

**PRIORITIES REGULATIONS
Affecting FPHA Operations
and Activities**

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FOREWORD

Regulations of the Civilian Production Administration and the National Housing Agency applicable to the operations and activities of the FPFA under the priorities system will be issued in this Bulletin.

Chapter 480 of the Manual of Policy and Procedure provides instructions for preparing, receiving and processing applications for necessary priorities assistance, and contains references to regulations in this Bulletin for supplementary information.

In addition to the specific priorities regulations, this Bulletin will contain selected limitation, conservation, rubber and other regulations which control the production, inventories and use of materials and equipment needed by the FPFA in its development, management and administrative activities.

Because of the limited number of copies of the regulation available to the FPFA, distribution of Bulletin 14 will be limited to provide copies primarily for priorities personnel who are directly concerned with operations of the priorities system.

Additional copies of regulations, when required, and replenishment of the regional supply of application forms should be requisitioned from the Central Office through the regional administrative services officer.

It is intended, after this initial compilation of applicable CPA and NHA regulations, to include instructions in the various sections of the Bulletin, providing explanations, interpretations, exceptions, special arrangements, etc. Problems and questions should be referred by the regional priorities adviser to the Central Office Priorities and Materials Survey Division, rather than to field offices of the CPA or NHA, whose personnel are not always aware of the discussions and special agreements which are conducted in Washington, concerning FPFA projects, which are sometimes given special consideration on the basis of urgency or other critical factors.

1/ This Bulletin supersedes all of Bulletin 14 previously issued and still existing.

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NHA
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BULLETIN 14

Section 1

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SECTION 1

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1/ Supersedes the Index dated 9-26-46

NHA
FPHA
9-26-46

Bulletin 14

~~PART II~~ - Section 2.1

SUBJECT: EPO-1, dated 8-27-46
Finding and Delegation of Authority

This Order has been issued by the Housing Expediter, as part of a series of new regulations, to effect the priorities powers conferred by the Veterans Emergency Housing Act of 1946.

It consists of a delegation of authority to the CPA for establishing and enforcing maximum sales prices and control of materials neither of which affects FPHA operations except as provided in more explicit regulations emanating from this authority.

OFFICE OF HOUSING EXPEDITER

PART 801—PRIORITIES ORDERS UNDER
VETERANS' EMERGENCY HOUSING ACT OF
1946

[Housing Expediter Priorities Order 1]

FINDING AND DELEGATION OF AUTHORITY

This section is issued pursuant to the Veterans' Emergency Housing Act of 1946, approved May 22, 1946, which provides for carrying out the Veterans' Emergency Housing Program.

§ 801.1 *Finding and delegation of authority*—(a) *Priorities*. The Civilian Production Administration is hereby au-

thorized to exercise the powers and authority of the Housing Expediter under sections 4 and 7 of the Veterans' Emergency Housing Act of 1946.

(b) *Maximum sales prices*. In the judgment of the Housing Expediter the sales prices of housing accommodations the construction of which is completed after the effective date of the Veterans' Emergency Housing Act of 1946 have risen or threaten to rise to an extent and in a manner inconsistent with the purposes of that act and it is necessary to establish maximum sales prices on housing accommodations hereafter au-

thorized or for which priorities assistance is hereafter granted, to the extent and in the manner provided in this section and related issuances of the Housing Expediter.

(c) *Scope*. This section shall be applicable to the United States, its territories and possessions and the District of Columbia.

(Pub. Law 388, 79th Cong.)

Issued this 27th day of August 1946.

[SEAL]

WILSON W. WYATT,
Housing Expediter

NHA
FPHA
1-20-47

Bulletin 14

PART II - Section 1.2

SUBJECT: EPO-2, dated 12-23-46 1/
Delegation of Authority

This Order issued by the Housing Expediter disperses to certain agencies and officials the functions incident to effecting the provisions of VHP-1, PR-33, HEPR-5, HEPR-6, and the new Housing Permit Regulation (HPR).

Paragraph (b)(2) contains a delegation of authority to the FPHA, and is the basis for the redelegations to the regional level in Sections 3014:4 and 3014:5 of the Manual of Policy and Procedure.

The principal revision in EPO-2 is to assign the functions relating to the issuance of Federal permits under the Housing Permit Regulations.

OFFICE OF HOUSING EXPEDITER

EPO 2

DEC. 23, 1946
[As Amended]

[Priorities Order 2, As Amended Dec. 23, 1946]

PART 801—PRIORITIES ORDERS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

DELEGATION OF AUTHORITY

§ 801.2 *Delegation of authority*—(a) *What this section provides.* This section delegates to specified agencies and officials authority to process applications for priorities assistance under § 803.5 (Housing Expediter Priorities Regulation 5) and related issuances and for authorization under Civilian Production Administration Veterans' Housing Program Order 1 pursuant to provisions of the Housing Permit Regulation for construction permits and to make certain investigations of alleged violations thereof and take certain compliance action. It also delegates to a specified official authority to process applications for priorities assistance under § 803.6 of this chapter (Housing Expediter Priorities Regulation 6).

(b) *Processing applications and appeals.* (1) The Federal Housing Administration (through the Federal Housing Commissioner or his designated representative) is hereby authorized to approve or deny, in accordance with Housing Expediter Priorities Regulation 5 and the Housing Permit Regulation, applications, changes in applications, and appeals which those regulations authorize to be filed with appropriate State and District Offices of the Federal Housing Administration.

(2) The Federal Public Housing Authority (through the Federal Public Housing Commissioner or his designated representatives) is hereby authorized to approve or deny, in accordance with Housing Expediter Priorities Regulation 5 and the Housing Permit Regulation, applications, changes in applications, and appeals which those regulations authorize to be filed with appropriate regional offices of the Federal Public Housing Authority.

(3) The Department of Agriculture (through the Director of the Materials and Equipment Branch, Production and Marketing Administration, or his des-

ignated representatives) is hereby authorized to approve or deny in accordance with Housing Expediter Priorities Regulation 5, changes in applications, and appeals which that regulation authorizes to be filed with appropriate County Agricultural Conservation Committees.

(4) The Director or Acting Director of the Technical Office of the Office of the Administrator of the National Housing Agency is hereby authorized to approve or deny, in accordance with Housing Expediter Priorities Regulation 5 and the Housing Permit Regulation, applications, changes in applications, and appeals which those regulations authorize to be filed with the Technical Office.

(5) The Director or Acting Director of the Prefabrication Production Branch of the Office of Industrialized Housing of the Office of the Administrator of the National Housing Agency is hereby authorized to approve or deny, in accordance with Housing Expediter Priorities Regulation 6, changes in applications, and appeals which that regulation authorizes to be filed with the National Housing Agency, except applications under paragraph (u) of Housing Expediter Priorities Regulation 6.

(6) The Federal Housing Administration, the Federal Public Housing Authority, and the Department of Agriculture shall furnish the Housing Expediter with copies of approved applications and with such reports and other information as may be requested. All general instructions and operating procedures to be issued under the delegations in the paragraph shall be submitted to the Housing Expediter for prior approval.

(c) *Investigation and enforcement.* The Office of Price Administration (Office of Temporary Controls) through the Price Administrator or his designated representatives is hereby authorized to conduct such investigations as may be necessary to ascertain violations of Priorities Regulation 33 (32 CFR 944.54) and Housing Expediter Priorities Regulation 5 with respect to sales price, rent, cost, construction, preferences for veterans, occupancy or disposition of dwellings, applications and the posting of

placards; and where such violations are found:

(1) To institute such civil proceedings, in the name of the Price Administrator, as may be appropriate with respect to such violations, and to intervene in any civil proceedings in which such violations are involved.

(2) To revoke, deny or suspend authorization and priorities assistance under Priorities Regulation 33 and Housing Expediter Priorities Regulation 5 where the Price Administrator or his designated representatives determine, after appropriate administrative hearings, that such violations result or threaten to result in the use of materials or facilities in a manner inconsistent with the purposes of the Veterans' Emergency Housing Act of 1946.

(3) To certify the facts of such violations to the Attorney General, whenever the Price Administrator, or his designated representatives, believe that any person is liable to punishment under the criminal laws of the United States or the provisions of the Veterans' Emergency Housing Act of 1946.

(4) To take such other action, or otherwise dispose of such violation as may be appropriate.

For the purpose of investigating and disposing of such violations, the Office of Price Administration (Office of Temporary Controls) through the Price Administrator or his designated representatives may exercise, to the extent necessary, the functions, powers, authority or discretion conferred upon the Housing Expediter by the Veterans' Emergency Housing Act of 1946 and Directive 42 of the Civilian Production Administration.

(60 Stat. 207; 56 Stat. 177, as amended; E. O. 9638, 10 F. R. 12591; CPA Directive 42, 11 F. R. 9514)

This section as amended shall become effective December 24, 1946.

(Title III, 56 Stat. 177, Pub. Law 388, 79th Cong., 60 Stat. 207; 50 U. S. C. App. Sup. 633)

Issued this 23d day of December 1946.

[SEAL]

FRANK R. CREEDON,
Housing Expediter.

SUBJECT: EPO 5, Dated March 31, 1947.
Transfers of CPA Regulations and Orders to the Housing Expediter

This Housing Expediter Priorities Order provides, in a single document, for the adoption by the Office of the Housing Expediter of certain Priorities Regulations and Orders and consequent functions previously administered by the Civilian Production Administration, in accordance with Executive Order 9836, which transferred to OHE all functions of the Office of Temporary Controls with respect to the Veterans Emergency Housing Program.

It lists the controlling documents which have been thus adopted and remain in effect. The FPHA is affected only as to the administration and compliance functions which control and regulate FPHA activities under the Permit and Priorities Systems which are now vested in OHE instead of CPA.

OFFICE OF HOUSING EXPEDITER

[Housing Expediter Priorities Order 5]

PART 801—PRIORITIES ORDERS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

TRANSFER OF CPA REGULATIONS AND ORDERS TO THE HOUSING EXPEDITER

§ 801.5 *Transfer of CPA regulations and orders to the Housing Expediter*—

(a) *What this section does.* By Executive Order 9836 issued March 22, 1947, effective April 1, 1947, the President has transferred to the Housing Expediter all functions of the Temporary Controls Administrator and of the Office of Temporary Controls with respect to the Veterans' Emergency Housing Program which have previously been administered by the Civilian Production Administration in the Office of Temporary Controls. By the same Executive Order, the President has delegated to the Housing Expediter, to the extent necessary for the proper exercise of the functions which were transferred, the powers and authority vested in the President by Title III of the Second War Powers Act, 1942, as amended. These powers and this authority are in addition to those vested in the Housing Expediter by the Veterans' Emergency Housing Act of 1946. In order to

carry out the functions transferred to the Housing Expediter by this Executive Order, the Housing Expediter, under the authority of the Veterans' Emergency Housing Act of 1946 and the Second War Powers Act, 1942, as amended, is adopting various regulations and orders of the Office of Temporary Controls (Civilian Production Administration) and continuing them in effect as Housing Expediter regulations and orders. As it is not practicable at this time to reissue these regulations and orders in the name of the Housing Expediter, this section provides for this adoption in a single document and sets forth the effect of the adoption.

(b) *Adoption by Housing Expediter of certain Office of Temporary Controls (Civilian Production Administration) regulations and order.* The following regulations and orders of the Temporary Controls Administrator and Office of Temporary Controls (Civilian Production Administration) are hereby adopted, ratified, and confirmed as Housing Expediter actions, to the same extent as if issued in his name, and shall remain in full force and effect until revoked or amended by the Housing Expediter:

(c) *Suspension orders, consent orders and stop-construction orders.* All suspension orders, consent orders, and stop-construction orders issued by the Office of Temporary Controls (Civilian Production Administration) or by the Civilian Production Administration as a result of violation of any of the regulations or orders listed in paragraph (b), and which are in effect on April 1, 1947, are hereby adopted, ratified and confirmed and shall remain in full force and effect until they expire by their terms or are revoked or amended by the Housing Expediter. This also applies to all stays of execution issued in connection with such suspension orders, consent orders, and stop-construction orders.

(d) *Authorizations under Veterans' Housing Order 1.* All authorizations under Veterans' Housing Program Order 1 granted by the Office of Temporary Controls (Civilian Production Administration) or by the Civilian Production Administration or by any agency acting under a delegation of authority from either shall remain in full force and effect, subject to all the conditions and limitations which may apply to the authorizations.

(e) *Authorizations and priorities assistance under Priorities Regulation 33.* All approvals granted under Priorities Regulation 33 shall continue to constitute authorization under Veterans' Housing Program Order 1, and to constitute an assignment of priorities assistance, to the extent provided by applicable regulations of the Housing Expediter. All obligations, liabilities, commitments and agreements made or incurred by builders, owners, purchasers, tenants or other persons under Priorities Regulation 33 are continued in full force and effect until amended or revoked by the Housing Expediter.

(f) *Effect of adoption on existing obligations and liabilities.* All obligations, liabilities and responsibilities incurred under the regulations and orders adopted by this Housing Expediter Priorities Order 5 are continued in full force and effect, except to the extent amended or revoked by the Housing Expediter from time to time. The transfer of these regulations and orders does not cancel, suspend or revoke any civil or criminal liability or penalty incurred by any person under the regulations and orders adopted by this section.

(g) *Reference to the Civilian Production Administration as Housing Expediter.* All references such as "Office of Temporary Controls (Civilian Production Administration)", "Temporary Controls Administrator", "Civilian Production Administration", "Civilian Production Administrator", or "War Production Board" which are made in the Office of Temporary Controls (CPA) documents adopted by this Housing Expediter Priorities Order 5, or in any regulation or order of the Housing Expediter, shall be construed (except where a different meaning clearly appears from the context) to be references to the "Housing

Section No.	Regulation or Order	Date issued or amended	Federal Register citation
944.1-20	Priorities Regulation 1	Mar. 4, 1947	12 F. R. 1481.
944.2	Direction 1	Jan. 29, 1947	12 F. R. 661.
944.3	Direction 2	June 15, 1944	9 F. R. 6623.
944.4	Direction 11	Sept. 18, 1945	10 F. R. 11887.
944.23	Priorities Regulation 3	Mar. 4, 1947	12 F. R. 1487.
944.5	Direction 7	Oct. 1, 1945	10 F. R. 12382.
944.6	Direction 15	Apr. 22, 1946	11 F. R. 4446.
944.7	Direction 16	Sept. 6, 1946	11 F. R. 9927.
944.25	Priorities Regulation 5	Aug. 23, 1943	8 F. R. 11660.
944.27	Priorities Regulation 7	Dec. 31, 1946	12 F. R. 7.
944.28	Priorities Regulation 7A	Oct. 8, 1945	10 F. R. 12630.
944.29	Priorities Regulation 8	Nov. 16, 1945	10 F. R. 14183.
944.43	Priorities Regulation 22	Jan. 8, 1946	11 F. R. 393.
944.44	Supplement I to PR-28 (§ 944.49)	Mar. 4, 1947	12 F. R. 1493.
944.45	Table I to PR-28	Mar. 4, 1947	12 F. R. 1492.
944.46	Direction 6 to PR-28	Jan. 23, 1947	12 F. R. 484.
944.47	Direction 25 to PR-28	Mar. 12, 1947	12 F. R. 1723.
944.54	Priorities Regulation 33	Feb. 28, 1947	12 F. R. 1438.
944.54a	Schedule A	Mar. 3, 1947	12 F. R. 1459.
944.54b	Schedule B	Mar. 3, 1947	12 F. R. 1461.
944.55	Direction 5	Aug. 28, 1946	11 F. R. 9557.
944.56	Direction 8	Dec. 31, 1946	12 F. R. 17.
944.57	Direction 11	Jan. 17, 1947	12 F. R. 396.
944.58	Direction 13	Jan. 23, 1947	12 F. R. 493.
944.59	Priorities Regulation 35	Mar. 4, 1947	12 F. R. 1490.
4700.1	Veterans' Housing Program Order 1	Mar. 20, 1947	12 F. R. 1885.
4700.2	Direction 1	June 21, 1946	11 F. R. 6978.
4700.3	Direction 2	Mar. 6, 1947	12 F. R. 1547.
4700.4	Direction 3	Feb. 11, 1947	12 F. R. 975.
4700.5	Supplement 1	Mar. 20, 1947	12 F. R. 1888.
4700.6	Supplement 2	July 2, 1946	11 F. R. 7912.
4700.7	Supplement 3	Mar. 20, 1947	12 F. R. 1889.
4700.8	Supplement 4	Oct. 7, 1946	11 F. R. 11568.
4700.9	Supplement 5	Feb. 13, 1947	12 F. R. 1057.
4700.10	Veterans' Housing Program Order 3	Aug. 28, 1946	11 F. R. 9558.
4700.11	Veterans' Housing Program Order 4	Sept. 23, 1946	11 F. R. 10701.
4700.12	Veterans' Housing Program Order 5	Feb. 28, 1947	12 F. R. 1442.
3288.91	Limitation Order L-357	Dec. 10, 1946	11 F. R. 14244.

The above regulations and orders are being transferred to the Housing Expediter by the Office of Temporary Controls (Civilian Production Administration), effective simultaneously with this section.

All official interpretations of these regulations and orders issued in accordance with CPA Regulation 3 and in effect on April 1, 1947, are hereby adopted, ratified, confirmed, and issued as Housing Expediter actions, to remain in effect un-

til revoked or amended by the Housing Expediter.

All authorizations which have been granted by the Office of Temporary Controls (Civilian Production Administration) or by the Civilian Production Administration under any of these regulations or orders, and which are in effect on April 1, 1947, shall remain in full force and effect, subject to all the conditions and limitations which may apply to the authorizations.

Expediter" or the "Office of the Housing Expediter," whichever is appropriate. All references in such documents to countersigning or attesting by The "Recording Secretary" shall have no effect.

(h) **Actions to be taken in the name of the Housing Expediter.** All future actions under the regulations and orders listed in paragraph (b) relating to the Veterans' Emergency Housing Program shall be taken by the Housing Expediter, or in the name of the Office of the Housing Expediter by a duly authorized official,

or as otherwise provided by a delegation of authority from the Housing Expediter.

(i) **Reporting and record-keeping requirements approved.** The reporting and record-keeping requirements of the regulations and orders listed in paragraph (b) of this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(j) **Communications.** Communications regarding the provisions of this

section should be addressed to the Housing Expediter, Washington 25, D. C., Ref: EPO 5.

(k) **Effective date.** This section of the Housing Expediter Priorities Order shall become effective April 1, 1947, (60 Stat. 207; 56 Stat. 177, as amended, E. O. 9836, 12 F. R. 1939.)

Issued this 31st day of March 1947.

FRANK R. CREEDON,
Housing Expediter.

are in effect on April 1, 1947, are hereby adopted, revised and confirmed and shall remain in full force and effect until they expire by their terms or are revoked or amended by the Housing Expediter. This also applies to all acts of execution issued in connection with such suspension orders, consent orders, and stop-con-

(1) Authorizations under Veterans' Housing Order 1. All authorizations granted by the Office of Temporary Control (Civilian Production Administration) of the Civilian Production Administration or by any agency acting under a delegation of authority from either shall remain in full force and effect, subject to all the conditions and limitations which may apply to the authorizations. (2) Authorizations and priorities assigned under Veterans' Housing Order 1. All approvals granted under Veterans' Housing Order 1 shall continue to constitute an authorization under Veterans' Housing Order 1 and to constitute an assignment of priorities assistance in the extent provided by applicable regulations of the Housing Expediter. All obligations, liabilities, commitments and agreements made or incurred by building, owners, purchasers, tenants or other persons under Veterans' Housing Order 1 are continued in full force and effect and are not to be revoked by the Housing Expediter.

(3) Effect of adoption on existing obligations and liabilities. All obligations, liabilities and responsibilities incurred under the regulations and orders adopted by this Housing Expediter Priorities Order shall continue in full force and effect, except to the extent amended or revoked by the Housing Expediter from time to time. The transfer of these obligations and orders does not cancel, suspend or revoke any civil or criminal liability or penalty incurred by any person under the regulations and orders adopted by this section.

(4) Reference to the Civilian Production Administration as Housing Expediter. All references such as "Office of Temporary Control," "Civilian Production Administration," "Civilian Production Administration," "War Production Administration," or "War Production Administration" in the Office of Temporary Control (Civilian Production Administration) shall be construed to mean the Office of the Housing Expediter, or in the name of the Office of the Housing Expediter by a duly authorized official, or as otherwise provided by a delegation of authority from the Housing Expediter.

(5) Adoption of Housing Expediter's Order 1. The following regulations and orders of the Housing Expediter are hereby adopted, revised and confirmed and shall remain in full force and effect until they expire by their terms or are revoked or amended by the Housing Expediter. This also applies to all acts of execution issued in connection with such suspension orders, consent orders, and stop-con-

(6) Adoption of Housing Expediter's Order 2. The following regulations and orders of the Housing Expediter are hereby adopted, revised and confirmed and shall remain in full force and effect until they expire by their terms or are revoked or amended by the Housing Expediter. This also applies to all acts of execution issued in connection with such suspension orders, consent orders, and stop-con-

(7) Adoption of Housing Expediter's Order 3. The following regulations and orders of the Housing Expediter are hereby adopted, revised and confirmed and shall remain in full force and effect until they expire by their terms or are revoked or amended by the Housing Expediter. This also applies to all acts of execution issued in connection with such suspension orders, consent orders, and stop-con-

(8) Adoption of Housing Expediter's Order 4. The following regulations and orders of the Housing Expediter are hereby adopted, revised and confirmed and shall remain in full force and effect until they expire by their terms or are revoked or amended by the Housing Expediter. This also applies to all acts of execution issued in connection with such suspension orders, consent orders, and stop-con-

(9) Adoption of Housing Expediter's Order 5. The following regulations and orders of the Housing Expediter are hereby adopted, revised and confirmed and shall remain in full force and effect until they expire by their terms or are revoked or amended by the Housing Expediter. This also applies to all acts of execution issued in connection with such suspension orders, consent orders, and stop-con-

(10) Adoption of Housing Expediter's Order 6. The following regulations and orders of the Housing Expediter are hereby adopted, revised and confirmed and shall remain in full force and effect until they expire by their terms or are revoked or amended by the Housing Expediter. This also applies to all acts of execution issued in connection with such suspension orders, consent orders, and stop-con-

SUBJECT: VHP-1, Amended 4-30-47 1/
General Restrictions on Construction and Repairs

VHP-1 forbids the beginning of construction and repair work on buildings and certain other structures without specific Federal authorization, with the exception of certain small jobs and other work covered by paragraphs (d)(e) and (f) of the Order. The purpose of Order VHP-1 is to fulfill the requirements of the Veterans Emergency Housing Program, by diverting critical materials from deferrable or less essential usage.

This Amendment revises the wording of the opening paragraph to conform to the current situation. It also adds a section to paragraph (i) which provides that no person to whom an authorization under VHP-1 has been issued shall transfer it. Definitions in paragraphs (b)(1) and (b)(2) have been amended and clarified.

Other amended provisions of the Order concern reference to OHE instead of CPA and use of form OHE-14-171 instead of form CPA-4423. Prohibited receipts and deliveries and the responsibilities and duties of the supplier are explained in paragraph (g) and in Interpretation 2, both of which have been amended.

The provisions of VHP-1 affect the development and maintenance of FPFA projects, and except for small jobs and disaster repairs described in the Order, an authorization is required for construction, conversions, repairs, improvements, alterations, additions, and installations or relocations of fixtures or mechanical equipment. Paragraph (h) provides that an approval under HPR, or under HEPR-5 or PR-33, is an approval under VHP-1. Paragraph (i) explains the extent to which such approvals, or those on form CPA-4423, may be used.

1/ Supersedes VHP-1 Dated October 7, 1946

OFFICE OF HOUSING EXPEDITER

VHP-1

APR. 30, 1947

[As Amended]

Incl. Ints. 1-5

[Veterans' Housing Program Order 1, as amended, April 30, 1947]

PART 809—VETERANS' HOUSING PROGRAM ORDERS

GENERAL RESTRICTIONS ON CONSTRUCTION AND REPAIRS

The Veterans' Emergency Housing Program calls for the construction of a large number of housing accommodations to meet the needs of returning veterans. There is a shortage in the supply of materials and facilities suitable for the construction and/or completion of housing accommodations in rural and urban areas and for the construction and repair of essential farm buildings. It will be impossible to carry out the Veterans' Emergency Housing Program without diverting these critical materials from deferrable or less essential construction. The following order is deemed necessary and appropriate in the public interest and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

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§ 809.1 Veterans' Housing Program Order 1—(a) What this order does. In

order to carry out the Veterans' Emergency Housing Program, this order forbids the beginning of construction and repair work on buildings and certain other structures without specific authorization under paragraph (h) of the order, with the exception of certain small jobs and other work covered by paragraphs (d), (e) and (f). The restrictions of the order apply whether or not the materials needed are on hand or are available without priorities assistance.

