other Agency programs, and if the Workable Program is active (or, if inactive, an adequate submission has been received or is expected to be received within reasonable time), he shall prepare a memorandum to the Assistant Administrator (Community Programs) on Form H-1085.

If it is his conclusion that some phase of the development of the low-rent project may result in an adverse effect on other Agency programs, or finds other problems of Agency coordination, including the status of the Workable Program, he shall follow the same procedure that is required in connection with applications for new Program Reservations, as outlined above.

#### **INSTRUCTIONS FOR PREPARING FORM H-1085**

When the Community Requirements Branch receives monthly Forms PHA-2536, *Preliminary Planning Control Chart*, and PHA-2035, *Pre-Construction Control Chart*, it will be responsible for preparation of Form H-1085 for each locality for which an initial actual date entry is found in Column 10 of Form PHA-2536 "Applications for Program Reservations—Received" and in column 7 of Form PHA-2035 "Development Program—Received." Initial entries in these columns of the PHA Forms can be readily found by relating the columns to the shaded bar line for each locality.

Form H-1085 will be prepared in triplicate (unless the Regional Office determines that additional copies are needed for its purposes).

The Community Requirements Branch will make any needed checks on defaults in other Agency programs, and with FHA, and will resolve any questions with respect thereto. It will then prepare the form, filling in the name of the locality, the information called for in Sections A and B, obtaining the information for Section B from the Special Assistant to the Regional Administrator (WPFCl). After surname by the Regional Economist, the form will be transmitted to the Special Assistant (WPFCl) for surname, and then forwarded to the Regional Administrator for signature.

After signature, the original will be dispatched to the Assistant Administrator (Community Programs); a conformed copy to the PHA Regional Director using a *Transmittal Slip* (Form H-28); and the third copy will be retained for the Regional Office files.

In any case where the Regional Economist or the Special Assistant (WPFCl) questions the making of the "Finding" on the basis of the instructions set forth in this Section he shall consult with the Regional Administrator as to the coordinating action to be taken with PHA in accordance with those instructions. Generally, the "Finding" should not be made in any case where the Workable Program is inactive and there are firm reasons why an acceptable submission may not be expected within three months time. These reasons should be stated in the memorandum to the Assistant Administrator (Community Programs) and shall be made known to the PHA Regional Director either by copy of this memorandum or otherwise.

EXHIBIT A

H-98 (8-63)

UNITED STATES GOVERNMENT

HOUSING AND HOME FINANCE AGENCY

Memorandum

TO : Assistant Administrator (Community Programs)

DATE:

FROM : Regional Administrator, HHFA, Region \_\_\_\_\_

SUBJECT: Low-Rent Public Housing Checkpoints

Locality \_\_\_\_\_

A. Check one of the following:

Application for Program Reservation Received \_\_\_\_\_ (date)

Development Program Received \_\_\_\_\_ (date)

Project(s) No.(s) \_\_\_\_\_

Total Number of Units \_\_\_\_\_

Units for Elderly \_\_\_\_\_

B. Workable Program (check appropriate boxes and fill in dates)

Active Expires \_\_\_\_\_ (date)

Inactive:  Initial,  Expired \_\_\_\_\_ (date)

Submission Received \_\_\_\_\_ (date)

Submission Expected \_\_\_\_\_ (est. date)

\*\*\*\*\*

Finding: The above project(s) will support this community's Workable Program objectives and will not be adverse to other Agency programs.

\_\_\_\_\_  
Regional Administrator

Surname:

Regional Economist \_\_\_\_\_ Date \_\_\_\_\_  
Special Assistant (WFFCI) \_\_\_\_\_ Date \_\_\_\_\_

H-1085  
(7-63)

### Section 3

#### COORDINATION WITH PHA IN DEFAULT CASES

The PHA checkpoint procedure (see Section 1, Exhibit A) shall be utilized by HHFA Regional Administrators to assure that appropriate action is taken, as outlined below, in cases where a PHA or HHFA Regional Office is recommending approval of a project for a locality which has defaulted its obligation under another program.

##### **DEFAULTS UNDER HHFA REGIONAL OFFICE PROGRAMS BY APPLICANTS FOR LOW-RENT HOUSING**

Upon receipt of advice that the PHA Regional Office has received an application for low-rent housing, the HHFA Regional Office shall check its files on all programs administered by the HHFA Regional Office to determine whether the locality applying for low-rent housing has defaulted in its obligation under any of the other HHFA advance, loan or grant programs.

Where the check reveals that such default has occurred, the Regional Administrator shall consult with the PHA Regional Director and shall address a memorandum to the Commissioner responsible for the program in which the default occurred, summarizing all of the relevant facts in the case and stating the views of the PHA Regional Director. The Regional Administrator shall also state his recommendation as to whether the Public Housing Administration should be requested to suspend consideration of the application pending resolution of the default case. A memorandum of this nature should be prepared whether or not the legal applicant in the two programs is identical, if the same locality will secure benefits from the two programs; but the legal aspects of the question should be covered in the memorandum.

Following his review of the matter, the Community Facilities Commissioner or Urban Renewal Commissioner shall make a recommendation on the case to the Administrator. At the same time, the Community Facilities Commissioner or Urban Renewal Commissioner will transmit a copy of his memorandum to the Public Housing Commissioner with a request that the Public Housing Commissioner forward his recommendation on the case to the Administrator.

In the event the claim for which a default action has been initiated in accordance with the above procedures is paid or otherwise satisfactorily resolved at the HHFA Regional Office, the Regional Administrator shall immediately so advise the Community Facilities Commissioner or the Urban Renewal Commissioner with a copy to the PHA Regional Director. Following his review of the matter, the Community Facilities Commissioner or the Urban Renewal Commissioner shall inform the Public Housing Commissioner that the claim has been paid or otherwise settled. Copies of the memorandum shall be pro-

vided for the Administrator, the HHFA General Counsel, and the Regional Administrator.

If the claim is paid or otherwise settled at the Central Office level, the Community Facilities Commissioner or the Urban Renewal Commissioner shall so advise the Regional Administrator with copies provided for the Administrator, the HHFA General Counsel and the Public Housing Commissioner. The Regional Administrator shall promptly advise the PHA Regional Director of such action.

**DEFAULTS UNDER PHA PROGRAM BY APPLICANTS FOR URA OR CFA PROGRAM ASSISTANCE**

Memorandums of PHA Regional Directors may indicate that recommendations for termination or abandonment of low-rent projects reflect a failure on the part of the Local Housing Authority or locality to meet its obligations under a contract with the Public Housing Administration. In such case, the HHFA Regional Office shall check to see whether applications are pending for advance, loan or grant assistance under programs administered by the HHFA Regional Office.

If applications are pending, a memorandum shall be addressed to the PHA Regional Director, summarizing all of the facts in the case, and requesting that the PHA Regional Director submit his recommendations on the matter to the PHA Commissioner. At the same time, the Regional Administrator shall transmit to the Urban Renewal Commissioner or Community Facilities Commissioner his own recommendations on the case, along with a copy of his memorandum to the PHA Regional Director. The legal status of the applicants in both cases should be set forth, including a statement as to whether they are identical, and, if they are not, an analysis as to whether one is an agent of, or controlled by, the other, and whether both are controlled by a third entity. A memorandum of recommendation should be prepared whether or not the legal applicant in the two programs is identical.

Upon receipt of the recommendations of the Regional Director, the Public Housing Commissioner will make his recommendations on the case to the Administrator. At the same time, the Public Housing Commissioner will transmit a copy of his memorandum to the Community Facilities Commissioner or Urban Renewal Commissioner with a request that he forward his recommendation on the matter to the Administrator.

HHFA Regional Offices shall establish a record of localities which have defaulted under the PHA program so that current applications for URA or CFA program assistance can be checked against the record of past PHA defaults. Regional Administrators should, if possible, secure from the PHA Regional Director, a list of past cases of major defaults under the PHA program for entry in this record. As applications for URA or CFA program assistance are received, they shall be checked against the record of PHA default cases and the above procedure shall be instituted.

In the event the claim for which a default action has been initiated



in accordance with the above procedures is paid or otherwise settled, the PHA Regional Director of the PHA Central Office will notify the Regional Administrator. Upon receipt of such advice, the Regional Administrator shall notify the Urban Renewal Commissioner or the Community Facilities Commissioner with copies provided for the Administrator and the HHFA General Counsel.

**NOTIFICATION TO REGIONS**

In both of the kinds of cases discussed above, the Regional Administrator will be advised by the program Commissioner of Central Office decisions and actions, after receipt of the Administrator's determination.

## **Section 1**

### **NOTIFICATION TO REGIONAL OFFICE OF GRANT APPROVAL**

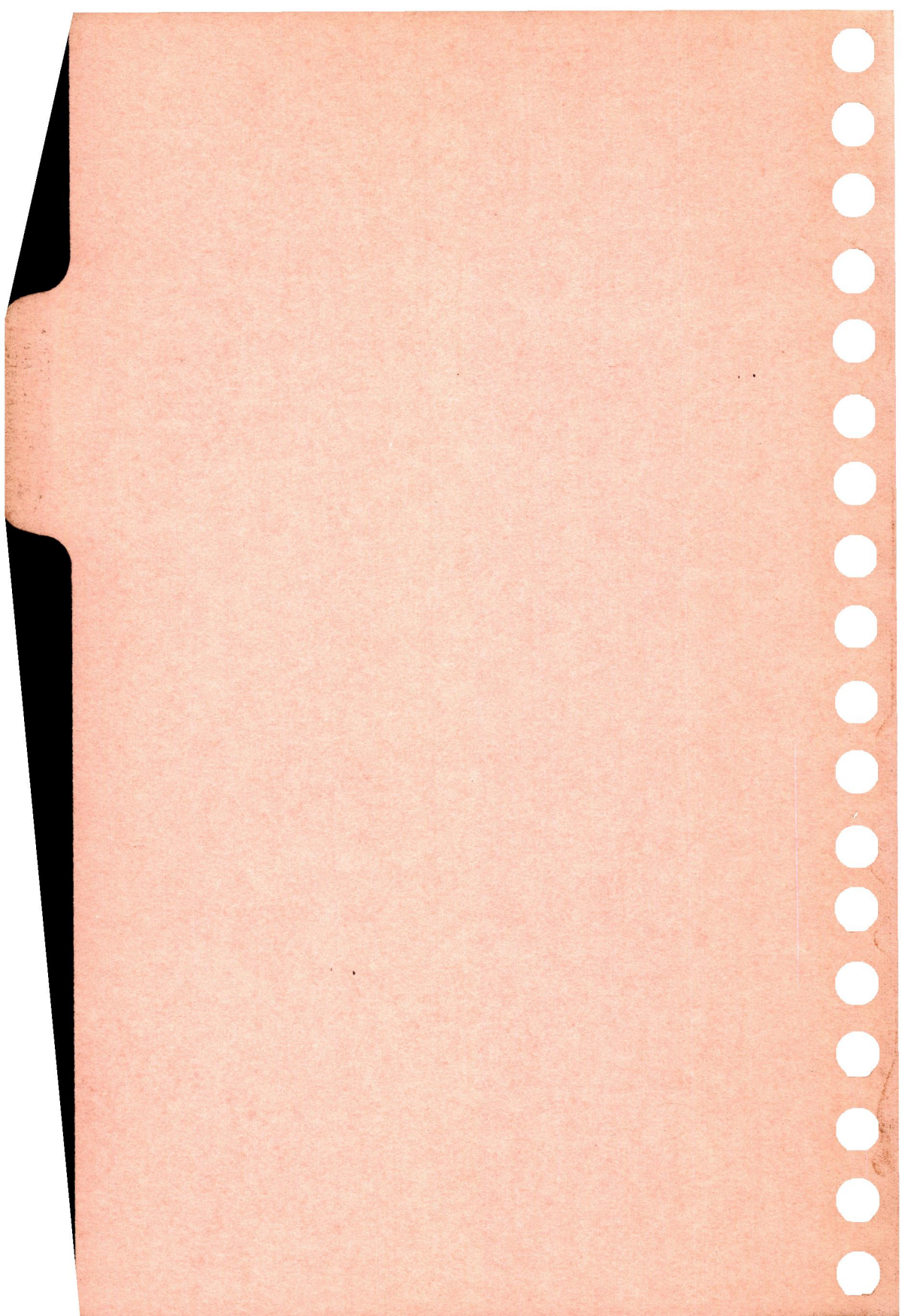
Regional Administrators shall be notified of each Mass Transportation or Low Income Housing Demonstration Grant Approval in their Region. The Assistant Administrator (Transportation) and the Director of the Low Income Housing Demonstration Staff are respectively responsible for assuring that notification is given by means of copies of the Administrator's letter of notification of approval to the applicant and the HHFA press release announcing the approval.

