

REQUEST FOR RECORDS DISPOSITION AUTHORITY
(See Instructions on reverse)

Red VCO 11 Jun 79 144

TO **GENERAL SERVICES ADMINISTRATION,
NATIONAL ARCHIVES AND RECORDS SERVICE, WASHINGTON, DC 20408**

1. FROM (AGENCY OR ESTABLISHMENT)

Department of Housing and Urban Development

2. MAJOR SUBDIVISION

Office of General Counsel

3. MINOR SUBDIVISION

4. NAME OF PERSON WITH WHOM TO CONFER

Carol L. Hutzell

5. TEL EXT

755-5200

LEAVE BLANK	
JOB NO	<u>NCI-207-79-11</u>
DATE RECEIVED	<u>11 June 1979</u>
NOTIFICATION TO AGENCY	
In accordance with the provisions of 44 U.S.C. 3303a the disposal request, including amendments, is approved except for items that may be stamped "disposal not approved" or "withdrawn" in column 10	
<u>1-17-80</u> Date	<u>James E. O'Heir</u> Archivist of the United States

6. CERTIFICATE OF AGENCY REPRESENTATIVE

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposal of the agency's records; that the records proposed for disposal in this Request of 21 page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified.

A Request for immediate disposal.

B Request for disposal after a specified period of time or request for permanent retention.

C. DATE <u>6/6/79</u>	D. SIGNATURE OF AGENCY REPRESENTATIVE <i>[Signature]</i>	E. TITLE Departmental Records Management Officer
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7. ITEM NO	8. DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9. SAMPLE OR JOB NO.	10. ACTION TAKEN
	<p>RECORDS DISPOSITION SCHEDULE 2</p> <p>LEGAL RECORDS</p> <p>This Schedule provides disposition instructions for those records relating to the legal functions of the Department. Legal functions are the main responsibility of the Office of General Counsel, the HUD Board of Contract Appeals and the Office of the Administrative Law Judge. The Office of General Counsel provides legal advice, opinions and services regarding all programs, policies and activities of the Department. The HUD Board of Contract Appeals issues final decisions for the Secretary in all contract disputes which are appealable to the Court of Claims up to 6 years after the date of issue. The Board also issues decisions in other administrative appeals that become final 30 days after issue. The Administrative Law Judge issues decisions in administrative appeal areas where the right to a hearing is granted by statute or agreement.</p> <p>This Schedule covers legal records kept in Field Offices as well as in Headquarters. Some HUD offices other than those listed above may also have records relating to a legal activity and those records are also</p>		

60 items

115-107
Copies to NPB, NWF, all files

Old Disposal Authority	Old Retention Period	New Disposal Authority	New Retention Period	Net Difference in Number of Years (+ or -)	Mass Change	Percentage Change
2225.6/2/31A	Destroy 7 years after entry of final judgment	NC1/207/79/11/5A	Destroy 7 years after entry of final judgment	No change	X	
222.6/2/31B	Destroy 4 years after entry of final judgment	NC1/207/79/11/5B	Destroy 4 years after entry of final judgement	No change	X	
NC1/207-79/1/1	Destroy 8 years after entry of final order or decision	NC1/207/79/11/6A	Destroy 8 years after entry of final order or decision	No change	X	
2225.6/2/19	Disposal not authorized	NC1/207/79/11/7	Destroy when superseded, obsolete or no longer needed for reference			X
2225.6/2/2	Disposal not	NC1/207/79/11/12	Destroy when superseded, obsolete or no longer needed for reference			X

Request for Records Disposition Authority - Continuation

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	<p>covered by this Schedule. The Schedule also covers legal records created by HUD's predecessor agencies.</p> <p>A. <u>Summary of HUD/PHA/FHA Schedules, Retention Plans and National Archives and Records Service (NARS) Jobs Superseded by this Schedule. This is a summary of HUD/PHA/FHA records disposition schedules, Retention Plans, and NARS Jobs superseded by this Schedule. Sections B through D below give more detailed information on the supersedure. This Schedule supersedes:</u></p> <ol style="list-style-type: none"> 1. HUD Records Disposition Schedule 2, dated 6/74. 2. HUD's predecessor agency records disposition schedules FHA 2 and PHA 2684. 3. Retention Plan for records of the Office of the General Counsel, Department of Housing and Urban Development, Part I, dated 9/71. 4. The following NARS Jobs: <ul style="list-style-type: none"> II-NNA-668, Approved 7-15-53 II-NNA-852, Approved 2-25-54 II-NNA-1592, Approved 6-1-55 II-NNA-2115, Approved 5-14-56 NN-166-18, Approved 8-10-65 NN-166-64, Approved 10-8-65 NC 1 207 78 9, Approved 6-14-78 NC 1 207 79 1, Approved 12-4-78 <p>B. <u>Conversion Table. For each item of the new Schedule, the following table gives the corresponding items of the superseded HUD Schedule 2, predecessor agency FHA and PHA schedules and NARS Jobs which the item replaces. However, the items of the new Schedule may only relate to parts of the corresponding items of the old HUD Schedule 2. The reason for this is that many of the old items were actually a combination of several series.</u></p>		

