

§§ 201(d)(1), 203(e)(2)–(4), 204(d), 98 Stat. 2228, 2230, 2233; Nov. 8, 1984, Pub. L. 98-619, title III, § 308, 98 Stat. 3329; Dec. 12, 1985, Pub. L. 99-178, title III, § 307, 99 Stat. 1128; Oct. 18, 1986, Pub. L. 99-500, § 101(i) [H.R. 5233, title III, § 307], 100 Stat. 1783-287, and Oct. 30, 1986, Pub. L. 99-591, § 101(i) [H.R. 5233, title III, § 307], 100 Stat. 3341-287; Dec. 22, 1987, Pub. L. 100-202, § 106, 101 Stat. 1329-433, related to powers and duties of Secretary in carrying out subchapter.

Section 1749b, acts Apr. 20, 1950, ch. 94, title IV, § 403, 64 Stat. 80; June 30, 1961, Pub. L. 87-70, title IV, § 402, 75 Stat. 173; Aug. 1, 1968, Pub. L. 90-448, title XVII, § 1705(f), 82 Stat. 604, related to apportionment of funds.

Section 1749c, acts Apr. 20, 1950, ch. 94, title IV, § 404, 64 Stat. 80; Aug. 11, 1955, ch. 783, title III, §§ 302, 303, 69 Stat. 645; July 12, 1957, Pub. L. 85-104, title VI, § 601(b), 71 Stat. 304; Sept. 23, 1959, Pub. L. 86-372, title VI, § 603(a), 73 Stat. 682; June 30, 1961, Pub. L. 87-70, title IV, § 403, 75 Stat. 173; Sept. 2, 1964, Pub. L. 88-560, title X, § 1002, 78 Stat. 806; Aug. 10, 1965, Pub. L. 89-117, title VI, §§ 603, 604(a), 79 Stat. 489; Nov. 3, 1966, Pub. L. 89-754, title X, § 1014(a), 80 Stat. 1292; May 25, 1967, Pub. L. 90-19, § 8(a), (c), 81 Stat. 22; Aug. 1, 1968, Pub. L. 90-448, title XVII, § 1705(g)(2)–(7), 82 Stat. 605; Oct. 17, 1984, Pub. L. 98-479, title II, § 201(d)(2), 98 Stat. 2228, defined terms used in subchapter.

#### § 1749d. Cost of inspections and of providing representatives

On and after December 19, 1963, necessary expenses of inspections and of providing representatives at the site of projects being planned or undertaken by local public agencies pursuant to title I of the Housing Act of 1949, as amended [42 U.S.C. 1450 et seq.], projects financed through loans to educational institutions authorized by this subchapter, projects and facilities financed by loans to public agencies pursuant to title II of the Housing Amendments of 1955, as amended [42 U.S.C. 1491 et seq.], urban planning financed through grants to State and local government agencies pursuant to chapter 35 of title 40, and reserves of planned public works financed through advances to municipalities and other public agencies pursuant to chapter 35 of title 40, as amended, shall be compensated by such agencies or institutions by the payment of fixed fees which in the aggregate will cover the costs of rendering such services, and expenses for such purpose shall be considered nonadministrative; and for the purpose of providing such inspections, the Secretary of Housing and Urban Development may utilize any agency and such agency may accept reimbursement or payment for such services from such institutions, or the Secretary, and shall credit such amounts to the appropriations or funds against which such charges have been made.

(Pub. L. 88-215, title I, Dec. 19, 1963, 77 Stat. 437; Pub. L. 89-174, § 5, Sept. 9, 1965, 79 Stat. 669.)

#### REFERENCES IN TEXT

The Housing Act of 1949, as amended, referred to in text, is act July 15, 1949, ch. 338, 63 Stat. 413, as amended. Title I of the Housing Act of 1949 which was classified generally to subchapter II (§1450 et seq.) of chapter 8A of Title 42, The Public Health and Welfare, was omitted from the Code pursuant to section 5316 of Title 42 which terminated the authority to make grants or loans under such chapter after Jan. 1, 1975. For complete classification of this Act to the Code, see Short Title note set out under section 1441 of Title 42 and Tables.