(b) *Structures and work covered by this order*—(1) *Kind of structures*. The restrictions of this order apply to certain kinds of work on structures.

As used in the order, "structure" means any of the following, whether of a temporary or permanent nature (See Interpretation 3 as to portable structures):

NOTE: Item "concrete surface or base for a drive-in theater, a parking lot or tennis court" deleted Apr. 30, 1947.

- A building.
- An arena, stadium or grandstand, including bleachers or similar seating arrangements.
- A commercial amusement pier.
- A boardwalk (not including wooden walks used in winter or bad weather).
- A moving picture set.
- A roller coaster or similar device of a kind ordinarily used in amusement parks.
- A swimming pool.
- A wall or fence built principally of wood.

The erection of stands or other structures which have been used before and are being erected only for a temporary purpose and are to be taken down after the temporary purpose is served is not covered by the order.

The term "structure" does not include any kind of equipment or furniture that is not attached to a building or other structure, whether or not it is inside a structure. Supplement 4 to VHP-1 contains examples of things which do not fall within the term "structure" as defined above.

(2) *Kinds of work*. The restrictions of this order apply to constructing, repairing, making additions or alterations (including alterations incidental to installing any kind of equipment), improving or converting structures, or installing or relocating fixtures or mechanical equipment in structures. These terms include any kind of work on a structure which involves the putting up or putting together of processed materials, products, fixtures or mechanical equipment, if the processed materials, products, fixtures or mechanical equipment are attached to a structure and used as a functional part of the structure, or are attached so firmly to the structure that removal would injure the material, product, fixture or mechanical equipment or the structure. However, the following kinds of work are not covered by the order:

Greasing, overhauling or repairing existing mechanical equipment or installing repair or replacement parts in existing mechanical equipment.

Sanding floors and sand blasting buildings. Painting or papering an existing structure or applying waterproofing to an existing structure by painting or spraying where no work covered by the order is done in connection with the painting, papering or waterproofing.

Pointing bricks, sparkling plaster and caulking windows.

Installing loose fill, blanket, or batt insulation in existing buildings or installing insulation on existing equipment or piping.

Laying asphalt or other floor tile or linoleum or installing cork block insulation, in existing buildings (whether or not cemented to the building).

NOTE: The exemptions given above for work done in existing buildings does not apply to work done in connection with the original construction of the building or to work done in order to complete a building immediately after its original construction.

(3) *Fixtures and mechanical equipment*. In general the term "fixture" means any article attached to a building or structure and used as part of it and the term "mechanical equipment" means plumbing, heating, ventilating and lighting equipment which is attached to the building and used to operate it. Supplement 1 to VHP-1 contains lists of articles which are considered fixtures or mechanical equipment when attached to a structure in the manner described in that supplement and a list of other articles which are never considered fixtures or mechanical equipment.

(c) *Prohibited construction*. (1) No person shall begin to construct, to repair, to make additions or alterations to, to improve, to convert from one purpose to another, or to install or to relocate fixtures or mechanical equipment in any structure, public or private, in the forty-eight States, the District of Columbia, Puerto Rico, the Virgin Islands or the Territory of Hawaii, except to the extent permitted under paragraphs (d), (e) and (f), or when and to the extent specifically authorized under paragraph (h). No person shall carry on or participate in any construction, repair work, addition, improvement, conversion, alteration, installation or relocation of fixtures or mechanical equipment prohibited by this order. The prohibitions of this paragraph apply to a person who does his own construction work, to a person who gets a contractor to do the work, to contractors, sub-contractors, architects and engineers working on a job which is being carried on in violation of this order or getting others to work on it or to supply materials for it.

(2) This order forbids the beginning of certain kinds of work. To "begin" work on a structure means to incorporate into a structure on the site materials which are to be an integral part of the structure in question. Demolition, excavation and similar site preparation do not constitute beginning construction. The order does not apply to work which was begun before the order became ef-

fective and which was being carried on on that date and which is carried on normally after that date. However, this rule only applies to the particular building or other structure begun at that time. It does not apply to any other building or structure which had not itself been begun by that date even though the two are closely related. Supplement 2 to this order contains further provisions concerning the effective date of the order and concerning the beginning of construction. It also contains examples of work which constitute beginning construction, and examples of other work which do not constitute beginning construction.

(d) *Allowances for small jobs.* This order does not prohibit the performance of any separate construction, repair, alteration or installation job, the cost of which does not exceed the allowance given in Supplement 3 to VHP-1 for the particular kind of structure or job involved. Supplement 3 lists various kinds of structures and states what the small job allowance is for each kind of structure or job. Supplement 3 also contains provisions as to the method of calculating the cost of a job for the purpose of this exemption, and also provides when a job is a separate job.

(e) *Exemption for repair and maintenance work in industrial, utility and transportation buildings and structures.* The prohibitions of this order do not apply to maintenance and repair work in structures listed in paragraph (b) (3) of Supplement 3 to this order. For the purpose of the exemption given by this paragraph, "maintenance" means the minimum upkeep necessary to keep a structure in sound working condition and "repair" means the restoration of a structure to sound working condition when the structure has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like. However, neither maintenance nor repair includes the improvement of any structure by replacing material which is still usable with material of a better kind, quality or design. Alterations to a building or other structure covered by paragraph (b) (3) of Supplement 3, including alterations incidental to installation of equipment, are not exempted by this paragraph, and may only be done when and to the extent permitted under Supplement 3 or when specifically authorized.

(f) *Other exemptions—(1) Disasters.* (i) The prohibitions of this order do not apply to the minimum work necessary to prevent more damage to a building or structure (or its contents) which has been damaged by flood, fire, tornado, or similar disaster. This does not include the restoration of the structure to its former condition.

(ii) The prohibitions of this order do not apply to the repair, rebuilding or reconstruction of any house (including a farmhouse) or any farm building which was destroyed or damaged by fire, flood, tornado or similar disaster, if the total cost of the repairs, rebuilding or reconstruction does not exceed \$6,000 and if the reconstruction is started within sixty days of the occurrence of the disaster.

(2) *Military construction.* The pro-

hibitions of this order do not apply to work by or for the account of the U. S. Army or Navy.

(3) *Veterans' Administration.* The prohibitions of this order do not apply to work on construction projects of the Veterans' Administration, including projects being built by the Corps of Engineers for the Veterans' Administration, or to the remodeling of a building or any part of a building which has been leased to the Veterans' Administration or to Public Buildings Administration for occupancy or use by the Veterans' Administration.

(g) *Prohibited receipts and deliveries.* No person shall accept an order for, sell, deliver or cause to be delivered materials which he knows or has reason to believe will be used in work prohibited by this order. Paragraph (d) (3) of Priorities Regulation 32 provides that no person may receive any material listed in Table I of that regulation for use in a construction project for which an authorization under VHP-1 is necessary unless an authorization for the project has already been obtained. Paragraph (c) of PR-32 contains a prohibition on deliveries made by a person who knows or has reason to believe that the receipt would be a violation of PR 32.

(h) *Authorizations.* Persons who wish to begin work which is prohibited by this order may apply for authorization. Supplement 5 to this order states what forms should be used and where the applications should be filed. The assignment of priorities assistance or the approval of housing accommodations under Priorities Regulation 33, whether before or after the time when this order became effective, or under Housing Expediter Priorities Regulation 5 or other applicable regulation of the Housing Expediter, constitutes an authorization under this order to do the work for which priorities assistance or approval was given.

Applications for non-housing construction will be reviewed to determine whether they meet the standards set forth in Direction 3 to VHP-1.

(i) *Construction under authorizations.* When a person is specifically authorized, either by approval of Form CPA-4423 or Form OHE 14-171 (formerly CPA-4423) or Form CPA-4386 or otherwise, to do work restricted by this order, he must observe the restrictions imposed on him by the authorization, and in doing the authorized work, he must not do any work of the kinds covered by the order unless it is specifically covered by the authorization. He may not, in connection with a job which has been specifically authorized, do additional work under the exemption given by Supplement 3 to VHP-1. When an application on Form CPA-4423 or Form OHE 14-171 (formerly CPA-4423) has been approved a placard will be sent to the applicant stating that the construction has been approved under this order. The applicant must place in the placard the project serial number and must set up the placard in front of the project site in a conspicuous location within five days after construction has been started and

he must keep the placard there until completion of the work. No person to whom an authorization under VHP-1 has been issued shall transfer the authorization. If for any reason a builder wishes to abandon a project and another builder wishes to continue it, the new builder should apply to the appropriate office, attaching to his application a letter from the former builder joining in the request for the issuance of the new authorization.

(j) *Violations.* Any person who willfully violates any provision of this order or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priorities control, and may be deprived of priorities assistance.

(k) *Communications.* All communications concerning this order, except communications about applications for residential construction, should be addressed to the appropriate District Construction Office of the Office of the Housing Expediter or to the Office of the Housing Expediter, Washington 25, D. C., Ref.: VHP-1.

(l) *Reports.* All persons affected by this regulation shall file such reports as may be requested by the Office of the Housing Expediter, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 30th day of April 1947.

OFFICE OF THE HOUSING
EXPEDITER,
By JAMES V. SARCONI,
Authorizing Officer.

INTERPRETATION 1: Revoked July 2, 1946

INTERPRETATION 2
PROHIBITED DELIVERIES

(a) Paragraph (g) of VHP-1 provides as follows: "(g) *Prohibited deliveries.* No person shall accept an order for, sell, deliver or cause to be delivered materials which he knows or has reason to believe will be used in work prohibited by this order." Paragraph (c) of PR-32 provides as follows: "(c) *Restrictions on delivery.* No person may deliver any Table 1 material if he knows or has reason to believe that acceptance of the delivery would be in violation of this section."

(b) The purpose of paragraph (g) of VHP-1 and paragraph (c) of PR-32 is to prohibit the sale or delivery of materials by a supplier if he knows or has reason to believe that the materials supplied will be used in violation of VHP-1 or are for use in a job for which authorization under VHP-1 should, but has not, been obtained. These provisions do not impose on a fabricator or supplier any duty to investigate whether proposed construction job for which he is

asked to supply materials will be begun or carried on in violation of VHP-1, or whether it is specifically authorized or is exempt under that order. Mere knowledge that the kind of work involved is a kind which ordinarily would require authorization under the order does not constitute reason to believe that the work will be begun or carried on in violation of the order, and, in the absence of information to the contrary, the supplier may rely on the builder to get an authorization if authorization is required.

(c) Neither paragraph (g) of VHP-1 nor paragraph (c) of PR-32 requires a supplier to get from his customer a certificate to the effect that the customer is not violating and will not violate VHP-1, or a certificate to the effect that the job for which the materials will be used is exempt under the order or has been authorized under the order. (As amended April 30, 1947)

INTERPRETATION 3

PORTABLE AND PREFABRICATED STRUCTURES

(a) The erection of a "portable" or prefabricated building or other structure is construction and is restricted by Veterans' Housing Program Order 1, if the structure is placed on a foundation constructed on the site, or if the structure is connected to the ground by plumbing, wiring or other utility connection, or if the structure is placed on the ground on a spot where it is intended to remain for an undetermined time.

(b) Erection of a "portable" or prefabricated structure is not construction and is not covered by VHP-1 only if the structure is placed on a temporary site for the purpose of moving it from time to time, without any foundation or other connection with the ground. For example, the erection of a shelter to be moved around frequently for use on different parts of a farm from time to time is not construction, while the erection of a prefabricated or "portable" structure for use as a garage on a house lot is construction, and is restricted by VHP-1.

(c) If the erection of a "portable" or prefabricated building constitutes construction, as indicated above, the cost of the job must be computed in accordance with Supplement 3 to VHP-1. If the cost of the job exceeds the applicable allowance under that supplement, authorization for the job must be obtained.

INTERPRETATION 4

SMALL JOB ALLOWANCES FOR INDUSTRIAL UTILITY AND TRANSPORTATION STRUCTURES

(a) Paragraph (b) (3) of Supplement 3 to VHP-1 provides for small job allowances

for certain industrial, utility and transportation structures. The small job allowance for one of these structures (with certain exceptions specified in the paragraph) depends upon the floor area which the particular structure has or will have. If the floor area of the particular building being built or altered is or will be 10,000 square feet or more, the allowance for alterations or additions or new construction is \$15,000. On the other hand, if the floor area of the structure involved is and will be less than 10,000 square feet, the allowance is \$1,000. If the cost of the proposed job, figured in accordance with paragraph (g) of Supplement 3, exceeds the small job allowance, authorization under VHP-1 must be obtained before starting the job.

(b) The following examples will explain the effect of this provision:

(1) A person proposes to construct a building to be used primarily as a factory. The floor area will be 1,500 square feet. The allowance for the job is \$1,000.

(2) Any person owns a building which is used primarily as a factory and which has a floor area of 6,000 square feet. He proposes to make an alteration in the building. The allowance for this job is \$1,000.

(3) A person owns a building which is used primarily for a factory and which has a floor area of 6,000 square feet. He proposes to build a wing on the building which will add 1,000 square feet, making a total of 7,000 square feet. The allowance for this job is \$1,000.

(4) A person owns a building which is used primarily for a factory and which has a floor area of 8,000 square feet. He proposes to build a wing on the building which will add 2,000 square feet, making a total of 10,000 square feet. The allowance for this job is \$15,000.

(5) A person owns a building which is used primarily for a factory and which has a floor area of 10,000 square feet or more. He proposes to make an alteration to the building. The allowance for this job is \$15,000.

(6) A person proposes to build a building which will be used primarily for a factory and which will have a floor area of 10,000 square feet or more. The allowance for this job is \$15,000.

(c) The floor area of the particular building which is to be built, in which the alteration is to be performed or to which the addition is to be built (including the floor area of any proposed addition) is the only floor area to be considered. The floor area of any other buildings may not be counted toward the 10,000 square feet, even though they are situated near to the building involved and are used for the same purpose.

(d) A building is considered a separate building from the one in which the construction is being done, if there are outside walls or party walls between the two buildings, even though the two are to be used for the same purpose, even though the two have common services, even though the two are connected by common roofs, continuous foundations, connecting passageways, covered passages, bridges, arcades or the like and even though the two have doorways or other openings providing for communication between the two buildings.

(e) The small job allowances provided in paragraph (b) (3) do not apply to structures of the kinds listed in paragraph (b) (4), and do not apply under the circumstances covered by paragraph (c) of Supplement 3.

INTERPRETATION 5

WORK COVERED BY AUTHORIZATIONS: TEMPORARY CONSTRUCTION BUILDINGS

(a) When an authorization is issued for the construction of a building or other structure described in the approved application, the builder may construct temporary structures on the site of the approved project which are necessary for its construction. For example, an authorization for a building includes authorization to put up temporary fences around the excavation, and temporary buildings for the purpose of storing materials for use as work rooms for architects or engineers on the job or to provide toilet facilities or dressing rooms for people working on the job or shacks for watchmen. These temporary buildings are covered by the authorization, whether or not they are placed upon temporary foundations or have lighting or plumbing connections.

(b) An authorization to construct a building or other structure does not give permission to put up buildings or other structures off the site of the approved project nor does it include permission to put up permanent buildings or other structures which will remain after the completion of the construction job, except those specifically covered by the authorization. This is true even though the structures are of a kind which were exempt from the order at the time the original authorization was issued and were, therefore, not included in the original application.

(c) Where temporary construction buildings are put up in the course of building something which itself is not covered by the order, such as a bridge or dam, the usual rules set forth in VHP-1, as explained in Interpretation 3, apply. Authorization must be obtained if the proposed structure is covered by VHP-1 even though the structure is temporary and is to be removed when the job is finished.

NHA
FPHA
11-19-46

Bulletin 14

~~PART I~~ - Section 2.1

SUBJECT: Interpretation 4 to VHP-1, dated 10-31-46 1/
Small Job Allowances

This Interpretation explains the provisions of VHP-1 relative to the small job allowance for structures which are used for industrial, utility and transportation purposes.

Work on any such structures which are part of an FPFA project must necessarily be considered in relation to the provisions of this Interpretation, to determine if authorization is necessary under VHP-1.

1/ This is a new insert, and an entry should be included in the Index for Part I, Section 2.

PART 47000—VETERANS' EMERGENCY
HOUSING PROGRAM

[Veterans' Housing Program Order 1, Interpretation 4]

SMALL JOB ALLOWANCES FOR INDUSTRIAL,
UTILITY AND TRANSPORTATION STRUCTURES

(a) Paragraph (b) (3) of Supplement 3 to VHP-1 provides for small job allowances for certain industrial, utility and transportation structures. The small job allowance for one of these structures (with certain exceptions specified in the paragraph) depends upon the floor area which the particular structure has or will have. If the floor area of the particular building being built or altered is or will be 10,000 square feet or more, the allowance for alterations or additions or new construction is \$15,000. On the other hand, if the floor area of the structure involved is and will be less than 10,000 square feet, the allowance is \$1,000. If the cost of the proposed job, figured in accordance with paragraph (g) of Supplement 3, exceeds the small job allowance, authorization under VHP-1 must be obtained before starting the job.

(b) The following examples will explain the effect of this provision:

(1) A person proposes to construct a building to be used primarily as a fac-

tory. The floor area will be 1,500 square feet. The allowance for the job is \$1,000.

(2) A person owns a building which is used primarily as a factory and which has a floor area of 6,000 square feet. He proposes to make an alteration in the building. The allowance for this job is \$1,000.

(3) A person owns a building which is used primarily for a factory and which has a floor area of 6,000 square feet. He proposes to build a wing on the building which will add 1,000 square feet, making a total of 7,000 square feet. The allowance for this job is \$1,000.

(4) A person owns a building which is used primarily for a factory and which has a floor area of 8,000 square feet. He proposes to build a wing on the building which will add 2,000 square feet, making a total of 10,000 square feet. The allowance for this job is \$15,000.

(5) A person owns a building which is used primarily for a factory and which has a floor area of 10,000 square feet or more. He proposes to make an alteration to the building. The allowance for this job is \$15,000.

(6) A person proposes to build a building which will be used primarily for a factory and which will have a floor area of 10,000 square feet or more. The allowance for this job is \$15,000.

(c) The floor area of the particular building which is to be built, in which the

alteration is to be performed or to which the addition is to be built (including the floor area of any proposed addition) is the only floor area to be considered. The floor area of any other buildings may not be counted toward the 10,000 square feet, even though they are situated near to the building involved and are used for the same purpose.

(d) A building is considered a separate building from the one in which the construction is being done, if there are outside walls or party walls between the two buildings, even though the two are to be used for the same purpose, even though the two have common services, even though the two are connected by common roofs, continuous foundations, connecting passageways, covered passages, bridges, arcades or the like and even though the two have doorways or other openings providing for communication between the two buildings.

(e) The small job allowances provided in paragraph (b) (3) do not apply to structures of the kinds listed in paragraph (b) (4), and do not apply under the circumstances covered by paragraph (c) of Supplement 3.

Issued this 31st day of October 1946.

CIVILIAN PRODUCTION
ADMINISTRATION,

By J. JOSEPH WHELAN,
Recording Secretary.

SUBJECT: Supplement 1 to VHP 1 as Amended April 30, 1947 1/
Fixtures and Equipment

Supplement 1 explains further the provisions of VHP-1 which restrict the installation or relocation of fixtures and mechanical equipment.

In explanation of the definitions of "fixtures" and "mechanical equipment" this supplement contains lists of specific articles indicating items which require an authorization for installation, and those which are exempt, under VHP-1.

This amendment is reissued by the Office of the Housing Expediter, to supersede the previous issue by the Civilian Production Administration. Very slight changes occur in the listings and the wording.

The provisions of this supplement affect RM&R activities on FPHA projects, to the extent that any fixtures or mechanical equipment to be installed in a project will necessitate referral to this supplement to determine their classification and the necessity for obtaining an authorization for the work under Order VHP-1.

1/ Supersedes Supplement 1 to VHP-1 as amended 8-30-46

OFFICE OF HOUSING EXPEDITER

PART 809—VETERANS' HOUSING PROGRAM ORDERS

'Veterans' Housing Program Order 1, Supp. 1, as Amended April 30, 1947]

FIXTURES AND EQUIPMENT

§ 809.2 (a) *What this supplement does.* Veterans' Housing Program Order 1 restricts construction and alterations of buildings and certain other structures, including alterations incidental to the installation of equipment. It also restricts the installation of fixtures and mechanical equipment, whether or not alterations to the structure are involved. The installation of other machinery and equipment is not restricted by the order. Paragraph (b) (3) of VHP-1 defines a fixture as "any article attached to a building or structure and used as part of it", and defines mechanical equipment as "plumbing, heating, ventilating and lighting equipment which is attached to the building and used to operate it." This supplement lists various specific items indicating whether or not they are fixtures or mechanical equipment under VHP-1. It also explains other provisions of VHP-1 applying to these installations.

(b) *Fixtures and mechanical equipment.* (1) The following articles are considered fixtures and mechanical equipment if they are attached to a building or structure by nails or screws, or bolts, if they are connected with the plumbing or other piping system of the structure, if they are connected to the lighting system of the structure (except by connection to an existing outlet without installing new wires or a new outlet) if a base or foundation is built for the item or if the item is cemented to the building or structure:

Air conditioning equipment (except when used for humidity or temperature control in industrial processing or as refrigeration equipment in a cold storage warehouse or a frozen food locker plant and except self-contained individual units with no duct systems).

Furnaces and furnace burner or boiler burner units.

Heating equipment.

Kitchen cabinets.

Lighting equipment.

Marquees.

Panelling.

Plumbing equipment.

Ventilating equipment.

Any other article falling within the definitions of fixture and mechanical equipment stated in paragraph (a) of this supplement.

(None of the above items include any item specifically listed in paragraph (b) (2) of this supplement.)

(2) The following articles are never considered fixtures or mechanical equipment:

Air conditioning equipment where required to provide humidity or temperature control for industrial processing and self-contained individual units with no duct systems.

Airport equipment such as cargo and passenger handling equipment, signalling equipment, obstruction marking equipment and equipment used for lighting runways or for signalling.

Altars, choir stalls and church pews.

Automatic fire protection sprinkler systems.

Barn equipment such as milking machines, hay or litter conveyors, stanchions and stalls.

Blast furnaces.

Control or testing equipment used for industrial or utility purposes or in a laboratory or hospital.

Conversion oil or gas burners installed in or attached to a furnace or boiler already in use in the building.

Conveyors.

Desks, chairs and cafeteria and gymnasium equipment in a school or college.

Electrical precipitators.

Escalators, elevators and dumb waiters.

Food warming, dishwashing and food preparation equipment in a restaurant or institution.

Furnaces for heat treating or similar industrial purposes.

Hospital equipment such as X-ray machines and operating tables.

Lighting equipment for flood lighting airports, railroads or other outdoor operations.

Machine tools.

Post-office equipment such as letter boxes and letter drops.

Power generating or transmitting equipment such as boilers, generators, and transformers (except where the primary purpose of the equipment is to provide electricity or steam for lighting or heating the building in which they are installed).

Projection and sound equipment.

Radio towers and other transmitting and receiving equipment.

Refrigeration equipment, such as compressors, in a cold storage warehouse or a frozen food locker plant.

Scales.

Service station equipment such as gasoline pumps, hydraulic lifts, battery chargers.

Stokers installed in connection with heating equipment already installed in a building.

Storm windows, storm doors, screens, awnings and venetian blinds.

Stoves.

Theatre seats.

Washing machines or dryers.

Other processing machinery and equipment.

Other machinery and equipment installed to provide a special service in a structure and not installed merely to operate the structure.

(3) The following articles are considered fixtures only if they are constructed as an integral part of the building or structure and cannot be removed without demolition of the article or substantial injury to the building or structure:

Bars.

Bins.

Bookcases.

Booths.

Cooling towers.

Counters.

Partitions, movable.

Refrigerators.

Show cases, including refrigerated show cases.

Signs, electric and other.

Soda fountains.

Storage racks.

Water coolers.

(c) [Deleted Aug. 30, 1946.]

(d) *Repairs to mechanical equipment.* Paragraph (b) (2) of VHP-1 provides that greasing, overhauling, repairing, or installing replacement parts in existing mechanical equipment in all types of

structures, is not covered by the order, regardless of whether the cost of the job is within the applicable allowance under Supplement 3 to VHP-1, and the cost of such work need not be included in the cost of a job for the purpose of determining whether the job is within the applicable allowance under that supplement. This provision applies to plumbing, heating, ventilating and lighting equipment. This provision covers the replacement of parts in a piece of mechanical equipment when the present parts are no longer serviceable but does not cover the replacement of an entire piece of equipment. For example, it is permissible, under this provision, to replace the grates in a furnace but not to replace the entire furnace; to replace the tubes in a boiler but not to replace the entire boiler, unless the total cost of the replacement is within the applicable job allowance under Supplement 3 to VHP-1.