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Item No.	Item No.	Sched. No.	Item No.	Job No.	Item No.		
1	1	FHA 2	1	II-NNA-852	1		
	3	FHA 2	3	II-NNA-852	3		
2	1	FHA 2	1	II-NNA-852	1		
3	6	FHA 2	6	II-NNA-852	6		
	31	PHA 2684	15	II-NNA-2115	1, 2		
4	6	FHA 2	6	II-NNA-852	6		
	31	PHA 2684	15	II-NNA-2115	1, 2		
5	6	FHA 2	6	II-NNA-852	6		
	16	FHA 2	16	II-NNA-852	16		
	31	PHA 2684	15	II-NNA-2115	1, 2		
		PHA 2684	2	NN-166-64	2		
			(pg 7)				
6	31	PHA 2684	15	NC 1 207 789	31		
				II-NNA-2115	1, 2		
				NC 1 207 791	1		
7	2	FHA 2	2	II-NNA-852	2		
	18	PHA 2684	2	II-NNA-1592	2		
			(pg 1)				
	19	PHA 2684	3	II-NNA-1592	3		
			(pg 2)				
		PHA 2684	1	II-NNA-1592	1		
			(pg 1)				
8	18	PHA 2684	2	II-NNA-1592	2		
			(pg 1)				
		PHA 2684	2	NN-166-64	2		
			(pg 7)				
9	NEW						
10	1	FHA 2	1	II-NNA-852	1		
	3	FHA 2	3	II-NNA-852	3		
	5	FHA 2	5	II-NNA-852	5		
	12	FHA 2	12	II-NNA-852	12		
	15	FHA 2	15	II-NNA-852	15		
		PHA 2684	2	NN-166-64	2		
			(pg 7)				
11	NEW						
12	2	FHA 2	2	II-NNA-852	2		
	4	FHA 2	4	II-NNA-852	4		
	5	FHA 2	5	II-NNA-852	5		
	20	PHA 2684	4	II-NNA-1592	4		
			(pg 2)				
	21	PHA 2684	5	II-NNA-1592	5		
			(pg 2)				

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Item No.	Item No.	Sched. No.	Item No.	Job No.	Item No.		
13-19	22 37 NEW	PHA 2684 PHA 2684 PHA 2684	6 1 (pg 7) 1 (pg 1)	II-NNA-1592 NN-166-64 II-NNA-1592	6 1 1		
<p>C. HUD/PHA/FHA Schedule Items and NARS Job Items Replaced by General Records Schedules. The following HUD/PHA/FHA records disposition schedule items and NARS job items cover or include record series also covered by the General Records Schedules. Therefore, these HUD/PHA/FHA schedule items and NARS job items are superseded. Use the General Records Schedules (GRS) indicated in their place.</p>							
Super- seded HUD Sched. 2	Superseded Predecessor Agency Schedules		Superseded NARS Jobs		Use this GRS		
Item No.	Sched. No.	Item No.	Job No.	Item No.			
*1	FHA 2	1	II-NNA-852	1	GRS 1, Item 1, for Appointments.		
1	FHA 2	1	II-NNA-852	1	GRS 16, Item 1, for General Orders (Directives). See Note 1.		
4	FHA 2	4	II-NNA-852	4	See Note 2.		
6b	FHA 2	6	II-NNA-852	6	GRS 2, Item 23, for Garnishments.		
8	FHA 2	8	II-NNA-852	8	GRS 1, Item 18.		
9	FHA 2	9	II-NNA-852	9	GRS 5, Items 2a and 6. See Note 3.		
10	FHA 2	10	II-NNA-852	10	GRS 16, Item 4.		
25	PHA 2684	9	II-NNA-668	3	All GRS, See Note 4.		