The Housing Amendments of 1955, referred to in text, is act Aug. 11, 1955, ch. 783, 69 Stat. 645, as amended.

Title II of the Act was classified generally to chapter 8B (§1491 et seq.) of Title 42, The Public Health and Welfare, and was omitted from the Code pursuant to section 5316 of Title 42 which terminated authority to make grants or loans under such title II after Jan. 1, 1975. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of this title and Tables.

#### CODIFICATION

“Chapter 35 of title 40” substituted in text for “title VII of the Housing Act of 1954, as amended” and for “title VII of the Housing Act of 1954” on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

Section was enacted as part of the Independent Offices Appropriation Act, 1964, Pub. L. 88-215, and not as part of the National Housing Act which comprises this chapter. Similar provisions were contained in the following prior appropriation acts:

Oct. 3, 1962, Pub. L. 87-741, title I, 76 Stat. 728.  
 Aug. 17, 1961, Pub. L. 87-141, title I, 75 Stat. 353.  
 July 12, 1960, Pub. L. 86-626, title I, 74 Stat. 434.  
 Sept. 14, 1959, Pub. L. 86-255, title I, 73 Stat. 508.  
 Aug. 28, 1958, Pub. L. 85-844, title I, 72 Stat. 1070.  
 June 29, 1957, Pub. L. 85-69, title I, 71 Stat. 233.  
 June 27, 1956, ch. 452, title I, 70 Stat. 345.  
 June 30, 1955, ch. 244, title I, 69 Stat. 206.  
 June 24, 1954, ch. 359, title I, 68 Stat. 283.  
 July 31, 1953, ch. 302, title I, 67 Stat. 305.  
 July 5, 1952, ch. 578, title I, 66 Stat. 402.  
 Aug. 31, 1951, ch. 376, title I, 65 Stat. 276.  
 Sept. 6, 1950, ch. 896, Ch. VIII, title I, 64 Stat. 709.

#### TRANSFER OF FUNCTIONS

“Secretary” substituted for “Administrator” pursuant to section 5 of Pub. L. 89-174, Sept. 9, 1965, 79 Stat. 669, which transferred functions, powers, and duties of Housing and Home Finance Agency and its Administrator to Secretary of Housing and Urban Development, and which is classified to section 3534 of Title 42, The Public Health and Welfare.

#### LIMITATION ON EXPENSE

Pub. L. 89-555, title I, §101, Sept. 6, 1966, 80 Stat. 684, limited nonadministrative expenses to \$5,535,000 for fiscal year 1966. Similar provisions for prior fiscal years were contained in acts Aug. 31, 1951, ch. 376, title I, § 101, 65 Stat. 276; July 5, 1952, ch. 578, title I, § 101, 66 Stat. 402; July 31, 1953, ch. 302, title I, § 101, 67 Stat. 305; June 24, 1954, ch. 359, title I, § 101, 68 Stat. 283; June 30, 1955, ch. 244, title I, § 101, 69 Stat. 206; May 19, 1956, ch. 313, Ch. V, § 501, 70 Stat. 166; June 27, 1956, ch. 452, title I, § 101, 70 Stat. 346; June 29, 1957, Pub. L. 85-69, title I, § 101, 71 Stat. 233; Aug. 28, 1958, Pub. L. 85-844, title I, § 101, 72 Stat. 1070; Sept. 14, 1959, Pub. L. 86-255, title I, § 101, 73 Stat. 508; July 12, 1960, Pub. L. 86-626, title I, § 101, 74 Stat. 435; Aug. 17, 1961, Pub. L. 87-141, title I, § 101, 75 Stat. 353; Oct. 3, 1962, Pub. L. 87-741, title I, § 101, 76 Stat. 729; Dec. 19, 1963, Pub. L. 88-215, title I, § 101, 77 Stat. 437; Aug. 30, 1964, Pub. L. 88-507, title I, § 101, 78 Stat. 655; Aug. 16, 1965, Pub. L. 89-128, title I, § 101, 79 Stat. 531.