(e) *Installation of exempt machinery and equipment.* VHP-1 does not restrict the installation of machinery and equipment other than mechanical equipment. Paragraphs (b) (2) and (b) (3) of this supplement explains what equipment may be installed without regard to the provisions of the order. VHP-1 does, however, restrict the making of alterations to a building or other structure covered by the order in connection with the installation of such exempt machinery and equipment. For example, if a foundation is built inside a building to receive the equipment, or if new walls are installed to separate a machine from the rest of the plant, the cost of these building alterations must be computed in accordance with Supplement 3 to VHP-1 and if the cost exceeds the applicable allowance for the building involved under that supplement, authorization must be obtained for the work. However, it is not necessary to include in the cost of the building alterations the cost of the exempt machinery or equipment or the cost of labor engaged in installing the exempt machinery and equipment. For example, in installing elevators, which are covered by paragraph (b) of this Supplement, it would be necessary to count toward the cost of the job the cost (computed in accordance with paragraph (g) of Supplement 3) of preparing the shaft, of strengthening the building to support the elevator, and of constructing a penthouse or bulkhead on the roof of the building or a room in the basement to enclose the motors. It would not, however, be necessary to include in the cost of the job the cost of the elevator car, the guide rails between which the car runs, the sheaves, the motors, the cables or the doors or frames to the elevator shaft or the cost of labor engaged in assembling and installing this equipment.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 30th day of April 1947.

OFFICE OF THE HOUSING
EXPEDITER,

By JAMES V. SARCONE,
Authorizing* Officer.

SUBJECT: Supplement 2 to VHP-1, as Amended 4-30-47 1/
Beginning Construction

Supplement 2 explains further the provisions of VHP-1 relating to the effective date of the regulation and the term "beginning of construction". It contains examples of work which constitute beginning construction, and of other work which does not constitute beginning construction.

This amendment was issued by OHE to supersede the previous release by CPA, and incorporates further clarifications in paragraphs (a) and (g).

Generally, site preparation and improvements can be done without authorization under VHP-1. However, when the proposed work involves construction, relocation, repair, or other alterations of a building, the restrictions of VHP-1 operate to require an authorization for the work.

1/ Supersedes Supplement 2 to VHP-1, as amended July 2, 1946.

OFFICE OF HOUSING EXPEDITER

PART 809—VETERANS' HOUSING PROGRAM ORDERS

[Veterans' Housing Program Order 1, Supp. 2, as Amended April 30, 1947]

BEGINNING CONSTRUCTION

§ 809.3 (a) *What this supplement does.* Veterans' Housing Program Order 1 restricts the "beginning" of certain kinds of work on structures. "To begin work on a structure" is defined in paragraph (c) (2) as "to incorporate into a structure on the site materials which are to be an integral part of the structure." The restrictions of VHP-1 on the beginning of construction do not apply to work which takes place before construction has begun. VHP-1 also does not apply to work which was begun before it became effective and which was being carried on at the time it became effective and is carried on normally after that time. The rule that the restrictions of VHP-1 do not apply to work begun before it became effective applies also to work which was exempt under the order or a supplement to it when the work was begun, even though a later and more restrictive amendment would prevent the beginning of the job after the issuance of the amendment. This supplement explains these provisions of the order and gives examples of their application.

(b) *Beginning construction.* Materials which are to be an integral part of a structure are considered to have been incorporated in the structure on the site only when they are placed in the position in which they are to remain permanently as a part of the structure. Furthermore, materials are considered to be an integral part of a proposed structure only if they will be physically attached to the building or structure and will be permanently located within the boundary lines of its walls. Construction is not "begun" under VHP-1 unless both these conditions are met. Paragraphs (c) and (d) below list examples of cases where construction has not begun and has begun.

(c) *Cases where construction has not begun.* (1) The following kinds of work do not constitute beginning construction on a proposed structure and the cost of such work need not be included in computing the cost of a job under paragraph (g) of Supplement 3 to VHP-1 to determine whether the job comes within the applicable allowance under paragraph (g) of Supplement 3.

Demolition of buildings.

Tearing out partitions or walls in a building which is being altered.

Site preparation such as excavating, grading, filling with dirt, gravel or crushed stone.

Laying down driveways, walks, railroad sidings, etc.

Erecting fences, work sheds and construction shanties.

Laying pipes, conduits and wires outside the boundary lines of the walls of the structure.

Building retaining walls not physically incorporated within the structure.
Driving sheet piling to prevent cave-ins.
Constructing or erecting forms for concrete.

(2) The following operations do not constitute beginning construction on a proposed structure but the cost or value of the fabricated items or the materials must be included in computing the cost of a job in accordance with paragraph (g) of Supplement 3 to VHP-1:

Fabricating structural steel shapes or other prefabricated sections, panels or buildings, whether off site or on the site.

Purchasing materials or receiving delivery of materials on or off the site.

(d) *Cases where construction has begun.* The following kinds of work constitute the beginning of construction on a proposed structure:

Pouring concrete footings or other foundations.

Placing reinforcing rods or mats in place in an excavation preparatory to pouring concrete.

Driving permanent bearing piles or caissons.

Installing pipes, conduits or wires in the place where they will remain permanently as part of the building, if located within the boundary lines of the walls of the proposed structure.

Building foundation walls whether laid dry or with mortar.

Incorporating permanently in place additional building materials in a building which is being remodelled, whether the incorporation is for the purpose of repairing the parts of the building left standing or as part of the new alterations.

(e) *Carrying on construction.* The exemption from VHP-1 for work begun before the issuance of the order applies only to work which was being carried on when the order was issued and which is carried on normally afterward. This means that if a job was started before the issuance of the order, but was abandoned or discontinued either before or after the issuance of the order, it is not exempt from the order by reason of the earlier beginning. However, this does not mean that work must be carried on every day. If construction was or is suspended temporarily for reasons beyond the builder's control such as inability to get materials or labor, or a work stoppage, or unfavorable weather conditions, the construction job is considered to have been carried on normally within the meaning of VHP-1. However, a suspension of work on the site for more than 3 months is not considered a temporary suspension regardless of the reasons for the suspension. Application must be made to proceed with any construction on which work has been suspended for more than 3 months.

(f) *Scope of work begun.* The exemption for a structure begun before the issuance of VHP-1 is limited to the structure which was under construction at the issuance of the order. It does not

apply to any other structure, even though the two are to be used together and one would be useless without the other, or even though the two structures have common heating systems or other common services, or even though the two are connected by pipes, wires, connecting passageways, bridges or the like. Furthermore, the exemption only applies to a structure of the kind and size which was under construction at the issuance of the order. For example, if a builder has begun a 3-story building 100 feet by 100 feet before the issuance of the order and was constructing this building at the time the order was issued, he would be permitted to complete this building, but he would have to get authorization if he later decided to redesign the proposed structure and build a 5-story building 100 feet by 500 feet. The exemption is limited to the building which he was in fact building when the order was issued. This rule also applies to modernization jobs. (The requirement of paragraph (g) of Supplement 3 to VHP-1 that all related modernization work be considered a single job does not exempt all modernization work merely because one part of it has been started before the issuance of the order.) When one part of a modernization program has been started before the issuance of the order, a later part of the program can be considered to have been started by that time only if the two parts of the program are so closely related in space, purpose and performance as to be inseparable.

(g) *When the order took effect.* VHP-1 was filed in the Division of the Federal Register and was made available for public inspection at 11:54 a. m., eastern standard time, on March 26, 1946. VHP-1 became effective at that time with respect to the 48 States, the District of Columbia, Puerto Rico, and the Virgin Islands. Amendment 1 to VHP-1 extending the applicability of the order to the Territory of Hawaii was filed in the Division of the Federal Register and made available to the public at 10:04 a. m., eastern standard time on April 12, 1946. Therefore, the order became effective in the Territory of Hawaii at 4:34 a. m., Hawaiian standard time, on April 12, 1946. Direction 1 to VHP-1 provided an exemption for certain reconstruction work made necessary by the tidal wave which occurred April 1, 1946, if the reconstruction began on or before September 30, 1946. This direction has been revoked, but work exempted by it may be completed.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 30th day of April 1947.

OFFICE OF THE HOUSING
EXPEDITER,

By JAMES V. SARcone,
Authorizing Officer.

SUBJECT: Supplement 3 to VHP-1, as Amended April 30, 1947 1/
Small Job Allowances and Classification of Structures

VHP-1 does not prohibit any separate construction, repair, alteration, or installation job, the cost of which does not exceed the allowance for the particular kind of structure or job involved.

This supplement lists the small job allowances for various typical kinds of structures or jobs. It also explains the methods for calculating cost of work for the purpose of determining exemption, and defines separate jobs.

In its current amended form this Supplement 3 was issued by the OHE to supersede previous releases by CPA. It provides relaxation of VHP-1 by permitting some changes in the various categories and certain exemptions in paragraph (b)(3) regardless of floor area, whereas these exemptions previously were applicable only if the floor area exceed 10,000 square feet. This provision includes a building which provides directly for central steam heating, and OHE has interpreted that this category does not include any heating plant operated solely to service one housing project, regardless of the number of units served; it applies only to plants operated as a commercial utility for the purpose of selling heat or steam to various consumers, in the same manner that gas or water is sold. The last sub-paragraph of (b)(2) provides for the exemption applicable to heating plants operated to serve only one project, such as an FPHA project.

The provisions of this supplement affect principally RM&R activities; proposed additional construction, repairs, alterations, or installation of fixtures or mechanical equipment necessitate computation of cost as provided in paragraph (g). If the cost will exceed the applicable allowance, an authorization for the work is required under VHP-1.

1/ Supersedes Supplement 3 to VHP-1 as amended 10-7-46.

PART 809—VETERANS' HOUSING PROGRAM
ORDERS[Veterans' Housing Program Order 1, Supp.
3 as Amended April 30, 1947]SMALL JOB ALLOWANCES AND CLASSIFICATION
OF STRUCTURES AS TO SMALL JOB ALLOW-
ANCES

§ 809.4 (a) *What this supplement does.* Paragraph (d) of Veterans' Housing Program Order 1 provides that it is not necessary to get permission under the order to do one or more jobs on a structure if the cost of each job does not exceed the allowance given for the kind of structure or the kind of job involved. This supplement sets forth the small job allowances generally applicable to individual structures of various classes and lists certain specific structures falling within each class. The supplement also lists exemptions applicable to a particular kind of job. In addition, this supplement explains the rules for computing the cost of a job for the purpose of determining whether it comes within the exemption given under this supplement.

(b) *Classification of structures.* The small job allowances given under this supplement are based in general upon the kind or size of structure in which the job is to be done. They are not based upon the use to which the part of a structure being altered is to be put, except as provided in paragraph (c) of this supplement. If the job involved consists of changing a structure from one class to another class, the small job allowance applicable to the conversion is the allowance for the structure after the conversion, except where the conversion is from residential purposes to nonresidential purposes, in which case the job is covered by paragraph (c) of this supplement. The allowance provided for in paragraph (c) is applicable to a job covered by that paragraph, even though done in a structure which, as a whole, would have a larger allowance under this paragraph. With the exception of jobs covered by paragraph (c) of this supplement, it is not necessary to get permission under VHP-1 to do any separate construction, repair, alteration or installation job, the cost of which does not exceed the allowance given below for the individual structure involved.

(1) The small job allowance under paragraph (b) of this supplement for a structure of the kind listed below is \$400 per job.

Any individual house designed for occupancy by 5 families or less even though it is on the property of a commercial, utility, institutional or industrial concern and used for the purpose of housing employees of the commercial, utility, institutional or industrial concern.

A rectory or parsonage even though near a church and owned by a church.

A house on a campus owned by a college and occupied by a college official.

A boarding or rooming house designed for occupancy by 10 boarders or roomers or less.

A farmhouse or other housing accommodations on a farm (except a farm bunkhouse). Row houses separated by party walls are considered separate houses.

All private structures situated near and used in connection with one to five family houses, such as garages, fences, tool sheds, greenhouses and the like even though these may be used in part or primarily for nonresidential purposes (except on farms, see paragraph (b) (2) of this supplement).

(2) The small job allowance under paragraph (b) of this supplement for a structure of the kinds listed below is \$1,000 per job:

NOTE: Item "publicly owned pier not used for steamship or railway purposes" deleted Apr. 30, 1947.

A boarding or rooming house designed for occupancy by more than 10 boarders or roomers.

A dormitory or fraternity.

A building used for a social club.

A service station or a commercial or service garage.

A funeral parlor or funeral home.

A radio broadcasting station.

A building in a drive-in theater, such as an enclosed projection room or a screen forming an enclosure for storage purposes, for rest rooms or for other purposes.

A bunkhouse for employees of a commercial, industrial or other concern.

A parish house.

A college or university laboratory, field house or class room building.

A building in a retail or wholesale lumber yard.

A repair shop, except a plant primarily engaged in reconditioning or rebuilding equipment or articles for resale.

A drycleaning or laundering establishment, whether wholesale or retail.

An office building, whether or not owned and occupied exclusively by a transportation, utility or industrial concern (except where situated on the immediate premises of a plant having a \$15,000 allowance; see paragraph (e) below).

A commercial amusement pier.

A store.

A hotel.

An arena.

An apartment house or other residential building designed for occupancy by more than 5 families.

A bank.

A restaurant.

A nightclub.

A theater.

A warehouse, including a warehouse in which products such as liquor, cheese or tobacco are kept to age, whether or not changes occur in the product during the aging process.

A frozen food locker plant.

A stadium.

A grandstand used for commercial or institutional purposes.

A church.

A hospital.

A school.

A college.

A publicly owned building used for public purposes.

A building used exclusively for charitable purposes.

A tailor's or dressmaker's establishment making, repairing or altering articles for individual customers.

Any other structure used for commercial or service purposes and not specifically covered by any other classification.

(3) The small job allowance under paragraph (b) of this supplement for a structure of any of the kinds listed below is \$15,000 per job if the floor area of the

structure is or will be 10,000 square feet or more. If the floor area of the structure is or will be less than 10,000 square feet, the small job allowance is \$1,000 per job unless the list below indicates, by the use of an asterisk in front of items where the \$15,000 small job allowance applies regardless of floor area, that the \$15,000 allowance applies regardless of floor area.

NOTE: The allowance given in this paragraph does not apply to structures of the kinds listed specifically in paragraph (b) (4) below, which always have the small job allowance of \$200 per job given in that paragraph, or to residential buildings, which always receive the applicable allowance given in paragraphs (b) (1) and (b) (2) above.

NOTE: The small job allowances provided by this paragraph apply only to buildings primarily used for the purposes listed below. See paragraph (d) below.

*A building at a logging or lumber camp or at a mine, including a mine tippie.

*An industrial research laboratory or pilot plant.

*A building or other structure used directly for the operation of a railroad, street railway, commercial airline, busline or common or contract carrier by truck, such as a roundhouse, a building housing signal or interlocking installations, locomotive water facilities, freight yard offices, railroad workmen's washrooms and lockers, a garage or workshop for a bus company, a freight terminal for a common or contract carrier by truck, railway or steamship line or a hangar for a commercial airline.

*A building or other structure used for producing, refining or distributing oil, gas (including liquefied or bottled gas) or petroleum, except service stations and commercial or industrial garages.

*A building providing directly for electric, gas, sewerage, central steam heating, telephone or telegraph communication services, including a telephone exchange and a radio telephone or radio telegraph station used as an international point to point radio communication carrier.

*An industrial or utility powerhouse.

*An industrial or utility pumping station for pumping water, gas or sewage.

*A pumphouse or terminal facility on an oil or gas pipeline.

*A grain, coal or cement elevator.

*A single moving picture set.

*A cotton compress warehouse.

A building or other structure which is to be used for manufacturing, processing or assembling any goods or materials.

A printing or bookbinding plant or a newspaper publishing establishment.

A plant engaged in the wholesale printing, developing and enlarging of photographs.

A plant engaged in mixing and bottling syrups or soft drinks.

An off-farm slaughterhouse, bakery, butcher shop or other off-farm establishment where edible food products for humans or animals are prepared for the market by pasteurizing, bottling, mixing, coloring, preserving, washing, salting, packaging or freezing (not including the frozen food locker plant).

A plant primarily engaged in reconditioning or rebuilding articles or equipment for resale.

A scrap dealer's plant if it is primarily engaged in such processing operations as briquetting, pressing or baling light iron, cutting up heavy melting steel, breaking up heavy cast iron, detinning cans or smelting non-ferrous metals for the purpose of making the scrap available for further use.

A building used primarily for a station, waiting room for a railroad, a commercial airline or a busline, whether situated at an airfield, railroad or elsewhere.

(4) The small job allowance under paragraph (b) of this supplement for a structure of the kinds listed below is \$200 per job.

NOTE: Items "a concrete surface * * *" and "a wall or fence * * *" deleted April 30, 1947.

A private bathhouse which is not situated near and used in connection with another structure.

A tourist cabin whether a single cabin or one of a group of separate cabins. A cabin is considered a separate cabin if it has independent outside walls even though the space between it and the next cabin is sheltered by a roof and is used as a garage. A management building used for operating the cabins is considered a commercial building under paragraph (b) (2) of this supplement.

A swimming pool.

A boardwalk.

A roller coaster or similar device of a kind ordinarily used in amusement parks.

Any other structure covered by the order and not coming within any other classification.

(5) The small job allowance under paragraph (b) of this supplement for a non-residential structure on a farm is \$5,000 per job, if the farm on which the structure is or is to be situated has an area of 5 acres or more. However, the small job allowance for a non-residential structure on a farm is \$1,000 per job if the farm on which the structure is or is to be situated has an area of less than 5 acres. A residential structure on a farm has the small job allowance applicable under paragraph (b) (1) or paragraph (b) (2) of this supplement, as the case may be. A bunkhouse on a farm for farm laborers is considered a non-residential structure for the purpose of determining the applicable small job allowance. A "farm" means a place used primarily for the purpose of raising crops, livestock, dairy products or poultry for the market. Chicken hatcheries, plants used to raise mushrooms or other food products, and greenhouses (except those on residential property) and farm or ranches for raising fur-bearing animals are considered farms. Buildings situated on a farm and used primarily to process the products of that farm and buildings situated on a farm and used primarily to process materials for use on that farm are considered non-residential farm structures under this paragraph.

(c) *Small job allowances for conversion from residential purposes.* Regardless of the small job allowance given under paragraph (b) of this supplement for a particular structure, the small job allowance applicable to a job consisting of conversion to non-residential purposes of any part (or all) of a building last used for residential purposes is \$200.

(d) *Structures used for more than one purpose.* If a structure is used for more than one purpose and might, therefore, fall within more than one of the classes

indicated above, the use to which the greatest part of the structure will be put (computed on the basis of the floor area where applicable) determines the allowance. For example, if a building has three apartments occupying three floors of the building and a store on the ground floor, it is primarily residential and falls under paragraph (b) (1) of this supplement. If a building is half residential and half commercial or industrial or half residential and half agricultural, it is considered primarily residential. When alterations are being made to a building, the applicable small job allowance is the allowance applicable to the building as a whole under paragraph (b). Except in cases covered by paragraph (c), the purpose for which the particular space being altered was or is to be used does not affect the amount of the allowance.

(e) *Subordinate structures.* Where a non-residential structure of any of the kinds listed in paragraph (b) (2) is situated, near and used in connection with, a structure having a \$15,000 small job allowance under paragraph (b) (3), the same allowance applies to the subordinate structure if the floor area of the subordinate structure is or will be 10,000 square feet or more. This means that if an office building, warehouse or garage of this size is situated on the immediate premises of an industrial or utility structure having a \$15,000 small job allowance and is used in connection with the operation of that structure, the office building, warehouse or garage also gets the \$15,000 small job allowance. However, a "downtown" office building, even though used exclusively for one industrial or utility company, is always under paragraph (b) (2), regardless of its size, like other office buildings. All residential structures, however, always get the allowance applicable under paragraphs (b) (1) or (b) (2), and all structures specifically listed in paragraph (b) (4) always get the \$200 small job allowance of that paragraph.

(f) *Separate jobs.* For the purpose of determining whether work is exempt from VHP-1 under this supplement, a related series of operations in a structure which are performed at or about the same time or as part of a single plan or program constitute a single job. No job which would ordinarily be done as a single piece of work may be sub-divided for the purpose of coming within the allowance given under this supplement. When a building or part of a building is being converted from one purpose to another all work incidental to and done in connection with the conversion must be considered as one job. So also if a building is being renovated, improved or modernized over an extended period all work done in connection with the modernization (other than the work done before the issuance of the order) must be considered as part of one job, even though separate contracts are let for different parts of the work. However, if related work on two or more separate structures is performed, the work is not considered one job but the work done in each structure must be considered separately under the rules stated above. For example, if two or more related structures are to be built and the cost of each does not exceed the small job allowance

applicable to each structure under paragraph (b) of this supplement, each of these structures may be built without getting an authorization under VHP-1. See paragraph (f) of Supplement 2 to VHP-1 for an explanation of what jobs are exempt from the order as having been started before it became effective.

(g) *How to figure cost.* For the purpose of determining whether a particular job is exempt from VHP-1 by this supplement, the "cost" of a job means the cost of the entire construction job as estimated at the time of beginning construction. (1) The cost of a job includes the following:

The cost or value of fixtures, mechanical equipment and materials incorporated in the structure, whether or not obtained without paying for them, except the items listed in paragraph (g) (1) below. (See Supplement 1 for definitions and illustrations of fixtures and mechanical equipment.)

The cost of paid labor engaged in the construction work, regardless of who pays for it, excluding, however, the cost of paid labor engaged in working on or installing fixtures, equipment or materials the cost of which need not be included in the cost of the job under paragraph (g) (2). If it is impracticable to allocate the labor specifically to exempt or non-exempt items, the cost of all paid labor may be divided between the work on the two different classes of items in proportion to the value of the two classes of items.

The amount paid for contractors' fees.

(2) The cost of a job does not include the following:

The cost or value of previously used fixtures, previously used mechanical equipment and previously used materials, when these have been severed from the same structure or another structure owned by the builder (the owner or occupant of the building) and are to be used without change of ownership.

The cost or value of materials used in repainting or repapering an existing structure or any unchanged part of a structure. However, this exception does not apply to painting a new structure or new parts of a structure which has been altered.

The cost or value of materials used in installing loose fill, blanket or batt insulation in existing buildings or in installing insulation on existing equipment or piping.

The cost or value of materials which were produced on the property of the owner or actual or proposed occupant of the structure, except where he is in business of producing these materials for sale (this exception does not include materials or products assembled by the builder from new or used materials not themselves excepted).

The value of unpaid labor and the cost of paid labor engaged in working on or installing fixtures, equipment or materials, the cost of which is exempt from the cost of the job.

The cost or value of machinery and equipment other than mechanical equipment. Architect's and engineers' fees.

The cost of site preparation and other preparatory work which does not constitute beginning construction (Supplement 2 to VHP-1 contains illustrations of work which does not constitute beginning construction and the cost of which is not included in the cost of a job).

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 30th day of April 1947.

OFFICE OF THE HOUSING
EXPEDITER,
By J. V. SARCONI,
Authorizing Officer.

SUBJECT: Supplement 4 to VHP-1, Amended April 30, 1947 1/
Items which are not Structures

This Supplement explains the meaning of the term "structure" as used in the Order and contains a list of items which are not considered structures.

This Amendment contains an addition to the list, but points out that the list does not include all items which are not covered by paragraph (b)(1) of VHP-1. Therefore, that paragraph must be examined to determine whether any particular item is covered by the order.

Several of the items listed in Supplement 4 are applicable to FPHA development and maintenance operations. When the proposed work involves only items on this list, it is not necessary to obtain an authorization for such work.

1/ Supersedes Supplement 4 to VHP-1 Amended 10-7-46

OFFICE OF HOUSING EXPEDITER

Supp. 4 to VHP 1

APR. 30, 1947
[As Amended]

PART 809—VETERANS' HOUSING PROGRAM ORDERS

[Veterans' Housing Program Order 1, Supp.
4 as Amended April 30, 1947]

ITEMS WHICH ARE NOT STRUCTURES

§ 809.5 *Supplement 4 to Veterans' Housing Program Order 1.* The restrictions of Veterans' Housing Program Order 1 apply to work on "structures". Paragraph (b) (1) of VHP-1 contains a list of items which are considered structures under that order. The term "structure" does not include any other kind of item or any kind of equipment or furniture that is not attached to a building or structure whether or not the furniture or equipment is inside a structure.