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	<p>*Note: Regarding documents relating to the establishment of the Department and predecessor agencies (item 1 of superseded HUD Records Disposition Schedule 2), we will prepare a direct offer to NARS on an SF 258 for any of these records we find.</p> <p>Note 1: We have developed HUD Records Disposition Schedule 3, Administrative Records, to supplement the General Records Schedules. HUD Schedule 3 is being typed in final to be sent to GAO and NARS. In particular, Item 63 of HUD Schedule 3 will replace Item 1 of GRS 16, when approved.</p> <p>Note 2: This Item was originally approved by the Archivist 25 years ago. It is vague as far as the type of records it intended to cover. Any administrative policy concerning HUD employees which was issued by HUD regulations will be covered by Item 1 of HUD Records Disposition Schedule 2, Legal Records. Item 63 of proposed HUD Records Disposition Schedule 3, Administrative Records, will cover administrative policy affecting HUD employees issued by HUD directives. As indicated in Note 1, Item 63 is proposed to replace Item 1 of GRS 16, when approved. Legal advice covering these policies will be covered by Item 10b of HUD Records Disposition Schedule 2. HUD copies of Governmentwide policy and regulations regarding Government employees are nonrecord material since the Office of Personnel Management is the office of record for such policy and regulations. Any accessions retired to an FRC under superseded HUD Records Disposition Schedule 2, Item 4, (NARS Job II-NNA-852, Item 4), would need to be examined to determine what type of material was actually in the boxes and which of the above Schedule items would apply.</p> <p>Note 3: Item 24 of proposed HUD Records Disposition Schedule 3 is intended to replace Item 2a of GRS 5, when approved.</p> <p>Note 4: This item covers correspondence relating to "housekeeping" activities which is why all the GRS are referenced. Determining which GRS item to use depends on the type of "housekeeping" activity to which the correspondence relates. Item 7 of proposed HUD Records Disposition Schedule 3 is intended to replace this item, when approved.</p>		

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	<p data-bbox="212 308 1162 626">D. HUD/PHA/FHA Schedule Items and NARS Job Items Covered by Other HUD Records Disposition Schedules. Some of the old items of the superseded HUD Records Disposition Schedule 2 actually covered records of a program or financial nature, rather than a legal nature. Therefore, the following HUD/PHA/FHA records disposition schedule items and related NARS job items are superseded since they are covered by the other HUD Records Disposition Schedules listed below which are in existence or currently being prepared.</p> <table border="1" data-bbox="192 685 1147 1679"> <thead> <tr> <th data-bbox="192 685 361 825">Super- seded HUD Sched. 2</th> <th colspan="2" data-bbox="361 685 608 825">Superseded Predecessor Agency Schedules</th> <th colspan="2" data-bbox="608 685 947 825">Superseded NARS Jobs</th> <th data-bbox="947 685 1147 825">Use HUD Sched. No.</th> </tr> <tr> <th data-bbox="192 825 361 924">Item No.</th> <th data-bbox="361 825 500 924">Sched. No.</th> <th data-bbox="500 825 608 924">Item No.</th> <th data-bbox="608 825 808 924">Job No.</th> <th data-bbox="808 825 947 924">Item No.</th> <th data-bbox="947 825 1147 924"></th> </tr> </thead> <tbody> <tr><td>7</td><td>FHA 2</td><td>7</td><td>II-NNA-852</td><td>7</td><td>28</td></tr> <tr><td>11</td><td>FHA 2</td><td>11</td><td>II-NNA-852</td><td>11</td><td>10,20</td></tr> <tr><td>12</td><td>FHA 2</td><td>12</td><td>II-NNA-852</td><td>12</td><td>1, 10, 17</td></tr> <tr><td>13</td><td>FHA 2</td><td>13</td><td>II-NNA-852</td><td>13</td><td>1, 10, 17</td></tr> <tr><td>14</td><td>FHA 2</td><td>14</td><td>II-NNA-852</td><td>14</td><td>1, 17</td></tr> <tr><td>15</td><td>FHA 2</td><td>15</td><td>II-NNA-852</td><td>15</td><td>35</td></tr> <tr><td>16</td><td>FHA 2</td><td>16</td><td>II-NNA-852</td><td>16</td><td>35</td></tr> <tr><td>17</td><td>FHA 2</td><td>17</td><td>II-NNA-852</td><td>17</td><td>3**</td></tr> <tr><td>23</td><td>PHA 2684</td><td>7</td><td>II-NNA-668</td><td>2</td><td>35</td></tr> <tr><td>24</td><td>PHA 2684</td><td>8</td><td>II-NNA-668</td><td>4</td><td>35</td></tr> <tr><td>26</td><td>PHA 2684</td><td>10</td><td>***</td><td></td><td>35</td></tr> <tr><td>27</td><td>PHA 2684</td><td>11</td><td>***</td><td></td><td>35</td></tr> <tr><td>28</td><td>PHA 2684</td><td>12</td><td>***</td><td></td><td>35</td></tr> <tr><td>29</td><td>PHA 2684</td><td>13</td><td>***</td><td></td><td>35</td></tr> <tr><td>30</td><td>PHA 2684</td><td>14</td><td>***</td><td></td><td>35</td></tr> <tr><td>32</td><td>PHA 2684</td><td>1</td><td>NN-166-18</td><td>1</td><td>35</td></tr> <tr><td></td><td></td><td>(pg 5)</td><td></td><td></td><td></td></tr> <tr><td>33</td><td>PHA 2684</td><td>2</td><td>NN-166-18</td><td>2</td><td>35</td></tr> <tr><td></td><td></td><td>(pg 6)</td><td></td><td></td><td></td></tr> <tr><td>34</td><td>PHA 2684</td><td>3</td><td>NN-166-18</td><td>3</td><td>35</td></tr> <tr><td></td><td></td><td>(pg 6)</td><td></td><td></td><td></td></tr> <tr><td>35</td><td>PHA 2684</td><td>4</td><td>NN-166-18</td><td>4</td><td>35</td></tr> <tr><td></td><td></td><td>(pg 6)</td><td></td><td></td><td></td></tr> </tbody> </table>				Super- seded HUD Sched. 2	Superseded Predecessor Agency Schedules		Superseded NARS Jobs		Use HUD Sched. No.	Item No.	Sched. No.	Item No.	Job No.	Item No.		7	FHA 2	7	II-NNA-852	7	28	11	FHA 2	11	II-NNA-852	11	10,20	12	FHA 2	12	II-NNA-852	12	1, 10, 17	13	FHA 2	13	II-NNA-852	13	1, 10, 17	14	FHA 2	14	II-NNA-852	14	1, 17	15	FHA 2	15	II-NNA-852	15	35	16	FHA 2	16	II-NNA-852	16	35	17	FHA 2	17	II-NNA-852	17	3**	23	PHA 2684	7	II-NNA-668	2	35	24	PHA 2684	8	II-NNA-668	4	35	26	PHA 2684	10	***		35	27	PHA 2684	11	***		35	28	PHA 2684	12	***		35	29	PHA 2684	13	***		35	30	PHA 2684	14	***		35	32	PHA 2684	1	NN-166-18	1	35			(pg 5)				33	PHA 2684	2	NN-166-18	2	35			(pg 6)				34	PHA 2684	3	NN-166-18	3	35			(pg 6)				35	PHA 2684	4	NN-166-18	4	35			(pg 6)					
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<p>**Note: HUD Records Disposition Schedule 3 is a proposed schedule to cover Administrative records not covered by the General Records Schedules and is currently being prepared.</p>																																											
<p>***Note: These items are duplicates of items 9, 8, 36, 37 and 38, respectively, of NARS Job II-NNA-3051 which are also included in HUD Records Disposition Schedule 35. Therefore, those items of II-NNA-3051 are still needed and are not superseded by this Schedule.</p>																																											