At the Regional level, it is important that key Regional staff be advised of such approvals. As a minimum the Director, Community Requirements Division, the Regional Director of Urban Renewal, and the Regional Director of Community Facilities should be informed.

As required by the nature of each specific demonstration approved, the Assistant Administrator (Transportation) and the Director of the Low Income Housing Demonstration Staff shall also be responsible for assuring that the appropriate PHA Regional Office and FHA Zone Office are notified.

GENERAL PROGRAM  
POLICIES AND  
PROCEDURES

2



**Part 2. General Program Policies and Procedures**

**Chapter 1. General**

**Section 1**

**STATE LEGISLATION**

The Office of General Counsel is responsible for the Central Office functions in relation to preparation, drafting, and clearance of State enabling legislation appropriate to carry out any of the definitive programs of the Administrator. This responsibility includes necessary clearances with the Bureau of the Budget and liaison functions with the Council of State Governments on State legislation.

Requests for drafting of individual bills or the review of proposed State enabling legislation originating in the Regions should be referred to the General Counsel, together with an accompanying statement by the Regional Counsel reflecting his review and recommendations. This referral is intended to permit the Office of General Counsel to coordinate the replies on such State legislation with the appropriate constituents and divisions of the Agency and assure as nearly as possible uniformity and coverage essential to the program for which the legislation is intended.

**MODEL BILLS**

The Office of General Counsel develops, drafts, and clears model State legislation for the enactment of an entire basic State enabling statute or, where appropriate, supplementary and amendatory legislation in those States which require only such supplementary and amendatory legislation.

These model bills are available to local and State officials and others who may request assistance in drafting such legislation. When responding to requests for these model bills, it should always be understood and pointed out that the bills must be revised to conform to constitutions, statutes and court decisions of the States in which they are to be used. Further, local officials should also be advised that the Office of General Counsel offers to review any drafts so prepared to suggest uniformity and to extend the benefit of any further studies and experience. As model bills are drafted or as existing model bills are revised, copies will be furnished to the Regional Offices.

**APPEARANCES BEFORE STATE LEGISLATIVE COMMITTEES**

The consideration and enactment of State enabling legislation necessary for participation in the urban renewal program or other programs of the Agency are matters of State and local responsibility. Accordingly, representatives of the Federal Government should take no action which would constitute or which can be interpreted as being an attempt to initiate, sponsor, or influence action on any such legislation.

However, information sought by a State legislative committee having jurisdiction will be furnished if officially requested. Representatives of the Agency may appear before such legislative committee in response to a direct request from the committee in relation to legislative

proposals under consideration by the committee. Such appearances should be confined to providing factual information concerning the Agency's programs, the administration thereof, and such technical advice or assistance as may be requested. Appearances in support of State legislative proposals are the responsibility of local officials, groups and others interested in the programs for which legislation is sought. Responding to requests for Agency appearances before State legislative committees or other bodies is at the discretion of the Regional Administrator in consultation with the Regional Counsel. Such appearances or proposed appearances should be reported promptly to the General Counsel.

#### **COMMERCE CLEARING HOUSE SERVICE AND REPORTS OF REGIONAL COUNSEL ON PENDING LEGISLATION**

In order that Regional and Central Office personnel will have as much information as possible concerning pending State legislation the Commerce Clearing House service on State legislation has been procured. Under their contract the Commerce Clearing House provides this Agency with copies of bills introduced in the State Legislatures affecting housing, housing authorities, urban redevelopment and urban renewal, constitutional amendments and notices of constitutional conventions, personal property taxation, taxation of securities, real estate tax exemptions and the imposition of a tax on property formerly tax exempt, planning, municipal financing, public works, and minimum wages. Reports on action taken by the legislatures on these bills, and copies of the new laws which are enacted, are furnished by the Commerce Clearing House.

The Commerce Clearing House service is furnished directly to each Regional Office for the States in its Region, and also to the Office of General Counsel. The copies of the bills, reports, and laws received by the Regional Offices are to be retained in those offices.

Regional Counsel should have the bills reviewed promptly upon receipt to determine whether any of the bills affect the programs administered by the Regional Office. The "Legislative Action" pages furnished by the Commerce Clearing House should also be kept posted at intervals in accordance with the reports furnished by the Commerce Clearing House. Binders for filing laws and "action pages" headed "Action on State Legislation Reported" have been furnished by the Commerce Clearing House. This makes information readily available to the Regional Counsel and Regional Office staffs with respect to pending legislation in their respective Regions and action by the legislatures on such legislation. Regional Counsel should continue, however, to obtain information from all other available sources with respect to action on legislation in their Regions.

Regional Counsel should report immediately to the Office of General Counsel any action on legislation which, in his opinion, would have an adverse effect on the programs administered by the Regional Offices. This report should be furnished regardless of whether the action is reported in the Commerce Clearing House service.

Also, reports should be sent to the General Counsel twice monthly by

the Regional Counsel, giving information available in the Regional Offices (except such information as is covered by the Commerce Clearing House service) with respect to legislation affecting their programs. When no legislatures are in session the reports may, of course, be discontinued.

**CENTRAL OFFICE REPORTS ON STATE LEGISLATION**

From time to time during the year, the Central Office compiles and distributes summary reports on State legislation of interest to the Agency, including the constituent agencies. These reports include (1) lists of the State legislatures in session or scheduled to convene, (2) summaries and status of pending bills, and (3) summaries of laws enacted. The first report of each year contains excerpts which are of interest to the Housing Agency from the Governor's messages to the legislatures.

**COPIES OF NEW LAWS TO BE SECURED BY REGIONS**

As soon as possible after new laws are enacted by State or Territorial legislatures which may affect the programs of the Agency, certified, authenticated, or conformed copies (satisfactory to Regional Counsel as accurate for Central Office reproduction) should be secured by Regional Counsel. At least one copy of each law should be sent to the Office of General Counsel, a photocopy of which will be immediately made available to the operating branch pending duplication. Regional Counsel should also obtain copies of such laws for Regional Office use pending reproduction and distribution.

**MIMEOGRAPHED COPIES OF STATE LAWS**

Mimeographed copies of important State laws relating to the programs of the Agency and compilations of State enabling laws for public housing and urban renewal have been furnished to Regional staffs. Additional copies are available upon request to the Office of General Counsel.

As new State laws are enacted they are duplicated and distributed, and existing compilations of enabling laws are revised to reflect any amendments made by new State laws, and substitute copies provided.

**SUGGESTIONS FOR NEEDED LEGISLATION**

As deficiencies in existing State legislation come to the attention of the Regional Counsel they should be reported to the Office of General Counsel. Also, suggestions for changes in any model bills should be transmitted to the General Counsel.

**OTHER REPORTS**

Regional Counsel should report to the Office of General Counsel, from time to time, any information they have with respect to new publications of State laws, for example, a new compilation or code, or any court decisions which might have an important effect on the programs of the Agency, such as decisions related to planning, zoning, municipal bonds, racial restrictions, eminent domain, or public improvements.

## Part 2. General Program Policies and Procedures

## Chapter 1. General

## Section 2

**CURRENT REPORTS ON HOUSING**

In order that the Administrator's Office may be currently informed of significant developments in the Regions with respect to the Administrator's direct program and program coordination responsibilities and to general housing conditions, activities and trends, the following reports shall be submitted by the 10th of the month following each reporting period:

**REPORT ON LOCAL HOUSING MARKETS**

A brief narrative report shall be prepared each month, appraising the significant economic and financial developments during the month which affect or may affect the housing situation in the Region. This report shall be sent to the office of the Assistant Administrator (Program Policy), where it is needed for the continuing analysis of current developments in the housing and mortgage markets which is made for use within the Agency and for regular reports to the President's Council of Economic Advisors. The report should be drawn from observations made in the course of regular business contacts, and from other local sources (which should be identified) such as reports and informational releases of the Federal Reserve Banks, municipal housing organizations, university research groups, and residential real estate research committees. The Community Requirements Branch should be primarily responsible for the report, which should include such information as is available on significant developments and trends in the following areas:

- (1) Housing production—extent and nature of building activity (builders' plans and trend of building permits); availability of materials, labor, and land.
- (2) Mortgage market—availability of temporary and permanent financing for FHA, VA and conventional mortgages; discounts, interest rates, down payments, and terms.
- (3) Housing for minority groups.

**WORKABLE PROGRAMS AND FHA SECTION 221 HOUSING**

A brief narrative report shall also be prepared each month for the Administrator, with a copy to the Assistant Administrator (Program Policy), (1) on current workable program activities within the Region (supplementing any regular statistical reports which may be required) discussing the preparation and submission, by localities, of workable programs, including information on preliminary meetings, assistance rendered, and problems encountered, and (2) on Section 221 program activities, including information on assistance given to communities in the preparation and submission of findings of need, on attendance at meetings concerned with program participation and development, on contacts planned with communities requesting Section 221 assistance,



and on other important developments in the planning for and provision of relocation housing. Special problems in connection with programming and program development under Section 221 which may require action by the Central Office should be included in this report.

**Part 2. General Program Policies and Procedures**

**Chapter 1. General**

**Section 3**

**INSURANCE ADVISERS**

The Insurance Adviser, Office of the Assistant Administrator (Administration), provides advice and assistance on insurance matters to the Office of the Administrator, the constituent units, and the HHFA Regional Offices. In addition to the services provided by the OA Insurance Adviser, the Administrator has arranged with the Public Housing Commissioner to have PHA Regional Insurance and Taxation Officers furnish Regional Offices with technical advice and counsel with respect to insurance problems. This service is available to each Regional Office<sup>1</sup> to assist in the handling of its insurance program.

The Regional Office shall follow the specific instructions in Volume VII and the LPA Manual with respect to submission of certain insurance policies to the OA Insurance Adviser for review and approval. Major problems or matters involving policy or procedure shall also be submitted to the Central Office.

Where a Local Public Agency is administering programs under a contract with the Public Housing Administration, and its insurance policies jointly cover the requirements of both programs, all insurance matters shall be coordinated with the PHA Regional Office.

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<sup>1</sup> Except Region II where the Public Housing Administration has no Regional Office in the HHFA Regional headquarters city.

## Part 2. General Program Policies and Procedures

## Chapter 1. General

## Section 4

**PROCEDURE FOR HANDLING COMPLIANCE CASES**

This Section prescribes procedures for Regional Office handling of compliance matters.

**REPORTING VIOLATIONS**

Regional Office employees shall report immediately to the Regional Administrator, through administrative channels, any allegations or information concerning possible violations of laws or regulations or irregularities or fraud which come to their attention. All information, allegations or complaints of possible violations of laws or regulations, or of irregularities or fraud in connection with the administration of HHFA programs, which are brought to the attention of a Regional Administrator and which would appear to warrant investigation by the OA Compliance Division, shall be referred promptly to the head of the constituent unit concerned.<sup>1</sup> In determining whether a matter shall be referred to the Central Office, the Regional Administrator should be guided by the criteria used by the constituent units in determining whether a matter shall be referred to the OA Compliance Division for investigation. These criteria are outlined below under the heading Referrals to OA Compliance Division. Examples of types of cases which have frequently been referred to the Central Office are as follows: possible Hatch Act violations; possible violations of the conflict of interest, land speculation and labor standards provisions of contracts; possible project expenditures by a Local Public Agency without contract authorization; and possible fraudulent claims for relocation payments. A referral shall be made by means of a memorandum from the Regional Administrator to the head of the constituent unit concerned which sets forth all relevant data forming the basis for the referral. In addition, there shall be attached to the memorandum any material, in the nature of exhibits, which the Regional Administrator wishes to call to the attention of the Commissioner. In this connection, it is not necessary or desirable that each and every piece of information pertaining to a case be included in the referral memorandum. Sufficient information to enable the Commissioner to determine whether the matter should be referred to the Compliance Division shall, however, be included. The memorandum shall also set forth, with as much exactness and specificity as possible, the nature and scope of the investigation deemed necessary by the Regional Administrator and shall also designate a member of the Regional Administrator's staff, familiar with the particular case, who may be contacted by Compliance Division investigators for information and assistance in connection with the investigation.