The following is a list of items which are not considered structures under the order because they do not come within the kinds of items listed under paragraph (b) (1) of VHP-1. This list does not include all items which are not covered by paragraph (b) (1) of VHP-1 and that paragraph must be examined in order to tell whether any particular item is covered by the order. The restrictions of VHP-1 do not apply to the items listed below and it is not necessary to get permission under the order to do any kind of work on them. However, the

restrictions of the order do apply to work on structures built or used in connection with the following or to work on structures which is made necessary by work on the following:

Blast furnaces
Breakwaters
Brick, lumber or pottery kilns
Bridges
Bulkheads
Canals
Cemetery monuments, including private burial vaults
Chimneys of industrial or utility type, constructed of radial brick, reinforced concrete or steel
Coke ovens
Cooling towers
Dams
Drainage or irrigation ditches
Driveways (public or private)
Electrical precipitators
Fueling equipment
Gravestones
Lighting equipment
Lighting systems
Oil derricks
Oil refinery processing equipment such as towers, reactors, heat exchanges and furnaces
Piers and docks, except commercial amusement piers (buildings built on piers and docks are considered structures and are covered by the order even though the piers or docks on which they are built are exempt)
Pipe lines
Power transmission lines

Radio towers

Railroad or street car or interurban or plant railway tracks or operating facilities such as switching facilities, water tanks, signals and turntables

Roads

Scales

Sidewalks

Silos

Streets

Subways

Surface or underground mines

Tanks for oil, water, gas, and the like

Trailers (except when demounted and installed on a foundation. See Interpretation 3 to VHP-1)

Transformers

Tunnels

Utility facilities, such as power or telephone lines or cables, sewers, and outdoor substations, providing for electric, gas, sewerage, water, or central steam heating or telephone or telegraph communication service

Wells

Any item of equipment installed outside of and not attached to a building or a structure even though a foundation is built for it and even though the equipment is attached to a building by pipes or pipe lines, wires or the like.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 30th day of April 1947.

OFFICE OF THE HOUSING
EXPEDITER,
By JAMES V. SARCONI,
Authorizing Officer

NHA
FPHA
3-13-47

BULLETIN 14

~~PART I~~ - Section 2.1

SUBJECT: Supplement 5 to VHP-1, dated 2-13-47 1/
Where Applications Should Be Filed

This Supplement designates which agencies are responsible for processing applications for authorization of construction, repairs, or other work restricted by VHP-1. It defines which applications are filed with FPFA, FHA, NHA, and CPA. The scope of applications to be filed with and processed by FPFA is set forth in paragraph (b)(4).

This revision transfers responsibility for transferring applications for dormitories which were under the jurisdiction of CPA to the FHA. It also clarifies the previously used term "military housing", and contains a reference to the current application form, OHE-14-56.

Although this document classifies the processing agencies, it does not contain criteria for approval of applications. Such criteria for new applications are provided in VHP-1 and the HPR; and, for applications approved prior to 12-24-46, HEPR-5, PR-33 and PR-28, in the form in effect at the time of approval.

Applications which, under the terms of this Supplement, are appropriately directed to FPFA regional offices must be accepted and processed, even though they do not qualify for approval. Applications misdirected to the FPFA should be forwarded to the appropriate agency, but only after prior agreement that the other agency will accept jurisdiction and will process the application.

1/ Supersedes Supplement 5 to VHP-1, dated 12-24-46

OFFICE OF TEMPORARY CONTROLS
CIVILIAN PRODUCTION ADMINISTRATION
Corrected Copy 2

Supp. 5 to VHP 1

FEB. 13, 1947
[As Amended]
Corrected Copy 2

PART 4700—VETERANS' EMERGENCY
HOUSING PROGRAM

[Veterans' Housing Program Order 1, Supp. 5,
as Amended Feb. 13, 1947]

WHERE APPLICATIONS SHOULD BE FILED

§ 4700.6 *Supplement 5 to Veterans' Housing Program Order 1*—(a) *What this supplement does.* This supplement tells where applications for authorization under Veterans' Housing Program Order 1 to do construction, repair work or other work restricted by VHP-1 should be filed.

(b) *Applications to be filed under regulations of the Housing Expediter.* (1) Applications for the construction of the following kinds of new structures in which 50% or more of the floor space is to be used for residential purposes should be filed under the Housing Permit Regulation of the Housing Expediter (see paragraph (b) (4) below):

(i) Any building, structure or other construction item to be used for family housing purposes, whether occupied all year round or seasonally, and any apartment hotel, boarding house, rooming house, dormitory or other residential accommodations occupied for substantial periods of time, whether by single persons or by families, including also all subsidiary buildings, structures or construction items (whether restricted by VHP-1 or not) on residential property, such as garages, tool sheds, greenhouses, piers, swimming pools, walls, fences, bulkheads, wells and the like. This includes applications for family housing accommodations, either one family houses or apartments, and permanent residential quarters for individuals, whether these are to be built and owned by private individuals, corporations, public organizations or educational or other institutions. It also includes applications for the erection of prefabricated houses, the permanent installation of trailers and the like. This paragraph does not include summer or winter camps or hotels, overnight guest houses, tourist cabins or other accommodations for

transients. Restaurants, laundry rooms and toilet facilities built in connection with tourist cabins and trailer camps are not covered by this paragraph.

(ii) Dormitories, and living facilities such as dining halls built and to be used exclusively in connection with a new dormitory, and subsidiary buildings for trailer camps such as laundry rooms, toilet facilities and the like, when they are built by an educational institution or a public organization and dormitories built under the sponsorship of an educational organization. "Educational institution" means a school, including a trade or vocational school, a college, a university or any similar institution of learning. "Public organization" means the United States government, a state, county, city, town, village or other municipal government, or an agency, instrumentality or authority of such a governing body.

(iii) Farm houses and other residential accommodations on farms, and bunkhouses for transient farm labor.

Paragraph (b) (1) does not include accommodations, the primary purpose of which is non-residential, such as wards or rooms for patients or inmates in hospitals, mental hospitals, insane asylums, orphanages, old people's homes, police barracks or cell blocks in jails. It also does not include housing accommodations constructed by or for the account of the U. S. Army or Navy.

(2) Regardless of the primary purpose for which a structure as a whole is or is to be used, applications for construction, alterations, additions or repairs in the structure should be filed under regulations of the Housing Expediter if 50% or more of the floor space involved in the proposed work will be used for residential purposes of the kinds described above.

(3) Applications for amendments to projects approved under Priorities Regulation 33 or Housing Expediter Priorities Regulation 5 should be filed in accordance with those regulations.

(4) In general new applications for work covered by paragraphs (b) (1) and (b) (2) should be made on OHE Form 14-56 and filed with the appropriate State or District Office of the Federal Housing Administration, except that (i) applications by educational institutions or by public organizations for any kind of residential accommodations to be built by them, and applications for single person residential accommodations to be built or converted under the sponsorship of an educational institution, should be filed with the appropriate Regional Office of the Federal Public Housing Authority and, (ii) applications to construct or erect experimental housing accommodations or to obtain materials for experimental or testing purposes in connection with housing accommodations should be filed with the Technical Office of the Administrator of the National Housing Agency.

(5) Under paragraphs (b) (1) and (b) (2) the amount of floor space to be used for residential purposes and the amount to be used for other purposes will determine where the application is to be filed. In computing floor area for these purposes, hallways and other public spaces should be excluded from the computation. Basement space should also be excluded even though used for storage space for stores or for apartments, except where all or part of the basement is used for an apartment or rooms for living purposes, or for selling or exhibition space for a store, or for a commercial garage which is open to the public.

(c) [Deleted Dec. 24, 1946.]

(d) *Applications to be filed with the Civilian Production Administration:* All applications for authorization under VHP-1 for construction not covered by paragraph (b) should be filed on Form CPA-4423 with the appropriate CPA District Construction Office.

(e) [Deleted Dec. 24, 1946.]

Issued this 13th day of February 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

SUBJECT: Direction 1 to VHP-1, Amended 6-21-46 1/
Reconstruction in Hawaii

1. Substance. This Direction provides special consideration for projects in Hawaii, to reconstruct, repair or renovate structures which were damaged by the tidal wave of April 1, 1946.
2. Explanation. This revision of Direction 1 extends the previous deadline date, allowing a longer period for the beginning of such work without need for an authorization. The provisions of this Direction affect FPHA operations in Region VI only.

1/ This Section should be attached to Direction 1 to VHP-1, dated 6-21-46, which is now in the possession of holders of the Bulletin.

CIVILIAN PRODUCTION ADMINISTRATION

Dir. 1 to VHP 1

JUNE 21, 1946

[As Amended]

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Emergency Housing Program 1,
Direction 1, as Amended June 21, 1946]

RECONSTRUCTION IN HAWAII

It is not necessary to get authorization under Veterans' Emergency Housing Program Order 1 for reconstruction, repair or renovation jobs on buildings or other structures covered by that order in the Territory of Hawaii if the reconstruction, repair or renovation is made necessary by damage caused by

the tidal wave which occurred April 1, 1946, and if the repair, reconstruction or renovation job is begun on or before September 30, 1946, and if

(1) the reconstruction, repair or renovation job is in a residential structure covered by paragraph (d) (1) (i) or by paragraph (d) (1) (ii) of VHP-1 or a farm structure covered by paragraph (d) (1) (v) of VHP-1 and the total estimated cost of the job does not exceed \$10,000; or

(2) if the reconstruction, repair or renovation job is in a building or structure used

for commercial or service purposes covered by paragraph (d) (1) (iii) or a structure used for a church, hospital, educational or public purposes covered by paragraph (d) (1) (v) of VHP-1 and the total estimated cost of the job does not exceed \$5,000.

Issued this 21st day of June 1946.

**CIVILIAN PRODUCTION
ADMINISTRATION,**

**By J. JOSEPH WHELAN,
Recording Secretary.**

NHA
FPHA
3-18-47

Bulletin 14

~~PART 1~~ - Section 2.1

SUBJECT: Direction 2 to VHP-1. Amended 3-6-47 1/

This Direction provides the procedure for preparation of Forms CPA-4423, which are used for applications in connection with the authorization of non-housing construction and repair work.

1/ This insert is included in the Bulletin for the first time, and should be recorded in the Index for Part 1, Section 2.

OFFICE OF TEMPORARY CONTROLS
CIVILIAN PRODUCTION ADMINISTRATION

Dir. 2 to VHP 1

MARCH 6, 1947

[As Amended]

PART 4700—VETERANS' EMERGENCY
HOUSING PROGRAM

[Veterans' Emergency Housing Program 1,
Direction 2, as Amended March 6, 1947]

PREPARING CPA-4423 APPLICATIONS

(a) Applications for authorization under Veterans' Housing Program Order 1 to do non-housing construction or repair work restricted by that order are filed on Form CPA-4423. This form requires the applicant to state in item 4 c the estimated cost of processing equipment to be used in the proposed project, excluding reused equipment. In item 5 the applicant is required to state the estimated cost of the project, not including the cost of the land, existing structures and architects' and engineers' fees. The figure in item 5 is to be broken down into two items, the cost of fixtures and building service (mechanical) equipment and the cost of structures, excluding the cost of fixtures and mechanical equipment.

(b) The applicant should enter, under item 4 c the total cost or value of all of the kinds of equipment and machinery listed under paragraph (b) (2) of Supplement 1, except used equipment. The figure entered in item 4 c should also include the total cost or value of the kinds of items listed under paragraph (b) (3) of Supplement 1, (except when they are fixtures) excluding the cost or value of used equipment. These paragraphs list various kinds of processing equipment and various kinds of servicing equipment.

(c) The applicant should enter as the "cost of fixtures and building service (mechanical) equipment" in item 5 the cost or value of all of the items of the kinds described and listed in paragraph (b) (1) of Supplement 1 to VHP-1. This paragraph lists various kinds of fixtures and plumbing, heating, lighting and ventilating equipment. He should also enter the cost or value of items listed in paragraph (b) (3) when fixtures. The cost of installation of fixtures and items of equipment should be included along with the cost of the fixtures and the equipment. It is not necessary to include the cost of used fixtures and equipment (or the cost of installation) which have been severed from the structure or another structure owned by the builder

(the owner or occupant of the building) and are to be used without change of ownership.

(d) The applicant should include as the "cost of structure" in item 5 the cost of the building or buildings, excluding the cost of processing equipment and the cost of fixtures and mechanical equipment. The applicant need not include in this figure the cost or value of materials and labor which do not constitute part of the cost of the construction job under paragraph (g) of Supplement 3 to VHP-1. Paragraph (g) (2) of that supplement lists numerous specific items which may be excluded from the cost of a job under VHP-1.

(e) In reviewing an application to determine whether it should be approved, the Civilian Production Administration relies upon the statements and representations made in the application and in supplementary documents filed with the application.

Severe criminal penalties may be imposed for making wilfully false statements or representations in connection with these applications. This imposes upon persons making statements and representations in connection with applications great responsibility for the correctness of these statements and representations. In addition, the granting of the authorization imposes upon the builder and others concerned with the project, the responsibility of carrying out the provisions of the authorization and the representations made. For this reason it is important that each of the statements and representations involved should be made by a person familiar with the facts and responsible for their correctness and truthfulness. Contractors and architects and landlords may be in a position to assume responsibility for the performance of the construction in accordance with the authorization but ordinarily they are not in a position to accept responsibility for the correctness of statements and representations as to the need for the building and the use to which it will be put. The application should be made and signed by the person who is to be

responsible for the construction, normally the individual who, or a responsible officer of the corporation which, owns or is to own the building or other structure involved. If the person who signs the application is not personally familiar with the need for the proposed work and therefore is not in a position to assume responsibility for statements and representations with respect to the need for the building and the purpose to which it is to be put, these statements and representations should be made in a letter attached to the application signed by the prospective occupant of the building or a responsible officer of the corporation which is to occupy it, or any other person who is in a position to accept the responsibility for these statements.

(f) If a builder wishes to complete construction of a project on which some work has been done, and on which construction has been stopped, this fact should be stated in the application. The applicant should give, either on the application or in a letter attached to the application, full information about the beginning of the construction, including a statement of the nature and cost of the work previously done and a statement as to when it was done and including also a statement as to the exact nature and the estimated cost of the work required for completion, together with a statement about the circumstances under which construction was stopped, referring particularly to any stop telegram, suspension order, consent order or injunction involved. If the application is approved, authorization will be given only for the work which has not yet been done.

Issued this 6th day of March 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

SUBJECT: VHP-2, Dated 7-19-46 1/
General Restrictions on Hardwood Lumber

1. Substance. VHP-2 prohibits, effective August 1, 1946, the use of beech, birch, hard maple, oak, and pecan boards or dimension lumber for framing, wall or roof sheathing, boxing, siding, or subflooring in any house, building, or other structure.
2. Applicability to FPFA Projects. This Order affects FPFA projects to the extent that hardwood lumber, which is acquired by a contractor or provided by FPFA from surplus acquisitions, cannot be used for the purposes prohibited by Order VHP-2.

1/ This Order is a new insert for Section 2, Part I.

CIVILIAN PRODUCTION ADMINISTRATION

VHP 2

JULY 19, 1946

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 2]

GENERAL RESTRICTIONS ON HARDWOOD LUMBER

The Veterans' Emergency Housing Program, set forth February 7, 1946 by the Housing Expeditor in his report to the President, calls for the construction of an unprecedented number of moderate and low-cost housing accommodations to meet the needs of returning veterans. The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials and facilities required for construction for defense, for private account and for export. The shortage of hardwood lumber is particularly acute. Production cannot be increased rapidly enough to meet this shortage. The following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 4700.15 *Veterans' Housing Program Order 2*—(a) *Definition*. "A builder" means any person engaged in the business of constructing or repairing for his own account, or for the account of another, a house, building, or other structure (as defined in Veterans' Housing Program Order 1). The term includes a subcontractor.

(b) *Limitation on use*. Beginning August 1, 1946, no builder may use beech, birch, hard maple, oak or pecan boards or dimension lumber for framing, wall or roof sheathing, boxing, siding or subflooring in any house, building, or other structure.

(c) *General delivery restriction*. Beginning August 1, 1946, no sawmill, lumber supplier, or distributor shall deliver beech, birch, hard maple, oak or pecan boards or dimension lumber to a builder.

(d) *Communications and appeals*. Communications regarding this order, and any appeals from its provisions, should be addressed to the Civilian Pro-

duction Administration, Forest Products Division, Washington 25, D. C., Ref: VHP 2. Appeals should be made by letter in triplicate, referring to the particular provision appealed from and stating fully the ground of the appeal.

(e) *Violations*. A person who willfully violates any provision of this order or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction, will be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 19th day of July, 1946.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

NHA
FPHA
9-26-46

Bulletin 14

~~PART I~~ - Section 2.3

SUBJECT: VHP-3, dated 8-28-46 1/
Cast Iron Soil Pipe - Use Restriction

This Order provides that no one shall use cast iron soil pipe for any purpose except installing, repairing or maintaining sewage disposal systems in buildings, and that such pipe shall not be used beyond five feet from the building line. This does not apply to the replacement of damaged or worn-out cast iron soil pipe in existing waste-disposal systems. The restriction applies to new and used cast iron soil pipe.

This Order became effective on September 1 in all cities that have codes consistent with its provisions, and after October 1 it becomes effective in all other cities.

1/ This is a new insert, and an entry should be made in the Index for Part I, Section 2.

CIVILIAN PRODUCTION ADMINISTRATION

VHP Order-3

AUG. 28, 1946

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Housing Program Order 3]

CAST IRON SOIL PIPE—USE RESTRICTION

There is a shortage in the supply of cast iron soil pipe for defense, for private account and for export. Cast iron soil pipe is suitable for the construction and completion of housing accommodations in rural and urban areas and for the construction and repair of essential farm buildings. This order is necessary and appropriate in the public interest, to promote the national defense and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

§ 4700.16 *Veterans' Housing Program Order 3*—(a) *Definition*. "A builder" means any person engaged in the business of construction or repairing for his own account, or for the account of another or repairing for his own account, or for the account of another, a house, building, or other structure (as defined in Veterans' Housing Program Order 1). The term includes a subcontractor.

(b) *Use restriction*. Beginning September 1, 1946, no builder may install new or used cast iron soil pipe outside a structure except within 5 feet of the structure. This does not apply to the replacement of damaged or worn-out cast iron soil pipe in existing waste-disposal systems. In addition, until October 1, 1946, it does not apply to the use of cast iron soil pipe needed to meet the minimum requirements of building codes issued by local governmental bodies.

(c) *Delivery restriction*. Beginning September 1, 1946, no supplier shall deliver cast iron soil pipe to a builder if he knows, or has reason to believe, that it will be used in violation of this order.

(d) *Appeals*. Appeals from the provisions of this order are to be made by letter in triplicate, referring to the particular provision appealed from and stating fully the ground of appeal. Appeals involving housing accommodations should be addressed to the National Housing Agency, Washington 25, D. C., Ref: VHP-3. Appeals not involving housing accommodations should be addressed to the Civilian Production Ad-

ministration, Washington 25, D. C.; Ref: VHP-3.

(e) *Communications*. Communications regarding this order (except appeals, which are covered by paragraph (d) above) should be addressed to the Civilian Production Administration, Washington 25, D. C., Ref: VHP-3.

(f) *Violations*. A person who willfully violates any provisions of this order or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction, will be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 28th day of August 1946.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

INDEX 1/

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NHA
FFHA
3-18-47

Bulletin 14

~~PART I~~ - Section 3.1

SUBJECT: PR-1, Amended 3-4-47 1/

This regulation provides the basic rules applying to all transactions which are not covered by more specific regulations.

The amendment of PR-1 is necessitated by the revised priorities rating system (as explained in PR-35), to include references to the new RR and RRR ratings. It indicates the status of the different types of ratings after March 31, 1947.

1/ Supersedes PR-1, dated 7-24-46.

**OFFICE OF TEMPORARY CONTROLS
CIVILIAN PRODUCTION ADMINISTRATION**

PR 1

MAR. 4, 1947
[As Amended]
Incl. Ints. 1-19

**PART 944—REGULATIONS APPLICABLE TO THE
OPERATION OF THE PRIORITIES SYSTEM**

[Priorities Reg. 1, as Amended March 4, 1947]

Sec.

- 944.1 Purpose and scope of this regulation: definitions
- 944.2 Rules for acceptance and rejection of rated orders
- 944.3 Report to Civilian Production Administration of improperly rejected orders.
- 944.4 Assignment of preference ratings.
- 944.4a Cancellation of preference ratings
- 944.5 Sequence and description of preference ratings
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- 944.7 Sequence of filling rated orders
- 944.8 Delivery or performance dates.
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- 944.10 Effect of other regulations and orders.
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- 944.16 Audit and inspection
- 944.17 Reports.
- 944.18 Violations.
- 944.19 Appeals for relief in exceptional cases
- 944.20 Notification of customers

§ 944.1 *Purpose and scope of this regulation; definitions.* This regulation states the basic rules of the Civilian Production Administration which apply to all business transactions unless they are covered by more specific regulations or orders of the Civilian Production Administration which are inconsistent with this regulation. It includes transactions which are not subject to priority control in any other way than by this regulation. The following definitions apply for purposes of this regulation and any other regulation or order of the Civilian Production Administration, unless otherwise indicated.

(a) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(b) [Deleted Oct. 1, 1945.]

(c) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

§ 944.1b [Deleted Oct. 1, 1945.]

§ 944.2 *Rules for acceptance and rejection of rated orders.* Every order bearing a preference rating must be accepted and filled regardless of existing contracts and orders except in the following cases:

(a) A person must not accept a rated order for delivery on a date which would interfere with delivery on equal or higher rated orders which he has already accepted, or if delivery of the material ordered would interfere with delivery on

an order which the War Production Board or Civilian Production Administration has directed him to fill for that material or for a product which he makes out of it.

(b) A person must not accept a rated order (except an AAA or RRR order) for delivery on a date which can be met only by using material which was specifically produced for delivery on another rated order, and which is completed or is in production and scheduled for completion within 15 days.

(c) If a person, when receiving a rated order bearing a specific delivery date, does not expect to be able to fill it by the time requested, he must not accept it for delivery at that time. He must either (1) reject the order, stating when he could fill it, or (2) accept it for delivery on the earliest date he expects to be able to deliver, informing the customer of that date. He may adopt either of these two courses, depending on his understanding of which his customer would prefer. He may not reject a low rated order just because he expects to receive conflicting higher rated orders in the future, nor because he would for any reason prefer to have higher ratings.

(d) If a person receives a rated order which is not required by § 944.8 to bear a specific delivery date and which he cannot fill promptly, he must accept it as long as he expects to be able to fill it within a reasonable time, unless he makes a consistent practice of not carrying a backlog and rejecting orders which cannot be promptly filled. He may treat different classes of customers differently in this respect, but only if there is a reasonable basis for the distinction. For example, he may make a regular practice of rejecting unfillable orders from all retailers but holding for backlog orders from all industrial customers.

(e) A rated order need not be (but may be) accepted in the following cases, but there must be no discrimination in such cases against rated orders, or between rated orders of different customers:

(1) If the person seeking to place the order is unwilling or unable to meet regularly established prices and terms of sale or payment. (When a person who has a rating asks a supplier to quote his regularly established prices and terms of sale or payment or the earliest date on which he could make delivery on that rating, the supplier must do so, except that if this would require detailed engineering or accounting work, he may give his best estimate without such work and state that it is not binding. However, the supplier need not quote if he is not required to accept the rated order and knows that he will not do so if he receives it. Any quotation as to delivery date to a person whose order has not been received will be subject to the effect on the supplier's deliveries of rated orders received by him after making the quota-

tion and before he receives the firm order from the person making the inquiry.)

(For status of OPA ceiling prices under this section see Interpretation 2. For rule covering types of sales and types of purchases see Interpretation 3.)

(2) If the order is for the manufacture of a product or the performance of a service of a kind which the person to whom the order is offered has not usually made or performed, and in addition if either (i) he cannot fill the order without substantially altering or adding to his facilities or (ii) the order can readily be performed by someone else who has usually accepted and performed such orders.

(3) If the order is for material which the person to whom the order is offered produces or acquires for his own use only, and he has not filled any orders for that material within the past two years, except on "special sales" as permitted in Priorities Regulation 13. If he has, but the rated order would take more than the excess over his own needs, he may not reject the rated order unless filling it would interfere with equal or higher rated orders already on hand, or orders which the War Production Board or Civilian Production Administration has directed him to fill, for the material or for a product which he makes out of it.

