

(June 27, 1934, ch. 847, title V, § 526, as added Pub. L. 93-383, title III, § 305, Aug. 22, 1974, 88 Stat. 678; amended Pub. L. 95-619, title II, § 252(a), Nov. 9, 1978, 92 Stat. 3236; Pub. L. 96-399, title III, § 326(e), Oct. 8, 1980, 94 Stat. 1650; Pub. L. 98-181, title I [title IV, § 405], Nov. 30, 1983, 97 Stat. 1210; Pub. L. 98-479, title I, § 104(a)(6), Oct. 17, 1984, 98 Stat. 2225; Pub. L. 114-113, div. L, title II, § 238, Dec. 18, 2015, 129 Stat. 2897.)

Editorial Notes

AMENDMENTS

2015—Subsec. (c). Pub. L. 114-113 added subsec. (c).

1984—Pub. L. 98-479 substituted “Minimum property standards” for “Promotion of energy saving techniques by Secretary of Housing and Urban Development of insured housing” in section catchline.

1983—Subsec. (a). Pub. L. 98-181 designated existing provision as subsec. (a), inserted “, other than manufactured homes,” after “housing”, inserted provision that the energy performance requirements developed for newly constructed residential housing, other than manufactured homes, be at least as effective in performance as the energy performance requirements incorporated in the minimum property standards in effect Sept. 30, 1982, and added subsec. (b).

1980—Pub. L. 96-399 struck out “, until such time as the energy conservation performance standards required under the Energy Conservation Standards for New Buildings Act of 1976 become effective” in second sentence.

1978—Pub. L. 95-619 inserted provision requiring that the minimum property standards established by the Secretary under this section were to contain energy performance requirements to achieve a significant increase in the energy efficiency of new construction.

§ 1735f-5. Prohibition against discrimination on account of sex in extension of mortgage assistance; consideration of combined income of husband and wife for purpose of extending mortgage credit; definitions

(a) No federally related mortgage loan, or Federal insurance, guaranty, or other assistance in connection therewith (under this chapter or any other Act), shall be denied to any person on account of sex; and every person engaged in making mortgage loans secured by residential real property shall consider without prejudice the combined income of both husband and wife for the purpose of extending mortgage credit in the form of a federally related mortgage loan to a married couple or either member thereof.

(b) For purposes of subsection (a), the term “federally related mortgage loan” means any loan which—

(1) is secured by residential real property designed principally for the occupancy of from one to four families; and

(2)(A) is made in whole or in part by any lender the deposits or accounts of which are insured by any agency of the Federal Government, or is made in whole or in part by any lender which is itself regulated by any agency of the Federal Government; or

(B) is made in whole or in part, or insured, guaranteed, supplemented, or assisted in any way, by the Secretary of Housing and Urban Development or any other officer or agency of the Federal Government or under or in connection with a housing or urban development program administered by the Secretary of

Housing and Urban Development or a housing or related program administered by any other such officer or agency; or

(C) is eligible for purchase by the Federal National Mortgage Association, the Government National Mortgage Association, or the Federal Home Loan Mortgage Corporation, or from any financial institution from which it could be purchased by the Federal Home Loan Mortgage Corporation; or

(D) is made in whole or in part by any “creditor”, as defined in section 1602(f)¹ of title 15, who makes or invests in residential real estate loans aggregating more than \$1,000,000 per year.

(June 27, 1934, ch. 847, title V, § 527, as added Pub. L. 93-383, title VIII, § 808(a), Aug. 22, 1974, 88 Stat. 728; amended Pub. L. 98-479, title II, § 204(a)(22), Oct. 17, 1984, 98 Stat. 2233.)

Editorial Notes

REFERENCES IN TEXT

Section 1602(f) of title 15, referred to in subsec. (b)(2)(D), was redesignated section 1602(g) of title 15 by Pub. L. 111-203, title X, § 1100A(1)(A), July 21, 2010, 124 Stat. 2107.

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-479 designated first par. as subsec. (a).

§ 1735f-6. Secondary mortgages held by State or local governmental agency on insured properties

In carrying out the provisions of subchapter II of this chapter with respect to insuring mortgages secured by a one- to four-family dwelling unit, the Secretary may not deny such insurance for any such mortgage solely because the dwelling unit which secures such mortgage will be subject to a secondary mortgage or loan made or insured, or other secondary lien held, by any State or local governmental agency or instrumentality under terms and conditions approved by the Secretary.

(June 27, 1934, ch. 847, title V, § 528, as added Pub. L. 95-557, title III, § 323, Oct. 31, 1978, 92 Stat. 2102.)

§ 1735f-7. Exemption from State usury laws; applicability

(a) The provisions of the constitution of any State expressly limiting the rate or amount of interest, discount points, or other charges which may be charged, taken, received, or reserved by lenders and the provisions of any State law expressly limiting the rate or amount of interest, discount points, or other charges which may be charged, taken, received, or reserved shall not apply to any loan, mortgage, or advance which is insured under subchapter I or II of this chapter.

(b) The provisions of subsection (a) shall apply to loans, mortgages, or advances made or executed in any State until the effective date (after December 21, 1979) of a provision of law of that State limiting the rate or amount of interest,

¹ See References in Text note below.