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<sup>1</sup> Information, allegations or complaints of violations or irregularities which involve Regional Office employees shall be sent to the Deputy Administrator with a copy to the head of the constituent unit concerned if any program aspects are involved; in such latter cases, the head of the constituent unit shall be consulted prior to the final disposition of a case.

**REFERRALS TO OA COMPLIANCE DIVISION**

Upon receipt of a referral memorandum the Commissioner will promptly determine whether the information, allegations or complaints contained in the referral memorandum shall be referred to the OA Compliance Division for investigation. In making this determination, the Commissioner is guided by the following criteria governing types of cases to be referred to the Compliance Division:

- (1) Information indicating possible criminal violation, regardless of source.
- (2) Matters requiring investigation and which are of sufficient seriousness and complexity to require trained investigative staff.
- (3) Other matters of such a nature or of such importance as to justify an objective investigation for the purpose of administrative action.

If the Commissioner determines that the information, allegations or complaints in the referral memorandum do not warrant investigation by the Compliance Division, he will address a memorandum to the Regional Administrator so informing him and giving an explanation of such determination. The Commissioner will also return all material, in the nature of exhibits, forwarded by the Regional Administrator with the referral memorandum. A copy of the Commissioner's memorandum to the Regional Administrator shall be sent to the Deputy Administrator.

If, on the other hand, the Commissioner determines that the information, allegations or complaints in the referral memorandum warrant investigation by the Compliance Division, he will promptly refer the matter to the Compliance Division and request appropriate investigation. This referral shall be in the form of a memorandum from the Commissioner to the Director of the Compliance Division specifying the relevant data in connection with the case, and stating the scope and nature of the investigation which the Commissioner deems appropriate. Usually, there shall be attached to this memorandum a copy of the referral memorandum from the Regional Administrator and copies of any material, in the nature of exhibits, which were submitted in connection with the referral memorandum. A copy of the Commissioner's memorandum to the Director of the Compliance Division will be forwarded to the Regional Administrator.

**INVESTIGATION BY OA COMPLIANCE DIVISION**

Upon receipt of a memorandum requesting an investigation, the Compliance Division will promptly undertake such investigation in accordance with established procedures. During the course of the investigation, Compliance Division investigators in most cases will contact the member of the Regional Administrator's staff designated in the referral memorandum to render appropriate assistance and provide information in connection with the case. The Regional Administrator shall instruct all employees of the Regional Office to cooperate with members of the Compliance Division staff in making available such information and records as may be requested in the conduct of inspection reviews or investigations. From time to time during the course of the investigation, the Compliance Division will

normally forward to the Commissioner interim investigation reports indicating the factual data already adduced by the investigation. If portions of the investigation are being conducted by the Federal Bureau of Investigation, the Compliance Division will also forward to the Commissioner copies of FBI investigation reports in connection with the case. Usually, copies of interim investigation reports or FBI investigation reports will not be forwarded to the Regional Administrator prior to completion of investigation and receipt from the Compliance Division of a final investigation report which, together with all interim investigation reports previously forwarded to the Commissioner, will set forth all factual matter adduced by the investigation.

#### **STUDY OF INVESTIGATION REPORTS BY THE CONSTITUENT UNIT**

Upon receipt of a final investigation report from the Compliance Division, the constituent unit will study and evaluate such report together with the interim investigation reports and any FBI investigation reports in the same case previously received.

After completion of the constituent unit's study of the investigation reports, the Commissioner will, unless it is inappropriate, forward copies of such reports to the Regional Administrator, together with a brief summary of the constituent unit's evaluation and proposed disposition of the case.

#### **STUDY OF INVESTIGATION REPORTS BY REGIONAL ADMINISTRATOR**

The Regional Administrator shall, upon receipt of the above reports and proposed disposition, promptly undertake his own study and evaluation of the investigation reports. Such study and evaluation should be expedited to the greatest possible extent. Upon completion of his study of the investigation reports, the Regional Administrator shall promptly return them to the Commissioner, together with a memorandum setting forth his evaluation and recommendations as to disposition of the case.

#### **FINAL DISPOSITION**

Upon receipt of a Regional Administrator's memorandum setting forth his recommendations as to final disposition of a case, the Commissioner will consider such recommendations and determine the final disposition to be made of the case. Upon such determination, the final disposition will promptly be effected, and the Commissioner will notify the Regional Administrator concerned as to the final disposition of the case. In some cases, Regional Office action will be necessary in connection with such final disposition. In these cases, the Commissioner will advise the Regional Administrator of the action to be taken by the Regional Office. Upon completion of such action, the Regional Administrator shall promptly advise the Commissioner.

#### **FINAL DISPOSITION REPORT**

When the Commissioner has determined that the final disposition of a case has been effected, he will forward to the Director of the Compliance Division a *Disposition Report*, Form H-1416, indicating

such disposition. Any FBI reports in connection with the case will be returned to the Compliance Division. The constituent unit will then close its files on the case.

#### **ADMINISTRATIVE ACTION WHILE CASE PENDING**

In some instances, cases are referred to the Department of Justice for action as a result of Compliance investigations. When this occurs, the Commissioner will so advise the Regional Administrator. Regional Office staff should keep in mind that any administrative action taken during investigation or after a case has been referred to the Department of Justice may seriously affect the Department's handling of the matter. Thus if any administrative action is proposed to be taken by the Regional Office during investigation or before the Department of Justice has completed the case, prior clearance must be obtained by submitting a request to the head of the constituent unit concerned, with a copy of such request to the OA Compliance Division. After conferring with the OA Compliance Division, the constituent unit will advise the Regional Administrator whether such action may be appropriately carried out or should be deferred or modified in the light of the case. If and after the proposed action is taken, the Commissioner shall also be advised so that the Compliance Division and the Department of Justice may be completely informed. These same instructions are applicable also with respect to cases which have been referred to the Department of Labor or other governmental agency for appropriate action.

#### **CONFIDENTIAL NATURE OF REPORTS**

Regional Office staff are reminded of the confidential nature of all communications, documents, and reports pertaining to compliance matters. Distribution of such communications, documents and reports shall not be made in accordance with regular distribution procedures. There will be no courtesy copies, and only one copy will be made for each of the following: (1) constituent unit, (2) OA Compliance Division, and (3) Regional Office files. All originals and copies shall be stamped or appropriately noted on the first page with the legend "For Designated Official Only" and shall be transmitted in sealed envelopes bearing the same legend. The Regional Office filing system for maintenance of correspondence and reports pertaining to compliance matters shall be such that all material is kept in locked files when not in actual use.

#### Section 4

### USE OF HHFA, CFA, OR URA IN FALSE ADVERTISING OR REPRESENTATION, CLAIM, OR FIRM NAME

This Section calls attention to the statutory limitations upon the use of the name of the Housing and Home Finance Agency or any agency of the Government (which would include the Community Facilities Administration and the Urban Renewal Administration) in false advertising or representations, in certain claims as to Federal requirements, or as a firm name, and prescribes procedures for handling any apparent violations.

18 U.S.C. § 709, as amended, provides in pertinent part:

“Whoever uses as a firm or business name the words ‘Housing and Home Finance Agency’, ‘Federal Housing Administration’, ‘Federal National Mortgage Association’, or ‘Public Housing Administration’ or the letters ‘FHA’ or any combination or variation of those words or the letters ‘FHA’ alone or with other words or letters reasonably calculated to convey the false impression that such name or business has some connection with, or authorization from, the Housing and Home Finance Agency, the Federal Housing Administration, the Federal National Mortgage Association, the Public Housing Administration, the Government of the United States or any agency thereof, which does not in fact exist, or falsely claims that any repair, improvement, or alteration of any existing structure is required or recommended by the Housing and Home Finance Agency, the Federal Housing Administration, the Federal National Mortgage Association, the Public Housing Administration, the Government of the United States or any agency thereof, for the purpose of inducing any person to enter into a contract for the making of such repairs, alterations, or improvements, or falsely advertises or falsely represents by any device whatsoever that any housing unit, project, business, or product has been in any way endorsed, authorized, inspected, appraised, or approved by the Housing and Home Finance Agency, the Federal Housing Administration, the Federal National Mortgage Association, the Public Housing Administration, the Government of the United States or any agency thereof; \* \* \*

“Shall be punished as follows: a corporation, partnership, business trust, association, or other business entity, by a fine of not more than \$1,000; an officer or member thereof participating or knowingly acquiescing in such violation or any individual violating this section, by a fine of not more than \$1,000 or imprisonment for not more than one year, or both \* \* \* \*

“A violation of this section may be enjoined at the suit of the United States Attorney, upon complaint by any duly authorized representative of any department or agency of the United States.”

The Department of Justice is responsible for enforcing the penal provisions of 18 U.S.C. § 709, but under the last paragraph of the

statute the agency involved may request that the United States Attorney institute an injunction action.

Any apparent violation of 18 U.S.C. § 709 noticed by an employee shall be reported to the Regional Administrator who shall in turn report same to the appropriate constituent unit or OA office head where a program is involved or to the Office of General Counsel where use of the name of the Housing and Home Finance Agency is involved. Such report should include, if possible, the name and address of the person or firm involved; a description of the advertising, representation, or claim constituting the apparent violation; the place and time(s) of the apparent violation; an exhibit such as the brochure, pamphlet, circular, or newspaper clipping in which any written false statement was made; and any information which would indicate whether or not the person or firm knew of the existence of the statutory prohibition.

The appropriate constituent unit or OA office head shall review the information submitted and shall take one of the following actions:

- (1) If it is a first apparent violation and the facts indicate that the violation was unintentional, the case shall be referred to the General Counsel with a recommendation that a warning letter be issued.
- (2) If the apparent violation occurred after the issuance of a prior warning letter, or if the facts fail to indicate that the violation was unintentional, the case shall be referred to the Compliance Division for investigation to determine whether it is a proper case for referral to the Department of Justice for consideration of civil and/or criminal prosecution.

The Office of General Counsel shall be responsible for issuing any letters warning of possible violation of the provisions of 18 U.S.C. § 709. Copies of such letters will be provided to the constituent unit or OA office head concerned, the Compliance Division, and the appropriate Regional Administrator.



## **Section 6**

### **GUIDELINES FOR HHFA PROGRAMS IN COMMUNITIES EXPERIENCING ECONOMIC DETERIORATION**

There are a number of communities which have experienced serious economic stagnation or decline. Such communities pose a serious problem in the administration of HHFA programs. So that applications from these places may be processed on the basis of consistent assumptions, this section provides a procedure for establishing Agency-wide guidelines.

Frequently these are small communities or towns which have been experiencing substantial losses in population and where prospects for economic revitalization are not bright. Examples of such communities are those whose economy is predicated upon natural resources, such as coal or oil, where the local supply is being exhausted rapidly, or local production is increasingly operating at a competitive economic disadvantage with other areas. Also, there are small agricultural trading centers which cannot compete with larger centers nearby.

In such cases, the following procedure should be employed:

1. Where a constituent field director is processing an application for program assistance in such a locality and has significant doubts about the economic feasibility of the requested aid, he should bring this to the attention of the HHFA Regional Administrator. The HHFA Regional Administrator will communicate with other HHFA constituent field directors to ascertain whether they have active or contemplated programs in the same locality and have similar concerns over the future of the area.

If there is general concern over the future of the area, the HHFA Regional Administrator will arrange for an economic base or comprehensive background study which would provide a common frame of reference for over-all Agency policy.

This study should be prepared in sufficient detail to substantiate a reasonable projection of the future economic life of the area. It should also include an appraisal of the local efforts for economic betterment which may be under way or contemplated, as well as activities under Federal or State programs directed toward this end.

The HHFA Regional Administrator will utilize the services of his Regional Economist, and also may call upon the constituent agencies for information and for staff assistance in conducting such studies.

2. Where a community has been designated as eligible under the Area Redevelopment Act, a preliminary over-all economic development plan usually will have been approved and should be utilized in the study. The OA Office of Program Policy will obtain lists of localities having such plans and make the lists available to the Regional Administrators.