(4) If filling the order would stop or interrupt his production or operations during the next 40 days in a way which would cause a substantial loss of total production or a substantial delay in operations.

(For types of contracts which must be deferred see Interpretation 1b. For rule as to deferment of orders on steel, copper and aluminum producers, see Direction 11.)

(f) Any person who fails or refuses to accept an order bearing a preference rating shall, upon written request of the person placing the order, promptly give his reasons in writing for his failure or refusal.

(g) Some orders of the Civilian Production Administration provide special rules as to the acceptance and rejection of orders for particular materials. In such cases, the rules stated above in this section are inapplicable to the extent that they are inconsistent with the applicable order of the Civilian Production Administration. In addition, the Civilian Production Administration may specifically direct a person in writing to fill a particular purchase order or orders. In such cases he must do so without regard to any of the above rules in this § 944.2, except that he may insist upon compliance with regularly established prices and terms of payment.

§ 944.3 *Report to Civilian Production Administration of improperly rejected orders.* When a rated order is rejected in violation of this regulation, the person who wants to place it may file a report of

the relevant facts with the Civilian Production Administration, which will take such action as it considers appropriate after requiring an explanation from the person rejecting the order.

§ 944.4 Assignment of preference ratings. Preference ratings may be assigned to contracts, orders or deliveries by means of preference rating certificates, or by rules, regulations or orders of the Civilian Production Administration assigning ratings to particular orders or deliveries or to specified classes of orders or deliveries. Such ratings may be assigned to accepted contracts or orders, and also to orders which have not been placed or accepted at the time the rating is applied for. Ratings are also assigned by certain governmental agencies, authorized by the Civilian Production Administration, to their own purchase orders or contracts. In some cases the Civilian Production Administration will raise or lower ratings already assigned and in that event the rules of Priorities Regulation 12 (§ 944.33) apply. Specific orders may also be issued as to particular deliveries or as to the use of particular facilities, without assigning ratings thereto.

§ 944.4a Cancellation of preference ratings. If a preference rating which has been assigned to a named person is revoked, he must immediately, in the case of each order to which he has applied the rating either cancel the order or inform his supplier that it is no longer to be treated as rated. If a regulation or order of the Civilian Production Administration which assigns a rating to a class or group of persons without naming them individually, is revoked they may not apply the rating to orders placed after the revocation. Orders to which they have already applied the rating for delivery within three months after the revocation remain validly rated, but, in the case of each order which they have placed for delivery after three months from that date, they must either cancel the order or withdraw the rating. If any person receives notice from his customer or otherwise that the customer's order is no longer rated or that the customer's order is cancelled, he must immediately withdraw any extensions of the rating which he has made to any order placed by him for more than \$25 worth of material. The Civilian Production Administration may specify different rules for the treatment of outstanding ratings at the time it revokes them.

(For the rules about transferring preference ratings when contracts are assigned, see Interpretation 5.)

§ 944.5 Sequence and description of preference ratings. (a) Preference ratings in order of precedence are: (1) AAA and RRR which are of equal value; (2) MM; (3) HHH; (4) CC, HH and RR, which are of equal value. The conditions under which each of these ratings are generally assigned is given in paragraph (b) below.

(b) The above preference ratings are generally assigned as follows:

(1) The AAA rating may be assigned in emergencies under existing procedures until March 31, 1947; and the RRR rating may be assigned before or after March 31 in extreme emergencies and where a RR rating would be inadequate. Some of the AAA ratings outstanding at the end of March 1947 will expire at that time under the terms of Priorities Regulation 35.

(2) The MM rating has in the past been assigned by the Army and Navy and other military and governmental agencies in accordance with provisions of Directive 41 and other CPA Directives issued from time to time. These Directives have been revoked and no additional MM ratings will be assigned in the future, either by CPA or by other military and governmental agencies. Revocation of these Directives did not affect the validity of any ratings which were assigned under them before their revocation. However some of these ratings will expire at the end of March 1947, under the terms of Priorities Regulation 35.

(3) The CC rating may be assigned until March 31, 1947, as described in Priorities Regulation 28; and the RR rating may be assigned before or after the end of March as described in Supplement I to that regulation. That regulation and supplement describe the limited conditions under which the CPA may assign the CC or RR ratings. Many of the CC ratings outstanding at the end of March 1947 will expire at that time under the terms of Priorities Regulation 35.

(4) The HHH and HH ratings were assigned for housing under the rules explained in Priorities Regulation 33. These ratings are not affected in any way by Priorities Regulation 35.

(c) The rules for the extension of the above ratings are explained in Priorities Regulation 3.

§ 944.6 Doubtful cases. Whenever there is doubt as to the preference rating applicable to any order, the matter is to be referred to the Civilian Production Administration for determination, with a statement of all pertinent facts.

§ 944.7 Sequence of filling rated orders. (a) Every person who has rated orders on hand must schedule his operations, if possible, so as to fill each rated order by the required delivery or performance date (determined as explained in § 944.8). If this is not possible for any reason, he must give precedence to higher over lower rated orders and to all rated over unrated orders. However, material specifically produced for a rated order may not be used to fill a higher rated order (except AAA or RRR) subsequently received if the material is completed or is in production and scheduled for completion within 15 days. A low rated order bearing an earlier delivery or performance date must be filed before a higher rated order bearing a later

delivery or performance date if it is possible to fill both of them on the required dates.

(b) As between conflicting orders which bear the same preference rating, precedence must be given to the order which was received first with the rating. As between conflicting orders received with the same preference rating on the same date, precedence must be given to the order which has the earlier required delivery or performance date.

(c) If a rated order or the rating applicable to an order is cancelled when the supplier has material in production to fill it, he need not immediately stop to put other rated orders into production if doing so would cause a substantial loss of total production. He may continue to process that material which he had put into production for the cancelled order to a stage of completion which would avoid a substantial loss of total production, but he may not incorporate any material which he needs to fill any rated order on hand. He may not, however, delay putting other rated orders into production for more than 15 days.

(For the effect of changes in customers orders, see Direction 1 to this regulation. For further explanations of paragraph (b) see Interpretation 1c. For an explanation of how to determine the date on which a purchase order is received, see Interpretation 12)

§ 944.8 Delivery or performance dates. (a) Every rated order placed after March 18, 1944, must specify delivery or performance on a particular date or dates or within specified periods of not more than 31 days each, which in no case may be earlier than required by the person placing the order. Any order which fails to comply with this rule must be treated as an unrated order. The words "immediately" or "as soon as possible", or other words to that effect, are not sufficient for this purpose. There are three exceptions to this rule, where a rated order need not bear a required delivery or performance date as long as it is understood that delivery or performance is required as soon as practicable or customary: (1) Orders placed with or by persons who normally take physical delivery of the item ordered to hold it in stock for resale; (2) orders for not more than \$100; (3) orders rated AAA or RRR.

(b) The required delivery or performance date, for purposes of determining the sequence of deliveries or performance pursuant to § 944.7, shall be the date on which delivery or performance is actually required. The person with whom the order is placed may assume that the required delivery or performance date is the date specified in the order or contract unless he knows either (1) that the date so specified was earlier than required at the time the order was placed, or (2) that delivery or performance by the date originally specified is no longer required by reason of any change of circumstances. A delay in the scheduled receipt of any other material which the person placing the order requires prior to or concurrently with the material ordered, shall be deemed a change of circumstances within the meaning of the foregoing sentence.

(c) If, after accepting a rated order which specifies the time of delivery, the person with whom it is placed finds that he cannot fill it on time or within 15 days following the specified time, owing to the receipt of higher rated orders or for other reasons, he must promptly notify the customer, telling him approximately when he expects to be able to fill the order. Inability to fill the order on time or within fifteen days following the specified time does not authorize a supplier to cancel the order.

§ 944.9 Report to Civilian Production Administration of improper delay of orders. When delivery or performance of a rated order is unreasonably or improperly delayed, the customer may file a report of the relevant facts with the Civilian Production Administration, which will take such action as it considers appropriate after requiring an explanation from the person with whom the order is placed.

§ 944.10 Effect of other regulations and orders. Specific allocations or other directions of the Civilian Production Administration for delivery of material or the use of facilities must be complied with regardless of ratings, unless otherwise specified. If restrictions under two or more regulations or orders of the Civilian Production Administration apply to the same subject matter, the most restrictive controls unless otherwise expressly provided. Rated orders are not exempt from restrictions on the amount of materials that may be made or delivered unless expressly so stated.

§ 944.10a Effect of revocation of orders and regulations. (a) When an order or regulation of the Civilian Production Administration is revoked, all published amendments, schedules, appendices, and directions to that order or regulation are revoked, unless otherwise stated in the instrument revoking the order or regulation.

(b) All directions, authorizations, production or delivery schedules and other instruments addressed to named persons pursuant to any order or regulation which was revoked before October 1, 1945, are revoked on October 1, 1945. Whenever an order or regulation of the CPA is revoked on or after October 1, 1945, all directions, authorizations, allocations, production or delivery schedules and other instruments addressed to named persons pursuant to that order or regulation are revoked, unless otherwise stated in the instrument of revocation. Any material which was obtained by means of any such revoked direction, authorization, allocation, etc., may be used or disposed of only as permitted under paragraph (b) of § 944.11.

(c) "Suspension orders" and "consent orders" issued on the basis of a violation of orders and regulations of the War Production Board or Civilian Production Administration remain in effect after revocation of such orders and regulations, unless otherwise provided. If you are subject to a suspension order or consent order which you think should be lifted or modified because of the lifting of the restriction on which the violation was based, you may address a request for

relief to the Chief Compliance Commissioner, Civilian Production Administration, Washington 25, D. C.

§ 944.11 Use or disposition of material acquired with priorities assistance. (a) Any person who gets material with priorities assistance must, if possible, use or dispose of it (or of the product into which it has been incorporated) for the purpose for which the assistance was given. This restriction applies to material obtained by means of a preference rating (AAA, RRR, MM, HHH, CC, HH or RR)

allocation, specific direction, or any other action of the War Production Board or Civilian Production Administration. Physical segregation is not required as long as the restrictions applicable to any specific lot of material or product are observed with respect to an equivalent amount of the same material or product. The above restriction does not apply in the following two cases, but the rules on further use or disposition in paragraph (b) below must be observed: (1) When a material, or a product into which it has been incorporated, can no longer be used for the purpose for which the priorities assistance was given (for example, when the priorities assistance was given to fill a particular contract or purchase order and the material or product does not meet the customer's specifications or the contract or purchase order is cancelled); (2) when the material was obtained by means of a rating in the AA series or a CMP allotment, or by means of any order, regulation, rating, allocation, specific direction or other action of the WPB or CPA which has been revoked or cancelled, unless otherwise stated in the instrument of revocation or in any other action of the CPA.

(b) A material or product subject to paragraph (a) (1) or (2) above may be used or disposed of only as follows:

(1) If the holder acquired or made the material or product for use and not for sale or resale and is not regularly engaged in the business of selling it, a proposed sale by him is a special sale covered by Priorities Regulation 13 and he may sell or transfer it only as provided in that regulation.

(2) If the proposed sale is not a special sale described by paragraph (b) (1), the holder may sell as long as he complies with all requirements of other applicable sections of this regulation and of other orders and regulations of the Civilian Production Administration. This is true of all such sales of any material including scrap.

(3) The holder may, within the limitations of paragraph (f) of Priorities Regulation 32 (inventory restriction on processing), use the material or product himself in any manner or for any purpose as long as he complies with all applicable CPA orders and regulations. If the intended use is prohibited or restricted, he must appeal or otherwise apply for permission under the applicable order or regulation.

§ 944.12 Intra-company deliveries. When any rule, regulation or order of the Civilian Production Administration pro-

hibits or restricts deliveries of any material by any person, such prohibition or restriction shall, in the absence of a contrary direction, apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

(For rule as to effect of inventory and small order provisions on separate operating units of same company see Interpretation 8.)

§ 944.13 Scope of regulations and orders. All regulations and orders of the Civilian Production Administration (including directions, directives and other instructions) apply to all subsequent transactions even though they are covered by previous contracts. Regulations and orders apply to transactions in the territories or insular possessions of the United States unless the regulation or order specifically states that it is limited to the continental United States or to the 48 states and the District of Columbia. However, restrictions of Civilian Production Administration orders or regulations on the use of material or on the amount of inventory shall not apply when the material is used or the inventory is held directly by the Army or Navy outside the 48 states and the District of Columbia, unless otherwise specifically provided. Regulations and orders do not apply to transactions in the Philippine Islands unless they specifically state that they do. Exports and deliveries of material to be exported may be made regardless of any CPA order or regulation restricting inventories of material or uses thereof in manufacture or otherwise, or requiring certificates with respect to such inventories or uses, insofar as such inventories are maintained or such uses occur in the country to which such material is to be exported, but shall be subject to such restrictions with respect to inventories maintained or uses occurring within the United States prior to export.

(For applicability of certain restrictions in CPA orders to exports, see Interpretation 18.)

§ 944.13a Defense against claims for damages. No persons shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from compliance with any rule, regulation or order of the Civilian Production Administration, notwithstanding that any such rule, regulation or order shall thereafter be declared by judicial or other competent authority to be invalid.

§ 944.14 Inventory restrictions. No person may deliver or receive into inventory more of any material than is permitted under Priorities Regulation 32. That regulation takes the place of the rules formerly in this section.

§ 944.14a Delivery for unlawful purposes prohibited. No person shall deliver any material which he knows or has reason to believe will be accepted, redelivered, held or used in violation of any order or regulation of the Civilian Production Administration.

§ 944.15 Records. Each person participating in any transaction to which any rule, regulation or order of the Civilian Production Administration applies shall keep and preserve for at least two years accurate and complete records of the details of each such transaction and of his inventories of the material involved. Such records shall include the dates of all contracts or purchase orders accepted, the delivery dates specified in such contracts or purchase orders, and in any preference rating certificates accompanying them, the dates of actual deliveries thereunder, description of the material covered by such contracts or purchase orders, description of deliveries by classes, types, quantities, weights and values, the parties involved in each transaction, the preference ratings, if any, assigned to deliveries under such contracts or purchase orders, details of rated orders (or other orders required by the Civilian Production Administration to be filled) either accepted or offered and rejected, and other pertinent information. Records kept by any person pursuant to this section shall be kept either separately from the other records of such person and chronologically according to daily deliveries by such person, or in such form that such a separate chronological record can be promptly compiled therefrom. Whenever a regulation or order requires a person to restrict his operations in proportion to his operations in a base period (for example, an order may forbid him to use more of a certain kind of material than he used in the fourth quarter of 1942) he must determine, as accurately as is reasonably possible, his base period operations and preserve a written record of any figures and work sheets showing how he made his calculations for inspection by Civilian Production Administration officials as long as the regulation or order remains in force and for two years after that. Whenever a person is restricted as to the quantity of material he may use in production or the amount he may produce, under quota restrictions, limitation orders, authorized production schedules, special directions or similar provisions, he must keep reasonably adequate records of the material consumed and of production to show whether he is complying with the restrictions. This record-keeping requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Photographic copies of records may be kept. See Interpretation 6.)

§ 944.16 Audit and inspection. All records required to be kept by this regulation or by any rule, regulation or order of the Civilian Production Administration shall, upon request, be submitted to audit and inspection by its duly authorized representatives.

§ 944.17 Reports. Every person shall execute and file with the Civilian Production Administration such reports and questionnaires as it shall from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942. The rules on filing reports are explained in Priorities Regulation 8.

§ 944.18 Violations. Any person who violates any provision of this regulation or any other rule, regulation or order of the Civilian Production Administration, or who, by any statement or omission, wilfully falsifies any records which he is required to keep, or who otherwise wilfully furnishes false or misleading information to the Civilian Production Administration, and any person who obtains a delivery, an allocation of material or facilities, or a preference rating by means of a material and wilful, false or misleading statement, may be prohibited by the Civilian Production Administration from making or obtaining further deliveries of material or using facilities under priority or allocation control and may be deprived of further priorities assistance. The Civilian Production Administration may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U. S. C. sec. 80), or under the Second War Powers Act (Public No. 507, 77th Congress, March 27, 1942).

§ 944.19 Appeals for relief in exceptional cases. Any person who considers that compliance by himself or another with a rule or regulation or order of the Civilian Production Administration would work an exceptional and unreasonable hardship on him may appeal for relief. The rules for the filing and handling of appeals are given in Priorities Regulation 16.

§ 944.20 Notification of customers. Any person who is prohibited from or restricted in making deliveries of any material by the provisions of any rule, regulation or order of the Civilian Production Administration shall, as soon as practicable, notify each of his regular customers of the requirements of such rule, regulation or order, but the failure to give notice shall not excuse any customer from the obligation of complying with any requirements applicable to him.

Issued this 4th day of March 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1A: Revoked August 28, 1945.

INTERPRETATION 1B

TYPES OF EXISTING CONTRACTS WHICH MUST BE DEFERRED

Section 944.2 of Priorities Regulation 1, as amended, makes compulsory the acceptance and filling of rated orders for any material, "regardless of existing contracts and orders". The "existing contracts" referred to include not only ordinary purchase contracts but other arrangements achieving substantially the same results, though in form they may concern the use of production facilities rather than the material produced. Preference ratings are applicable to facilities as well as materials.

Examples of such "existing contracts" which must be subordinated to higher rated orders are (1) arrangements whereby a producer, regularly engaged in producing a given product for sale to others, leases a portion of his plant, or the whole of it for a relatively short period, as a going concern to one of his customers and operation is continued

under the producer's management and with the producer's regular personnel; and (2) arrangements whereby such a producer, in lieu of buying raw materials and selling the product, accepts raw materials belonging to a customer for processing pursuant to a toll agreement or similar undertaking. If the deliveries to be made to such customer carry a preference rating, the sequence of deliveries as compared with deliveries to other persons placing orders with the producer is to be determined as provided in § 944.7 of Priorities Regulation No. 1. (Issued Mar. 18, 1944.)

INTERPRETATION 1C

SEQUENCE OF DELIVERIES AND PRODUCTION FOR RATED ORDERS

The provisions of § 944.7 (b) of Priorities Regulation No. 1, as amended, with respect to the sequence of deliveries bearing the same preference rating, are applicable only in cases where different deliveries bearing the same preference rating cannot be made on schedule. If material supply and available facilities permit deliveries bearing the same rating to be made on schedule, Regulation No. 1 does not have any particular effect on the sequence of production for such deliveries. Where it is necessary to choose between deliveries bearing the same preference ratings, delivery to the customer from whom the order was first received with the rating is to be preferred and production schedules must be adjusted accordingly. For example, suppose a rated order is received from one customer in January for August delivery and another order bearing the same rating is received from a second customer in June calling for July delivery. If both deliveries cannot be made on schedule, the second customer is not permitted to get the material away from the first customer. The producer must defer production on the second order to the extent necessary to make delivery on the first order on the August delivery date. If, on the other hand, both deliveries can be made on schedule, it is not necessary to produce or make delivery on the first customer's order ahead of that of the second. (Issued Mar. 18, 1944.)

INTERPRETATION 1D: Revoked June 28, 1945.

INTERPRETATION 1E

ARMY INCLUDES PANAMA CANAL—NAVY INCLUDES COAST GUARD

(a) The definition of defense orders formerly appearing in § 944.1 (b) has been deleted since a blanket rating of AA-5 is no longer assigned to such orders. However, any reference to the Army without any other definition in any order of the Civilian Production Administration also applies to the Panama Canal, and a reference to the Navy, to the Coast Guard. (Issued Oct. 1, 1945.)

INTERPRETATION 2

REGULARLY ESTABLISHED PRICES

(a) *Acceptance of orders at regularly established prices.* (1) An order bearing a preference rating may not be rejected on the ground that the price is below the regularly established price, if the purchaser offers the OPA ceiling price, if any.

(2) Section 944.2 of Priorities Regulation 1 makes the acceptance of rated orders mandatory except in the several situations specified in the section. The only exception dealing with price is contained in paragraph (e) (1) which states that a rated order need not be accepted "if the person seeking to place the order is unwilling or unable to meet regularly established prices and terms of sale or payment."

(3) "Regularly established prices" cannot be higher than OPA ceiling prices, if any. They may, however, be lower. (Issued Mar. 18, 1944.)

(4) However, when no OPA ceiling price is applicable "a regularly established price" is the price the seller, when the rated order was

received, is offering the material for sale to the class of purchasers to which the person who placed the rated order belongs and for delivery at the time the rated order requests. As explained in § 944.2, there can be no discrimination in price against a rated order, or between rated orders of different customers of the same general class.

(b) *Effect of increase in price after a rated order is accepted.* (1) In establishing new price levels, there must be no discrimination against rated orders, or between the rated orders of customers in the same class.

(2) If, after a rated order is accepted the seller's regularly established price increases as to all customers in the class to which the person who placed the rated order belongs, or if the OPA ceiling price, if any, is increased, the seller must still treat such order as a rated order if the purchaser is willing to meet the increased price.

(3) A seller must not remove the rated order from his shipping schedule until he has given the buyer adequate notice of his intention to do so and the buyer has had adequate time (in any case not less than seven days) to agree to the new price.

(4) This interpretation is not intended to affect any questions of liability of the seller for failure to deliver at the earlier price. (Issued July 2, 1946.)

INTERPRETATION 3

REJECTION OF RATED ORDERS FOR FAILURE TO MEET ESTABLISHED PRICES AND TERMS

(a) Section 944.2 of Priorities Regulation 1 states that every order bearing a preference rating must be accepted and filled with certain exceptions listed in the section. One exception is where a buyer does not "meet regularly established prices and terms of sale or payment". This exception applies to a seller who receives a rated order for quantities which are less than the minimum which he regularly sells. For example, a manufacturer who has been selling only in carload lots may reject a rated order for a less than carload lot.

This exception applies similarly to a person who regularly sells only in multiples of a specified quantity and receives a rated order for a number which is not a multiple of that quantity. For example, a manufacturer who regularly sells his product only in standard shipping packages containing one dozen receives a rated order for 40. He may fill the whole order or he may fill it to the extent of 36 and reject it for 4.

A further problem arises when a manufacturer receives such an order with split ratings. For example, suppose the manufacturer who sells his product only in standard shipping packages of a dozen receives an order for 30 rated MM and 20 rated CC. In such a case the general rule is that amounts in excess of a multiple of the standard shipping package ordered at higher ratings may be included with amounts ordered at lower ratings if the manufacturer wishes to adhere to his standard shipping package and not fill the order as received. He may then, in the case supposed, treat the order as one for 24 items rated MM and 24 rated CC and reject it for 2 of the items. Of course, he may fill the order as placed if he prefers to do so; but, if he does not he must fill it as illustrated above.

(b) The exception also applies to the seller who regularly sells only to certain types of trade purchasers, such as wholesalers, jobbers or retailers. He may reject orders from other types of purchasers but only if it is practicable to obtain the merchandise in the required quantity through regular trade channels.

(c) The exception applies to a manufacturer who receives a rated order which, together with orders on hand, totals less than his minimum production run of a product which is mass produced and cannot be filled from inventory. It makes no difference that

he has regularly sold in quantities as small as that ordered. For example, suppose a manufacturer's minimum production run is 1,000 units, but he has regularly sold in lots of 10 units. At a time when he has none of the particular product in inventory and no orders on hand, he receives a rated order for 600 units. He may reject the order. If, however, he has on hand a previously accepted order for 400 units, he would be required to accept the order for 600 units.

(d) It should be noted that paragraph (e) of § 944.2 in which the above exception appears includes the requirement that "there must be no discrimination in such case against rated orders, or between rated orders of different customers." This means, for example, that a seller who sells principally at wholesale but also at retail to one or more customers may not reject rated retail orders from other customers. However, if a manufacturer or wholesaler has an exclusive distributor, either for all sales or for a particular territory, he may reject orders from other purchasers provided the exclusive distributor is in a position to fill the orders promptly. (Issued Oct. 1, 1945.)

INTERPRETATION 4: Revoked October 1, 1945.

INTERPRETATION 5

EFFECT OF ASSIGNMENT OF A RATED ORDER OR CONTRACT ON SEQUENCE OF DELIVERY

When a rated contract is assigned, the rating remains applicable to the contract as assigned if, but only if, the assignee uses the material covered by the contract for substantially the same purpose for which the rated contract was placed.

Examples. (1) The Navy places a rated order with A and A extends the rating to B. Later the Navy and A cancel the contract and the Navy enters into a new contract with C for delivery of the same product at the same time and applies the same rating to it. A assigns to C his contract with B. The rating which A had extended to B remains valid as of the time it was extended by A, and B must honor it in making delivery to C.

