

thereof, by donation, purchase, exchange of Government-owned lands, or otherwise, and to place permanent and temporary improvements thereon whether such lands are held in fee or under lease, or under other temporary tenure.

Appropriations au-
thorized.
Post, p. 1014.

SEC. 3. There is hereby authorized to be appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, such sums as may be necessary to carry out the purposes of this Act, and when so specified in an appropriation Act such amounts shall remain available until expended.

61 Stat. 495.
5 U. S. C., Supp. II,
§ 171 and notes.
Post, pp. 30, 579.

SEC. 4. The provisions of this Act shall be subject to the duties and authority of the Secretary of Defense and the departments and agencies of the National Military Establishment as provided in the National Security Act of 1947 (Public Law 253, Eightieth Congress).

Approved March 30, 1949.

[CHAPTER 42]

AN ACT

March 30, 1949
[H. R. 1731]
[Public Law 31]

To extend certain provisions of the Housing and Rent Act of 1947, as amended, and for other purposes.

Housing and Rent
Act of 1949.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Housing and Rent Act of 1949".

TITLE I—AMENDMENT TO TITLE I OF HOUSING AND
RENT ACT OF 1947, AS AMENDED

61 Stat. 195.
50 U. S. C., Supp.
II, app. § 1884.

SEC. 2. Section 4 of the Housing and Rent Act of 1947, as amended, is amended to read as follows:

Veterans' prefer-
ence.

"SEC. 4. (a) In order to assure preference or priority to veterans of World War II or their families—

"(1) no housing accommodations designed for single-family residence, the construction or conversion of which is completed after June 30, 1947, shall be offered for sale or resale, or sold or resold, to persons other than veterans of World War II or their families, unless such housing accommodations have been publicly offered for sale exclusively to veterans of World War II or their families (a) during the period of construction or conversion and for thirty days thereafter, prior to a sale or offering for sale to such nonveterans, and (b) for a period of seven days prior to a resale, or an offering for resale, to such nonveterans; and

"(2) no housing accommodations designed for occupancy by other than transients, the construction or conversion of which is completed after June 30, 1947, shall be offered for rent or rerent, rented or rereanted to persons other than veterans of World War II or their families, unless such housing accommodations have been publicly offered for rent exclusively to veterans of World War II or their families (a) during the period of construction or conversion and for thirty days thereafter, prior to a first renting or offering for rent to such nonveterans, and (b) for a period of seven days prior to a subsequent renting, or offering for rent, to such nonveterans; and

"(3) no housing accommodations designed for single-family residence, the construction or conversion of which is completed after June 30, 1947, shall be offered for sale or resale, or sold or resold, to any person at a price less than the price for which it had been last offered for sale to veterans of World War II or their families for at least seven days: *Provided, however*, That in no event shall the public offering period to veterans of World War II

or their families total less than thirty days in any first or original sale as required by paragraph (1) of this subsection; and

“(4) no housing accommodations designed for occupancy by other than transients, the construction or conversion of which is completed after June 30, 1947, shall be offered for rent or rerent, or rented or rereanted, to any person at a price less than the price for which it had been last offered for rent to veterans of World War II or their families for at least seven days: *Provided, however,* That in no event shall the public offering period to veterans of World War II or their families total less than thirty days in any first or original renting as required by paragraph (2) of this subsection.

“(b) As used in this section—

“(1) the term ‘person’ shall include an individual, corporation, partnership, association or any other organized group of persons, or a representative of any of the foregoing.

“Person.”

“(2) the term ‘housing accommodations’ shall include, without limitation, any building, structure, or part thereof, or land appurtenant thereto, or any real or personal property, designed, constructed, or converted for dwelling or residential purposes, together with all privileges, services or facilities in connection therewith; industrially made or prefabricated houses, sections, panels, or their aggregate as a ‘package’, designed or constructed for dwelling or residential purposes; and a certificate, deposit, membership, stock interest, or undivided interest in real estate, under a cooperative mutual ownership or similar plan, which carries with it the right of occupancy of individual dwelling units.

“Housing accommodations.”

“(c) The Housing Expediter is authorized to issue regulations and orders prescribing the manner in which such housing accommodations shall be publicly offered in good faith for sale or rent to veterans of World War II or their families and such other regulations or orders as he may deem necessary in the public interest to effectuate the provisions of this section. The Housing Expediter is further authorized to grant such exceptions to the provisions of this section for hardship cases as he may deem appropriate.

Regulations and orders.

“(d) Any person who willfully violates any provision of this section shall, upon conviction thereof, be subject to a fine of not more than \$5,000 or to imprisonment for not more than one year, or to both such fine and imprisonment.

Penalty.