#### SUBCHAPTER IX—MORTGAGE INSURANCE FOR LAND DEVELOPMENT AND NEW COMMUNITIES

#### §§ 1749aa to 1749ll. Repealed. Pub. L. 101-235, title I, § 133(a), Dec. 15, 1989, 103 Stat. 2027

Section 1749aa, act June 27, 1934, ch. 847, title X, § 1001, as added Aug. 10, 1965, Pub. L. 89-117, title II, § 201(a), 79 Stat. 461; amended Nov. 3, 1966, Pub. L. 89-754, title X, §§ 1019, 1020(f), 80 Stat. 1295, 1296; May 25, 1967, Pub. L. 90-19, § 1(a)(3), 81 Stat. 17, defined terms for this subchapter.

Section 1749bb, act June 27, 1934, ch. 847, title X, § 1002, as added Aug. 10, 1965, Pub. L. 89-117, title II,

§201(a), 79 Stat. 462; amended Nov. 3, 1966, Pub. L. 89-754, title IV, §402, 80 Stat. 1272; May 25, 1967, Pub. L. 90-19, §1(a)(3), (4), 81 Stat. 17; Aug. 1, 1968, Pub. L. 90-448, title III, §310, 82 Stat. 509; Sept. 30, 1969, Pub. L. 91-78, §2(f), 83 Stat. 125; Dec. 24, 1969, Pub. L. 91-152, title I, §101(h), 83 Stat. 379; Oct. 2, 1970, Pub. L. 91-432, §1(f), 84 Stat. 887; Oct. 21, 1970, Pub. L. 91-473, §1(f), 84 Stat. 1065; Dec. 1, 1970, Pub. L. 91-525, §1(f), 84 Stat. 1384; Dec. 31, 1970, Pub. L. 91-609, title I, §101(h), 84 Stat. 1770; Oct. 18, 1972, Pub. L. 92-503, §1(h), 86 Stat. 906; Aug. 10, 1973, Pub. L. 93-85, §1(h), 87 Stat. 220; Oct. 2, 1973, Pub. L. 93-117, §1(h), 87 Stat. 422; Aug. 22, 1974, Pub. L. 93-383, title III, §§304(k), 314, 316(f), 88 Stat. 678, 684, 685; June 30, 1977, Pub. L. 95-60, §1(g), 91 Stat. 257; July 31, 1977, Pub. L. 95-80, §1(g), 91 Stat. 339; Oct. 12, 1977, Pub. L. 95-128, title III, §301(j), 91 Stat. 1131; Sept. 30, 1978, Pub. L. 95-406, §1(j), 92 Stat. 879; Oct. 31, 1978, Pub. L. 95-557, title III, §301(j), 92 Stat. 2096; Sept. 28, 1979, Pub. L. 96-71, §1(j), 93 Stat. 501; Nov. 8, 1979, Pub. L. 96-105, §1(j), 93 Stat. 794; Dec. 21, 1979, Pub. L. 96-153, title III, §301(j), 93 Stat. 1112; Oct. 3, 1980, Pub. L. 96-372, §1(j), 94 Stat. 1363; Oct. 8, 1980, Pub. L. 96-399, title III, §301(j), 94 Stat. 1639; Aug. 13, 1981, Pub. L. 97-35, title III, §331(i), 95 Stat. 413; Oct. 6, 1982, Pub. L. 97-289, §1(j), 96 Stat. 1230; May 26, 1983, Pub. L. 98-35, §1(j), 97 Stat. 197; Oct. 1, 1983, Pub. L. 98-109, §1(j), 97 Stat. 745; Nov. 30, 1983, Pub. L. 98-181, title I [title IV, §§401(i), 404(b)(16)], 97 Stat. 1208, 1210; Oct. 8, 1985, Pub. L. 99-120, §1(i), 99 Stat. 503; Nov. 15, 1985, Pub. L. 99-156, §1(i), 99 Stat. 816; Dec. 26, 1985, Pub. L. 99-219, §1(i), 99 Stat. 1731; Mar. 27, 1986, Pub. L. 99-267, §1(j), 100 Stat. 74; Apr. 7, 1986, Pub. L. 99-272, title III, §3007(i), 100 Stat. 105; May 2, 1986, Pub. L. 99-289, §1(b), 100 Stat. 412; June 24, 1986, Pub. L. 99-345, §1, 100 Stat. 673; Sept. 30, 1986, Pub. L. 99-430, 100 Stat. 986; Sept. 30, 1987, Pub. L. 100-122, §1, 101 Stat. 793; Nov. 5, 1987, Pub. L. 100-154, 101 Stat. 890; Nov. 17, 1987, Pub. L. 100-170, 101 Stat. 914; Dec. 3, 1987, Pub. L. 100-179, 101 Stat. 1018; Dec. 21, 1987, Pub. L. 100-200, 101 Stat. 1327; Feb. 5, 1988, Pub. L. 100-242, title IV, §401(a)(7), 101 Stat. 1898, authorized Secretary to insure mortgages in accordance with provisions of this subchapter.