Agency programs should cooperate in these local efforts to the maximum extent practical, where the locality shows promise of developing an effective program toward improving economic conditions. However, the approval of an over-all economic development plan does not eliminate judgments required of HHFA with respect to over-all development prospects and the feasibility of individual projects.

3. Upon completion of the economic base study, the HHFA Regional Administrator will consult with constituent agency field directors to formulate recommendations for an Agency-wide position on the extent and type of HHFA aids to be made available.

The HHFA Regional Administrator and/or the field director of the constituent which is considering the program application in question should consult, wherever possible, with officials of the locality to explain, in rather general terms, the problems raised by the study. Locality officials should be given an opportunity to discuss possible local programs which are intended to overcome the problems revealed in the survey. The adequacy of and progress under these programs should be evaluated. The HHFA representatives should make as effective a presentation as possible of the long-run considerations which the Agency must evaluate.

In light of conclusions reached at such meetings, the HHFA officials will subsequently process the affected applications in the customary manner.

4. It should be kept in mind that the Agency has a responsibility to do all it possibly can to improve the housing and living conditions of all people. At the same time, it should also be understood that in processing applications for specific projects, the limitations discerned as a result of the economic base study must be given due weight.

If the demographic and economic factors indicate a continuing significant decline of the locality and, therefore, only a limited need for new housing, an application involving new housing, community facilities, or other HHFA-aided projects would have to be modified. In some cases, this may result in the approval of smaller size projects than would otherwise be approved. In other cases, it may be feasible to develop programs for the rehabilitation of existing housing for an intermediate term of years, for the use of demountable units, or other short-term housing or public improvement programs.

## **Section 7**

### **ORGANIZATION OF THE LEGAL DIVISION IN HHFA REGIONAL OFFICES**

In each Regional Office, the Regional Counsel is the chief legal officer and the principal legal adviser to the Regional Administrator and key members of his staff. He is responsible to the Regional Administrator for scheduling legal work and for providing legal services in the Region in such a manner as will best assist the Regional Administrator in expeditiously carrying out the functions of the Regional Office. He is professionally responsible to the General Counsel for the quality of all legal work performed in the Region in accordance with established rulings, opinions, and procedures.

The Regional Counsel is responsible for the supervision of the professional work carried on by all other attorneys in the Regional Office. He may assign duties to the attorneys on his staff as the workload warrants. It is part of the management responsibility of each Regional Counsel to encourage the development of versatility and understanding of all Agency programs by the entire legal staff and to avoid assignments which are so continuous and so narrow as to limit the development of the staff, especially at the junior grade levels.

The Regional Counsel is authorized to give final legal opinions on those matters which have been delegated to the Regional Administrator for final action.

## **Section 2**

### **COMPTROLLER GENERAL'S LIST OF INELIGIBLE CONTRACTORS**

Reorganization Plan No. 14 of 1950 provides that in order to assure coordination of administration and consistency of enforcement of the labor standards provisions of various designated acts by the Federal agencies responsible for the administration thereof, the Secretary of Labor shall prescribe appropriate standards, regulations, and procedures which shall be observed by these agencies. The Secretary of Labor, in accordance with that directive, promulgated regulations, standards and procedures in Part 5 of Title 29, Subtitle A, of the Code of Federal Regulations, which became effective July 1, 1951 and as amended.

Section 5.1 of Part 5, Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction, defines the scope of the Part as coordinating the administration and enforcement of the labor standards provisions of each of the following acts:

Davis-Bacon Act, as amended, 46 Stat. 1494, 49 Stat. 1011, 54 Stat. 399, 55 Stat. 53; 40 U.S.C. 276a et seq.

Anti-Kickback Act, as amended, 48 Stat. 948, 62 Stat. 740, 63 Stat. 108; 18 U.S.C. 874, 40 U.S.C. 276 b, c.

Eight Hour Laws, 27 Stat. 340, as amended, 37 Stat. 726, 37 Stat. 137, as amended, 54 Stat. 884; 39 Stat. 1192; 40 U.S.C. 321 et seq.

National Housing Act, as amended, 53 Stat. 804; 12 U.S.C. 1703 et seq.

Hospital Survey and Construction Act, 60 Stat. 1040; 42 U.S.C. 291 et seq.

Federal Airport Act, as amended, 60 Stat. 170; 49 U.S.C. 1101 et seq.

Housing Act of 1949, as amended, 63 Stat. 413; 42 U.S.C. 1401 et seq.

School Survey and Construction Act of 1950, 64 Stat. 967 et seq.; 20 U.S.C. 251 et seq.

Defense Housing and Community Facilities and Services Act of 1951, 65 Stat. 293, as amended by 66 Stat. 602; 42 U.S.C. 1591 et seq.

The Secretary of Labor's Standards, Regulations, and Procedures further provide that whenever any contractor or subcontractor is found by the Secretary of Labor or the agency head to be in aggravated or willful violation of the prevailing wage or overtime pay provisions of any of the applicable statutes listed in Section 5.1, other than the

Davis-Bacon Act,<sup>1</sup> the contractor or subcontractor, or any firm, corporation, partnership or association in which the contractor or subcontractor has a substantial interest, shall be ineligible to receive any contracts subject to any of the statutes listed for a period of three years from the date the name or names of the contractor or subcontractor are published by the Comptroller General on the ineligible list; and that in cases arising under the Davis-Bacon Act, the ineligibility provision prescribed in that act shall govern.

The Comptroller General periodically publishes lists of names of individuals and firms who have been found to have disregarded their obligations under one or more of the statutes listed in Section 5.1, and distributes such lists to all Federal agencies. Such information is furnished by the Office of Administration in the form of card-file sets promptly upon release by the Comptroller General.

Regional Administrators shall take such steps as are necessary to insure that the ineligible individuals, firms, corporations, partnerships, or associations, designated by the Comptroller General do not, during the period of their ineligibility, receive contracts in any of the programs and activities administered by the Regional Office which are subject to the statutes listed in Section 5.1 of the Regulations of the Secretary of Labor.

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<sup>1</sup> The exception of the Davis-Bacon Act is an exception from the described finding. The finding under the Davis-Bacon Act is that persons or firms have disregarded their obligations to employers and subcontractors.

#### Section 4

### NONDISCRIMINATION IN EMPLOYMENT UNDER GOVERNMENT CONTRACTS

This Section prescribes procedures for reviewing conformity with the requirements of the Equal Job Opportunity Program as directed by the President's Committee on Government Contracts, in connection with contracts under the programs of the Community Facilities Administration and the Urban Renewal Administration administered by HHFA Regional Offices, and for investigating and reporting on complaints alleging discrimination with respect to employment under such contracts. This Section applies only to such of the above contracts as include the standard nondiscrimination clause set forth in Executive Order 10557, September 3, 1954, and to third-party contracts and subcontracts with respect to which any such CFA or URA contract requires the inclusion of that clause. Consequently under existing contract provisions it does not apply to: (1) work performed in connection with non-Federal school construction; (2) work performed in connection with the provision of non-cash local grants-in-aid under the urban renewal program; or (3) work undertaken by redevelopers to whom land has been made available for redevelopment or rehabilitation under the urban renewal program.

#### NONDISCRIMINATION CLAUSE

The standard nondiscrimination clause set forth in Executive Order 10557 reads as follows:

In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of race, religion, color or national origin. The aforesaid provision shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post hereafter in conspicuous places, available for employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause.

The contractor further agrees to insert the foregoing provision in all subcontracts hereunder, except subcontracts for standard commercial supplies or raw materials.

#### RESPONSIBILITY OF THE REGIONAL ADMINISTRATOR

Each Regional Administrator is responsible for reviewing, for compliance with the nondiscrimination clause, contracts executed under the various programs of the Community Facilities Administration and the Urban Renewal Administration made or administered within his juris-

diction, and for investigating and reporting complaints alleging discrimination under such contracts.

#### PROCEDURES PRIOR TO CONTRACT AWARDS

When preliminary discussions of contract provisions and requirements are held with program participants<sup>1</sup> or direct Federal contractors, the discussion should include, when applicable, the nondiscrimination provisions and the posting requirements. The booklet "A General Statement Regarding the Implementation of the National Program for Equal Economic Opportunity", or other informational material, may be furnished to the program applicant or contractor.

Any known past or present employment practices of prospective contractors with respect to discrimination because of race, religion, color or national origin should be taken into consideration when determining that a prospective contractor is responsible and eligible to receive an award. (See Exhibit A, letter of May 4, 1957 from Vice President Nixon to the Housing and Home Finance Administrator.)

#### POSTING OF NOTICES

The posting of notices at the contract site is an integral part of the nondiscrimination provision. Except in those cases which are exempted from this requirement, as specified below, copies of the approved posters should be furnished to the program participant, or direct Federal contractor by the Regional Office. Form HHFA-2 is to be used for Federally-aided projects, and the President's Committee's "Equal Economic Opportunity" poster is to be used for direct Federal contracts.

Regional Administrators and other Federal officers authorized to execute contracts may execute a waiver, or request the Commissioner concerned for a waiver, as appropriate, from the contractual posting requirement with respect to contracts which do not exceed \$5,000 if in their opinion, based on consideration of the criteria set forth by the President's Committee, it would be impracticable to require posting. The criteria mentioned by the President's Committee are the length of time necessary for performance of the contract; the number of employees working on the contract; whether the contract is security classified; whether the company receives a large number of small contracts; and such other factors as would make the posting requirement impracticable. Officers should be guided by a presumption in favor of posting the notices, and exemptions should be requested and granted only where posting is clearly impracticable.

#### PROCEDURES FOR REVIEWING COMPLIANCE

Regional Office reviews for conformity with the nondiscrimination provision shall be made with the program participant or Federal contractor with which the Government has directly entered into a contract containing the nondiscrimination clause. In the case of direct Federal construction contracts the review will be made with the prime con-

<sup>1</sup>The term "program participant" in this Section includes Local Public Agencies under the URA programs, colleges, municipalities and any other public or private organizations with which the Housing and Home Finance Agency executes contracts directly.

tractor; in financial assistance programs, the review will be made with the local public agency, college, or other body with which the Housing and Home Finance Agency has contracted for such assistance.

The Regional Office review will also encompass a review as to compliance by the first tier of third-party or subcontractors of the agency with which the Housing and Home Finance Agency has executed a contract, but the review will be made through the program participant, or direct Federal contractor. For example, the Regional Office review with a local public agency under contract for loan and grant will include a check of the measures being taken by the local public agency to insure compliance with the nondiscrimination clause in its contracts to which the Government is not a party.

Procedures for reviewing compliance with nondiscrimination clauses in contracts administered by Regional Offices shall be as follows:

- (1) In the course of regular field inspections, compliance reviews shall be made by field engineers and site representatives to ascertain the following:
  - (a) Whether the program participant has included an appropriate nondiscrimination clause in its third-party contracts or subcontracts.
  - (b) Whether the program participant (or its third-party or subcontractors) has posted notices as required by the nondiscrimination clause. Some contracts may contain a nondiscrimination clause which does not require posting—the reviewer should ascertain in advance whether or not posting is required.
  - (c) Whether the program participant, or its third-party or subcontractors, have complied with the provisions of the nondiscrimination clause relating to recruitment and employment; upgrading; layoff, termination or transfer; establishing rates of pay or other compensation; and selection for training, including apprenticeship.

Appropriate methods for reviewing compliance with these provisions may include checking payrolls; personal observation of employment patterns; reviews as to whether employment applications, recruiting requests to employment agencies, or recruitment advertisements make reference to race, religion, color or national origin.

In general, if there is visible evidence of minority group workers in all work classifications and no complaint or other allegation to the contrary, there is rarely any reason to carry the review further.<sup>1</sup>

(URA Section 701 third-party contracts, and certain Title I contracts, are reviewed at the Regional Office and not in the field. In such cases, the review will include a determination

<sup>1</sup> The booklet "Compliance Guide" issued by the President's Committee, contains suggestions, and information on making compliance reviews. Copies of this booklet have been distributed to Regional offices



that the required nondiscrimination clauses are included in the contracts.)