(2) A steel mill places an order for a repair part rated CC. The steel mill finds that it does not need the part but another steel mill needs the same and asks the first mill to assign its contract for the part. The second mill could also apply a CC rating to the delivery. However, it prefers to use the first mill's rating so as to come ahead of the orders which have been placed since the first mill placed its order. The second mill may not make this use of the rating, since the rated order was placed for the repair of the first mill's facilities and the purpose of the order has thus been changed.

(3) The Civilian Production Administration assigns a rating on a Form WPB 541A to a textile manufacturer to buy some textile machinery. He places an order with a machinery manufacturer and applies the rating to the order. He decides he does not need the machinery but finds another textile producer who does need the machinery and is willing to purchase the same from him. He therefore assigns the contract for the machinery to the second textile producer. The rating does not apply to the delivery to the second producer since it was assigned by the Civilian Production Administration only for the purpose of filling a specific need shown by the first textile producer. (Issued Oct. 1, 1945.)

INTERPRETATION 6

MICROFILM RECORDS

Records required to be kept by § 944.15 of Priorities Regulation No. 1 or by any other order or regulation of the Civilian Production Administration may be kept in the form of microfilm or other photographic copies instead of the originals. (Issued Aug. 14, 1943.)

INTERPRETATION 7: Revoked August 28, 1945.

INTERPRETATION 8

EFFECT OF INVENTORY AND SMALL ORDER PROVISIONS ON SEPARATE OPERATING UNITS OF THE SAME COMPANY

(a) If an individual plant, branch store, division or other operating unit normally keeps separate inventory from the rest of the corporation or firm, inventory restrictions in Civilian Production Administration orders and regulations apply to it separately. Thus, although another unit may have exceeded an inventory limit, this does not prevent a unit which has not exceeded it from acquiring additional inventory within the limit.

(b) Likewise, if an order of the Civilian Production Administration provides an exemption for small purchases, an operating unit which normally buys separately need not consider purchases made by other units in determining whether it comes within the exemption.

(c) It may happen that the same operating unit will be treated separately for purposes of inventory restrictions but not for purposes of small order exemptions. For example, if a distributor purchases centrally for direct shipment to several outlets which keep separate inventories, the outlets are treated separately for purposes of inventory restrictions but the central purchasing agency must include all its purchases in determining whether a transaction comes within a small order exemption.

(d) This interpretation applies only in cases where a contrary rule is not expressly stated in the applicable Civilian Production Administration order or regulation. Also it only applies where the regular business practice of the unit in question is to keep a separate inventory or to buy separately. It does not apply if the regular practice has been changed just for the purpose of coming within this interpretation. (Issued Nov. 22, 1944.)

INTERPRETATION 9: Revoked March 18, 1944.

INTERPRETATION 10

EFFECT OF CANCELLATION OF A PURCHASE ORDER ON DIRECTIVE REQUIRING ITS IMMEDIATE PRODUCTION

In many instances, the Civilian Production Administration has issued directives to producers and manufacturers requiring them to produce particular orders ahead of their normal place on the producers' or manufacturers' schedules. Typical of such directives are directives requiring them to produce certain orders by a given date, regardless of the effect of doing so on the production of other orders. If and when the particular orders are cancelled, the directives lose all effect. This is so since the reason for issuing the directives, namely, the urgent need for a particular product, no longer exists when the order for the product has been cancelled. (Issued Oct. 1, 1945.)

INTERPRETATION 11

PLACING AND ACCEPTANCE OF ORDERS FOR FUTURE DELIVERY CONDITIONED ON REMOVAL OF CPA RESTRICTIONS

(a) Some orders and regulations of the Civilian Production Administration forbid the placing or acceptance of purchase orders for certain materials or products unless the purchase orders bear specified preference ratings, or unless they are accompanied by special authorization or unless they meet some other condition. Such provisions do not, however, prohibit the placing or acceptance of a purchase order which by its express terms, is not to be filled until after removal of such restrictions by the Civilian Production Administration.

(b) A manufacturer may not, of course, schedule such orders for production or place

material in production to fill such orders until after the applicable CPA restriction is removed. He may order materials needed to fill such orders, but his own orders must call for delivery at a future time when the material can be received under Priorities Regulation 32. Also, if he is ordering a material which is itself subject to a restriction on placing or accepting of orders, that purchase order must as well be conditioned on the removal of the restriction.

(c) [Deleted Oct. 1, 1945.]

(d) [Deleted Nov. 13, 1944.]

(Issued Oct. 1, 1945.)

INTERPRETATION 12

DATE ON WHICH PURCHASE ORDER IS RECEIVED

(a) Section 944.7 (b) provides that between conflicting orders which bear the same preference rating, precedence must be given to the order which was received first with the rating. Some questions have arisen as how to fix the date when the order was "received", due to the fact that occasionally specifications are not sent to the manufacturer with the customer's order. The word "order" as used in § 944.7 (b) means a purchase order accompanied by specifications in sufficient detail to enable the manufacturer to put the product in production. Not until such specifications have been furnished is there an "order". The date on which such specifications are furnished to the manufacturer is the date on which the order is "received". This date, and not the date on which the order without specifications was first received by the manufacturer, controls the position the order takes in the manufacturer's schedule.

For example, where an engine manufacturer on February 1st receives a rated order for fifty engines for July delivery but the customer does not, until March 1st, furnish the specifications as to carburetors, pumps, or other equipment, necessary before the engines can be put into production, March 1st is the date the "order was received" for the purposes of § 944.7 of Priorities Regulation No. 1.

(b) With respect to unrated orders which are subsequently rated, the order is not "received" for the purposes of § 944.7 until the supplier receives the application or extension of the rating properly certified. The date of the rated order is not retroactive to the time the original unrated order was placed. Similarly, where an order originally rated in the AA series became unrated after September 30, 1945, the subsequent application or extension of a AAA, MM or CC rating to the order does not relate back to the time the order was originally rated. (Issued Dec. 11, 1945.)

INTERPRETATION 13

APPLICABILITY OF ORDERS AND REGULATIONS TO USED OR SECOND-HAND MATERIALS AND PRODUCTS

(a) Every order or regulation of the Civilian Production Administration applies to materials and products in used or second-hand form (other than scrap) to the same extent as to new items, unless the order or regulation or a published interpretation of it expressly states otherwise.

(b) [Deleted Oct. 1, 1945.]

(Issued Oct. 1, 1945.)

INTERPRETATION 14

SUMMARY OF CPA CONTROLS REGARDING IDLE OR EXCESS INVENTORIES

(a) *Purpose of this interpretation.* This interpretation summarizes some of the important rules on what to do when you have materials or products which are idle or excess in your inventory because of a termination or cut-back in your war contracts or other changes in your operations. These are not new rules on this subject, nor are they

necessarily complete, but they are intended to be convenient references to rules which are now effective in CPA orders and regulations. As these orders and regulations are revised from time to time, you should be sure to look at the latest copies.

(b) *General rule.* The general rule is that if you got a material or product by using a preference rating, or other WPB or CPA priorities assistance, you must if possible use or dispose of it (or of the product into which it has been incorporated) for the purpose for which the assistance was given. This is the rule of § 944.11 (a) of Priorities Regulation 1, which also states the conditions under which physical segregation of inventory is not required. Two exceptions to this rule, i. e., when the material or product can no longer be used for the original purpose, or when the rating or other assistance has been revoked, are explained in paragraphs (a) (1) and (2) of § 944.11.

Disposition or Use of Excess

(c) *In general.* If you have a termination cut-back, or other reduction in your operations, it may be impossible to use the material or product for the purpose for which the priorities assistance was given. In this case, or if the rating or other assistance has been revoked, you may dispose of it as explained in paragraphs (b) (1) and (b) (2) of § 944.11 of PR-1, or you may use it as explained generally in paragraph (b) (3) of that section. These rules are summarized in paragraphs (d) and (e) below.

(d) *Disposition—(1) Special sales.* If you want to sell the excess material or product to someone else, and you acquired or made it for your own use and you do not sell it in the regular course of your business, you should look at Priorities Regulation 13 for the rules governing such "special sales". These include special sales as scrap (other than plant generated scrap). Also, all sales of surplus materials or products by Government agencies are special sales.

(2) *Other sales.* If the sale of the particular material or product, including scrap, is not a special sale, it is permitted as long as you comply with all requirements of CPA orders and regulations which apply to the material or product you are selling. For example, you are usually required to accept rated orders and observe the sequence of preference ratings; and if the material or product may be sold or scrapped only on specific CPA authorization as described in the applicable order or regulation, you must do what the order says.

(e) *Use—Must be in compliance with applicable CPA orders.* If you want to use the excess material or product, you must always comply with all applicable CPA orders and regulations governing its use, inventory, etc., and you may have to appeal if the intended use is not a permitted use. To find out what orders or regulations are applicable to the particular material or product, it may be helpful to look at the CPA publication, "Products and Priorities," or you can ask your nearest CPA field office.

(2) [Deleted Dec. 11, 1945.]

(3) [Deleted Oct. 1, 1945.]

(4) [Deleted Dec. 11, 1945.]

(f) [Deleted Oct. 1, 1945.]

(g) *Special provision for transfer among war contractors.* If you have a war contract which has been terminated or modified, and another contractor is producing similar products for the same procuring agency, he may be able to receive excess materials (from you, your suppliers, or the procuring agency) in excess of inventory limits. This is permitted when authorized by the procuring agency to the extent described in Direction 1 to Priorities Regulation 32. This direction covers both the inventory exceptions necessary to receive excess materials of this kind, and also the sale or exchange of the materials.

Bringing Inventory Back to Normal

(h) *Inventory limitations.* If the termination or cut-back results in your having a bigger inventory than you need, the mere possession of it is not prohibited as long as the particular material or product was properly acquired. This is explained in Interpretation 5 to Priorities Regulation 32. However, you may not receive further deliveries of the particular material or product held in excess, nor may you fabricate above permitted inventory levels, except as provided in the applicable regulations or orders. The general inventory rules are in Priorities Regulation 32, and specific inventory limits on particular materials or products or relating to particular classes of persons are indicated in Tables 1 and 2 of that regulation. In general, upon any reduction in operations, outstanding orders for the items which constitute an excessive inventory must be promptly adjusted, or, if necessary, cancelled. However, certain further deliveries may be received to the extent permitted by paragraph (h) of Priorities Regulation 32, and special items may be received as permitted by that paragraph and by Direction 3 to that regulation. A limited inventory exception in the case of items bought on special sales is provided in PR-13.

(i) *Cancelling ratings.* In cutting back or cancelling orders as described above you will probably have to cancel your ratings to the extent described in § 944.4a of PR-1. (Issued Dec. 11, 1945.)

INTERPRETATION 15: Revoked August 28, 1945.

INTERPRETATION 16

APPLICABILITY OF PRIORITY RULES TO SUPPLIERS OF COMPLETE PRODUCTS AND PARTS FOR THE COMPLETE PRODUCTS

(a) *Applicability of rules regarding acceptance of orders.* A person who supplies parts for a complete product, as well as the complete product itself, may not accept an order for the complete products calling for delivery on a date which would interfere with delivery of equal or higher rated orders for parts which he has already accepted. In other words, he must comply with the rules in § 944.2 of Priorities Regulation 1 in accepting orders for complete products and orders for parts only. Thus if he gets a rated order for complete products calling for delivery on June 1, 1945, and cannot fill this order without using parts which are required for delivery on an equal or higher rated parts order previously accepted, calling for delivery on June 1, 1945, he may not accept the order for the complete products. In such a case, he must either (1) reject the order, stating when he could fill it, or (2) accept it for delivery on the earliest date he expects to be able to deliver, informing the customer of that date.

(b) [Deleted Oct. 1, 1945.]

(c) [Deleted Oct. 1, 1945.]

(Issued Oct. 1, 1945.)

INTERPRETATION 17: Revoked August 28, 1945.

INTERPRETATION 18

APPLICABILITY OF CERTAIN RESTRICTIONS IN CPA ORDERS TO EXPORTS

The last sentence of § 944.13 (formerly Priorities Regulation 15) does not in any way relax restrictions in limitation or conservation orders in so far as they apply to manufacture within the United States or to the maintenance of inventory within the United States. The only effect of the sentence is to lift such restrictions as may be based upon the size of an inventory maintained in a foreign country or on a use (including use for manufacture) which is to take place in a foreign country.

Of course, no orders of the Civilian Production Administration directly limit the size of inventory or the manner of use of an article in a foreign country. Nevertheless, there are some orders which, in the absence of this provision in § 944.13, might impose such limitations indirectly. Orders which provide that a person may not sell a particular material if he knows or has reason to believe that the purchaser will, upon receipt, have an inventory exceeding some stated amount or use the material for a particular purpose would, in the absence of this provision, prevent certain sales by subjecting sellers to possible liability even though the inventory existed or the use occurred in a foreign country. § 944.13 has the effect of relieving sellers of such liability in the limited situation described.

Furthermore, it is only restrictions which are expressed as based upon size of inventory or manner of use which are affected by this section. Where an order requires administrative action, such as an allocation or an

express authorization, that requirement is not waived and must be met before the material can be delivered, acquired or used. (Issued Dec. 11, 1945.)

INTERPRETATION 19

PRESERVATION OF RECORDS AFTER REVOCATION OF APPLICABLE ORDERS

Section 944.15 of Priorities Regulation 1 requires the keeping and preservation for at least two years of certain records relating to transactions under CPA orders and regulations. This requirement does not lapse upon the expiration or revocation of the applicable order or regulation and the two year period must be counted from the date the transaction occurs. The reference in the section to rules, regulations or orders of the Civilian Production Administration includes reference to any regulations or orders of its predecessor, the War Production Board, whether or not they expired or were revoked before the establishment of the Civilian Pro-

duction Administration. (Issued Jan. 17, 1946.)

DIRECTIONS TO PR 1

The following directions to PR 1 are still in effect (July 24, 1946):

1. Changes made by customers in orders placed with manufacturers.
2. Transfer of title in financing rated orders.
9. Use of ratings or authorizations for machine tools or other facilities when related military procurement programs or contracts are cancelled or cut back.
11. Special rules for placing and scheduling rated orders for steel, copper and aluminum.
12. Use by ship chandlers and other ship suppliers of materials obtained by means of ratings assigned on WPB-646.
13. Emergency suspension of outstanding ratings for iron and steel.
14. Steel drums for manufacturers of corn syrup for famine relief.

SUBJECT: Direction 1 to PR-1, dated 1-29-47 1/
Effect of Making Changes in a Rated Purchase Order

This Direction explains several factors relative to making changes in a rated purchase order after it has been placed at the manufacturer's level.

In general, the effect is that changes which would require the manufacturer to interfere with his production will cause the purchase order to be treated the same as a new order, and thus the earlier and more favorable position on the manufacturer's delivery schedule will be sacrificed.

1/ Supersedes Direction 1 to PR-1, dated 10-1-45

OFFICE OF TEMPORARY CONTROLS
CIVILIAN PRODUCTION ADMINISTRATIONPART 944—REGULATIONS APPLICABLE TO
THE OPERATIONS OF THE PRIORITIES
SYSTEM

[Priorities Reg. 1, Direction 1, as Amended
Jan. 29, 1947]

CHANGES MADE BY CUSTOMERS IN ORDERS
PLACED WITH MANUFACTURERS

(a) This direction tells what happens when a customer, having placed a rated order with a manufacturer, wishes to make a change in that order.

(b) The general rule is that any change in a customer's order constitutes a cancellation of the earlier order and must be considered as a new order received on the date of the change if (but only if) the change will require the manufacturer to interfere with his production. For example:

(1) A change in shipping destination does not constitute the placing of a new order.

(2) An increase in the total amount ordered is a new order to the extent of the increase unless it can be filled with only a negligible interference with sequence of later orders.

(3) A change in the date of the delivery, whether advanced or deferred, when made by the customer is a new order if it interferes with production, or delays delivery on an equal or higher rated order.

(4) Deleted Oct. 1, 1945.

(5) A change in preference rating will not constitute a new order and the order must

be treated as if it had carried the new rating at the time the old rating was received except that:

(i) Material specifically produced for a rated order is not to be diverted and delivered under a higher rerated order if such material is completed at the time the rerating is received, or is in production and scheduled for completion within fifteen days thereafter; and

(ii) No person is required by reason of a rerating to terminate or interrupt immediately a schedule of production or operations for the next forty days where it would result in a substantial loss of production or delay in operations.

(6) A reduction in the total amount ordered will presumably not require a change in the manufacturer's schedule and will not constitute a new order. If the quantity is reduced below a minimum production quantity, the manufacturer may insist on the delivery of not less than the minimum production quantity as explained in interpretation No. 3. If the customer is not willing to order that amount, the manufacturer may reject the order. The manufacturer may not discriminate between customers in requiring delivery of minimum production amounts or in rejecting orders.

(7) When the customer directs the manufacturer to hold or suspend production without specifying a new delivery date, the order must be considered cancelled. If requested

to do so within ten days after receiving such an instruction, the manufacturer must reinstate the order as nearly as possible to its former place in his proposed schedule of deliveries as long as the reinstatement does not cause loss of production or delay in the scheduled deliveries on equal or higher rated orders. Any request for reinstatement made after ten days shall be treated as the placing of an entirely new order.

(8) Where minor variations in size, design, capacity, etc., are requested by the customer and can be arranged by the manufacturer without interfering with his production, such changes do not constitute a new order.

(c) Where a change in an order constitutes a new order the conditions existing at the time the changes are received govern the acceptance of the order and its sequence in delivery under the rules of Priorities Regulation No. 1. If a customer changes his order in such a way as to constitute a new order, but finds that as a new order it will not be scheduled for delivery at the time required by the customer, he may, if he likes, request reinstatement of his original order within the time and manner provided in paragraph (b) (7) above.

Issued this 29th day of January, 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

SEPT. 18, 1945

WAR PRODUCTION BOARD

PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Reg. 1, Direction 11]

SPECIAL RULES FOR PLACING AND SCHEDULING RATED ORDERS FOR STEEL, COPPER AND ALUMINUM

(a) *What this direction does.* This direction explains some special rules for placing, accepting, and scheduling rated orders for steel, copper and aluminum. These rules supersede some of the provisions of Priorities Regulation 1 concerning the ordinary use of ratings, but only those rules of Priorities Regulation 1 which are contradictory to this direction are superseded, and all other rules in that regulation continue to apply.

(b) *Required delivery dates.* A rated order for steel, copper or aluminum in the forms listed below must specify delivery on a particular date or a particular month, which in no case may be earlier than required by the person placing the order. A producer of steel, copper and aluminum must schedule the order for delivery within the requested month as close to the requested delivery date as is practicable in view of the need for maximum production.

(c) *Refjection of rated orders.* A producer of steel, copper or aluminum in the forms listed below need not accept a rated order,

except an order rated AAA, which is received less than 30 days prior to the first day of the month in which shipment is requested, unless specifically directed to accept the order by the War Production Board.

(d) *Forms of steel, copper and aluminum to which this direction applies.* This direction applies to the following forms of steel, copper and aluminum.

Carbon and alloy iron and steel (including stainless steel).

Bars, cold finished.

Bars, hot rolled or forged.

Ingot, billets, blooms, slabs, die blocks, tube rounds, sheet and tin bar, and skelp.

Pipe, including threaded couplings of the type normally supplied on threaded pipe by pipe mills.

Plates.

Rail and track accessories.

Sheet and strip.

Castings (rough as cast).

Structural shapes and piling.

Tin plate, terne plate and tin mill black plate.

Tubing.

Wheels, tires and axles.

Wire rods, wire and wire products.

Forgings (rough as forged).

Copper and copper base alloy products:

Alloy sheet, strip and plate.

Alloy rods, bars and wire.

Alloy seamless tube and pipe.

Plate, sheet and strip.

Rods, bars and wire.

Copper and copper base alloy products—Con.

Tube and pipe.

Wire and cable.

Castings (before machining).

Aluminum products:

Rod and bar.

Wire (under $\frac{3}{8}$ ").

Cable (electrical transmission only).

Rivets.

Forgings and pressings (before machining).

Impact extrusions.

Castings.

Rolled structural shapes (angles, channels, zeos, tees, etc.).

Extruded shapes.

Sheet, strip and plate.

S'ugs.

Foil.

Tubing.

Tube blooms.

Powder (including atomized, granular, flake, paste, and pigment).

Ingot, pig, billets, slabs, etc.

NOTE: The above list of forms and shapes of steel, iron, copper and aluminum is identical with the 'controlled material shapes listed in Schedule I of GMP Regulation 1, except that forgings and malleable and grey iron castings have been added.

Issued this 18th day of September 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

NHA
FPFA
3-18-47

Bulletin 14

~~PART I~~ - Section 3.2

SUBJECT: PR-3, Amended 3-4-47 1/

This regulation states the general rules for the use of preference ratings, what kind of purchase orders or services may be rated, and how a rating may be put on an order. It also places restrictions on the use of ratings, and includes a list of products for which ratings may not be used.

The amendment of PR-3 is necessitated by the revised priorities rating system (as explained in PR-35), to include references to the new RR and RRR ratings.

1/ Supersedes PR-3, dated 7-24-46.

OFFICE OF TEMPORARY CONTROLS
CIVILIAN PRODUCTION ADMINISTRATION

PR 3

MAR. 4, 1947
[As Amended]
Incl. Ints. 1-15

PART 944—REGULATIONS APPLICABLE TO THE
OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 3, as Amended March 4, 1947]

§ 944.23 *Priorities Regulation 3—(a) Purpose of this regulation.* This regulation states the rules for the use of preference ratings, what kind of purchase orders or services may be rated and how a rating may be put on an order. It also places restrictions on the use of ratings and includes lists of products for which ratings may not be used at all. In general this regulation should be consulted before using a rating whether it was gotten directly from the Civilian Production Administration or from a customer.

(b) *Definitions.* For the purposes of this regulation:

(1) "Person" and "material" mean the same thing they do in Priorities Regulation 1.

(2) "Assignment" of a preference rating. A preference rating is assigned to a person when the Civilian Production Administration or someone that it has authorized issues an order or preference rating certificate giving him the right to use the rating.

(3) "Application" of a preference rating. A preference rating is applied when the person to whom it is assigned uses the rating. A rating is applied also when any governmental agency which is authorized by the Civilian Production Administration rates an order for delivery of material directly to it.

(4) "Extension" of a preference rating. A preference rating is extended when it is used by the person to whom it is applied or extended by another person.

(c) *Use of ratings in general.* (1) When a regulation, preference rating order or preference rating certificate assigns a rating to any person, either by naming him or by describing the class of persons to which he belongs, that person may apply the rating to get delivery of material or the performance of certain services. Also, a person may under certain conditions extend a rating which has been applied or extended to his deliveries of material, but not one applied to services. More detailed rules as to how and when ratings may be applied or extended are set out below in this regulation.

(2) When a Civilian Production Administration order or certificate states the quantities and kinds of material or the particular services which are rated, the person to whom it is assigned may use the rating to get only that quantity and kind of material or that particular service named in the order or certificate. If the quantities of material are not stated in the order or certificate assigning the rating it may be applied only to get the minimum amount needed.

(3) No person may place rated orders for more material than he is authorized to rate even though he intends to cancel some of the orders or reduce the quan-

tity of material ordered to the authorized amount before it is all delivered.

(d) *When AAA, RRR or MM ratings may be extended for material.* The following provisions of this paragraph (d) apply to all extensions of AAA, RRR or MM preference ratings to get deliveries of material, unless they are modified by or are inconsistent with the provisions of any particular order.

(1) [Deleted Oct. 1, 1945.]

(2) When a person has received a AAA, RRR or MM rated order for the delivery of material, he may extend the AAA, RRR, or MM rating to get the material which he will deliver on that order, or which will be physically incorporated in material which he will deliver, subject to applicable inventory restrictions of the Civilian Production Administration as explained in Priorities Regulation 32. If the material is to be processed, this includes the portion of it which would normally be consumed or converted into scrap or by-products in the course of processing.

(3) If a person has made delivery of material, or has incorporated it into other material which he has delivered on an AAA, RRR or MM rated order, he may extend the AAA, RRR or MM rating to replace it in his inventory. However, if after delivering the material he still has a practicable working minimum inventory he may not extend the AAA, RRR or MM rating to replace the material delivered; and if by making the delivery his inventory is reduced below this minimum, the AAA, RRR or MM rating may be extended to get only the amount necessary to restore the inventory to a practicable working minimum. Any material ordered to replace in inventory must be substantially the same as the material which the person delivered or incorporated in the material which he delivered, except for minor variations in size, shape or design.