“(e) This section shall cease to be in effect at the close of June 30, 1950, or upon the date that the President proclaims that the protection to veterans of World War II or their families provided by this section is no longer needed, whichever date is the earlier, except that as to offenses committed, or rights or liabilities incurred, prior to such termination date, the provisions of this title and regulations and orders issued thereunder shall be treated as still remaining in force for the purpose of sustaining any proper suit, action, or prosecution with respect to any such right, liability, or offense.”

Termination of section.

TITLE II—MAXIMUM RENTS

SEC. 201. (a) Section 202 (c) of the Housing and Rent Act of 1947, as amended, is amended by striking out paragraph (1) thereof and inserting in lieu thereof the following:

61 Stat. 197.
50 U. S. C., Supp.
II, app. § 1892 (c) (1).

“(1) (A) those housing accommodations, in any establishment which is located in a city of less than two million five hundred thousand population according to the 1940 decennial census and which is commonly known as a hotel in the community in which it is located, which are occupied by persons who are provided customary hotel services

such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy service; or

“(B) those housing accommodations in hotels in cities of two million five hundred thousand population or more according to the 1940 decennial census (i) which are located in hotels in which 75 per centum or more of the occupied housing accommodations on March 1, 1949, were used for transient occupancy, or (ii) which are not located in hotels described in (i) but which on March 1, 1949, were used for transient occupancy; for the purposes of this subparagraph (B)—

“Used for transient occupancy.”

“(1) the term ‘used for transient occupancy’ means rented on a daily basis, to a tenant who had not on March 1, 1949, continuously resided in the hotel for ninety days or more; and

“Hotel.”

“(2) the term ‘hotel’ means any establishment which on June 30, 1947, was commonly known as a hotel in the community in which it is located and was occupied by an appreciable number of persons who were provided customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy service; or”.

62 Stat. 93.
50 U. S. C., Supp.
II, app. § 1892 (c) (2).

(b) Section 202 (c) (2) of the Housing and Rent Act of 1947, as amended, is amended by striking out “trailer or trailer space” and inserting in lieu thereof “trailer, or trailer space, used exclusively for transient occupancy”.

61 Stat. 197.
50 U. S. C., Supp.
II, app. § 1892 (c) (3).

(c) Section 202 (c) of the Housing and Rent Act of 1947, as amended, is amended by striking out paragraph (3) thereof and inserting in lieu thereof the following:

“(3) any housing accommodations (A) the construction of which was completed on or after February 1, 1947, or which are housing accommodations created by a change from a nonhousing to a housing use on or after February 1, 1947, or which are additional housing accommodations created by conversion on or after February 1, 1947: *Provided, however,* That any housing accommodations resulting from any conversion created on or after the effective date of the Housing and Rent Act of 1949 shall continue to be controlled housing accommodations unless the Housing Expediter issues an order decontrolling them, which he shall issue if he finds that the conversion resulted in additional, self-contained family units as defined by regulations issued by him: *And provided further,* That contracts for the rental of housing accommodations to veterans of World War II and their immediate families, the construction of which was assisted by allocations or priorities under Public Law 388, Seventy-ninth Congress, approved May 22, 1946, shall remain in full force and effect; or (B) the construction of which was completed on or after February 1, 1945, and prior to February 1, 1947, and which between the date of completion and June 30, 1947, both dates inclusive, at no time were rented (other than to members of the immediate family of the landlord) as housing accommodations; or”.

60 Stat. 207.
50 U. S. C., app.
§§ 1821-1833; Supp. II,
§§ 1821-1832.

(d) Section 202 (d) of such Act, as amended, is amended by striking out “in which maximum rents were being regulated under such Act on March 1, 1947”, and inserting in lieu thereof the following: “in which maximum rents (1) were being regulated under such Act on March 1, 1947, or (2) are established or reestablished pursuant to section 204 (i) (1) or (2) of this title”.

61 Stat. 197.
50 U. S. C., Supp.
II, app. § 1892 (d).

(e) Section 202 (e) of the Housing and Rent Act of 1947, as amended, is amended to read as follows:

Post, p. 25.
61 Stat. 197.
50 U. S. C., Supp.
II, app. § 1892 (e).
“Rent.”

“(e) The term ‘rent’ means the consideration, including any bonus, benefit, or gratuity demanded or received for or in connection with

the use or occupancy of housing accommodations, or the transfer of a lease of housing accommodations."

SEC. 202. Section 203 (b) of the Housing and Rent Act of 1947, as amended, is amended to read as follows:

"(b) On the termination of rent control in any area or portion thereof under this title all records and other data (and the cabinets or containers holding such records and data) used or held in connection with the establishment and maintenance of maximum rents in such area or portion thereof by the Housing Expediter, and all predecessor agencies, shall, on request, be transferred without reimbursement to the proper officials of any State or local subdivision of government that may be charged with the duty of administering a rent-control program in any State or local subdivision of government to which such records and data may be applicable: *Provided, however*, That any such records or data (and the cabinets or containers holding such records or data) shall be so made available subject to recall for use in carrying out the purposes of this title."

