

retary) are most effectively implemented in connection with the expenditure of funds for special projects appropriated under an appropriations Act for the Department of Housing and Urban Development, such as special projects under the head "Annual Contributions for Assisted Housing" in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993, and to assure to the public undiminished protection of the environment, the Secretary of Housing and Urban Development may, under such regulations, in lieu of the environmental protection procedures otherwise applicable, provide for the release of funds for particular special projects upon the request of recipients of special projects assistance, if the State or unit of general local government, as designated by the Secretary in accordance with regulations, assumes all of the responsibilities for environmental review, decisionmaking, and action pursuant to such Act, and such other provisions of law as the regulations of the Secretary specify, that would otherwise apply to the Secretary were the Secretary to undertake such special projects as Federal projects.

(B) Implementation

The Secretary shall issue regulations to carry out this section only after consultation with the Council on Environmental Quality. Such regulations shall—

- (i) provide for monitoring of the performance of environmental reviews under this section;
- (ii) in the discretion of the Secretary, provide for the provision or facilitation of training for such performance; and
- (iii) subject to the discretion of the Secretary, provide for suspension or termination by the Secretary of the assumption under subparagraph (A).

(C) Responsibilities of State or unit of general local government

The Secretary's duty under subparagraph (B) shall not be construed to limit any responsibility assumed by a State or unit of general local government with respect to any particular release of funds under subparagraph (A).

(2) Procedure

The Secretary shall approve the release of funds for projects subject to the procedures authorized by this section only if, not less than 15 days prior to such approval and prior to any commitment of funds to such projects, the recipient submits to the Secretary a request for such release, accompanied by a certification of the State or unit of general local government which meets the requirements of paragraph (3). The Secretary's approval of any such certification shall be deemed to satisfy the Secretary's responsibilities under the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.] and such other provisions of law as the regulations of the Secretary specify insofar as those responsibilities relate to the releases of funds for special projects to be carried out pursuant thereto which are covered by such certification.

(3) Certification

A certification under the procedures authorized by this section shall—

- (A) be in a form acceptable to the Secretary;
- (B) be executed by the chief executive officer or other officer of the State or unit of general local government who qualifies under regulations of the Secretary;
- (C) specify that the State or unit of general local government under this section has fully carried out its responsibilities as described under paragraph (1); and
- (D) specify that the certifying officer—
 - (i) consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.] and each provision of law specified in regulations issued by the Secretary insofar as the provisions of such Act or other such provision of law apply pursuant to paragraph (1); and
 - (ii) is authorized and consents on behalf of the State or unit of general local government and himself or herself to accept the jurisdiction of the Federal courts for the purpose of enforcement of the responsibilities as such an official.

(4) Approval by States

In cases in which a unit of general local government carries out the responsibilities described in paragraph (1), the Secretary may permit the State to perform those actions of the Secretary described in paragraph (2) and the performance of such actions by the State, where permitted by the Secretary, shall be deemed to satisfy the Secretary's responsibilities referred to in the second sentence of paragraph (2).

(Pub. L. 103-233, title III, §305(c), Apr. 11, 1994, 108 Stat. 372.)

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in pars. (1)(A), (2), and (3)(D)(i), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§4321 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of this title and Tables.

The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993, referred to in par. (1)(A), is Pub. L. 102-389, Oct. 6, 1992, 106 Stat. 1571. Provisions under the head "Annual Contributions for Assisted Housing" in title II of the Act appear at 106 Stat. 1582 and are not classified to the Code. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was enacted as part of the Multifamily Housing Property Disposition Reform Act of 1994, and not as part of the Department of Housing and Urban Development Act which comprises this chapter.

CHAPTER 45—FAIR HOUSING

SUBCHAPTER I—GENERALLY

- 3601. Declaration of policy.
- 3602. Definitions.
- 3603. Effective dates of certain prohibitions.
 - (a) Application to certain described dwellings.
 - (b) Exemptions.
 - (c) Business of selling or renting dwellings defined.