- (2) If the review appears to disclose a failure to conform with the terms of the nondiscrimination clause, the field engineer or site representative will discuss the matter with the officials of the program participant or Federal contractor concerned, for the purpose of obtaining correction. A report<sup>1</sup> shall be prepared by the field engineer or site representative and sent through channels to the appropriate Regional Director, describing the noncompliance, reciting the nature of the violations and the actions taken to achieve correction, and if necessary a recommendation for further action which should be taken to obtain compliance.

If the report indicates that compliance has been achieved, it will be placed in a separate file for reports on nondiscrimination activities. Such files shall be maintained on a Regional, rather than program or project basis. An additional copy of the report may be placed in the project file if required by program procedures. Copies of the report will be forwarded through the Regional Administrator to (1) the Commissioner concerned and (2) the Assistant Administrator (Administration) for transmittal to the President's Committee.

If the report indicates that compliance has not been achieved, the Regional Director shall be responsible for taking action as follows:

- (a) To the extent advisable, he will arrange further discussion with or advice to the program participant or Federal contractor in an effort to achieve compliance through voluntary means. The assistance of Central Office racial relations advisors is available to Regional Offices upon request. If satisfactory correction is obtained, a report will be prepared and distributed as above.
- (b) If compliance cannot be achieved as provided in (a) above, the Regional Director shall so advise the Regional Administrator, who shall make a full report to the Commissioner responsible for the program involved in the noncompliance. This report shall describe the actions taken and recommend such further action as appears necessary to achieve compliance. A copy of the report shall be furnished the Assistant Administrator (Administration).

As indicated above, the Regional employees shall in all instances deal with officials of the program participant or Federal contractor with which the Government has a direct contractual relationship. In no case shall Regional employees advise or issue orders or instructions to third-party or subcontractors.

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<sup>1</sup> Reports should be prepared along the lines recommended in the "Compliance Guide". Appendix VI of this publication includes a Compliance Survey Guide List of pertinent items.

**PROCEDURE FOR HANDLING COMPLAINTS**

Most complaints charging discrimination on the part of a Government contractor will probably be made to the President's Committee on Government Contracts. This is the method indicated on the nondiscrimination posters.

However, some complaints may be made directly to the Regional Office, or to the program participant or contractor concerned.

- (1) Complaints made to the Washington Office of the President's Committee will be referred to the Central Office and in turn sent to the Regional Office concerned.
- (2) Complaints made to a Regional Office of the President's Committee may be referred directly to the HHFA Regional Office. In such a case, the Regional Office should immediately notify the Commissioner concerned, with a copy to the Assistant Administrator (Administration), that a complaint has been received, specifying that it was referred by a Regional Office of the President's Committee, and giving:
  - (a) Name and address of complainant.
  - (b) Identification of Agency program and project involved.
  - (c) Name of program participant and, if pertinent, of its contractor, or name of Federal contractor concerned.
  - (d) Location at which alleged violation took place.
  - (e) Nature of alleged discrimination.
- (3) Complaints made directly to the HHFA Regional Office, or which are made to a program participant or contractor and come to the attention of the Regional Office, should be immediately reported to the Commissioner concerned, with a copy to the Assistant Administrator (Administration), with the same information as in (2) above, except for the source of the complaint.

The Regional Administrator shall then have a review of contract compliance made promptly. Information and suggestions on making such a review may be found in the President's Committee's "Compliance Guide".

The primary purpose of the review is to obtain all the relevant facts in the case. However, if it appears during the review that an agreement can be obtained which would result in compliance, this should be done. As noted previously, any such arrangement should be made through the officials of the program participant or Federal contractor having a contract with the Federal Government, and not directly with its third-party or subcontractors.

**REPORTS ON COMPLAINT REVIEWS**

In every case, the Regional Administrator shall submit a written report to the Central Office, setting forth in detail all pertinent facts. An original and one copy of each report shall be sent to the Commissioner concerned, with a copy to the Assistant Administrator (Adminis-

tration) and a copy to the Racial Relations Service. The report should be prepared along the lines recommended in the "Compliance Guide".

After review of the case by the Commissioner concerned, and such action as he deems necessary, a report shall be prepared for the President's Committee in conformity with the Committee's General Instruction No. 1. This report shall be forwarded to the Committee through the Assistant Administrator (Administration).

When irregularities of a nature or complexity requiring investigation by the Compliance Division are disclosed by the Regional review, the matter should be referred by the Commissioner concerned to the Director, Compliance Division, for action, with notification to the Assistant Administrator (Administration).

**EXHIBIT A**

Following is a letter from Vice President Nixon, Chairman of the President's Committee, dated May 4, 1957, addressed to the heads of all contracting agencies:

“The Nation has made encouraging progress in eliminating racial and religious discrimination in work done under Government contracts since President Eisenhower established the Committee on Government Contracts in August 1953. Your agency shares in the credit for these gains.

“Despite this progress, however, much remains to be done. Discrimination because of race, religion, color, or national origin must not occur in the performance of Government contracts. The Committee believes that there should be even greater advances under the program in the future. Looking to that end, the Committee is of the opinion that where education, conciliation, mediation and persuasion do not bring the proper results, a firmer approach should be adopted.

“Consequently, the Committee requests your agency, in determining whether a prospective contractor is responsible and accordingly eligible to receive the award of a contract, to consider whether the contractor has an employment record which indicates that he will be able to conform to the requirements of the standard nondiscrimination clause.

“The Committee also requests your agency, in determining whether an existing contractor is responsible and accordingly eligible to receive additional awards of contracts, to deny awards, as appropriate, upon determination by your agency of clear and convincing evidence of noncompliance by Government contractors with the standard nondiscrimination clause. Awards of contracts, of course, should be resumed upon receipt of satisfactory evidence that corrective action has been taken by the contractor.

“I want to take this opportunity to thank you again, on behalf of the Committee, for your continued contributions to the National Program to insure economic equality for all of America's people.”

## Part. 2. General Program Policies and Procedures

## Chapter 2. Contract Administration and Restrictions

## Section 5

**RECOMMENDATIONS OF THIRD PARTY CONTRACTORS**

HHFA Regional Office staff may be asked by local agencies or institutions being assisted by HHFA programs to recommend a consultant or other third party contractor to such an agency or institution. The making of any such recommendations is strictly prohibited as a matter of policy, and any staff member who is asked for such a recommendation should make it clear that he cannot comply with such a request.

On the other hand, if a staff member is asked whether he knows any consultants or other third party contractors who might perform certain work for a local agency, he may as a service furnish the agency with the names of consultants or contractors who are known by the Regional Office to have performed similar work satisfactorily for other agencies in the area. In no case, however, should an HHFA employee refer a local agency or institution to less than three individuals or firms, since this would unavoidably be construed as recommending a particular contractor.

This policy applies to all Regional Office programs.<sup>1</sup>

In dealing with local public agencies and applicants it should be made clear to them that they should in no circumstances be influenced by any representation or thought that any particular consultant or other third-party contractor, because of personal connections, former employment, or any other reason, is in a position to obtain special, preferential, or accelerated consideration of applications or other matters referred to HHFA Regional Offices or to the Central Office.

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<sup>1</sup>This policy is not applicable to the designation of an appraiser by HHFA in accordance with Urban Renewal Manual, Section 13-2-1 or 14-1-2.

## Section 6

### PROJECT SITE POSTING OF WAGE RATES APPROVED BY LABOR DEPARTMENT

Under Part 5 of the Regulations of the Department of Labor (CFR, Title 29, Subtitle A), the wage rates approved by that Department for a project must be displayed at the job site. In his memorandum of November 1, 1954 to all Federal agencies, the Solicitor of Labor requested that such posting be done by attaching copies of approved wage rates to standard posters prepared by the Department.

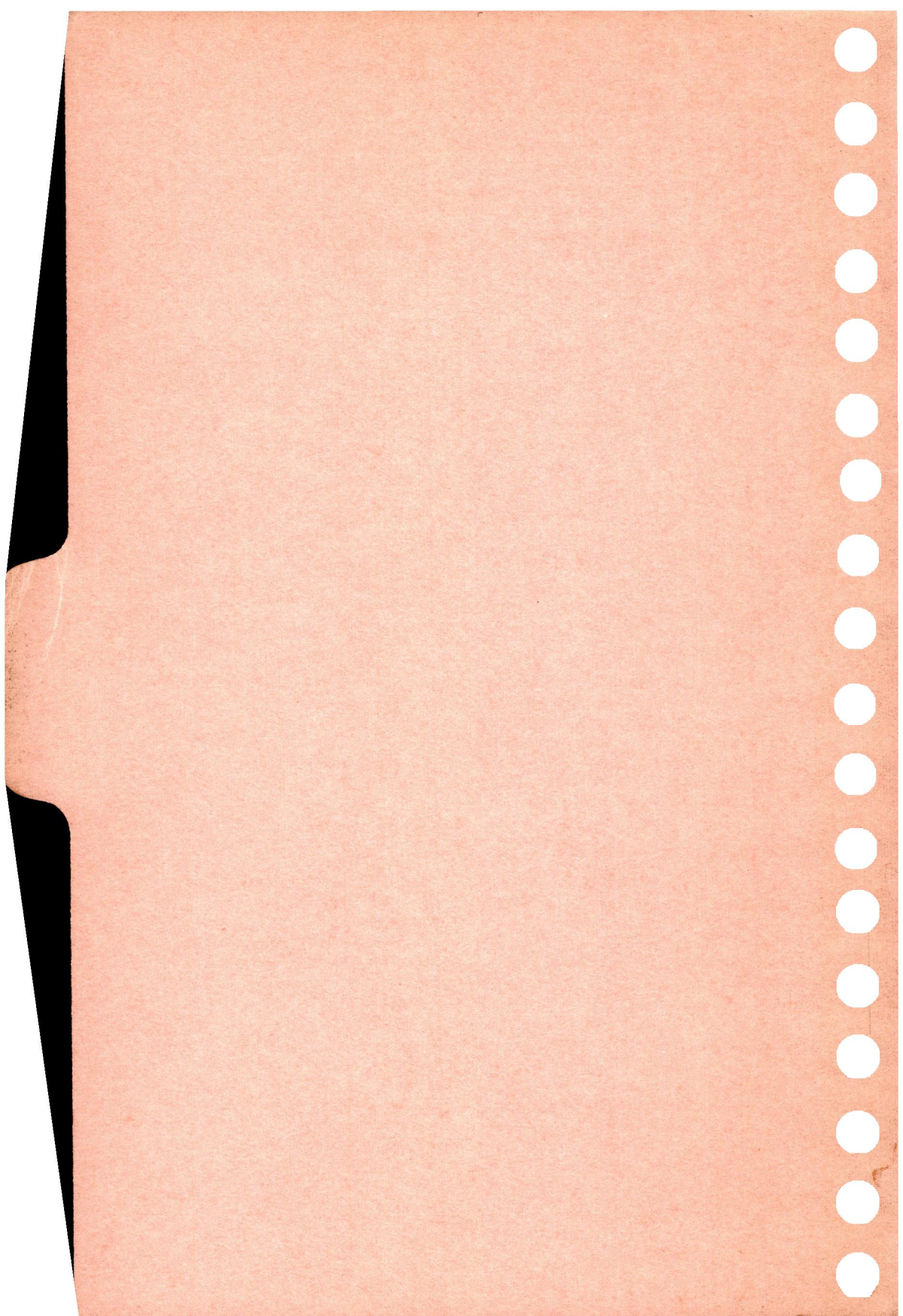
Such posting is required for all urban renewal, college housing, and school construction projects, including both Federal and non-Federal schools. Posting shall be required at the site of the work in a prominent place where it can be easily seen by the workers, such as at the prime contractor's construction shack or other site office. Posters and wage rates must be displayed throughout the construction period, and shall be replaced when damaged or worn.

The Regional Office shall send copies of the poster with suitable instructions for each affected project to the local public agency or applicant, or, in the case of a Federal project, directly to the prime contractor(s) with the notice of approval of wage rates by the Department of Labor. Supplies of posters (SOL-155-a) will be requisitioned from the Central Office Division of General Services.

Field engineers and site representatives assigned to such projects shall ascertain that posters and rates are displayed as required above and shall mention failure to post them in their inspection reports.

INTERNATIONAL  
HOUSING  
ACTIVITIES

3





## **Section 1**

### **ARRANGEMENTS FOR FOREIGN NATIONALS**

#### **ARRANGEMENTS**

The Office of International Housing shall develop training and orientation programs for foreign visitors to the United States. In addition to the responsibility of program planning, the Office of International Housing is also responsible for the maintenance, travel, and other administrative arrangements of Agency for International Development participants.