SEC. 203. (a) Section 204 (a) of the Housing and Rent Act of 1947, as amended, is amended by striking out "March 31, 1949" and inserting in lieu thereof "June 30, 1950".

(b) Section 204 (b) of such Act, as amended, is amended to read as follows:

"(b) (1) Subject to the provisions of paragraphs (2) and (3) of this subsection, and subsections (h) and (i), during the period beginning on the effective date of this title and ending on the date this title ceases to be in effect, no person shall demand, accept, or receive any rent for the use or occupancy of any controlled housing accommodations greater than the maximum rent established under the authority of the Emergency Price Control Act of 1942, as amended, and in effect with respect thereto on June 30, 1947: *Provided, however*, That the Housing Expediter shall, by regulation or order, make such individual and general adjustments in such maximum rents in any defense-rental area or any portion thereof, or with respect to any housing accommodations or any class of housing accommodations within any such area or any portion thereof, as may be necessary to remove hardships or to correct other inequities, or further to carry out the purposes and provisions of this title: *Provided, however*, That the landlord certifies that he is maintaining all services furnished as of the date determining the maximum rent and that he will continue to maintain such services so long as the adjustment in such maximum rent which may be granted continues in effect. In making and recommending individual and general adjustments to remove hardships or to correct other inequities, the Housing Expediter and the local boards shall observe the principle of maintaining maximum rents for controlled housing accommodations, so far as is practicable, at levels which will yield to landlords a fair net operating income from such housing accommodations. In determining whether the maximum rent for controlled housing accommodations yields a fair net operating income from such housing accommodations, due consideration shall be given to the following, among other relevant factors: (A) Increases in property taxes; (B) unavoidable increases in operating and maintenance expenses; (C) major capital improvement of the housing accommodations as distinguished from ordinary repair, replacement, and maintenance; (D) increases or decreases in living space, services, furniture, furnishings, or equipment; and (E) substantial deterioration of the housing accommodations, other than ordinary wear and tear, or failure to perform ordinary repair, replacement, or maintenance.

61 Stat. 197.
50 U. S. C., Supp.
II, app. § 1893 (b).
Transfer of records,
etc., to local govern-
ments.

61 Stat. 197; 62 Stat.
94.
50 U. S. C., Supp.
II, app. § 1894 (a).

61 Stat. 198.
50 U. S. C., Supp.
II, app. § 1894 (b).
Maximum rents.

56 Stat. 23.
50 U. S. C. app.
§§ 901-922, 923-946;
Supp. II, § 901 *et seq.*
Adjustments.

Certification of serv-
ices by landlord.

Valid written leases.

“(2) In any case in which a valid written lease with respect to any housing accommodations was entered into and filed in accordance with the provisions of this subsection (b) as then in effect, and such lease was in effect on the effective date of the Housing and Rent Act of 1949, such housing accommodations shall be subject to the provisions of this title and, until such lease is terminated or expires, the maximum rent for said accommodations shall be the rent set forth in said lease.

Termination.

“(3) In any case in which a valid written lease with respect to any housing accommodations was entered into and filed in accordance with the provisions of this subsection (b) as then in effect, and such lease has heretofore terminated or expired or hereafter terminates or expires, such housing accommodations shall be subject to the provisions of this title and the maximum rent for said accommodations shall be the rent set forth in said lease, plus or minus applicable individual adjustments: *Provided, however,* That if such housing accommodations are in a defense-rental area in which a general increase in maximum rents has been or is hereafter granted, the maximum rent shall be said lease rent plus or minus applicable individual adjustments, or the maximum rent in the absence of a lease, whichever is higher.

Defense-rental area.

Filing of report.

“(4) If a lease entered into under this subsection has heretofore terminated or hereafter terminates, prior to the expiration date of such lease, the landlord shall file with the Housing Expediter a report of the termination of such lease, unless a report of such termination was filed with the Housing Expediter prior to the effective date of the Housing and Rent Act of 1949. Such report shall be filed within 15 days after the date of such termination or 15 days after the effective date of the Housing and Rent Act of 1949, whichever is the later date.

Defense-rental area officer.

“(5) In order to help assure fair adjustments for tenants and small landlords, the Housing Expediter is authorized and directed to designate for every defense-rental area an officer whose function shall be to assist tenants and small landlords by—

“(A) informing them concerning the conditions under which rent adjustments may be obtained;

“(B) helping in the preparation of applications for rent adjustments; and

“(C) providing them with such other information and services as may be necessary and appropriate.”