- 3604. Discrimination in the sale or rental of housing and other prohibited practices.
 - 3605. Discrimination in residential real estate-related transactions.
 - (a) In general.
 - (b) "Residential real estate-related transaction" defined.
 - (c) Appraisal exemption.
 - 3606. Discrimination in the provision of brokerage services.
 - 3607. Religious organization or private club exemption.
 - 3608. Administration.
 - (a) Authority and responsibility.
 - (b) Assistant Secretary.
 - (c) Delegation of authority; appointment of administrative law judges; location of conciliation meetings; administrative review.
 - (d) Cooperation of Secretary and executive departments and agencies in administration of housing and urban development programs and activities to further fair housing purposes.
 - (e) Functions of Secretary.
 - (f) Provisions of law applicable to Department programs.
 - 3608a. Collection of certain data.
 - (a) In general.
 - (b) Reports to Congress.
 - 3609. Education and conciliation; conferences and consultations; reports.
 - 3610. Administrative enforcement; preliminary matters.
 - (a) Complaints and answers.
 - (b) Investigative report and conciliation.
 - (c) Failure to comply with conciliation agreement.
 - (d) Prohibitions and requirements with respect to disclosure of information.
 - (e) Prompt judicial action.
 - (f) Referral for State or local proceedings.
 - (g) Reasonable cause determination and effect.
 - (h) Service of copies of charge.
 - 3611. Subpoenas; giving of evidence.
 - (a) In general.
 - (b) Witness fees.
 - (c) Criminal penalties.
 - 3612. Enforcement by Secretary.
 - (a) Election of judicial determination.
 - (b) Administrative law judge hearing in absence of election.
 - (c) Rights of parties.
 - (d) Expedited discovery and hearing.
 - (e) Resolution of charge.
 - (f) Effect of trial of civil action on administrative proceedings.
 - (g) Hearings, findings and conclusions, and order.
 - (h) Review by Secretary; service of final order.
 - (i) Judicial review.
 - (j) Court enforcement of administrative order upon petition by Secretary.
 - (k) Relief which may be granted.
 - (l) Enforcement decree in absence of petition for review.
 - (m) Court enforcement of administrative order upon petition of any person entitled to relief.
 - (n) Entry of decree.
 - (o) Civil action for enforcement when election is made for such civil action.
 - (p) Attorney's fees.
 - 3613. Enforcement by private persons.
 - (a) Civil action.
 - (b) Appointment of attorney by court.
 - (c) Relief which may be granted.
 - (d) Effect on certain sales, encumbrances, and rentals.
 - (e) Intervention by Attorney General.
 - 3614. Enforcement by Attorney General.
 - (a) Pattern or practice cases.
 - (b) On referral of discriminatory housing practice or conciliation agreement for enforcement.
 - (c) Enforcement of subpoenas.
 - (d) Relief which may be granted in civil actions under subsections (a) and (b).
 - (e) Intervention in civil actions.
 - 3614-1. Incentives for self-testing and self-correction.
 - (a) Privileged information.
 - (b) Results of self-testing.
 - (c) Adjudication.
 - 3614a. Rules to implement subchapter.
 - 3615. Effect on State laws.
 - 3616. Cooperation with State and local agencies administering fair housing laws; utilization of services and personnel; reimbursement; written agreements; publication in Federal Register.
 - 3616a. Fair housing initiatives program.
 - (a) In general.
 - (b) Private enforcement initiatives.
 - (c) Funding of fair housing organizations.
 - (d) Education and outreach.
 - (e) Program administration.
 - (f) Regulations.
 - (g) Authorization of appropriations.
 - (h) Qualified fair housing enforcement organization.
 - (i) Prohibition on use of funds.
 - (j) Reporting requirements.
 - 3617. Interference, coercion, or intimidation.
 - 3618. Authorization of appropriations.
 - 3619. Separability.
- SUBCHAPTER II—PREVENTION OF INTIMIDATION
- 3631. Violations; penalties.
- CHAPTER REFERRED TO IN OTHER SECTIONS
- This chapter is referred to in section 5304 of this title.
- SUBCHAPTER I—GENERALLY
- SUBCHAPTER REFERRED TO IN OTHER SECTIONS
- This subchapter is referred to in sections 1437i, 1437v, 1437w, 1437aaa-1, 1437aaa-2, 3535, 3608a, 3616a, 4621, 5304, 5306, 5307, 6727, 8013, 11386, 11394, 12181, 12754, 12872, 12873, 12892, 12893, 12899b, 12899c, 13603 of this title; title 12 sections 1701q, 1708, 4545; title 15 section 1691e; title 23 section 117; title 25 section 4131; title 31 section 6711; title 49 section 70304.
- § 3601. Declaration of policy**
- It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States.
- (Pub. L. 90-284, title VIII, §801, Apr. 11, 1968, 82 Stat. 81.)
- EFFECTIVE DATE OF 1988 AMENDMENT
- Pub. L. 100-430, §13(a), Sept. 13, 1988, 102 Stat. 1636, provided that: "This Act and the amendments made by this Act [see Short Title of 1988 Amendment note below] shall take effect on the 180th day beginning after the date of the enactment of this Act [Sept. 13, 1988]."
- SHORT TITLE OF 1995 AMENDMENT
- Pub. L. 104-76, §1, Dec. 28, 1995, 109 Stat. 787, provided that: "This Act [amending section 3607 of this title]