Program arrangements will allow for notification of appropriate agency offices approximately one month in advance of forthcoming visits. The Office of International Housing attempts to schedule visitors in small groups of similar interests.

All foreign visitors shall be informed of the importance of following the program and itineraries as planned.

#### **UNANNOUNCED VISITORS**

If foreign visitors arrive at any office of the Agency, the appropriate official will be guided by the circumstances and extend a courteous reception. However, the official shall tell the visitor that further interviews within the Housing and Home Finance Agency should be arranged through the Office of International Housing. Moreover, the official shall advise the Office of International Housing of the visit by a memorandum or by telephone.

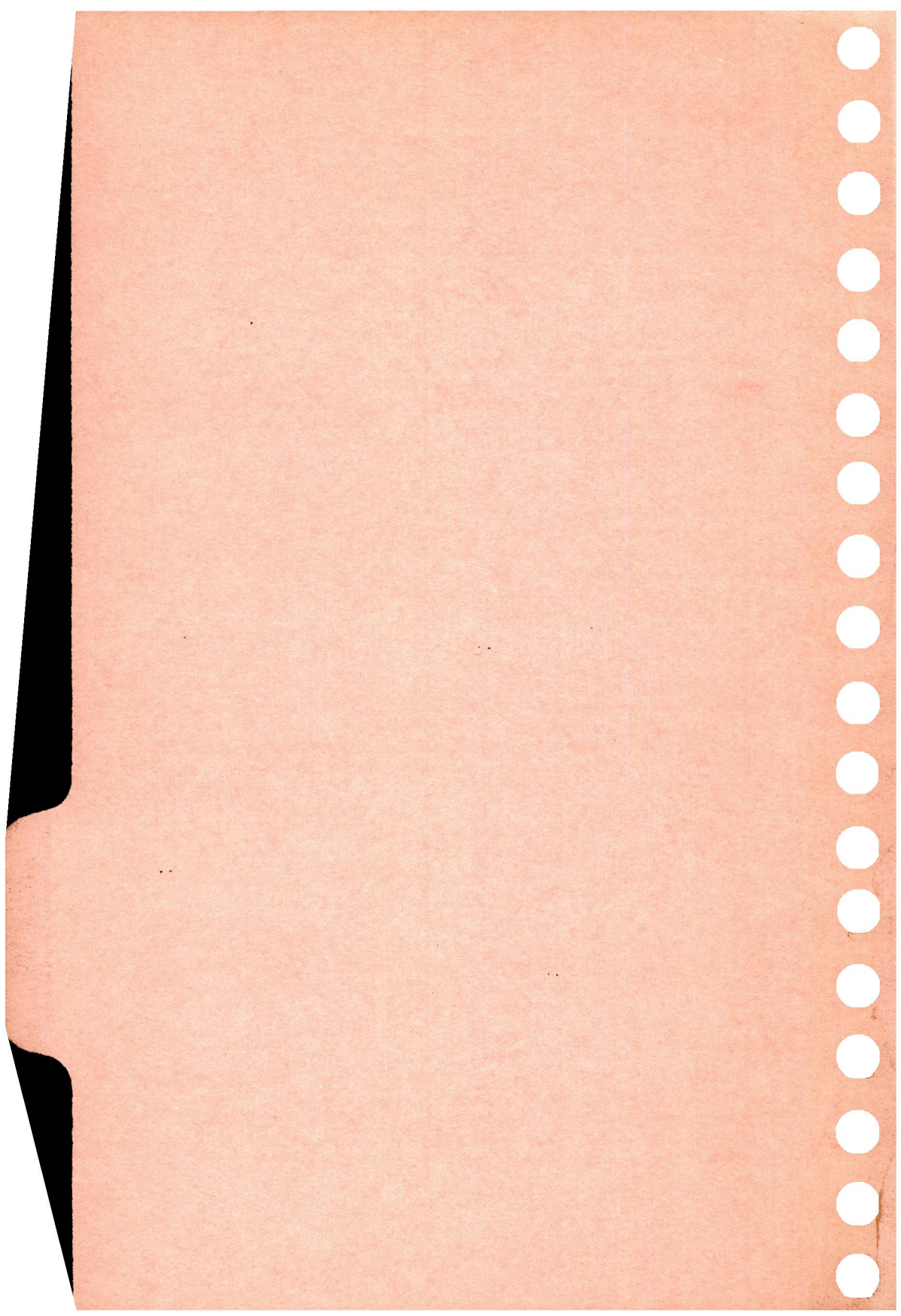
#### **REGIONAL OFFICE ASSISTANCE**

Regional Administrators may be requested to arrange technical contacts for foreign trainees within their Regional jurisdiction. The Office of International Housing will provide the Regional Office with information on the general, and in some cases the specific, program interests of the visitors. The Regional Administrators shall make the detailed selection of local technical contacts. Two copies of any program developed for a foreign visitor by the Regional Office shall be forwarded to the Office of International Housing. It is anticipated that the Regional Administrators will make use of all locations within their Regions which may be of interest to the visitors in order to avoid placing too great a burden on the technical contacts in the vicinity of the Regional Office. It is expected that the Regional Administrators will, from time to time, call upon the heads of field offices to arrange programs for visitors within their jurisdiction. Neither HHFA offices nor local public agencies are expected to furnish entertainment for foreign visitors.

When the Regional Administrator wishes to arrange contacts in a city which requires additional travel expense for an Agency for International Development participant, the Regional Administrator shall advise the Office of International Housing in order that the participant's itinerary may be arranged in the most economical manner and his travel order amended if necessary.

DEFENSE PLANNING AND  
DISASTER RELIEF  
ACTIVITIES

4



## Section 1

### NATURAL DISASTER RELIEF

The Housing and Home Finance Agency will cooperate with local, State and other Federal agencies in necessary natural disaster relief action. Responsibility for coordinating such action by Federal agencies has been delegated by the President to the Office of Emergency Planning.

#### FCDA—ODCM—OCDM—OEP

Insofar as the natural disaster relief program is concerned, the Office of Emergency Planning (OEP) is the successor to the Federal Civil Defense Administration (FCDA), the Office of Defense and Civilian Mobilization (ODCM), and the Office of Civil and Defense Mobilization (OCDM). Hence all references to FCDA, ODCM, or OCDM in Executive Orders, regulations, procedures, contracts, or memoranda of understanding should be interpreted to mean OEP.

#### COORDINATION

The function of assisting the Administrator in the coordination of Agency participation in natural disaster relief is assigned to the Office of Program Policy. Within the Office of Program Policy, the function is assigned to the Defense Planning Staff. The function involves coordination of Agency activities when the scope of a major disaster is such as to require action by one or more of the constituents in addition to the Office of the Administrator.

At the Regional level, the HHFA Regional Administrator shall coordinate Agency activities at the scene when the scope of a major disaster requires action by one or more of the constituents in addition to the Office of the Administrator.

The HHFA Regional Administrator shall designate one staff person and an alternate as liaison with the appropriate OEP Regional Office. The designees shall become fully conversant with OEP disaster procedures and Agency programs and shall be available to represent the Agency in natural disaster situations.

#### ASSISTANCE TO OEP

The HHFA Regional Administrator shall, upon request, cooperate fully with the OEP Regional Director when a disaster occurs. When the costs incident to such assistance are greater than the amount which the HHFA Regional Office can absorb under its current allotment for staff expense, the Regional Administrator shall obtain approval from the Central Office.

When determined to be in the best interests of the Federal Government, reimbursement of other Federal agencies for disaster relief expenditures made at the direction of OEP, may be approved under the provisions of Section 7, Public Law 875, and in accordance with Part 1709 of the Code of Federal Regulations—Reimbursement of other Federal Agencies Performing Major Disaster Relief Functions (32 CFR Part 1709). Reimbursement may not be made by OEP if no funds are allocated by the President for disaster assistance.

If OEP requests assistance involving OEP reimbursement to HHFA, the HHFA Regional Administrator shall require written confirmation from the OEP Regional Administrator of the request and of the agreement to provide reimbursement. In emergencies, when immediate action is required for the safety of human life or the protection of property, assistance may be rendered as requested by the OEP Regional Director with the understanding that written confirmation will follow.

Extended use of HHFA staff members in a major disaster area to supervise emergency work or restoration, including the provision of emergency housing or related facilities, may be requested by the OEP. Such use, including arrangements for reimbursement, must be approved by the Central Office.

#### **HHFA NATURAL DISASTER PROGRAMS**

The Office of Program Policy, Defense Planning Staff, is advised by OEP of all Declarations by the President of Major Natural Disaster Areas under Public Law 875, 81st Congress, as amended. The Defense Planning Staff in turn notifies by telephone the Federal Housing Administration, Public Housing Administration, Urban Renewal Administration, Federal National Mortgage Association, Community Facilities Administration, and Veterans Administration. Letters or memoranda confirming the telephone notification are promptly sent and copies thereof are forwarded to the appropriate HHFA Regional Administrator. This notice serves as a basis for implementation of HHFA natural disaster assistance programs.

#### **REPORTING**

Regional Administrators shall report by memorandum to the Administrator on assistance rendered in individual disaster situations. A copy of the report shall be sent to the Office of Program Policy, Defense Planning Staff.

#### **ASSISTANCE AVAILABLE**

##### **Office of the Administrator**

Direction of HHFA activities under the various programs is in the region (Regional Administrators) although Central Office officials may be sent to the scene at the request of OEP to assess the damage to housing and community facilities, and determine housing needs in relation to existing resources.

**Federal Housing Administration**

The Federal Housing Administration may authorize mortgage insurance under Section 203(h) of the National Housing Act for loans involving a principal obligation not in excess of \$12,000.00 and not in excess of 100 per cent of the appraised value of a dwelling designed principally for single-family residence and where the mortgagor is the owner and occupant, his previously occupied dwelling having been damaged or destroyed as the result of a flood, fire, hurricane, earthquake, storm, or other catastrophe which the President has determined to be a major disaster.

Lenders may be authorized by FHA to permit suspension of payments on existing insured home loans and home repair and modernization loans by disaster-affected borrowers. Also, if lenders cannot for any reason exercise this forbearance on insured home loans, the mortgage may be assigned to FHA, which will extend appropriate relief.

FHA may provide temporary housing for disaster victims in such dwellings owned by the Commissioner as may be available in the disaster area.

Under Section 220(h) of the National Housing Act, FHA may insure supplemental loans for repair and rehabilitation on 1- to 11-family units in an amount not to exceed \$40,000.00, or \$10,000.00 per family unit, whichever is the lesser; and on multifamily structures of five or more units in an amount not exceeding \$10,000.00 per family unit or an amount which when added to any outstanding indebtedness does not exceed amounts stipulated by regulation. No Presidential declaration of disaster is needed, but for Section 220(h) to apply, the dwelling must be in a designated urban renewal area.

Under Section 203(k) of the National Housing Act, supplemental loans for repairs and rehabilitation up to \$10,000.00 per family unit may be insured on 1- to 4-family structures located outside urban renewal areas. No Presidential declaration of disaster is needed.

Under Section 213(j) of the National Housing Act, supplemental loans may be insured for repairs and necessary community facilities in connection with management-type cooperative housing. No Presidential declaration of disaster is needed.

Insurance under Title I of the National Housing Act covers loans up to \$3,500.00 per property to be made for the repair and rehabilitation of all structures, residential and nonresidential, and for the rebuilding of nonresidential structures. A Presidential determination of a major disaster permits a Title I loan of not more than \$3,500.00 to be made within one year from such determination for the building of a new structure for temporary use as a dwelling for an owner or tenant whose dwelling was damaged or destroyed.

**Public Housing Administration**

The Public Housing Administration may request local authorities operating low-rent public housing to waive the eligibility requirements and permit temporary occupancy by disaster victims.

Applications for loans for the construction of low-rent public housing will be handled by PHA on an emergency basis.