RECORDS DISPOSITION SCHEDULE 2

LEGAL RECORDS

This Schedule provides disposition instructions for those records relating to the legal functions of the Department. Legal functions are the main responsibility of the Office of General Counsel, the HUD Board of Contract Appeals and the Office of the Administrative Law Judge. The Office of General Counsel provides legal advice, opinions and services regarding all programs, policies and activities of the Department. The HUD Board of Contract Appeals issues final decisions for the Secretary in all contract disputes which are appealable to the Court of Claims up to 6 years after the date of issue. The Board also issues decisions in other administrative appeals that become final 30 days after issue. The Administrative Law Judge issues decisions in administrative appeal areas where the right to a hearing is granted by statute or agreement.

This Schedule covers legal records kept in Field Offices as well as in Headquarters. Some HUD offices other than those listed above may also have records relating to a legal activity and those records are also covered by this Schedule. The Schedule also covers legal records created by HUD's predecessor agencies.

<u>Item No.</u>	<u>Description of Records</u>	<u>Disposition</u>
1.	Proposed and final rules and notices. Consists of material published in the Federal Register. Final rules have the effect of law and are codified in the Code of Federal Regulations (CFR). Rules are also known as regulations.	
	a. Case history files. Official record copy. Includes drafts showing development of rule or notice, clearance records, public comments, signed documents. Case history files from 1970 to present are maintained in Headquarters Office of General Counsel. Case	