Section 1749cc, act June 27, 1934, ch. 847, title X, §1003, as added Aug. 10, 1965, Pub. L. 89-117, title II, §201(a), 79 Stat. 463; amended May 25, 1967, Pub. L. 90-19, §1(a)(3), (u), 81 Stat. 17, 19; Dec. 31, 1970, Pub. L. 91-609, title I, §119, 84 Stat. 1775, directed that land development covered by mortgage insured under this subchapter be undertaken pursuant to a schedule and in accordance with an overall development plan.

Section 1749cc-1, act June 27, 1934, ch. 847, title X, §1004, as added Nov. 3, 1966, Pub. L. 89-754, title IV, §401(a), 80 Stat. 1271, related to approval of new communities for mortgage insurance.

Section 1749dd, act June 27, 1934, ch. 847, title X, §1005, formerly §1004, as added Aug. 10, 1965, Pub. L. 89-117, title II, §201(a), 79 Stat. 463; renumbered §1005 and amended Nov. 3, 1966, Pub. L. 89-754, title IV, §§401(a), 403, 80 Stat. 1271, 1272; May 25, 1967, Pub. L. 90-19, §1(a)(3), 81 Stat. 17, directed adoption of requirements to encourage homebuilding industry and proper balance of housing for moderate and low income families.

Section 1749ee, act June 27, 1934, ch. 847, title X, §1006, formerly §1005, as added Aug. 10, 1965, Pub. L. 89-117, title II, §201(a), 79 Stat. 463; renumbered §1006 and amended Nov. 3, 1966, Pub. L. 89-754, title IV, §§401(a), 404, 80 Stat. 1271, 1272, related to service of land by public water and sewerage systems after development.

Section 1749ff, act June 27, 1934, ch. 847, title X, §1007, formerly §1006, as added Aug. 10, 1965, Pub. L. 89-117, title II, §201(a), 79 Stat. 464; renumbered §1007, Nov. 3, 1966, Pub. L. 89-754, title IV, §401(a), 80 Stat. 1271; amended May 25, 1967, Pub. L. 90-19, §1(a)(3), 81 Stat. 17, related to release or subordination of mortgaged property.

Section 1749gg, act June 27, 1934, ch. 847, title X, §1008, formerly §1007, as added Aug. 10, 1965, Pub. L. 89-117, title II, §201(a), 79 Stat. 464; renumbered §1008, Nov. 3, 1966, Pub. L. 89-754, title IV, §401(a), 80 Stat.

1271; amended May 25, 1967, Pub. L. 90-19, §1(a)(3), 81 Stat. 17, related to premium rates and other charges for mortgage insurance and report to Congress thereon.