**Urban Renewal Administration**

Under Section 111 of the Housing Act of 1949, as amended, certain requirements normally imposed by statute in rendering financial assistance to urban areas in need of redevelopment or rehabilitation may be waived in cases of major disasters proclaimed by the President. Where the local governing body certifies, and the Housing and Home Finance Administrator finds that an urban renewal area is in need of redevelopment or rehabilitation as a result of a flood, fire, hurricane, earthquake, storm, or other catastrophe which the President has declared to be a major disaster, the Administrator is authorized to extend urban renewal assistance without regard to a number of requirements in the Federal law. These include:

- (1) The Workable Program requirements, except that a Workable Program must be provided by some future date determined to be reasonable by the Administrator;
- (2) The requirement that the urban renewal plan conform to a general plan of the locality as a whole and to the Workable Program;
- (3) The public-hearing requirement;
- (4) Requirements with respect to the predominantly residential character or predominantly residential reuse of urban renewal areas;
- (5) The requirement that such areas be blighted, deteriorated, or deteriorating areas;
- (6) The relocation requirements, provided that the Administrator finds that the local public agency has a plan which will encourage, to the maximum extent feasible, the provision of suitable dwellings for families displaced by the catastrophe or by redevelopment or rehabilitation activities.

Cities, other municipalities, and counties which have suffered substantial damage as the result of a major disaster as proclaimed by the President may be the direct recipients of two-thirds planning assistance grants without regard to the 50,000 population ceiling on such grants normally imposed by Section 701 of the Housing Act of 1954, as amended.



**Federal National Mortgage Association**

Through its Special Assistance Program, FNMA may purchase, on an over-the-counter basis or under prior commitment, mortgages which are insured by the Federal Housing Commissioner (FHA-insured mortgages) or guaranteed by the Administrator of Veterans Affairs (VA-guaranteed mortgages) covering housing intended to be made available primarily for families who are victims of a catastrophe that the President of the United States has determined to be a major disaster. FNMA's purchase authority in a disaster situation covers mortgages insured under Sections 203(b), 203(h), 203(i), 203(k), 221(d)(2), and 222 of the National Housing Act and those guaranteed under Section 501 of the Servicemen's Readjustment Act of 1944.

**Community Facilities Administration**

Upon a Presidential declaration of a major disaster, CFA may provide technical aid in determining damage to community facilities and restoring emergency service. Additional assistance may be furnished by way of interest-free advances for planning, and loans at reasonable interest-rates for constructing essential public facilities, particularly water supply and sewage disposal systems.

CFA will expedite processing and technical assistance in the development of public works planning and public facility type projects requested by disaster-affected localities. No Presidential declaration of disaster is needed.

## SECTION 2

### DEFENSE PLANNING

#### PRESIDENTIAL ASSIGNMENTS

Executive Order 11004 dated February 16, 1962, assigned certain emergency preparedness functions to the Housing and Home Finance Administrator. The Administrator in turn has reassigned responsibility for emergency planning to the various components of HHFA.

The assignment to the Administrator in Executive Order 11004 covers two planning responsibilities:

1. The preparation of national emergency plans and programs covering all aspects of lodging or housing and the community facilities related thereto; and
2. The development of a standby organization and a readiness to carry out these programs in any national emergency.

However, the Executive Order does not authorize the Administrator to put into effect any of the emergency plans. Further instructions must be received from the President before the plans can be activated.

#### EMERGENCY PREPAREDNESS PLANNING ASSIGNMENTS

The following emergency preparedness planning assignments have been made by the Administrator:

##### **Billeting**

To develop a billeting or emergency lodging program. Responsibility for drafting a program document was assigned to the Federal Housing Administration. FHA has completed its assignment and the procedures devised have been delivered to the Department of Health, Education, and Welfare for integration into its emergency welfare program. DHEW will execute this program.

##### **Emergency Housing**

To develop programs to provide emergency housing with public funds by construction of barracks and austere trailers, the repair of damaged housing, and the conversion of non-dwelling structures to dwelling use. Responsibility for the preparation of plans, specifications, material lists, and instructions for construction of barracks and austere trailers was assigned to the Public Housing Administration. Responsibility for planning other portions of this assignment remains in the Office of the

Administrator. In a Civil Defense Emergency, PHA would have the principal responsibility for executing these programs. The HHFA Emergency Field Service, if and when activated, would assist in executing this program.

#### **Community Facilities**

To develop a program to provide water and sewer facilities for the emergency housing. Responsibility for this program was assigned to the Community Facilities Administration. (Under an inter-agency agreement, DHEW will determine qualitative and quantitative requirements and HHFA will be concerned with engineering design and construction.)

#### **Communities—Population Movement**

To develop plans for the selection, acquisition, development and disposal of areas for civilian uses in new, expanded, restored, or relocated communities; and participate in the preparation of plans for determining which areas are to be restored and for the movement of people from areas to be abandoned. Responsibility for this program was assigned to OA and the Urban Renewal Administration.

#### **New Housing**

To develop plans for the construction and management of new housing and the community facilities related thereto, when and where it is determined to be necessary, with public funds through direct Federal action; or the construction of new housing through financial or credit assistance in support of production programs. Responsibility for this program is shared by OA, PHA and FHA.

#### **Resources—Damage Assessment**

To develop, in cooperation with the Office of Emergency Planning and the Office of Civil Defense, a program for the assessment of the effects of an attack on housing resources; and periodically assemble and evaluate requirements with respect to assigned resources and services. The Office of the Administrator, FHA, PHA, CFA, FNMA, and URA are responsible for carrying out this assignment in accordance with the Administrator's memorandum of June 22, 1961 to Heads of Constituent Agencies and Regional Administrators.

#### **Claimancy and Distribution**

To develop plans which will enable HHFA to act as claimant before the resource agencies for materials, equipment and related services such as manpower, transportation and fuel to carry out agency programs; and plans for the allocation and distribution thereof. Responsibility for this program is in the Office of the Administrator, with assistance from FHA, PHA, and CFA.

**Stockpiles**

To assist the Office of Emergency Planning in formulating and carrying out plans for stockpiling of strategic and critical materials and survival items in the housing field. Responsibility for this function remains in the Office of the Administrator.

**Economic Stabilization**

Cooperate with the Office of Emergency Planning and the Federal financial agencies in the development of preparedness measures involving emergency financing, real estate credit, and rent stabilization. Responsibility for this function remains in the Office of the Administrator.

**Shelter**

Assist OCD in the development of plans to encourage the construction of fallout shelters for both old and new housing in conformance with the national shelter policy. The Office of the Administrator, URA, FHA, PHA, and CFA are responsible for carrying out this assignment.

**CONTINUITY OF AGENCY**

In addition to the assignment of emergency preparedness functions contained in Executive Order 11004, the Office of the Administrator and each of the constituents are responsible for providing for Agency continuity in the event of an emergency. This includes the preparation and testing of relocation sites, maintenance of a staff at the OEP Special Facilities Branch, preservation of essential records, issuance of orders to assure succession to key positions, and the development of plans for the curtailment of normal Agency functions and the carrying out of emergency functions.

**DEFENSE PLANNING COORDINATION**

The Defense Planning Staff, under the supervision of the Assistant Administrator (Program Policy), is responsible for the development and coordination of plans and programs and other activities necessary to carry out the emergency preparedness functions assigned to the Agency by the President.

Coordination within the Agency is accomplished through the HHFA Defense Council which is comprised of the Chief of the Defense Planning Staff as Chairman and representatives from the five constituents.

Coordination with other agencies is accomplished by the Chief of the Defense Planning Staff, (1) by representing HHFA on the Inter-Agency Emergency Planning Committee established by the Office of Emergency Planning, and (2) by maintaining direct liaison with other agencies as necessary to the development and operation of HHFA's programs.

Coordination at the field level is the responsibility of the Regional Administrators, working principally through the HHFA Regional Defense Planning Specialists and the HHFA Regional Defense Planning Committees. The HHFA Regional Defense Planning Committee in each region consists of the Regional Administrator as Chairman; the Regional Defense Planning Specialist; the Zone Commissioner, FHA; the Agency Manager, FNMA; the Regional Directors of PHA, CFA and URA; or their alternates. The Regional Administrator shall appoint a member of his staff as secretary to the Committee.

Coordination with other agencies at the field level is accomplished by the Regional Administrator or his designee, the Regional Defense Planning Specialist serving on the OEP Regional Preparedness Board and the OCD Civil Defense Coordinating Board.

#### EXECUTION OF EMERGENCY PLANS AND PROGRAMS

In the event of an attack upon the United States, the Central Office will, to the extent compatible with efficient operations, follow existing organization structure and relationships. The present field service structure, however, will be temporarily superseded by the HHFA Emergency Field Service established by the Administrator's Order of March 22, 1960 (Exhibit A).

The HHFA Emergency Field Service comes into being automatically upon the proclamation of a state of Civil Defense Emergency. It continues in existence, as the operating arm of all HHFA components in the field, until the Administrator determines that it is possible to re-establish the normal lines of communication and working relationships.

The HHFA Emergency Field Service has no responsibility for the planning of substantive programs. Prior to an attack, emergency field service planning is limited to plans for facilitating the activation of the emergency structure and training for the execution of the emergency plans and programs, such as:

1. The establishment and proper maintenance of emergency relocation facilities when so directed by the Washington office;
2. Development of standby plans, as prescribed by the Washington office, for the internal organization of the emergency regional and State offices;
3. Participation in training and test exercises to familiarize staff with the Agency's emergency plans and functioning of the emergency field service; and
4. Maintenance of liaison with the Regional Directors of the Office of Civil Defense, the Office of Emergency Planning, and the State Civil Defense authorities for training purposes.

#### INSTRUCTIONS TO THE FIELD

Instructions to field units relating to the Agency's emergency plans and programs are initiated by the Defense Planning Staff and

the HHFA Defense Council representatives for their respective constituents.

Responsibility for the issuance of these instructions is assigned as follows:

1. For matters of Agency-wide significance:

Instructions will be prepared by the Defense Planning Staff for the signature of the Administrator. Upon approval, the Defense Planning Staff will distribute copies to appropriate OA staff; supply copies to the constituent representatives on the HHFA Defense Council and to the Regional Administrators for appropriate distribution. Instructions in this category will be numbered serially with the designation, *HHFA Defense Planning Circular No. —*.

2. For matters relating to the organization and activation of the emergency field service:

Instructions will be prepared by the Defense Planning Staff for the signature of the Administrator or his designee. Upon approval, the Defense Planning Staff will distribute copies to appropriate OA staff; supply copies to the constituent representatives on the HHFA Defense Council and to the Regional Administrators for appropriate distribution. Instructions in this category will be numbered serially with the designation, *HHFA Emergency Field Service Circular No. —*.

3. For PHA, FHA, or FNMA emergency programs:

The heads of these constituents will issue instructions to their field offices and provide the Defense Planning Staff with copies. The Defense Planning Staff will furnish copies to OA staff and to the Regional Administrators for appropriate distribution. These instructions will be numbered serially with the designation, [*initials of constituent*] *Defense Planning Circular No. —*.

4. For URA and CFA emergency programs:

The heads of these constituents will prepare instructions in cooperation with the Defense Planning Staff. The Defense Planning Staff will furnish copies to OA staff and to the Regional Administrators for appropriate distribution. These instructions will be numbered serially with the designation, [*initials of constituent*] *Defense Planning Circular No. —*.

**EXHIBIT A**

**ESTABLISHMENT AND ORGANIZATION OF THE HHFA  
EMERGENCY FIELD SERVICE**

*Purpose.* In the period immediately after an attack upon the United States, it is likely that normal lines of communication between headquarters and field offices will not exist.

The purpose of this order is to set up a temporary field organization through which the Housing and Home Finance Agency can carry out its assigned responsibilities in such an emergency. The order provides a means of coordinating Agency activities at the local and regional levels in the absence of communication with the headquarters offices and delegates the emergency powers needed during this period.

This order does not affect the regularly established planning or operational responsibilities of the heads of HHFA constituents or the headquarters organization of those constituents. The emergency field organization itself will be in effect only until it is possible to reestablish normal lines of communication and working relationships.

1. *HHFA EMERGENCY FIELD SERVICE.* This order establishes the emergency field service of the Housing and Home Finance Agency, which shall be activated in the event of a civil defense emergency as provided in paragraph 7.