61 Stat. 198.
50 U. S. C., Supp.
II, app. § 1894 (c).
Luxury housing accommodations.

(c) Section 204 (c) of the Housing and Rent Act of 1947, as amended, is amended by adding after the first sentence thereof the following new sentence: “The Housing Expediter is further authorized and directed to remove maximum rents for any or all luxury housing accommodations in any defense-rental area or portion thereof, if in his judgment such action would result in the creation of additional rental units by conversion.”

61 Stat. 198.
50 U. S. C., Supp.
II, app. § 1894 (e) (2).

(d) (1) Section 204 (e) (2) of such Act, as amended, is amended by striking out the word “and” immediately preceding the words “stenographic assistance” and inserting a comma in lieu thereof and by inserting, immediately following the words “stenographic assistance”, the following: “and reporting services for public hearings (including attendance fees)”.

61 Stat. 198.
50 U. S. C., Supp.
II, § 1894 (e) (3).

(2) Section 204 (e) (3) of such Act, as amended, is amended by adding at the end thereof the following new sentence: “If the Housing Expediter approves or disapproves any recommendation of a local board he shall promptly notify the local board in writing of such action.”

62 Stat. 96.
50 U. S. C., Supp. II,
app. § 1894 (e) (4) (A).
61 Stat. 198.
50 U. S. C., Supp.
II, app. § 1894 (e) (1).
Post, p. 23.

(3) Section 204 (e) (4) (A) of such Act, as amended, is amended by striking out “interpleader” and inserting in lieu thereof “pleadings”.

(4) So much of the first sentence of section 204 (e) (1) of the Housing and Rent Act of 1947, as amended, as precedes the proviso is

amended to read as follows: "The Housing Expediter is authorized and directed to create and, if necessary, continue in existence until the termination of this Act in each defense-rental area (whether or not under Federal rent control) or such portion thereof as he may designate, local advisory boards. The Housing Expediter shall, whenever in his judgment there is need therefor, create a local advisory board in any part of an area designated under the provisions of the Emergency Price Control Act of 1942, as amended, prior to March 1, 1947, as an area where defense activities have resulted or threaten to result in an increase in the rents for housing accommodations inconsistent with the purposes of such Act, in which maximum rents were not being regulated under such Act on March 1, 1947. Each such board shall consist of not less than five members who are citizens of the area and who, insofar as practicable, as a group are representative of the affected interests in the area, to be appointed by the Housing Expediter, from recommendations made by the respective Governors:".

Local advisory board.

56 Stat. 23.
50 U. S. C. app.
§§ 901-922, 923-946;
Supp. II, § 901 *et seq.*

(5) Section 204 (e) (1) is amended by adding after the third sentence thereof the following: "Upon petition by a representative group of tenants or landlords, the board, if it finds that the petition is substantial in character, shall hold a public hearing in accordance with the requirements set forth in paragraph (4) of this subsection on any of the matters set forth in subparagraphs (A) and (B) of this paragraph. Such hearing shall be begun within thirty days after the filing of such petition, and shall be completed within thirty days after it is begun. Should the board for any reason fail to hold such hearing, the Housing Expediter, upon notice of that fact given by such group, shall (unless he finds that the petition is not substantial in character) hold a public hearing in like manner on such matters. Such hearing shall be begun within thirty days after the giving of such notice by such group, and shall be completed within thirty days after it is begun. If the Housing Expediter finds that such petition is not substantial in character, such group may file a complaint with the Emergency Court of Appeals within thirty days after the date such finding is made. Thereupon, if it finds that the Housing Expediter's finding is not in accordance with law, the Emergency Court of Appeals shall have jurisdiction to enter, within thirty days after the date of filing of such complaint, an order directing the Housing Expediter to hold such hearing. If a hearing is held by either the board or the Housing Expediter, a recommendation by the board or decision by the Housing Expediter, as the case may be, on the merits of the matter shall be rendered within thirty days from the date of completion of such hearing, and the local board forthwith shall forward its recommendation to the Housing Expediter."

Ante, p. 22.
Hearing.

Filing of complaint with Emergency Court of Appeals.

(e) The paragraph immediately following section 204 (e) (4) (E) of the Housing and Rent Act of 1947, as amended, is amended to read as follows:

"Any representative group of interested parties or the local board may file a complaint concerning such recommendation with the Emergency Court of Appeals within thirty days after the date on which the Housing Expediter notifies the local board of his decision, or the date of the expiration of such thirty-day period, as the case may be. If the Housing Expediter holds the hearing, such group may file a complaint with the Emergency Court of Appeals within thirty days after the rendering of his decision, or within thirty days after the expiration of the time within which his decision should be made. A similar right of appeal shall be afforded in the event the Housing Expediter makes a decision as to a general adjustment or as to removal of maximum rents for any class of housing accommodations (other than for luxury housing accommodations under the second

62 Stat. 97.
50 U. S. C., Supp. II,
app. § 1894 (e) (4) (E).

Filing of complaint with Emergency Court of Appeals.