RECORDS DISPOSITION SCHEDULE 2

LEGAL RECORDS

<u>Item No.</u>	<u>Description of Records</u>	<u>Disposition</u>
	history files prior to 1970 are maintained in originating program offices.	
(1)	Public docket file. Consists of public comments received on proposed rules, environmental impact findings, inflationary impact findings or findings on need for regulatory analysis, and signed copies of the proposed and final rules in the same form as sent to the Federal Register for publication.	Close file after the final rules become effective and place in inactive file. Retire to Federal Records Center 3 years after close of file or when volume warrants. Destroy 20 years after close of file.
(2)	Internal file. Consists of copies of proposed and final rules as sent through internal clearance process, clearance records, internal HUD comments on the proposed and final rules, and notes from internal HUD meetings held to discuss the proposed or final rules.	Close file after the final rules become effective and place in inactive file. Retire to Federal Records Center 3 years after close of file or when volume warrants. Destroy 10 years after close of file.
(3)	General notice files. Also called N-series docket files. Consist of copies of general notices as sent through clearance process, clearance records, internal HUD comments on general notices and signed copies of general notices in the same form as sent to the Federal Register for publication. Includes notices of delegations of authority.	Close file after notice published in the Federal Register and place in inactive file. Retire to Federal Records Center 3 years after close of file or when volume warrants. Destroy 5 years after close of file.



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<u>Item No.</u>	<u>Description of Records</u>	<u>Disposition</u>
	b. Working papers and background material not significant enough to be a part of the case history files.	Destroy 6 months after date the final regulation or notice is published in the Federal Register.
	c. Extra copies of the clearance package for the regulation or notice which are distributed for concurrent clearances. Includes the comments given to clearance point for preparation of a consolidated response. Does not include those parts of the package and responses which become part of the case history file.	Destroy when 3 years old or when no longer needed for reference, whichever is earlier.
	d. Printed Code of Federal Regulations (CFR) volumes. Title 24 CFR contains Housing and Urban Development regulations. Each volume of the CFR is revised at least once each calendar year. Title 24 CFR is updated as of April 1 each year.	Destroy when later revised CFR volume is received.
	e. Printed daily issues of the Federal Register. The CFR is kept up-to-date by the individual issues of the Federal Register. The two publications must be used	

RECORDS DISPOSITION SCHEDULE 2

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<u>Item No.</u>	<u>Description of Records</u>	<u>Disposition</u>
	together to determine the latest version of any given rule. A revised CFR volume incorporates the final regulations on the same subject area which were published in the Federal Register since the last revision of that CFR volume. Title 24 of the CFR revised as of April 1, 1979, will contain all final Housing and Urban Development regulations published in the Federal Register since April 1, 1978.	
	(1) Issues containing notices or proposed or final regulations related to the same subject area as the CFR volumes being maintained.	Keep issues printed since the revision date of the current CFR volume. When a later revised CFR volume is received, destroy all issues of the daily Federal Register printed before the revision date of the CFR volume.
	(2) All other issues.	Destroy after review and finding that the issue does <u>not</u> contain any notices or proposed or final regulations related to the same subject area as the CFR volumes being maintained.
f.	Printed or processed copies of individual proposed or final regulations or notices as published in the Federal Register.	Destroy when rescinded, superseded, obsolete or no longer needed for reference.

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Item No.	Description of Records	Disposition
2.	Delegations of authority files. Include redelegations and revocations or withdrawals of authority.	
	a. Each separate delegation.	
	(1) Record copy of delegations published in the Federal Register. Includes background material and record of concurrences or clearances. These files are kept by the Headquarters Office of General Counsel as part of the general notice files (see item 1a(3) of this Schedule).	Use the disposition instruction for item 1a(3) of this Schedule.
	(2) Record copy of delegations not published in the Federal Register. Includes background material. These files are kept by the originating office.	Destroy when 6 years old.
	(3) All other copies.	Destroy when superseded, obsolete or no longer needed for reference.
	b. Printed book of current delegations. Compiled by Headquarters Office of General Counsel. This book is distributed to certain Headquarters and Field	<small>(see item 1a(3) of this Schedule)</small>

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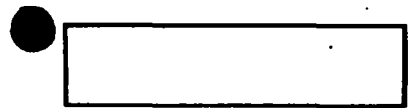
Item No.	Description of Records	Disposition
	Offices. It is updated quarterly.	
	(1) Master set kept by the Headquarters Office of General Counsel unit which compiles the book.	
	(a) Delegations published in the Federal Register.	Destroy when superseded or obsolete.
	(b) Unpublished delegations.	Place superseded or rescinded delegations in inactive file. Destroy 6 years after end of calendar year in which delegation is superseded or rescinded.
	(2) All other sets.	Destroy when superseded, obsolete or no longer needed for reference.
3.	Tort claims case files. Consist of records concerning claims for damages against the United States for personal injury or death or loss of property caused by a Departmental employee. Files include claim form, evidence, investigation statements, decision and related correspondence.	Destroy 3 years after case is closed.

