
CHAPTER 3. GENERAL COUNSEL

- 3-1. GENERAL COUNSEL. The General Counsel advises the Secretary and other Principal Staff of the Department by providing legal opinions, advice, and services with respect to all programs and activities of the Department and providing counsel and assistance in the development of the Department's programs and policies, and in the development and enactment of the Department's legislative program. The General Counsel is responsible for:
- a. Interpreting the authority of the Secretary and determining whether the issuance of any rule, regulation, statement of policy, standard, handbook, guideline, notice, or other issuance promulgated by the Department is consistent with that power and authority.
 - b. Directing, managing, and coordinating all litigation in any court brought in the name of or against the Secretary or the Department or in which the Secretary or the Department is named as a party.
 - c. Providing counsel and assistance in the drafting of program regulations, handbooks, guidelines, notices, or other issuances.
 - d. Directing the referral of claims, cases, and other matters pertaining to the violation of laws or Departmental rules and regulations to the Attorney General for appropriate legal action (except for those referrals and transmittals which the Inspector General is authorized to make directly to the Attorney General).
 - e. Accepting on behalf of the Secretary service of all summons, subpoenas, and other judicial, administrative, or legislative processes directed to the Secretary or to an employee of the Department in an official capacity.
 - f. Approving the legality of the issuance of subpoenas or interrogatories, the compelling of attendance by witnesses, and granting of petitions to revoke or modify subpoenas or interrogatories

- pertaining to investigations or other proceedings for which responsibility is vested in the Secretary.
- g. Considering, ascertaining, adjusting, determining, compromising, and settling claims under the Federal Tort Claims Act and the Debt Collection Act and implementing regulations.
 - h. Acting as liaison with the Federal National Mortgage Association and coordinating the exercise of the regulatory powers and authority of the Secretary with respect to the activities of the Association.
 - i. Advising, and making final determinations on appeals, with respect to the production or disclosure of material or information, or the correction of records, under the Freedom of Information Act and the Privacy Act of 1974.
 - j. Providing counsel to the Department and its employees on standards of conduct and conflicts of interest.
 - k. Representing the Department's interest in various administrative proceedings before administrative law judges, hearing officers, and panels of Departmental officials concerning such matters as contract appeals; mortgagee review functions; debarment, suspension, and temporary denial of participation; and personnel actions.
 - l. Providing counsel and assistance on the Lead-Based Paint Program as authorized by the Lead-Based Paint Poisoning Prevention Act. (Permanent assignment of this function to another organizational component of the Department is under review.)
 - m. Providing professional guidance and exercising functional supervision of the legal staff in Regional and Field Offices and the following offices in Headquarters:

Deputy General Counsels
Field and Management Operations Staff
Office of Insured Housing and Finance

Office of Assisted Housing and Community Development
Office of Equal Opportunity and Administrative Law
Office of Program Enforcement
Office of Litigation
Office of Legislation and Regulations

- 3-2. DEPUTY GENERAL COUNSELS. The Deputy General Counsels assist the General Counsel in the performance of all duties and responsibilities and exercise concurrently all of the powers and authorities of the General Counsel when both are on duty. The Deputy General Counsel (Operations) exercises the oversight of the Field and Management Operations Staff. In the absence of the General Counsel, one of the Deputies will be designated as acting General Counsel.
- 3-3. FIELD AND MANAGEMENT OPERATIONS STAFF. This staff assists in providing oversight of and support to Regional Counsel, Chief Counsel, Chief Attorneys, and their staff. It facilitates communication between Headquarters and Field Counsel, monitors the delivery of Field legal services, allocates Field legal staff, and organizes training and meetings for Field legal staff. This staff also assists in developing computer systems and provides support and training to the Office of General Counsel and Field legal staff on the use of these systems.
- 3-4. OFFICE OF INSURED HOUSING AND FINANCE. This office performs the legal work for programs authorized under the National Housing Act, Title I of the Housing and Urban Development Act of 1965 and Title II of the Housing and Community Development Amendments of 1978, and performs legal work involving the disposition of HUD-owned projects constructed under the Elderly and Handicapped Housing Loan Program. This office also provides advice on matters relating to oversight of the Federal National Mortgage Association, provides legal support for the financing of HUD programs in the private capital markets, advises the Department on the effects of Federal and state tax laws on HUD programs, and serves as a focal point for all matters relating to bankruptcy proceedings in which the Department has an interest.
- 3-5. OFFICE OF ASSISTED HOUSING AND COMMUNITY DEVELOPMENT. This office performs legal work for the Community Development Block Grant Program, the Urban Development

Action Grant Program, the Rental Rehabilitation Grant Program, and all other programs and functions delegated to the Assistant Secretary for Community Planning and Development other than the functions relating to requirements imposed on Departmental programs by environmental protection legislation. The office also performs legal work for assisted housing programs, including Public Housing, Section 8, the Housing Development Grant Program, and the Direct Loan Program of Housing for the Elderly and Handicapped.

- 3-6. OFFICE OF EQUAL OPPORTUNITY AND ADMINISTRATIVE LAW. This office performs legal work for programs and functions delegated to the Assistant Secretary for Fair Housing and Equal Opportunity, the Assistant Secretary for Policy Development and Research, the Assistant Secretary for Public Affairs, the Assistant Secretary for Administration, and the Assistants to the Secretary for Labor Relations and International Affairs. The office also performs legal work for the HUD Board of Contract Appeals, for functions relating to requirements imposed on Departmental programs by environmental protection legislation, and for functions relating to labor standards requirements.
- 3-7. OFFICE OF PROGRAM ENFORCEMENT. This office performs legal work with respect to affirmative litigation initiated by the Department to enforce statutory, regulatory, and contractual requirements applicable to participants in HUD programs and for administrative proceedings and sanctions arising under various regulations promulgated by the Department. The office also provides general legal advice and counsel to the Office of Inspector General, the Mortgagee Review Board, the Office of Finance and Accounting, and to the Offices of Multifamily Housing Management, Lender Activities and Land Sales Registration, and Manufactured Housing and Regulatory Functions.
- 3-8. OFFICE OF LITIGATION. This office performs legal services in connection with litigation brought by or against the Department, its officials and employees. The office acts as the Department's liaison with the Department of Justice on litigation matters, and prepares court papers and handles discovery, oral argument, trials, and appeals as agreed with the Department of Justice. The office develops proposals

for non-routine settlements, recommendations to institute litigation, and recommendations for or against appellate review from adverse judicial determinations, and recommends appropriate disposition of such matters to the General Counsel. The office also reviews and evaluates such material prepared by other offices. The office is responsible for implementing 24 CFR Part 15, Subpart H, Production in Response to Subpoenas or Demands of Courts or other Authorities, which are served on Headquarters' officials and employees.

- 3-9. OFFICE OF LEGISLATION AND REGULATIONS. This office performs legal work for the Department's legislative program and related activities, and the drafting and clearance of Department regulations and related functions.