(4) A person to whom a rating of AAA, RRR or MM has been applied or extended to get material may not extend that AAA, RRR or MM rating to get any material for his own plant improvement expansion or construction, or to get machine tools or other items which he will carry as capital equipment, or to get business machines for his own use whether purchased or leased, or to get maintenance, repair or operating supplies for his own use.

(d-1) *CC and RR ratings may not ordinarily be extended.* CC and RR ratings may not be extended by a supplier to get production materials needed to make the item sold to his customer, or to replace in inventory materials used to make the item or to get containers or closures needed to pack the item. A distributor, warehouse, retailer, or other person who

resells the item without further fabrication may extend the CC and RR rating where he does not have the item in inventory, but may not extend the rating to replace the item in inventory.

However, when a person has received a CC rated order for the delivery of textile fabric (cotton, rayon, or wool, or their blends), he may extend the CC rating to get the fabric which he will deliver on that order, or the unfinished fabric which he will deliver on it after finishing, subject to applicable inventory restrictions of the Civilian Production Administration as explained in Priorities Regulation 32. If the rating is extended for gray fabric to fill an order for finished fabric, it may include the portion of the gray fabric which would normally be consumed or converted into scrap or by-products in the course of finishing. If a person has made delivery of textile fabric, or has converted gray fabric into finished fabric which he has delivered on a CC rated order, he may extend the CC rating to replace it in his inventory: *Provided*, That if after delivering the fabric he still has a practicable working minimum inventory, he may not extend the CC rating to replace the fabric delivered; and if by making the delivery his inventory is reduced below this minimum, the CC rating may be extended to get only the amount necessary to restore the inventory to a practicable working minimum. Any fabric ordered to replace inventory must be made of the same textile fiber (or combination of such fibers), and of the same type of construction and approximate weight as the fabric which such person delivered.

(e) *Additional restrictions upon use of ratings for certain materials.* Because of special circumstances which exist with respect to certain materials and products, the use of preference ratings to get items on List A attached to this regulation is restricted as follows:

(1) *Items as to which preference ratings have no effect; List A.* Any item on List A may be produced or delivered without regard to preference ratings. No person shall apply or extend any rating to get any of these items and no person selling any such item shall require a rating as a condition of sale. Any rating purporting to be applied or extended to any such item shall be void and no person shall give any effect to it in filling an order.

(2) [Deleted Oct. 1, 1945.]

(3) [Deleted Oct. 1, 1945.]

(f) *Use of ratings for services—(1) Ratings may not be used for personal services.* Preference ratings may never be used to get labor or personal services as distinct from services performed in the course of a regular business involving the use of plant, machinery or equipment owned by the person furnishing the services. For example, ratings may be used to get a repair job done in a repair

shop as explained below but may not be used to compel an individual employee to work on a repair job or to obtain the services of a consulting engineer.

(2) *Three cases where ratings may be used for services.* There are only three situations in which a preference rating may be used to get services, as distinct from the production or delivery of material:

(i) *A rating assigned for the purpose.* If the Civilian Production Administration assigns a rating to a named person to get specified services he may use the rating for that purpose.

(ii) *For processing.* When a person has a rating which he may use to get processed material, he may (unless prohibited by another regulation or order) furnish the unprocessed material to a processor and use the same rating to get it processed.

(iii) *For repairs.* Any rating which may be applied to the delivery of specific repair parts or materials may also be applied to the installation of the repair parts or materials or to the repair job alone if it is found that installing the parts or materials is not necessary. However, in the case of ordinary plumbing, heating, electrical, automotive or refrigeration repairs, a rating may not be applied to repair work even if the rating is expressly applicable to repair parts or materials. As used in this subparagraph "repair" means to fix a plant, machinery or equipment after it has broken down or when it is about to break down. "Repair" does not mean upkeep or maintenance service such as periodic inspection, cleaning, painting, lubricating, etc.

(3) *Ratings for services only may not be extended.* A person to whom a rating for services, as distinct from the production or delivery of material, has been applied or extended may not extend the rating for any purpose.

(g) *How to apply or extend a rating.* (1) When a person applies or extends a preference rating he must put the rating (and symbol, if appropriate) on the order together with a certification signed as prescribed in Priorities Regulation 7. He may use the standard certification set out in that regulation, or if he prefers the following:

CERTIFICATION

The undersigned purchaser hereby represents to the seller and to the Civilian Production Administration that he is entitled to apply or extend the preference ratings indicated opposite the items shown on this order and that such application or extension is in accordance with Priorities Regulation 3 as amended, with the terms of which the undersigned is familiar.

(Name of Purchaser)

(Address)

By -----
(Signature and Title of
Duly Authorized Officer)

(Date)

The person who receives the certification shall be entitled to rely on it as a representation of the buyer unless he knows or has reason to know that it is false.

(4) When a person applies or extends a rating he shall also include on his purchase order or contract any information which may be required by any applicable Civilian Production Administration order.

(5) Each person who applies or extends a rating must keep at his regular place of business all documents including purchase orders and preference rating orders and certificates which authorize him to apply or extend the rating. These documents, orders and certificates must be kept in such a way that they can be readily segregated and furnished to representatives of the Civilian Production Administration for inspection.

(6) When either certification authorized in this paragraph (g) is used it will not be necessary to use any other certification in order to apply or extend a preference rating, nor will it be necessary to furnish a copy of any preference rating order no matter what any regulation, preference rating order or preference rating certificate says unless it expressly states that this regulation does not apply.

(7) No person shall knowingly purport to apply or extend a preference rating to any order unless he is entitled to do so. No person shall apply or extend a rating for material or services after he has received the material or after the services have been performed, and any person who receives such a rating shall not extend it.

(h) *Provisions applicable to extensions; deferment and grouping.* No matter what any applicable preference rating order or certificate may say,

(1) No person may extend any rating to replace inventory after three months have passed from the time he could have first extended it;

(2) When a person has two or more ratings of the same grade which were assigned by different preference rating certificates or orders he may combine them and extend them to one delivery; and

(3) When a person has two or more ratings of different grades, or where they were assigned by the same or different certificates or orders, he may extend them to deliveries under one purchase order. However, the purchase order must show the amount of each material to which a particular grade of rating is extended. If the type and quantity of the material is such that the supplier can readily determine the exact effect of the extension of the rating on his production and delivery schedule from percentage figures alone, then the purchase order may show the amount of the material to which the particular grade of rating is extended on a percentage basis; otherwise, it must be shown as a separate item. In order to avoid production or delivery of material in quantities smaller than the minimum commercially practicable a person may combine ratings of different grades and extend the rating of the lowest grade to the total production or delivery.

(i) *Restrictions in other orders.* When any person applies or extends a rating he shall be subject to any applicable rule or restriction which may be

set forth in the order of the Civilian Production Administration which assigns the rating or any other order which regulates transactions in the material or the facilities for which he is using the rating. This includes restrictions as to the kind and amount of material to which ratings may be applied or extended, requirements for written approval of any particular transaction, restrictions on certain uses of material or facilities and any other rules which may be applicable to the particular transaction. However, the rules of paragraph (g) (6) apply unless some other order or certificate expressly says that they do not.

Issued this 4th day of March 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

The following items may be delivered without regard to any Civilian Production Administration preference ratings:

Automobiles, passenger.

Chemicals of the following types manufactured or produced for exclusive use in the petroleum industry.

a. Antioxidants (gum inhibitors) for motor fuels

b. Chemical additives and compound bases for heavy duty gasoline engine, diesel engine and aviation engine oils.

c. Chemical additives and compound bases for hypoid gear oils.

d. Synthetic catalysts for oil cracking operation.

e. Synthetic catalysts for cumene and dimer manufacture.

f. Synthetic catalysts for petroleum isomerization operations.

g. Synthetic catalysts for petroleum sweetening operations.

Coal.

Coke.

Communications services.

Electric energy.

Gas manufactured combustible, of the type generally distributed by utilities.

Gas, natural.

Lead.

Petroleum, including only the following products:

(1) Liquefied petroleum gas: propane, propylene, butanes, butenes, or any combination or dilution thereof commonly known as liquefied petroleum gas.

(2) Aviation gasoline: any liquid fuel (including components thereof), except Diesel fuel, used for aircraft propulsion which meets current provisional or permanent United States Army or Navy specifications for aircraft fuels.

(3) Motor fuel: any liquid fuel (including components thereof) suitable for use in the propulsion of motor vehicles or motor boats.

(4) Naphtha: any liquid petroleum fraction or derivative commonly known as naphtha, including that cut of gasoline or kerosene classified as naphtha: *Provided*, That the term naphtha shall not include any toluene fraction of Kauri-butanol value of 85 Kauri-butanol number or higher, or any aromatic petroleum solvent, as defined in General Preference Order M-150, as amended.

(5) Insecticide base: any liquid petroleum fraction or derivative used as or suitable for use as a base or carrier for the active chemical ingredients of an insecticide, germicide or deodorant.

(6) Fuel oil: any liquid petroleum fraction or derivative commonly known as fuel

oil, including grades No. 1, 2, 3, 4, 5, or 6, Bunker "C" fuel oil, Diesel fuel, kerosene, range oil, gas, oil and any other liquid petroleum product used for the same purpose as the above designated grades.

(7) Lubricating oil: any liquid petroleum fraction or derivative regardless of the extent processed, (1) which is used for or is suitable for lubrication, including, but not limited to, cutting, drawing, processing, soluble, transformer and white oils, and (2) which does not contain in excess of 50% by weight of additives or compounds.

(8) Lubricating grease: any lubricant manufactured from petroleum and a soap, organic salt or ester of any fatty oil or fatty acid.

(9) Asphalt: asphalt of petroleum origin and all asphaltic products of petroleum origin, including road oils.

(10) Micro-crystalline wax: any solid hydrocarbon mixture, commonly known as micro-crystalline wax (amorphous wax, petroleum wax) but not including paraffin wax defined as a solid hydro-carbon mixture having a melting point between 110° F. to 155° F. (ASTM-D-87) and a maximum kinematic viscosity of 5.74 centistokes at 210° F (ASTM-D445-42T), wholly derived by low temperature solidification and expression, or by solvent extraction, from that portion of crude petroleum known as paraffin distillate.

(11) Petrolatum: any semi-solid hydrocarbon mixture, plastic and unctuous, commonly known as petrolatum or petroleum jelly, regardless of the extent processed.

(12) Mineral oil polymers: any resinous product produced by the polymerization of mixtures of unsaturated hydrocarbons (either the solid resin or solvent extended product); but not including polystyrene, polyisobutylene, polyethylene, butadiene, or the copolymers of such materials.

Steam heating, central.

Ice.

Tobaccos.¹

Vegetable, fish, marine animal and animal fats and oils, whether edible or inedible and including their by-products and residues (whether resulting from refining, distillation saponification, pressing or settling).¹

Sulfated, sulfonated, and sulfurized fats and oils.

Tall oil.¹

Wool grease.¹

Soap (other than metallic).¹

Fatty acids.¹

Food for human or animal consumption.¹

Glycerine.¹

Water.

Low and high temperature fractional distillation equipment for gas and gasoline analysis.

Wood pulp.

LIST B: Deleted Oct. 1, 1945.

INTERPRETATION 1

Interpretation 1 of Priorities Regulation 3 [Revoked Nov. 17, 1943.]

INTERPRETATION 2

EFFECT OF LIST A ON UNFILLED ORDERS

The restrictions on the use of ratings for the items on List A apply to orders for such items which had been placed before the date the item was put on the list but were not yet filled. (Issued Oct. 1, 1945.)

INTERPRETATION 3: Revoked Oct. 1, 1945.

INTERPRETATION 4: Revoked Oct. 1, 1945.

¹Subject to War Food Order 71 (formerly FD Regulation No. 1) of the War Food Administration.

INTERPRETATION 5

RESTRICTIONS OF OTHER ORDERS

(a) *Restrictions of other orders on use of ratings or delivery.* The provisions of paragraph (e) relate only to the items which appear on the list. When any other order of the Civilian Production Administration restricts the use of preference ratings to obtain any product or restricts delivery of a product in any way, those restrictions are applicable even though that product is not listed in Priorities Regulation 3 (§ 944.23).

(b) [Deleted Oct. 1, 1945.]

(Issued Oct. 1, 1945.)

INTERPRETATION 6

EFFECT OF PREFERENCE RATING CERTIFICATE REFERRING TO PRODUCT OF A PARTICULAR MANUFACTURER

(a) When a preference rating certificate in assigning a rating to a product describes the product by its trade name or by the manufacturer's name and catalogue number, the rating may ordinarily be used to get the product from any manufacturer if the model actually obtained is substantially identical in size, operation and function with that named in the certificate.

(b) The rule stated in the preceding paragraph is consistent with the statement in paragraph (c) (2) of Priorities Regulation 3 (§ 944.23) that a preference rating may be applied only to the specific quantities and kinds of material authorized. Ordinarily a reference in a preference rating certificate to a particular product of a particular manufacturer is no more than a shorthand way of describing the product. It is safe to assume, unless the certificate clearly states otherwise that what is being rated is a certain kind and size of product which may be obtained from any manufacturer who makes that kind and size. If it is intended to confine the rating to a particular product of a particular manufacturer the certificate should say so explicitly. (Issued Sept. 8, 1943.)

INTERPRETATION 7: Revoked Oct. 1, 1945.

INTERPRETATION 8: Revoked Oct. 1, 1945.

INTERPRETATION 9: Revoked Oct. 1, 1945.

INTERPRETATION 10

USE OF RATING TO OBTAIN LEASED MACHINERY

(a) A preference rating which has been assigned for the delivery of an item of machinery or equipment may be used to lease the equipment as long as the following conditions are fulfilled:

(1) The lease must be a long-term semi-permanent arrangement where both parties contemplate the comparatively permanent installation of the machine or equipment. For instance, a rating could be used to obtain a machine under lease where the lease was for one year, with provision for renewal at the end of each year, and both parties expected that the lease would be renewed from time to time. However, the rating could not be used to obtain a machine for a month's use.

(2) If the rating is limited by specific dollar amount it may be used only to lease machinery or equipment whose fair market value is no greater than the amount specified.

(b) If the instrument assigning the ratings specifies a lease rather than a purchase, it is not necessary to comply with the above conditions. (Issued Oct. 1, 1945.)

INTERPRETATION 11: Revoked Oct. 1, 1945.

INTERPRETATION 12

RECORDS OF EXPORTERS

Paragraph (g) (5) of Priorities Regulation No. 3 requires each person who applies or extends a rating to keep all documents including preference rating orders and certificates which authorize him to apply or extend the rating at his regular place of business. The Foreign Economic Administration and its predecessors, the Board of Economic Warfare and the Office of Economic Warfare, have assigned preference ratings to exporters for export by endorsing appropriate legends upon export licenses. The original of every export license, however, is required by other government regulations to be surrendered to export officials at the time of shipment. Consequently, persons who receive their assignments of preference ratings on export licenses are not in a position to retain the original of the export license and thus are not required to do so by paragraph (g) (5) except only in those cases where other government regulations do not require the surrender to the government of the documents referred to. However, such persons must keep any copies of the export licenses, which are returned to them for their files. (Issued August 24, 1945.)

INTERPRETATION 13

TIME LIMIT ON USE OF RATINGS

(a) Preference ratings may not be extended to replace material in inventory after three months from the time delivery was made to the customer. This is the rule of paragraph (h) (1) of the regulation.

When a rating is being applied or when any rating is extended for some purpose other than to replace inventory, this may be done only within a reasonable time after the rating was received. Generally speaking, more than three months is deemed to be an unreasonable delay in the use of a rating. In a particular case there may be circumstances which make a reasonable time shorter or longer than three months. For example,

(1) [Deleted Oct. 1, 1945.]

(2) A rating assigned in connection with an export license may be applied as long as the license is valid and expires when the license expires or is revoked. (For explanation of this rule see Interpretation 2, Directive 27.)

(3) When a rating is applied to a long term contract (such as the construction of a ship) it may be extended for material needed to fill the contract, even though more than three months have elapsed.

(4) If the purpose for which the rating was assigned no longer exists, the rating may not be applied even though three months have not elapsed.

(5) When a rating is extended by a person to get material to deliver to his customer, or to incorporate in such material, the time within which it may be done will, in general, be controlled by the delivery date on his customer's order.

(b) The fact that a person has not been able to get his rated order accepted by a supplier does not lengthen the time within which he may apply or extend his rating. However, a rating properly applied or extended on an order served upon a supplier within the time limit of the above rules, but not accepted by him, remains valid with that supplier where the failure to accept the rated order was a violation of a CPA regulation or order. This does not permit the rating to be used on any other purchase orders not placed within the proper time limit.

(c) The periods of time stated in (a) above for the use of ratings do not mean that deliveries on rated orders must be made within those periods. The delivery dates which may be requested are controlled by § 944.8 of Priorities Regulation 1, and any other applicable limitations, such as those in Priorities Regulation 32 controlling inventories. The rules for scheduling and making deliveries on rated orders are in Priorities Regulation 1 and other applicable orders or regulations. All validly rated orders must be

scheduled and filled under those rules, unless the orders or ratings are cancelled. (Issued Dec. 13, 1946.)

INTERPRETATION 14: Revoked Apr. 23, 1945.

INTERPRETATION 15

REFERENCES IN LIST A TO ORDERS WHICH HAVE BEEN REVOKED

In many items on List A of Priorities Regulation 3 reference is made to specific WPB

orders or schedules for a definition of the specific items covered by the lists. Sometimes the order or schedule referred to is revoked without any change in the listing on List A. When one of these orders or schedules is revoked, the listing of the item on List A, nevertheless, remains in full force and effect, and the item as listed on List A has the same meaning as before the revocation of the order. (Issued Oct. 1, 1945.)

NHA
FPHA
12-30-46

Bulletin 14

~~PART I~~ - Section 3.2

SUBJECT: Interpretation 13 to PR-3, Amended 12-13-46 1/
Time Limit on Use of Ratings

This Interpretation is an extension of the previous Interpretation 13, which is appended to PR-3.

This revision has particular significance in view of the deadline established in Direction 11 to PR-33, affecting Certified-HH and HHH ratings. If such rated orders are actually placed with suppliers, the ratings will remain valid and will not require reauthorization.

1/ Supersedes Int. 13 to PR-3, dated 10-1-45

DEC. 13, 1946

[As Amended]

Corrected Copy

CIVILIAN PRODUCTION ADMINISTRATION

(Corrected Copy)

PART 944—REGULATIONS APPLICABLE TO
THE OPERATION OF THE PRIORITIES
SYSTEM[Priorities Reg. 3, Interpretation 13 as
Amended Dec. 13, 1946]

TIME LIMIT ON USE OF RATINGS

(a) Preference ratings may not be extended to replace material in inventory after three months from the time delivery was made to the customer. This is the rule of paragraph (h) (1) of the regulation.

When a rating is being applied or when any rating is extended for some purpose other than to replace inventory, this may be done only within a reasonable time after the rating was received. Generally speaking, more than three months is deemed to be an unreasonable delay in the use of a rating. In a particular case there may be circumstances which make a reasonable time shorter or longer than three months. For example,

(1) [Deleted Oct. 1, 1945.]

(2) A rating assigned in connection with an export license may be applied as long as the license is valid and expires when the license expires or is revoked. (For explana-

tion of this rule see Interpretation 2, Directive 27.)

(3) When a rating is applied to a long term contract (such as the construction of a ship) it may be extended for material needed to fill the contract, even though more than three months have elapsed.

(4) If the purpose for which the rating was assigned no longer exists, the rating may not be applied even though three months have not elapsed.

(5) When a rating is extended by a person to get material to deliver to his customer, or to incorporate in such material, the time within which it may be done will, in general, be controlled by the delivery date on his customer's order.

(b) The fact that a person has not been able to get his rated order accepted by a supplier does not lengthen the time within which he may apply or extend his rating. However, a rating properly applied or extended on an order served upon a supplier within the time limit of the above rules, but not accepted by him, remains valid with that supplier where the failure to accept the rated

order was a violation of a CPA regulation or order. This does not permit the rating to be used on any other purchase orders not placed within the proper time limit.

(c) The periods of time stated in (a) above for the use of ratings do not mean that deliveries on rated orders must be made within those periods. The delivery dates which may be requested are controlled by Section 944.8 of Priorities Regulation 1, and any other applicable limitations, such as those in Priorities Regulation 32 controlling inventories. The rules for scheduling and making deliveries on rated orders are in Priorities Regulation 1 and other applicable orders or regulations. All validly rated orders must be scheduled and filled under those rules, unless the orders or ratings are cancelled.

Issued the 13th day of December 1946.

CIVILIAN PRODUCTION
ADMINISTRATION,

By J. JOSEPH WHELAN,
Recording Secretary.

Dir. 7 to PR 3

OCT. 1, 1945

[As Amended]

WAR PRODUCTION BOARD

PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Reg. 3, Direction 7, as Amended Oct. 1, 1945]

REPLACEMENT OF DEFECTIVE MATERIALS OR MATERIALS LOST, STOLEN, DAMAGED OR DESTROYED IN TRANSIT

(a) *Purpose.* This direction explains how a supplier must schedule delivery of material covered by a rated order where the material delivered is defective or where it is not received by the purchaser because lost, stolen, damaged or destroyed in transit.

(b) *When supplier must replace notice required.* When a person places a rated order for material and the material sent him is damaged or defective, or where he does not receive physical delivery of the material because it is lost, stolen, or destroyed in transit, he may promptly notify his supplier and, if the notice is received by the supplier within fifteen days after the material was delivered in the case of damaged or defective material, or within forty-five days after the material was shipped in the case of material lost, stolen or destroyed in transit, the supplier must schedule delivery of the material on the basis of the date the original order was placed. If the notice is received by the sup-

plier after the fifteen or forty-five day period, he must schedule delivery of the material just as though he had received an order for it on the date on which he receives the notice. If the purchaser prefers, he may, instead of notifying the original supplier, place an order for the material with another supplier using the same rating, but the new supplier must treat the order as a new order.

(c) *Materials spoiled by purchaser.* Materials which are spoiled by the purchaser cannot be replaced under this direction.

(d) *What is meant by "in transit."* For purposes of this direction, loss, damage, destruction or theft is regarded as happening in transit if it happens before the purchaser receives actual physical delivery, regardless of whether he has title or constructive possession. For example, material in the hands of a carrier is in transit although delivery to the carrier may have given the purchaser title or constructive possession. It is not in transit if the buyer has picked it up from the seller's plant or from the carrier, or if it has been unloaded at his plant. It does not make any difference whether the buyer or the seller has to bear the financial loss.

(e) [Deleted Oct. 1, 1945.]

(f) *Exports.* This direction applies to deliveries to territories and possessions of the United States or to Canada, but does not apply to materials exported to any foreign country, other than Canada, unless the materials are lost, stolen, damaged or destroyed

while in transit within the United States or unless the defect is discovered before the materials leave the United States. Where material is damaged, lost, stolen or destroyed outside of the United States while in transit to a foreign country, other than Canada, or where the defect is not discovered until after the material has left the United States, the buyer's replacement order must be treated like a new rated order.

(g) [Deleted Oct. 1, 1945.]

(h) *No effect on private contractual rights.* This direction has nothing to do with the question of whether the buyer or the seller must bear any financial loss involved as a result of materials being defective or being lost, damaged, destroyed or stolen in transit.

(i) *Applications for special assistance.* Where a purchaser cannot give his supplier notice within the time limits mentioned in paragraph (b) above, and postponement of delivery will result in a substantial loss of production or delay in operations, he may apply to his Claimant Agency or Industry Division for special assistance. Special assistance will be granted only in exceptional cases where a clear showing of substantial interference with the war effort is made.

Issued this 1st day of October 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

WAR PRODUCTION BOARD

Dir. 7 to PR 3

OCT. 1, 1945

[As Amended]

PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

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Issued this 1st day of October 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

CIVILIAN PRODUCTION ADMINISTRATION

Dir. 15 to PR 3

APR. 22, 1946

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 3, Direction 15]

EFFECT OF CC RATINGS ON PRODUCERS OF CONSTRUCTION MACHINERY

(a) *What this direction does.* There is a nation-wide shortage of construction machinery. Demand for this type of machinery substantially exceeds the supply. In order to prevent the use of CC ratings from preempting an undue proportion of the supply available from new production, this direction restricts the use of CC ratings on producers of construction machinery. CC ratings may still be assigned for construction machinery under the conditions stated in PR-28, and producers must still accept and fill rated orders in accordance with PR-1 unless they are relieved from that obligation by paragraph (b) below.

(b) *Restriction on use of CC ratings.* (1) No dealer, distributor or branch sales office

of a producer who receives or has received a CC rating for construction machinery may extend it to a producer of that machinery after April 22, 1946.