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LEGAL RECORDS

<u>Item No.</u>	<u>Description of Records</u>	<u>Disposition</u>
4.	Employees' personal property claims case files. Consist of records concerning claims filed by HUD employees for loss or damage to personal property connected with Government service.	Destroy 3 years after case is closed.
5.	Official Litigation Case Files. Each file contains all documents and correspondence pertaining to any case in which a Department official or employee is a party, from filing of complaint until entry of final judgment. Includes cases in which the Department files as a friend of the court but is not actually a party.	
	a. Official litigation case files specifically identified by a Headquarters Associate General Counsel or a Regional Counsel as having unusual significance for the Department. Such cases will be segregated by office personnel prior to retirement to the Federal Records Center.	Close file after entry of final judgment. Retire to Federal Records Center 1 year after entry of final judgment. Destroy 7 years after entry of final judgment.
	b. All other official litigation case files.	Close file after entry of final judgment. Retire to Federal Records Center 1 year after

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<u>Item No.</u>	<u>Description of Records</u>	<u>Disposition</u>
		entry of final judgment. Destroy 4 years after entry of final judgment.
	c. Unofficial reference copies of litigation documents.	Destroy when superseded or obsolete, or when no longer needed for administrative or reference use. Do <u>not</u> retire to Federal Records Center.
6.	Administrative appeals and hearings case files. Consist of files on cases where appeals are made and administrative hearings are held. Includes contract appeals and appeals from decisions in the areas of equal opportunity; interstate land sales disclosures; flood disaster protection; block grants; mobile home construction and safety standards; debarment, suspension and ineligibility of contractors and grantees; and Mortgagee Review Board matters.	
	a. Official administrative appeals and hearings case files kept by the Board of Contract Appeals and the Office of Administrative Law Judge. Each file contains all documents, exhibits,	Close file after entry of final order or decision. Retire to Federal Records Center 2 years after entry of final order or decision, or when



RECORDS DISPOSITION SCHEDULE 2

LEGAL RECORDS

<u>Item No.</u>	<u>Description of Records</u>	<u>Disposition</u>
	transcripts of hearings, decisions, orders and correspondence pertaining to each case appealed to the Board or the Administrative Law Judge from notice of appeal to final decision or order.	volume warrants. Destroy 8 years after entry of final order or decision.
	b. Files kept by the Office of General Counsel on administrative appeals and hearings cases. May include documents involving actions or decisions which led to the appeal and hearing as well as copies of documents in the official file (see item 6a of this Schedule).	Destroy 6 years after entry of final order or decision by Board or Administrative Law Judge.
7.	Legislative history files. Consist of printed copies of the basic legislation under which the Department operates. Includes copies of Congressional hearings, bills and amendments, Public Laws and excerpts from the Congressional Record. The record set of legislative history files for all Federal agencies is kept by the Office of Management and Budget. All printed sets in HUD are considered to be reference material only. This includes the legislative history files in the Office of the Associate General Counsel for Legislation.	Destroy when superseded, obsolete or no longer needed for reference. These files may <u>not</u> be retired to a Federal Records Center.

RECORDS DISPOSITION SCHEDULE 2

LEGAL RECORDS

Item No.	Description of Records	Disposition
8.	<p>HUD legislative proposals files. Consist of proposed legislation developed by HUD and related correspondence and other documents. May include background material, drafts, reviews, minutes of meetings, and position papers.</p>	<p>Close file at end of fiscal year in which legislation is enacted or dropped. Destroy 15 years after close of file.</p>
	<p>a. Master files kept by the Office of the Associate General Counsel for Legislation.</p>	<p>Close file at end of fiscal year in which legislation is enacted or dropped. Destroy 15 years after close of file.</p>
	<p>b. Files kept by other HUD offices which initiate or review HUD's legislative proposals.</p>	<p>Close file at end of fiscal year in which legislation is enacted or dropped. Destroy 6 years after close of file.</p>
9.	<p>Legislative reports files. Consist of files of reports to Congress and the Office of Management and Budget on legislative proposals affecting HUD, but developed by Congress or other Federal agencies. Also, consist of files on oversight reports to Congress and the Office of Management and Budget on HUD program activities.</p>	

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RECORDS DISPOSITION SCHEDULE 2

LEGAL RECORDS

<u>Item No.</u>	<u>Description of Records</u>	<u>Disposition</u>
	Include correspondence and other related documents.	
	a. Report files on legislative proposals affecting HUD, but developed by Congress or other Federal agencies.	
	(1) Master files kept by the Office of the Associate General Counsel for Legislation.	Close file at end of fiscal year in which legislation is enacted or dropped. Destroy 15 years after close of file.
	(2) Files kept by other HUD offices which reviewed and commented on the proposed legislation.	Close file at end of fiscal year in which legislation is enacted or dropped. Destroy 6 years after close of file.
	b. Oversight report files on HUD program activities.	
	(1) Master files kept by the Office of the Associate General Counsel for Legislation.	Close file at end of fiscal year in which reports are prepared. Destroy 7 years after close of file.
	(2) Files kept by other HUD offices submitting feeder reports to the Office of the Associate General Counsel for Legislation.	Close file at end of fiscal year in which reports are prepared. Destroy 3 years after close of file.