Right of appeal.

Ante, p. 22.

Filing of recommendation in Emergency Court of Appeals.

sentence of section 204 (c)) on his own initiative. The Clerk of the Emergency Court of Appeals shall notify the Housing Expediter in writing of the filing of any such complaint promptly after it has been so filed. Within fifteen days after the receipt of such notice by the Housing Expediter, the Housing Expediter shall file such recommendation or decision in the Emergency Court of Appeals, together with the record and statement of findings of the local board or of the Housing Expediter and such statement as the Housing Expediter may desire to make as to his views on the matter. The statement of the Housing Expediter may be accompanied by such supporting information as the Housing Expediter deems appropriate. Thereupon, the Emergency Court of Appeals shall have jurisdiction to enter, within sixty days after the date of its receipt of such recommendation or decision from the Housing Expediter (or within such additional period of not more than thirty days as the court may find necessary in exceptional cases), an order approving or disapproving the recommendation of the local board or decision of the Housing Expediter. The recommendation, record, and statement of findings of the local board or decision, record, and statement of findings of the Housing Expediter, as the case may be, together with the statement and supporting information filed by the Housing Expediter, shall constitute the record before the court. If the court determines that the recommendation or decision is not in accordance with law, or that the evidence in the record before the court, including such additional evidence as may be adduced before the court, is not of sufficient weight to justify such recommendation or decision, the court shall enter an order disapproving such recommendation or decision; otherwise it shall enter an order approving such recommendation or decision. The judgment and decree of the court shall be final. The powers heretofore granted by law to the Emergency Court of Appeals are hereby continued for purposes of exercise of the jurisdiction granted by this subsection. The court shall prescribe rules governing its procedure in such manner as to expedite the determination of cases of which it has jurisdiction, under this paragraph. The Housing Expediter, the local board, representative groups of interested parties, and representatives of the State or States involved, shall be granted, to the extent determined by the court, an opportunity to be heard, by pleadings or otherwise, with right to be represented by counsel."

Finality of decree.

62 Stat. 97.
50 U. S. C., Supp. II,
app. § 1894 (e) (5) (A).

(f) (1) The proviso contained in section 204 (e) (5) (A) of such Act, as amended, is amended by striking out "provisions of section 209" and inserting in lieu thereof "regulations and orders with respect to practices relating to the recovery of possession of housing accommodations issued under section 209".

Post, p. 29.
62 Stat. 98.
50 U. S. C., Supp.
II, app. § 1894 (e) (6).

(2) The first sentence of section 204 (e) (6) of such Act, as amended, is amended by inserting a period immediately after the word "subsection" and by striking out the remainder of the sentence.

61 Stat. 199.
50 U. S. C., Supp.
II, app. § 1894 (f).
Termination of title.

(g) Section 204 (f) of such Act, as amended, is amended to read as follows:

"(f) The provisions of this title shall cease to be in effect at the close of June 30, 1950, or upon the date of a proclamation by the President or upon the date specified in a concurrent resolution by the two Houses of the Congress, declaring that the further continuance of the authority granted by this title is not necessary because of the existence of an emergency, whichever date is the earlier; except that as to rights or liabilities incurred prior to such termination date, the provisions of this title and regulations, orders, and requirements thereunder shall be treated as still remaining in force for the purpose of sustaining any proper suit or action with respect to any such right or liability."

(h) Section 204 of such Act, as amended, is amended by adding at the end thereof the following new subsections:

“(h) For controlled housing accommodations which were not included within the definition of ‘controlled housing accommodations’ as such definition read prior to the effective date of the Housing and Rent Act of 1949, the maximum rent shall be the maximum rent last in effect for such housing accommodations under Federal rent control, plus or minus applicable adjustments; or, if no maximum rent was ever in effect for such housing accommodations, the maximum rent shall be the rent generally prevailing in the defense-rental area for comparable controlled housing accommodations within such area, plus or minus applicable adjustments: *Provided*, That in the case of those controlled housing accommodations in hotels which were not included within the definition of ‘controlled housing accommodations’ as such definition read prior to the effective date of the Housing and Rent Act of 1949, the maximum rent shall be the rent in effect for such accommodations on March 1, 1949.