Section 1749hh, act June 27, 1934, ch. 847, title X, §1009, formerly §1008, as added Aug. 10, 1965, Pub. L. 89-117, title II, §201(a), 79 Stat. 464; renumbered §1009, Nov. 3, 1966, Pub. L. 89-754, title IV, §401(a), 80 Stat. 1271; amended May 25, 1967, Pub. L. 90-19, §1(a)(3), 81 Stat. 17, related to applicability of other provisions of law to this subchapter.

Section 1749ii, act June 27, 1934, ch. 847, title X, §1010, formerly §1009, as added Aug. 10, 1965, Pub. L. 89-117, title II, §201(a), 79 Stat. 464; renumbered §1010, Nov. 3, 1966, Pub. L. 89-754, title IV, §401(a), 80 Stat. 1271; amended May 25, 1967, Pub. L. 90-19, §1(a)(3), 81 Stat. 17, provided that insurance contract under this subchapter was conclusive evidence of eligibility for insurance and that the validity of such contract was incontestable.

Section 1749jj, act June 27, 1934, ch. 847, title X, §1011, formerly §1010, as added Aug. 10, 1965, Pub. L. 89-117, title II, §201(a), 79 Stat. 464; renumbered §1011, Nov. 3, 1966, Pub. L. 89-754, title IV, §401(a), 80 Stat. 1271; amended May 25, 1967, Pub. L. 90-19, §1(a)(3), 81 Stat. 17, authorized making rules and regulations to carry out provisions of subchapter.

Section 1749kk, act June 27, 1934, ch. 847, title X, §1012, formerly §1011, as added Aug. 10, 1965, Pub. L. 89-117, title II, §201(a), 79 Stat. 464; renumbered §1012, Nov. 3, 1966, Pub. L. 89-754, title IV, §401(a), 80 Stat. 1271; amended May 25, 1967, Pub. L. 90-19, §1(a)(3), 81 Stat. 17, related to taxation of real property acquired by Secretary.

Section 1749ll, act June 27, 1934, ch. 847, title X, §1013, formerly §1012, as added Aug. 10, 1965, Pub. L. 89-117, title II, §201(a), 79 Stat. 464; renumbered §1013, Nov. 3, 1966, Pub. L. 89-754, title IV, §401(a), 80 Stat. 1271; amended May 25, 1967, Pub. L. 90-19, §1(a)(3), (4), 81 Stat. 17, related to requirements to assure that amount of mortgage was not excessive and to requirement that mortgagor certify costs of land development.

#### SAVINGS PROVISION

Pub. L. 101-235, title I, §133(c), Dec. 15, 1989, 103 Stat. 2027, provided that: "Any contract of insurance entered into under title X [this subchapter, §§1749aa to 1749ll] before the date of enactment of this Act [Dec. 15, 1989] shall be governed by the provisions of such title as such title existed immediately before such date."

#### APPLICABILITY OF REPEAL

Pub. L. 101-235, title I, §133(b), Dec. 15, 1989, 103 Stat. 2027, provided that: "On or after the date of enactment of this Act [Dec. 15, 1989], no mortgage may be insured under title X [this subchapter, §§1749aa to 1749ll], as such title existed immediately before such date, except pursuant to a commitment to insure made before such date."

### SUBCHAPTER IX—B—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES AND MEDICAL PRACTICE FACILITIES

#### § 1749aaa. Insurance of mortgages

##### (a) Authority of Secretary; termination date

The Secretary is authorized (1) to insure mortgages (including advances on such mortgages during construction), upon such terms and conditions as he may prescribe, in accordance with the provisions of this subchapter, and (2) to make commitments for the insuring of such mortgages prior to the date of their execution or disbursement thereon.

##### (b) Eligibility for insurance

To be eligible for insurance under this subchapter, the mortgage shall (1) be executed by a mortgagor that is a group practice unit or orga-