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LEGAL RECORDS

<u>Item No.</u>	<u>Description of Records</u>	<u>Disposition</u>
10.	Legal opinions files. Consist of correspondence and related documents providing legal opinions, interpretations, rulings and advice on HUD programs and operations to HUD officials, HUD clientele, other Federal agencies, States, Congress and the general public.	
	a. Record copies of legal opinions, interpretations, rulings or advice concerning HUD's relationship with the public housing agencies (PHAs). Filed by PHA.	Destroy 3 years after end of Annual Contributions Contract period.
	b. Record copies of legal opinions, interpretations, rulings or advice not covered in Item 10a.	
	(1) Considered to be significant or precedent setting. Includes background material. Kept by the Office of General Counsel (OGC) unit which issued the opinion, interpretation, ruling or advice.	Place in inactive file when superseded or obsolete. Destroy 3 years after being placed in inactive file.
	(2) Not considered to be significant or precedent setting. Includes background material kept by	Destroy when 5 years old.

RECORDS DISPOSITION SCHEDULE 2

LEGAL RECORDS

Item No.	Description of Records	Disposition
	OGC unit which issued the opinion, interpretation, ruling or advice.	
c.	Book of legal opinions compiled, printed and distributed annually. Only those legal opinions considered to be significant are included in the book. Attachments to the opinions are not always included.	<i>Permanent. Offer to NARS when 12 years old. For those volumes having separate card indexes, offer the indexes</i>
	(1) Master set kept by OGC unit which prepares the book. Those editions prior to 1976 have separate card indexes.	<i>Destroy when 12 years old. Offer to NARS with the corresponding volumes.</i>
	(2) All other sets.	Destroy when superseded obsolete or no longer needed for reference. These files may <u>not</u> be retired to a Federal Records Center.
d.	Memoranda on recent legal developments of interest to the Field. Contain summaries of the developments. Copies of the related opinions or other documents may be attached. Prepared monthly from weekly reports submitted by all Associate General Counsels. Distributed to all Field and Headquarters attorneys.	

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Permanent. Offer to NARS when 12 years old. For those volumes having separate card indexes, offer the indexes

Destroy when 12 years old. Offer to NARS with the corresponding volumes.

RECORDS DISPOSITION SCHEDULE 2

LEGAL RECORDS

<u>Item No.</u>	<u>Description of Records</u>	<u>Disposition</u>
	(1) Master set kept by OGC unit which prepares the memoranda.	Destroy when 6 years old.
	(2) All other sets.	Destroy when superseded, obsolete or no longer needed for reference.
	e. All other nonrecord copies of legal opinions, interpretations, rulings or advice.	Destroy when superseded, obsolete or no longer needed for reference.
11.	Legal activity report files. Consist of weekly reports prepared by each Associate General Counsel on the activities of his/her office to keep the General Counsel informed. Also used to prepare the memoranda on recent legal developments (see item 10d of this Schedule).	
	a. Record copies kept in office of each Associate General Counsel.	Destroy when 2 years old or when no longer needed for reference, whichever is earlier.
	b. Originals submitted to the General Counsel.	Destroy after issuance of memorandum of recent developments which reflects those reports.

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RECORDS DISPOSITION SCHEDULE 2

LEGAL RECORDS

Item No.	Description of Records	Disposition
12.	Legal reference files. Consist of extra (nonrecord) copies of legislation, opinions, litigation, court decisions, issuances, publications, reports, speeches and other material used for reference purposes, regardless of source. Includes informational copies of correspondence. Official record copies of such documents are covered elsewhere in this Schedule or in other Departmental Records Disposition Schedules.	Destroy when superseded, obsolete or no longer needed for reference. Reference files may <u>not</u> be retired to a Federal Records Center.
13.	Notice of Proceedings Files. Consist of case files relating to administrative proceedings against developers for violations under the Interstate Land Sales Full Disclosure Act. Include copy of Notice of Proceeding, developer's response, closing documents and related correspondence. The closing document may be a settlement, order of suspension, consent order, or effective date letter.	Place in inactive file when closed. Destroy 3 years after close of case file.
14.	Subpoena transcript files. Consist of files relating to subpoena return hearings with developers before an Office of Interstate Land Sales	Destroy 3 years after date of hearing.