“(i) (1) Whenever a local advisory board in any defense-rental area in which maximum rents were never regulated under the Emergency Price Control Act of 1942, as amended, after having determined, with respect to the area over which it has jurisdiction or any portion thereof, either that (A) a scarcity of rental housing has developed as a result of national defense activity, or (B) employment or other conditions have changed to such an extent as to make the supply of rental housing inadequate to meet the demand, or (C) rents have increased or are about to increase unreasonably, recommends that such action is necessary or appropriate in order to effectuate the purposes of this title, the Housing Expediter, if such recommendation is appropriately substantiated, shall by regulation or order establish such maximum rent or maximum rents for any housing accommodations (except those not included within the definition of ‘controlled housing accommodations’) in such area or portion thereof as in his judgment will be fair and equitable. In establishing any maximum rent for any housing accommodations under this paragraph, the Housing Expediter shall give due consideration to the rents prevailing for such housing accommodations, or comparable housing accommodations, on such date as he deems appropriate, not earlier than the date of the enactment of the Housing and Rent Act of 1949, and he shall make adjustment for such relevant factors as he shall determine and deem to be of general applicability in respect of such accommodations, including increases or decreases in property taxes and other costs within such defense-rental area. For the purposes of this paragraph the term ‘defense-rental area’ means any part of an area designated under the provisions of the Emergency Price Control Act of 1942, as amended, prior to March 1, 1947, as an area where defense activities have resulted or threaten to result in an increase in the rent for housing accommodations inconsistent with the purposes of such Act.

“(2) Whenever a local advisory board in any defense-rental area in which housing accommodations were decontrolled by administrative action taken, prior to the date of the enactment of the Housing and Rent Act of 1949, under the Emergency Price Control Act of 1942, as amended, or under this title, after having determined with respect to the area over which it has jurisdiction, or any portion thereof, either that (A) a scarcity of rental housing has developed as a result of national defense activity, or (B) employment or other conditions have changed to such an extent as to make the supply of rental housing inadequate to meet the demand, or (C) rents have increased or are about to increase unreasonably, recommends that such action is necessary or appropriate in order to effectuate the purposes of this

61 Stat. 197.
50 U. S. C., Supp.
II, app. § 1894.

Maximum rent for
controlled housing ac-
commodations.

Hotels.

Establishment of
maximum rents in
defense-rental area.

56 Stat. 23.
50 U. S. C. app.
§§ 901-922, 923-946
Supp. II, § 901 *et seq.*

“Defense-rental
area.”

56 Stat. 23.
50 U. S. C. app.
§§ 901-922, 923-946;
Supp. II, § 901 *et seq.*

Reestablishment of
maximum rent in
defense-rental area.

56 Stat. 23.
50 U. S. C. app.
§§ 901-922, 923-946;
Supp. II, § 901 *et seq.*

title, the Housing Expediter, if such recommendation is appropriately substantiated, shall by regulation or order reestablish maximum rents for any or all such housing accommodations in such area or portion thereof. For the purposes of this paragraph the term 'defense-rental area' has the meaning assigned to such term in paragraph (1) of this subsection.

"(3) Any local advisory board may recommend to the Housing Expediter that he exercise the authority granted to him by paragraph (4) of this subsection to reestablish maximum rents for any or all housing accommodations, within the defense-rental area over which such board has jurisdiction, which are decontrolled on or after the date of the enactment of the Housing and Rent Act of 1949, by administrative action taken under this title.

Ante, p. 18.

"(4) The Housing Expediter, upon recommendation of a local advisory board or upon his own initiative, whenever in his judgment such action is necessary or proper in order to effectuate the purposes of this title, may by regulation or order reestablish maximum rents for any or all controlled housing accommodations, in any defense-rental area, which are decontrolled on or after the date of the enactment of the Housing and Rent Act of 1949, by administrative action taken under this title.

Ante, p. 18.

"(5) In the case of housing accommodations for which a maximum rent is reestablished pursuant to paragraph (2) or (4) of this subsection, the maximum rent shall be the maximum rent last in effect for such housing accommodations under Federal rent control, plus or minus applicable adjustments; or, if no maximum rent was ever in effect for such housing accommodations, the maximum rent shall be the rent generally prevailing for comparable controlled housing accommodations within such area, plus or minus applicable adjustments.

Ante, p. 25; *supra*.

Restriction on reestablishment of maximum rents.

"(6) No maximum rents shall be established or reestablished under this subsection for any housing accommodations (A) in the case of which maximum rents have been heretofore or are hereafter removed as the result of approval by the Emergency Court of Appeals of a recommendation of a local advisory board or as the result of approval by such court of a decision of the Housing Expediter, or (B) in any State, city, town, village, or locality in which rent controls under this title have been terminated pursuant to section 204 (j).

Termination of Federal rent control by State.

"(j) (1) Whenever the governor of any State advises the Housing Expediter that the legislature of such State has adequately provided for the establishment and maintenance of maximum rents, or has specifically expressed its intent that State rent control shall be in lieu of Federal rent control, with respect to housing accommodations within defense-rental areas in such State and of the date on which such State rent control will become effective, the Housing Expediter shall immediately make public announcement to the effect that he has been so advised. At the same time all rent controls under this Act, as amended, with respect to housing accommodations within such State shall be terminated as of the date on which State rent control is to become effective. As used in this subsection, the term 'State' means any State, Territory, or possession of the United States.