2. *HHFA REGIONS.* (a) The emergency field service shall consist of 9 regions:

<i>Region</i>	<i>Headquarters</i>	<i>Jurisdiction</i>
I	New York, N. Y.	Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont
II	Philadelphia, Pa.	Delaware, District of Columbia, Kentucky, Maryland, Ohio, Pennsylvania, Virginia, West Virginia
III	Atlanta, Ga.	Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee
IV	Chicago, Ill.	Illinois, Indiana, Michigan, Minnesota, Wisconsin
M-IV	Denver, Colo.	Colorado, Iowa, Kansas, Missouri, Nebraska, North Dakota, South Dakota, Wyoming
V	Fort Worth, Tex.	Arkansas, Louisiana, New Mexico, Oklahoma, Texas
VI	San Francisco, Calif.	Arizona, California, Hawaii, Nevada, Utah
M-VI	Seattle, Wash.	Alaska, Idaho, Montana, Oregon, Washington
VII	San Juan, P. R.	Puerto Rico, Virgin Islands

**EXHIBIT A (Page 2)**

(b) Each region shall be headed by a Regional Administrator, who shall report to the Administrator.

(1) The following designations of Regional Administrators in the emergency field service are effective until revoked:

<i>Region</i>	<i>Regional Administrator</i>
I	HHFA Regional Administrator, Region I
II	HHFA Regional Administrator, Region II
III	HHFA Regional Administrator, Region III
IV	HHFA Regional Administrator, Region IV
M-IV	Director, FHA Insuring Office, Denver
V	HHFA Regional Administrator, Region V
VI	HHFA Regional Administrator, Region VI
M-VI	Director of Northwest Operations, Seattle
VII	HHFA Regional Administrator, Region VII

(2) In the event that the Regional Administrator for any region (except Region M-IV or M-VI) is unable to act because of absence, illness, or other cause, or in the event of a vacancy in that position, the persons holding the following positions within that region, but excluding persons serving in those positions in an acting capacity, shall act as Regional Administrator in his place and stead; provided that no person shall serve as Acting Regional Administrator unless all other persons whose titles precede his in this designation are unable to act by reason of absence, illness, or other cause, or there is a vacancy in the position:

1. HHFA Deputy Regional Administrator
2. Regional Director, Public Housing Administration
3. Regional Director of Community Facilities Activities
4. Regional Director of Urban Renewal

(3) The persons designated as Regional Administrators for Regions M-IV and M-VI shall issue orders establishing the order of precedence to act as Regional Administrator for their regions.

(c) Each regional headquarters office in the emergency field service (except for Regions M-IV and M-VI) is formed from the staff and facilities of such regional headquarters offices of the Office of the Administrator, Public Housing Administration, and Federal National Mortgage Association as may be located within the regional boundaries.

(1) The regional headquarters office for Region M-IV is formed from the staff and facilities of the FHA Insuring Office at Denver. The Regional Administrator shall determine how such staff and facilities



**EXHIBIT A (Page 3)**

shall be allocated between the regional headquarters office and the State Office for Colorado.

(2) The regional headquarters office for Region M-VI is formed from the staff and facilities of the HHFA Area Office at Seattle.

(3) Employees stationed in the field as a part of a FHA Zone Commissioner's staff shall be assigned to the Regional headquarters office of the region in which they are located.

(4) Any staff or facilities not required for the performance of the essential functions of any regional headquarters office shall be assigned to State Offices in accordance with their operational needs.

(d) Each regional headquarters office in the emergency field service shall:

- (1) Supervise and coordinate the activities of State Offices within the region.
- (2) Maintain liaison with the regional offices of OCDM and other Federal agencies and with adjacent HHFA regions.
- (3) Assign staff, facilities, and resources available within the region on the basis of operational needs.

3. **HHFA FIELD OFFICES.** (a) HHFA activities within each State shall be performed by, or under the supervision of, a State Office.

(b) There is established in each State a State Office, which shall be headed by a State Director, who shall report to and perform his duties under the supervision of the Regional Administrator.

(1) The director of the FHA Insuring Office in each State or, if there is more than one such office in any State, of the FHA Insuring Office nearest the State capital, is designated as State Director.

(2) In the event that the State Director for any State is unable to act because of absence, illness, or other cause, the persons holding the following positions within that State, but excluding persons serving in those positions in an acting capacity, shall act as State Director in his place and stead; provided that no person shall serve as Acting State Director unless all other persons whose titles precede his in this designation are unable to act by reason of absence, illness, or other cause:

1. Directors of FHA Insuring Offices other than that nearest the State capital, in the order listed in column 2 below.
2. Assistant Director of the FHA Insuring Office nearest the State capital.
3. Chief Underwriter of the FHA Insuring Office nearest the State capital.

(3) The persons designated as State Directors shall issue orders supplementing this designation of Acting State Directors, so that the

**EXHIBIT A (Page 4)**

order of precedence to act in each State Office shall include a minimum of 6 persons.

(4) If all of the FHA Insuring Offices in any State are inoperative, the Regional Administrator shall form the State Office from staff and facilities otherwise available within the Region.

(c) Each State Office is formed from the staff and facilities of the FHA Insuring Office in that State.

(1) Where there is more than one FHA Insuring Office in a State, the State Office is formed from the staff and facilities of the Insuring Office nearest the State capital, as designated in column 1 below.

(2) If the FHA Insuring Office designated as State Office is inoperative, the State Director shall form the State Office from the staff and facilities of the Insuring Office which is still operative nearest the State capital, in the order listed in column 2 below.

(3) For the purpose of this order, in cases where there is more than one FHA Insuring Office in a State the Insuring Office designated in column 1 shall be considered to be the office nearest the State Capital. Those designated in column 2 shall be considered next nearest, in the order in which they are listed.

<i>State</i>	<i>Column 1</i>	<i>Column 2</i>
California	Sacramento	San Francisco, Los Angeles, San Diego
Florida <sup>1</sup>	Jacksonville	Tampa, Miami
Illinois	Springfield	Chicago
Louisiana	New Orleans	Shreveport
Michigan <sup>1</sup>	Grand Rapids	Detroit
Missouri	St. Louis	Kansas City
New Jersey	Camden	Newark
New York	Albany	New York City, Jamaica, Buffalo
Ohio	Columbus	Cincinnati, Cleveland
Oklahoma	Oklahoma City	Tulsa
Pennsylvania	Philadelphia	Pittsburgh
Tennessee <sup>2</sup>	Memphis	Knoxville
Texas	San Antonio	Houston, Fort Worth, Dallas, Lubbock
Washington	Seattle	Spokane

4. **FIELD STATIONS.** (a) Field offices not otherwise provided for in this order, including insuring offices, service offices, valuation stations, community disposition offices, VHMCP regional offices, and the offices of HHFA field engineers, field representatives, and site representatives, become a part of, and report to the State Offices in the States in which they are located.

(b) In the absence of communications with the State Office, field offices not otherwise provided for in this order represent the Housing

<sup>1</sup> As amended, effective March 22, 1960.

<sup>2</sup> As amended, effective October 13, 1961.

**EXHIBIT A (Page 5)**

and Home Finance Agency in the areas where they are and, as far as their resources allow, shall assist local officials in caring for local emergency needs.

(c) Each State Director may, as operational needs require, establish and abolish offices subordinate to the State Office or reassign any of the staff or facilities of such offices.

5. *DELEGATIONS OF EMERGENCY POWERS.* (a) Each Regional Administrator and State Director in the emergency field service of the Housing and Home Finance Agency, with respect to matters within the geographical areas over which they have jurisdiction, is hereby authorized to exercise all powers now or hereafter vested in or assigned to the Housing and Home Finance Administrator, except those powers which by law cannot be delegated by the Administrator.

(b) Each Regional Administrator and State Director is authorized to redelegate any of the foregoing authority to any officers and employees under his jurisdiction.

(c) The senior employee of the Housing and Home Finance Agency (by grade and, within grade, by total length of Federal service) who is present:

1. At any regional headquarters office, in the absence of a person designated to serve as Regional Administrator or as Acting Regional Administrator,
2. At any State Office, in the absence of a person designated to serve as State Director or as Acting State Director, or
3. At any other location where he is on duty, during such times as it may be impossible or infeasible to contact higher authority,

is authorized to assume and exercise the powers herein or hereafter delegated to Regional Administrators in the emergency field service.

6. *MOBILIZATION PLANNING.* (a) Each Regional Administrator and State Director designated in this order shall formulate in advance such plans as may be necessary to facilitate the activation of the emergency field service.

(b) Whenever under this order a State is to be transferred from one HHFA region to another region in the emergency field service, the Regional Administrators designated in this order, shall formulate in advance such plans as may be necessary to facilitate the transfer.

7. *EFFECTIVE DATE.* (a) This order (except as to paragraph 6) shall become effective only upon the existence of a state of civil defense emergency, as proclaimed by the President or by concurrent resolution of the Congress, as provided for by section 301 of the Federal Civil Defense Act of 1950, 64 Stat. 1251, 50 U.S.C. App. 2291.

(b) Paragraph 6 of this order is effective immediately.

**EXHIBIT A (Page 6)**

(c) This order shall remain in effect during the existence of a state of civil defense emergency until otherwise ordered by the Housing and Home Finance Administrator.

(d) This order supersedes the delegation of emergency powers to Regional Administrators dated May 28, 1959.

Issued this 22nd day of March, 1960.

NORMAN P. MASON  
Housing and Home Finance Administrator





### TRANSMITTAL CHECK LIST

Upon receipt of each transmittal letter, the recipient will place his initials in the blank following the appropriate number. A break in the continuity of transmittal letters received will indicate missing changes.

TL No.	Initials	TL No.	Initials	TL No.	Initials
RP- 1	.....	RP-18	.....	RP-35	.....
RP- 2	.....	RP-19	.....	RP-36	.....
RP- 3	.....	RP-20	.....	RP-37	.....
RP- 4	.....	RP-21	.....	RP-38	.....
RP- 5	.....	RP-22	.....	RP-39	.....
RP- 6	.....	RP-23	.....	RP-40	.....
RP- 7	.....	RP-24	.....	RP-41	.....
RP- 8	.....	RP-25	.....	RP-42	.....
RP- 9	.....	RP-26	.....	RP-43	.....
RP-10	.....	RP-27	.....	RP-44	.....
RP-11	.....	RP-28	.....	RP-45	.....
RP-12	.....	RP-29	.....	RP-46	.....
RP-13	.....	RP-30	.....	RP-47	.....
RP-14	.....	RP-31	.....	RP-48	.....
RP-15	.....	RP-32	.....	RP-49	.....
RP-16	.....	RP-33	.....	RP-50	.....
RP-17	.....	RP-34	.....	RP-51	.....

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TL No.	Initials	TL No.	Initials	TL No.	Initials
RP- 52	<del>.....</del>	RP- 75	.....	RP- 98	.....
RP- 53	<del>.....</del>	RP- 76	.....	RP- 99	.....
RP- 54	<del>.....</del>	RP- 77	.....	RP-100	.....
RP- 55	<del>.....</del>	RP- 78	.....	RP-101	.....
RP- 56	<del>.....</del>	RP- 79	.....	RP-102	.....
RP- 57	<del>.....</del>	RP- 80	.....	RP-103	.....
RP- 58	<del>.....</del>	RP- 81	.....	RP-104	.....
RP- 59	Ⓟ	RP- 82	.....	RP-105	.....
RP- 60	HL 2-2-62	RP- 83	.....	RP-106	.....
RP- 61	HL 3-28-62	RP- 84	.....	RP-107	.....
RP- 62	BD 2-18-63	RP- 85	.....	RP-108	.....
RP- 63	BD 5-16-63	RP- 86	.....	RP-109	.....
RP- 64	RDC 8-20-63	RP- 87	.....	RP-110	.....
RP- 65	RDC 9-11-63	RP- 88	.....	RP-111	.....
RP- 66	RDC 10-10-63	RP- 89	.....	RP-112	.....
RP- 67	RDC 12-12-63	RP- 90	.....	RP-113	.....
RP- 68	lde 5-26-64	RP- 91	.....	RP-114	.....
RP- 69	lde 10-23-64	RP- 92	.....	RP-115	.....
RP- 70	BD 2-16-65	RP- 93	.....	RP-116	.....
RP- 71	BD 7-28-65	RP- 94	.....	RP-117	.....
RP- 72	.....	RP- 95	.....	RP-118	.....
RP- 73	.....	RP- 96	.....	RP-119	.....
RP- 74	.....	RP- 97	.....	RP-120	.....