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LEGAL RECORDS

<u>Item No.</u>	<u>Description of Records</u>	<u>Disposition</u>
	Registration (OILSR) hearing officer. May include a copy of the subpoena issued by OILSR.	
15.	Copies of subpoenas issued by the Office of Interstate Land Sales Registration which do not become part of another file (i.e. on which no further action is taken).	Destroy when 1 year old.
16.	Settlement case files involving penalties imposed on manufacturers for violations under the Mobile Home Construction and Safety Standards Act. Consist of files on cases where settlement was reached without need for an administrative hearing or litigation. Include preliminary determinations, subpoenas, investigation documents, settlement papers and related correspondence.	Destroy 5 years after settlement.
17.	Temporary Denials of Participation (TDP) and Conditional Participation files. Consist of orders, notices and other documents issued by Field Offices to deny or limit a contractor's or grantee's participation in HUD programs for a temporary period.	



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LEGAL RECORDS

<u>Item No.</u>	<u>Description of Records</u>	<u>Disposition</u>
	a. Record copy kept by Field Office issuing the orders and other documents.	Destroy 6 years after Temporary Denial or Conditional Participation is removed.
	b. All other copies.	Destroy 3 years after Temporary Denial or Conditional Participation is removed or when no longer needed for reference, whichever is earlier.
18.	Debarment ADP system. This Automatic Data Processing (ADP) system provides recurring updated listings of contractors and grantees debarred from, ineligible for, or suspended from recurring awards by the Department. The reason for the actions, extent of restrictions, and cross-reference of individuals and companies are reflected.	
	a. Documentation files. Cover those records required for servicing machine-readable records--for converting them from human-readable information to encoded data and vice versa. These are an organized series of	Destroy 1 year after system is placed on inactive list.

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<u>Item No.</u>	<u>Description of Records</u>	<u>Disposition</u>
	descriptive documents required to initiate, develop, operate and maintain specific applications of ADP systems.	
	b. Input documents.	
	(1) Forms, reports and other documents intended solely to serve as inputs to the system.	Destroy after data has been entered into the system and verified.
	(2) Forms, reports and other documents which serve other program uses in addition to serving as inputs to the system.	Use the appropriate item elsewhere in this Schedule.
	c. Processing files. Those machine-readable files (from work files and raw data input files to publication files and security backup files) which are used to create and use a master file.	Scratch after third update cycle.
	d. Master files. Constitute the definitive state of a data file in a system at a given time.	
	(1) While the system is operational.	Scratch after third update cycle.
	(2) When the system is deleted from the inventory of active systems.	Destroy 1 year after system is placed on inactive list.

RECORDS DISPOSITION SCHEDULE 2

LEGAL RECORDS

<u>Item No.</u>	<u>Description of Records</u>	<u>Disposition</u>
	e. Printouts, output reports.	
	(1) Joint Consolidated List of Debarred, Suspended and Ineligible Contractors and Grantees. Produced quarterly.	
	(a) Master set kept by the Office of the Inspector General.	Destroy when 5 years old.
	(b) All other copies.	Keep the most recent quarterly list and destroy all previous editions.
	(2) Monthly lists of additions and deletions to the Joint Consolidated List.	
	(a) Master set kept by the Office of the Inspector General.	Destroy when 5 years old.
	(b) All other copies.	Destroy upon receipt of quarterly Joint Consolidated List incorporating the monthly lists.
19.	Attorney working files. Consist of drafts, notes, background material and reference copies of	

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RECORDS DISPOSITION SCHEDULE 2

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<u>Item No.</u>	<u>Description of Records</u>	<u>Disposition</u>
	<p>documents. The record copies of documents prepared by attorneys are placed in the official case files, project docket files or other official files as appropriate. Other items of this Schedule or other Department Records Disposition Schedules cover the record copies.</p>	
	<p>a. Related to specific administrative or court cases.</p>	<p>When the administrative or court case is closed, screen the related working file and transfer any record material to the official case file. Destroy the remaining working file 2 years after case is closed.</p>
	<p>b. Related to foreclosure and sale of single family homes and multi-family projects.</p>	<p>When the home or project is sold and HUD no longer has an interest in it, screen the related working file and transfer any record material to the official case file. Destroy the remaining working file 2 years after home or project is sold.</p>

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<u>Item No.</u>	<u>Description of Records</u>	<u>Disposition</u>
	c. All other working files.	Destroy when the attorney who created the file leaves HUD or when no longer needed for reference, whichever is earlier. Screen working file before destruction and transfer any record material to the related official file.
20.	Correspondence files not covered elsewhere in this Schedule.	Close file at end of calendar year. Destroy 3 years after file is closed.