"State."

Public announcement of decontrol.

"(2) If any State by law declares that Federal rent control is no longer necessary in such State or any part thereof and notifies the Housing Expediter of that fact, the Housing Expediter shall immediately make public announcement to the effect that he has been so advised. At the same time all rent controls under this Act, as amended, with respect to housing accommodations within such State or part thereof shall be terminated on the fifteenth day after receipt of such advice. As used in this subsection, the term 'State' means any State, Territory, or possession of the United States.

"State."

“(3) The Housing Expediter shall terminate the provisions of this title in any incorporated city, town or village upon receipt of a resolution of its governing body adopted for that purpose in accordance with applicable local law and based upon a finding by such governing body reached as the result of a public hearing held after 10 days’ notice, that there no longer exists such a shortage in rental housing accommodations as to require rent control in such city, town or village: *Provided, however,* That such resolution is first approved by the Governor of the State before being transmitted to the Housing Expediter: *And provided further,* That where the major portion of a defense-rental area has been decontrolled pursuant to this paragraph (3), the Housing Expediter shall decontrol any unincorporated locality in the remainder of such area.”

Termination of rent control in cities.

Restrictions.

61 Stat. 199,
50 U. S. C., Supp.
II, app. § 1895.

Failure to institute action for violation.

SEC. 204. (a) Section 205 of the Housing and Rent Act of 1947, as amended, is amended by striking out from the heading of such section the words “BY TENANTS”; by inserting after the words “receives such payment”, in the first sentence, the following: “(or shall be liable to the United States as hereinafter provided)”; and by changing the period at the end of the second sentence to a colon and inserting: “*Provided,* That if the person from whom such payment is demanded, accepted, or received either fails to institute an action under this section within thirty days from the date of the occurrence of the violation or is not entitled for any reason to bring the action, the United States may institute such action within such one-year period. If such action is instituted, the person from whom such payment is demanded, accepted, or received shall thereafter be barred from bringing an action for the same violation or violations.”

(b) The last sentence of section 205 of such Act, as amended, is amended by striking out “plaintiff” and inserting in lieu thereof “person”.

SEC. 205. Section 206 of the Housing and Rent Act of 1947, as amended, is amended to read as follows:

61 Stat. 199,
50 U. S. C., Supp.
II, app. § 1896.
Violations.

“SEC. 206. (a) It shall be unlawful for any person to demand, accept, or receive any rent for the use or occupancy of any controlled housing accommodations in excess of the maximum rent prescribed under section 204, or otherwise to do or omit to do any act, in violation of this Act, or of any regulation or order or requirement under this Act, or to offer, solicit, attempt, or agree to do any of the foregoing.

61 Stat. 197,
50 U. S. C., Supp.
II, app. § 1894.
Ante, pp. 21-26;
supra.

“(b) Whenever in the judgment of the Housing Expediter any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this Act, or any regulation or order issued thereunder, the United States may make application to any Federal, State, or Territorial court of competent jurisdiction for an order enjoining such acts or practices, or for an order enforcing compliance with such provision, and upon a showing that such person has engaged or is about to engage in any such acts or practices a permanent or temporary injunction, restraining order, or other order shall be granted without bond.

“(c) Any proceeding brought in a Federal court under section 205 or under subsection (b) of this section may be brought in any district in which any part of any act or transaction constituting the violation occurred, or may be brought in the district in which the defendant resides or transacts business, and process in such case may be served in any district wherein the defendant resides or transacts business or wherever the defendant may be found. Any such court shall advance on the docket and expedite the disposition of any such proceeding brought before it. No costs shall be assessed against the Housing Expediter or the United States Government in any proceeding under this Act.

61 Stat. 199,
50 U. S. C., Supp.
II, app. § 1895.
Supra,
Filing of suit.

Nonliability.

“(d) No person shall be liable for damages or penalties in any Federal, State, or Territorial court, on any grounds for or in respect of anything done or omitted to be done in good faith pursuant to any provision of this Act or any regulation, order, or requirement thereunder notwithstanding that subsequently such provision, regulation, order or requirement may be modified, rescinded, or determined to be invalid. The United States may intervene in any such suit or action wherein a party relies for ground of relief or defense upon this Act or any regulation, order, or requirement thereunder.

Office of Housing Expediter.

“(e) The principal office of the Housing Expediter shall be in the District of Columbia, but he or any duly authorized representative may exercise any or all of his powers in any place and attorneys appointed by the Housing Expediter may, under such authority as may be granted by the Attorney General, appear for and represent the United States in any case arising under this Act.

Studies and investigations.

“(f) (1) The Housing Expediter is authorized to make such studies and investigations, to conduct such hearings, and to obtain such information, as he deems necessary or proper to assist him in prescribing any regulation or order under this Act, or in the administration and enforcement of this Act and regulations and orders prescribed thereunder.

Furnishing of information, etc.

“(2) For the purpose of obtaining information under this subsection, the Housing Expediter is further authorized, by regulation or order, to require any person who rents or offers for rent or acts as broker or agent for the rental of any controlled housing accommodations (A) to furnish information under oath or affirmation or otherwise, (B) to make and keep records and other documents and to make reports, and (C) to permit the inspection and copying of records and other documents and the inspection of controlled housing accommodations.

Subpenas, etc.

“(3) For the purpose of obtaining information under this subsection, the Housing Expediter may by subpoena require any person to appear and testify or to appear and produce documents, or both, at any designated place. Any person subpoenaed under this subsection shall have the right to make a record of his testimony and be represented by counsel, and shall be paid the same fees and mileage as are paid witnesses in the United States district courts. For the purposes of this subsection the Housing Expediter, or any officer or employee under his jurisdiction designated by him, may administer oaths and affirmations.

Reproduction of documents.

“(4) The production of a person's documents at any place other than his place of business shall not be required under this subsection in any case in which, prior to the return date specified in the subpoena issued with respect thereto, such person either has furnished the Housing Expediter with a copy of such documents (certified by such person under oath to be a true and correct copy), or has entered into a stipulation with the Housing Expediter as to the information contained in such documents.

Failure to obey court order.

“(5) In case of contumacy by, or refusal to obey a subpoena served upon, any person under this subsection, the United States district court for any district in which such person is found or resides or transacts business, upon application by the United States, and after notice to such person and hearing, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

“(6) No person shall be excused from attending and testifying or producing documents or from complying with any other requirement under this subsection because of his privilege against self-incrimination, but the immunity provisions of the Compulsory Testimony Act

of February 11, 1893 (49 U. S. C. 46), shall apply with respect to any individual who specifically claims such privilege.

“(g) The Housing Expediter shall not publish or disclose any information obtained under this Act that such Housing Expediter deems confidential or with reference to which a request for confidential treatment is made by the person furnishing such information unless he determines that the withholding thereof is contrary to the public interest.

“(h) It shall be unlawful for any person to remove or attempt to remove from any controlled housing accommodations the tenant or occupant thereof or to refuse to renew the lease or agreement for the use of such accommodations, because such tenant or occupant has taken, or proposes to take, action authorized or required by this Act or any regulation, order, or requirement thereunder.”

SEC. 206. Section 209 of the Housing and Rent Act of 1947, as amended, is amended to read as follows:

“SEC. 209. Whenever in the judgment of the Housing Expediter such action is necessary or proper in order to effectuate the purposes of this Act, he may, by regulation or order, regulate or prohibit speculative or manipulative practices or renting or leasing practices (including practices relating to recovery of the possession) in connection with any controlled housing accommodations, which in his judgment are equivalent to or are likely to result in rent increases inconsistent with the purposes of this Act.”

TITLE III—MISCELLANEOUS

SEC. 301. Nothing in this Act or in the Housing and Rent Act of 1947, as amended, shall be construed to require any person to offer any housing accommodations for rent.

SEC. 302. Section 303 of the Housing and Rent Act of 1948 is hereby repealed.

SEC. 303. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the validity of the remainder of the Act, and the applicability of such provision to other persons or circumstances, shall not be affected thereby.

SEC. 304. Section 603 (a) of the National Housing Act, as amended, is hereby amended by striking out “March 31, 1949” in each place it appears therein and inserting in lieu thereof “June 30, 1949”.

SEC. 305. This Act shall become effective on the first day of the first calendar month following the month in which it is enacted.

Approved March 30, 1949.

[CHAPTER 43]

AN ACT

To authorize the Board of Commissioners of the District of Columbia to establish daylight-saving time in the District.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Board of Commissioners of the District of Columbia is authorized to advance the standard time applicable to the District one hour for the period commencing not earlier than the last Sunday of April 1949 and ending not later than the last Sunday of September 1949. Any such time established by the Commissioners under the authority of this Act shall, during the period of the year for which it is applicable, be the standard time for the District of Columbia.

Approved March 31, 1949.

27 Stat. 443.

Disclosure of information.

Eviction of tenant.

61 Stat. 200,
50 U. S. C., Supp.
II, app. § 1899.

61 Stat. 193,
50 U. S. C., Supp.
II, app. §§ 1881-1884,
1891-1902.

62 Stat. 100,
50 U. S. C., Supp.
II, app. § 1904.

Separability of provisions.

55 Stat. 56; 62 Stat.
101.

12 U. S. C., Supp.
II, § 1738 (a).

Post, pp. 421, 681,
905.

Effective date.

March 31, 1949
[S. 135]

[Public Law 32]

Daylight saving
time, D. C.