(2) Producers must treat as unrated any orders for construction machinery bearing CC ratings which they receive from dealers, distributors or branch sales offices after April 22, 1946. Also, any producer who regularly sells a given type or types of construction machinery only through dealers, distributors or branch sales offices, either for all sales or for a particular territory, may reject any orders bearing CC ratings for those types of construction machinery (except orders for construction machinery for export outside the United States, its territories or possessions, or the Dominion of Canada) which he receives from other persons after April 22, 1946.

(c) *Definitions.* As used in this direction:

(1) "Construction machinery" means any of the following types of machinery:

(i) Construction equipment, tractor mounted.

(ii) Construction machinery, specialized.

(iii) Construction material mixers, pavers, spreaders, and related equipment.

(iv) Construction material processing equipment.

(v) Power cranes, derricks, draglines, dredges, shovels and related equipment.

(vi) Scrapers, maintainers and graders.

(vii) Contractors' elevating winches and hoists.

(viii) Earth, rock and water well drilling and boring machinery.

(ix) Tracklaying tractors.

These types of machinery are more fully described in CMP Codes 308-314, 316 and 470.

(2) "Producer" means any person to the extent he is engaged in the manufacture of construction machinery. It does not include a branch sales office of a producer.

Issued this 22d day of April 1946.

CIVILIAN PRODUCTION
ADMINISTRATION,

By J. JOSEPH WHELAN,
Recording Secretary.

WAR PRODUCTION BOARD

PART 944—REGULATIONS APPLICABLE TO
THE OPERATION OF THE PRIORITIES
SYSTEM[Priorities Regulation 5, as Amended August
23, 1943]§ 944.25 *Priorities Regulation No. 5—*

(a) *What this regulation does.* This regulation tells what forms, orders or regulations which have been or will be issued by the War Production Board may be reproduced and how they may be produced.

(b) *What forms, orders or regulations may be reproduced.* Any person may reproduce any War Production Board form, order or regulation. However, any form or order which falls within any of the following two classes must, when reproduced, bear on its face the words "Specimen Copy" or "Information Copy" in letters not less than one-half inch high or in 36 point caps:

(1) Forms or orders which are designed to be issued by any governmental agency and which have not yet been signed by the governmental agency. An example of this class is Form GA-146, which is a form used by the various In-

dustry Divisions of the War Production Board to authorize the purchase or sale of particular goods. This limitation does not apply to those forms which are both designed to be filed with a governmental agency and later to be issued to the applicant by the governmental agency. The most common example of this class of forms is Form WPB-541 (formerly PD-1A) which is an application for priority assistance and which is later signed by the War Production Board and returned to the applicant as a rating certificate.

(2) Forms bearing a serial number which are designed to be filed with a governmental agency and later to be issued by the agency but which have not yet been signed by the agency. The most common example of this class is Form WPB-542 (formerly PD-3A) which is largely issued by the military procurement agencies.

(c) *How forms, orders and regulations may be reproduced.* The reproduction of forms, orders and regulations may be by any process: photographic, printing, mimeograph, or otherwise, but the following conditions must be observed:

(1) If forms are reproduced for filing with a governmental agency, the copies must be exactly like the officially published forms as to size of paper, format and arrangement of paragraphs or tables on each page. This is necessary for quick handling. The color of paper must be approximately the same as the official copy.

(2) Copies of all orders or forms bearing the signature of any official of the United States Government or any other authorized person must include the signature. This signature must be in type or print, preceded by "(signed)", unless the entire order or certificate is reproduced by photographic process.

(d) *Contrary provisions may be disregarded.* If any order or form contains a statement that it may not be reproduced, the same may be disregarded if the conditions of this regulation are complied with, unless the order or form states specifically that this regulation does not apply.

Issued this 23d day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

NHL
FPHA
1-20-47

Bulletin 14

~~PART I~~ - Section 3.4

SUBJECT: PR-7, Amended 12-31-46 1/
Certifications

This Regulation is one of the basic regulations in the operation of the priorities system. Specifically, it contains the rules for correct presentation of a preference rating certification or other representations related to the use of priorities. It includes instructions as to the manner in which certifications and other documents are to be executed.

In addition, paragraph (d) contains a standard form of certification, which may be on purchase and delivery orders subject to the stated conditions governing its use.

OFFICE OF TEMPORARY CONTROLS
CIVILIAN PRODUCTION ADMINISTRATION

(Corrected Copy)

PR 7

DEC. 31, 1946
[As Amended]
Incl. Int. 1
Corrected Copy

PART 944—REGULATIONS APPLICABLE TO
THE OPERATION OF THE PRIORITIES
SYSTEM

[Priorities Reg. 7, as Amended Dec. 31, 1946]

CERTIFICATIONS ON PURCHASE ORDERS AND
OTHER DOCUMENTS

§ 944.27 *Priorities Regulation No. 7—*

(a) *What this regulation does.* This regulation explains the use of certifications on purchase orders and delivery orders. It sets forth a standard form of certification which may be used where orders and regulations of the Civilian Production Administration permit. It also states the rules for signing and executing all certificates and other documents which must be filed under CPA orders and regulations.

Standard Certification

(b) *When standard certification may be used.* The standard certification which is described below may be used on purchase and delivery orders only when expressly permitted by the applicable regulation or order of the Civilian Production Administration.

(c) *Use is optional.* The use of the standard certification is optional unless an order or regulation states that it is the only one that can be used. Anyone who wishes to may use the more specific certifications provided by the various orders and regulations, such as the one given in Priorities Regulation 3 for use in applying or extending preference ratings.

(d) *Form of standard certification.* The standard certification must be in substantially the following form:

The undersigned purchaser certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the seller and to the Civilian Production Administration, that, to the best of his knowledge and belief, the undersigned is authorized under applicable Civilian Production Administration regulations or orders to place this delivery order, to receive the item(s) ordered for the purpose for which ordered, and to use any preference rating which the undersigned has placed on this order.

(e) *Additional information with standard certification.* When the standard certification is used, additional information must be given when required by the applicable order or regulation.

This information may be put either at the end of the standard certification or anywhere else on the order, or accompanying it.

Waiving Certifications

(f) *Waiver of buyer's certification.* If a seller receives an order without the certification required by the governing CPA regulation or order, he may accept the purchase order and treat it as bearing the proper certification if he complies with the following rules:

(1) The seller must know the facts which the certification would show and must place the necessary certification on the order and sign it himself. He may not merely insert the certification over the buyer's signature. In adding the certification, the seller shall be deemed to make the representation to the Civilian Production Administration. The individual who signs for the seller must be a responsible official of the seller, duly authorized to make binding representations in this respect on the seller's behalf.

(2) The seller must use the certification in the governing order or regulation unless it permits the use of the standard certification. In using the latter, he must change the words "undersigned purchaser" to "undersigned seller", cross out the words "the seller and" and change the words "the undersigned is authorized" to "the buyer is authorized". If he uses the form in the governing order or regulation, he must make corresponding changes in wording.

(3) A certification may not be waived if the governing order or regulation expressly states that it may not be waived.

(g) [Deleted Dec. 31, 1946.]

(h) [Deleted Dec. 31, 1946.]

(i) [Deleted Dec. 31, 1946.]

Signature of Certification

(j) *Who must sign and how.* Certifications on purchase or delivery orders which are required by CPA orders or regulations must be signed by the person placing the order (or the person receiving it under paragraph (f) above, or by a responsible individual who is duly authorized to sign for that purpose. The signature must be either by hand or in the form of a rubber stamp or other facsimile reproduction of a handwritten signature.

(k) *Use of facsimile signature.* If a facsimile signature is used, the individual who uses it must be duly authorized by the individual whose signature it is, to use it on representations to the Civilian Production Administration, and a written record of the authorization must be kept.

(l) *Only one signature necessary in most cases.* If several certifications are

placed above the signature of the purchase order, they need not be separately signed provided the purchase order is signed in the way required for a certification by paragraph (j) above. If any certifications are placed below the signature of the purchase order, or on the back of it, the last certification must be separately signed, unless there is a statement above the signature of the purchase order which shows clearly that it applies to the certification.

(m) *Certification may be on separate paper.* If it is not convenient to place a certification on a purchase order or delivery order, it may be placed on a separate piece of paper either attached to it or clearly identifying it. For example, if the buyer has sent an order but has forgotten to place the certification on it, he may send the seller a separate certification clearly identifying the order to which it applies. A signature on the purchase order shall apply to the certification on an attached or unattached piece of paper only where the words above the signature clearly make it include the certification.

(n) *Signature on other documents.* The above rules for signing certifications on purchase orders also apply to the signature on reports, applications for preference ratings, and other documents that are required to be filed under orders and regulations of the Civilian Production Administration.

Telegraph, Telephone and Verbal Orders

(o) *Telegraphic orders.* When a purchase order is placed by telegram and a certification is necessary the certification must be set out in full in the telegram. It will be sufficient if the file copy of the outgoing telegram is signed in the manner required for certification by this regulation. Also, the certification contained in the telegram may be abbreviated in the following cases, but the purchaser assumes the same responsibility as if it were set out in full:

(1) When the standard certification is used, it may be shortened to the words "order certified under Priorities Regulation 7."

(2) When the certification is used for the sole purpose of applying or extending a preference rating, the words "ratings certified" or words to that effect are enough.

(3) Where the certification is used for the sole purpose of showing that the order comes under a small order exemption in an order or regulation of the Civilian Production Administration, it may be shortened to "small order certified."

(4) Where the certification required simply states the number of the CPA authorization form, the identification of

the form and its number only need be given.

(p) *Verbal or telephone orders.* On purchase orders requiring shipment within seven days the substance of the certification may be stated verbally or by telephone. However, the following rules must be complied with:

(1) The person making the statement for the buyer must be a person duly authorized to make the certification.

(2) Both the buyer and the seller must promptly make a written record of the fact that the certification was given orally and the record must be signed by the buyer in the same way as a certification.

Miscellaneous Provisions

(q) *Responsibility for truth of certification.* The person who places the order, the individual whose signature is used and the individual who approves the use of the signature will each be considered to be making a representation to the Civilian Production Administration that the statements contained in the certification are true to the best of his knowledge and belief, subject to criminal penalties for misrepresentation. The person receiving the certification and other information required to be included with the certification shall be entitled to rely on it as a representation of the buyer unless he knows or has reason to know that it is false.

(r) *Reference to criminal penalties.* The reference to criminal penalties for misrepresentation in the above forms of certification and similar phrases in certifications required by other orders and regulations are included solely for the purpose of making sure that persons signing certifications realize the responsibility they are undertaking. These references may not be omitted, but their inclusion shall not be deemed to make any person subject to any criminal penalties to which he would not be subject if the references were omitted.

(s) *Records to be kept by the purchaser.* Each person using any certification must maintain at his regular place of business all documents upon which he relies as entitling him to make the representations in the particular certification used and to supply the other information required to be placed with his purchase order. These documents must be segregated and available for inspection by a representative of the Civilian Production Administration or filed in such manner that they can be readily segregated and made available for inspection.

(t) *Effect on other regulations and orders.* Provisions in any other orders or regulations of the Civilian Production Administration which are inconsistent with this regulation may be disregarded

unless they expressly state that this regulation does not apply.

(u) *Use and disposal of material obtained with certification.* Any person who gets any material with a certification prescribed by a CPA order or regulation must use or dispose of the material only in accordance with the provisions of the certification as long as the governing order or regulation remains in effect.

Issued this 31st day of December 1946.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A—[Deleted Dec. 31, 1946.]

LIST B—[Deleted Dec. 31, 1946.]

LIST C—[Deleted Dec. 31, 1946.]

INTERPRETATION 1

PREFERENCE RATING MUST BE FURNISHED BY THE BUYER

Paragraph (f) of Priorities Regulation No. 7, which permits a seller to waive the buyer's certification where he knows the facts, does not allow the seller to rate an order which the buyer has not attempted to rate. If the buyer has stated the rating on the order but has not certified it, the seller may add the appropriate certification; and if the buyer has not shown the rating on the order, but has otherwise informed the seller that he wishes to apply or extend the rating, the seller may also insert it on the order. (Issued Jan. 5, 1944.)

WAR PRODUCTION BOARD

PART 944—REGULATIONS APPLICABLE TO
THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 7A, as Amended Oct. 8, 1945]

TRANSFERS OF QUOTAS, PREFERENCE RATINGS:
TRANSFERS OF A BUSINESS AS A GOING CONCERN§ 944.28 *Priorities Regulation 7A—*

(a) *What this regulation does.* This regulation explains when quotas, preference ratings and other rights under the priorities system may be transferred from one person to another and states the rules governing transfer of a business as a going concern.

(b) *Specific provisions in orders or regulations govern.* This regulation does not apply in any case where an applicable order or regulation provides a different rule.

(c) *What is meant by "quota".* As used in this regulation "quota" means a quantitative limit which is placed on the production or delivery of items, or on the acquisition or use of material, by an order or regulation of the WPB. Most quotas are in the form of a specified percentage of production or use during a previous base period or in the form of a specified number of items which may be produced.

(d) *Quota applies to actual manufacturer.* Where a manufacturer does not sell his product in his own name, but makes it for another person under whose name it is sold, and an order of the WPB imposes a quota on manufacturers of the product, that quota applies to the person who actually makes the product rather than to the one under whose name it is sold.

(e) *Distribution of quota where quota holder has several establishments.* Where the holder of a quota has several establishments, he may distribute his quota among them, and change the distribution in any way he wishes unless the quota was acquired on a transfer of a going business as explained in paragraph (h) (1) below.

(f) *Transfer of quotas forbidden in most cases.* No quota may be transferred

from one person to another under any circumstances, except in connection with the transfer of a business as a going concern as explained in paragraph (h) (1) below or with the express permission of the WPB. Permission to transfer quotas may be expressly given in an order or regulation or on appeal as explained in paragraph (i) below.

(g) *Transfers of preference ratings and specific authorizations forbidden.* No person may transfer to another a preference rating or any right granted by specific authorization except where this is part of a transfer of a going business as explained in paragraph (h) (1) below. However, as more fully explained in Interpretation 5 to Priorities Regulation 1, when a rated contract is assigned, the rating remains applicable to the contract as assigned if, but only if, the assignee uses the material covered by the contract for substantially the same purpose for which the rated contract was placed. The transfer of a rating must be distinguished from the application or extension of a rating under Priorities Regulation 3. For example, a person has a preference rating to buy a certain machine and decides that he does not want it but wishes to transfer to another person his rating to buy the machine, the second person may not use the rating. On the other hand, if someone who has a rating wishes to buy an article from a supplier, the supplier may, under certain conditions, extend the same rating to get the article for delivery to the customer or to replenish his inventory. This is explained in detail in Priorities Regulation 3.

(h) *Transfer of business as a going concern.* (1) Whenever an entire business is transferred as a going concern to a new owner who continues to operate substantially the same business in the same establishment, using substantially the same trade-mark or trade-name, if any, all rights and obligations under WPB orders and regulations which applied to the business before the transfer continue applicable after the transfer, and the old owner no longer

has them. The business under the new ownership has the same quotas, preference ratings, specific authorizations and other rights and duties created by WPB orders and regulations as it had under the old ownership. However, the new owner may not continue to exercise any such rights if he discontinues operation of the business he acquired or operates it as a substantially different business or in another establishment, or if he uses a substantially different trade-mark or trade-name. He may not, at any time, use any quota of the transferred business for any other part of his business.

(2) If, on dissolution of a firm, the entire business is not transferred as a going concern to a single successor, but is divided up in any way, application must be made to the WPB for a determination of quotas and other rights and duties under WPB orders and regulations.

(3) An order or regulation of the WPB which places any restriction on the transfer of any particular material or product does not apply to a transfer which is part of a transfer of the ownership of an entire business as a going concern, and WPB approval need not be obtained for any such transfer.

(i) *Permission in exceptional cases on appeal.* In any case where the above rules work an exceptional hardship, specific permission may be given on appeal for the transfer of a quota, a preference rating or a specific authorization or for other exceptions from the rules. An appeal for the transfer of a quota should be filed as an appeal from the order imposing the quota by the person who wishes it transferred to him. If the person from whom it is to be transferred agrees to the transfer, he should join in the appeal. It is not expected that permission will be granted for the purchase or sale of a quota for any consideration in any case where the principal purpose of the transaction is merely to transfer the quota.

Issued this 8th day of October 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

CIVILIAN PRODUCTION ADMINISTRATION

RT 944—REGULATIONS APPLICABLE TO THE
OPERATION OF THE PRIORITIES SYSTEM
[Priorities Reg. 8, as Amended Nov. 16, 1945]

REPORTS

§ 944.29 *Priorities Regulation 8—(a) Purpose of this regulation.* This regulation explains the methods and conditions under which the Civilian Production Administration requires persons to file reports. Many safeguards exist, including the need for Bureau of the Budget approval, to insure that the information requested in reports is really needed. If you are required to file a report in one of the ways explained below, a failure to do so is a violation of this regulation and of any other regulation or order which requires it.

(b) *What "reports" are; difference from applications.* When used in this regulation, the term "report" means any information which must be filed with the Civilian Production Administration or its agent by specific persons or classes of persons at specified times or under specified conditions. It does not include information which the Civilian Production Administration asks you to furnish in connection with any application you make for priorities assistance, for specific authorization, for relief from provisions of orders or regulations or for any other purpose. In such cases the Civilian Production Administration is likely

to refuse to act upon your application if you do not file the information in the form specified, but you do not violate any regulation or order by failing to do so.

(c) *Reports under Civilian Production Administration orders and regulations.*

(1) If a published regulation or order of the Civilian Production Administration requires the filing of a report by a specified class of persons you must file the report in accordance with any applicable instructions if you belong to that class. The instructions may be in the regula-

tion or order itself, or on a form or separate instruction sheet. As explained in paragraph (e) below, Bureau of the Budget approval is required and is indicated in the regulation, or order, or on the form or instruction sheet.

(2) When a published regulation or order requiring you to file any reports is revoked, you do not need to file any more reports due after that date unless they are required by another published regulation or order or unless you are notified to continue to file them in accordance with the rules stated in paragraph (d) below. This does not, however, excuse you from filing any reports due before the regulation or order was revoked.

(d) *Reports not specified in an order or regulation.* The Civilian Production Administration frequently needs information which is not required under a specific regulation or order. In such cases you must file reports when you receive or have received a written notice to do so in one of the following ways:

(1) A letter or other written instrument specifically addressed to you issued in the name of the War Production Board or Civilian Production Administration countersigned or attested by the Recording Secretary, or in accordance with Civilian Production Administration Regulation No. 1 (§ 903.0); or

(2) A report form or instruction sheet with an official form number in the "WPB" or "CPA" series bearing your name or enclosed in an envelope specifically addressed to you.

Approval of the Bureau of the Budget will be indicated on the notice or on a report form or instruction sheet referred to in the notice. The rules governing Bureau of the Budget approval are explained in paragraph (e) below.

(e) *Bureau of the Budget approval.* The Civilian Production Administration obtains the approval of the Bureau of the Budget before reports are required,

in accordance with the Federal Reports Act of 1942. It is easy to tell when this approval has been obtained, as all War Production Board and Civilian Production Administration reporting forms or instructions bear a Bureau of the Budget approval number and generally specify the date on which Bureau of the Budget approval expires. In all cases where the date of expiration is shown you need file the report only up to the date specified, unless new or revised forms or instructions are issued having a later expiration date for Bureau of the Budget approval. This does not mean, however, that you are excused after that date from filing a report which was due before it. Where no special form is to be used, the order, regulation or letter will indicate Bureau of the Budget approval.

(f) *Change from War Production Board to Civilian Production Administration makes no change in rules for reports.*

As explained in CPA Regulation 1 (§ 903.0) all actions taken by the War Production Board remain in effect until they expire or are revoked or amended and references in them to the War Production Board are deemed to be references to the Civilian Production Administration. Consequently, you must file under this Regulation all reports which you were required to file under a War Production Board order or regulation or by a written notice from the War Production Board in accordance with the rules stated in paragraph (d), just as if the Civilian Production Administration had required you to file them in the first place.

Issued this 16th day of November 1945.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

SUBJECT: PR-16, Issued 12-7-45, Amended 8-30-46 1/
Appeals Procedure

This regulation states the general rules governing the form and place of filing appeals from CPA orders, regulations, and administrative actions.

The FPHA rarely utilizes this procedure. However, because it is a basic regulation in the operation of the priorities system, it is included in the Bulletin for information, and for possible use in advising local public housing bodies who may request FPHA assistance.

1/ This cover sheet applies to two regulations: the main document, PR-16, dated 12-7-45, and the partial amendment dated 8-30-46.

CIVILIAN PRODUCTION ADMINISTRATION

PR 16
AUG. 30, 1946
[As Amended]

**PART 944—REGULATIONS APPLICABLE TO
THE OPERATIONS OF THE PRIORITIES
SYSTEM**

[Priorities Reg. 16, as amended Aug. 30, 1946]

APPEALS PROCEDURE

Section 944.37 *Priorities Regulation 16*
is amended in the following respects:

(1) Insert a new paragraph (e) (3) as
follows:

(3) The Appeals Board will not hear
any appeals filed with it on or after Sep-
tember 2, 1946, requesting relief from any
provision of Order VHP-1 or from ad-
ministrative action taken under that
order.

(2) Delete paragraph (g).

Issued this 30th day of August 1946.

**CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.**

CIVILIAN PRODUCTION ADMINISTRATION

PR 16

DEC. 7, 1945
[As Amended]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 16, as Amended Dec. 7, 1945]

APPEALS PROCEDURE

§ 944.37 *Priorities Regulation 16—(a)* *What this regulation does.* This regulation explains the procedure for appealing from orders, regulations and administrative actions of the Civilian Production Administration, except suspension orders issued on the recommendation of Compliance Commissioners. It also explains how the appeals will be handled by CPA.

(b) *Definitions.* For purposes of the regulation: "An appeal" means a request for individual relief on the grounds that compliance by the appellant or another would work an exceptional and unreasonable hardship which is not suffered generally by others in the same industry or activity, or on the grounds of improper discrimination. It does not include an initial application or initial request for an authorization, a preference rating, an allocation or any other administrative action expressly contemplated by the orders and regulations of CPA. In the absence of exceptional and unreasonable hardship not suffered generally by others or in the absence of improper discrimination an appellant may expect his appeal to be denied. There are two kinds of appeals, and they are defined below:

(1) "Appeal from an order or regulation" means an initial appeal for individual relief from any provision of a published order or regulation (including any published direction, schedule or other supplement to an order or regulation) which applies generally to all persons or to a class of persons described in the order or regulation.

(2) "Appeal from administrative action" means an appeal for reconsideration or modification of CPA action taken with respect to a particular person. Such administrative actions include the issuance of or refusal to issue individual authorizations, directives, preference ratings or quotas. The action of the CPA in granting or denying an initial "appeal from an order or regulation", or in granting or denying an application for an authorization under an order, is an administrative action; so a request for reconsideration of such action on the grounds of hardship or improper discrimination is an "appeal from administrative action".

(c) *How appeals are prepared and filed.* An appeal not prepared and filed as required below may be returned to the appellant without action.

(1) *Number of copies.* Unless otherwise specified, all appeals must be filed in triplicate.

(2) *Form of appeal.* An "appeal from an order or regulation" should refer to the provision appealed from, and must be filed on Form WPB-1477 unless the order or regulation specifies filing upon

some other particular form or by letter. An "appeal from administrative action" must (unless otherwise stated in specific instructions) be filed by letter referring to the action appealed from and identifying the initial request by WPB or CPA form number and case number, if any.

(3) *Statement of grounds for appeal.* The fact that a person is appealing must be stated, and the grounds for claiming exceptional and unreasonable hardship or improper discrimination should be clearly set out.

(4) [Deleted Nov. 27, 1945.]

(5) *Request for consideration by the Appeals Board.* If the appellant, in the case of an "appeal from administrative action", wants consideration of his appeal by the Appeals Board, he should expressly request in writing its referral to the Appeals Board as further explained in paragraph (e) below.

(d) *Where appeals are filed.* (1) "Appeals from orders or regulations" must be filed where indicated in the orders or regulations, except that no appeal is to be filed with a CPA field office. If the order or regulation does not indicate a place of filing, or if it specifies filing with the field office, such appeals should be addressed to the Routing Service, Civilian Production Administration, Washington 25, D. C.

(2) An "appeal from administrative action" should be addressed to the Routing Service, Civilian Production Administration, Washington 25, D. C. However, any request to reopen a case granted or denied on the recommendation of the Appeals Board may be filed with that Board. Appeals should never be addressed to the Recording Secretary who attests the execution of Civilian Production Administration actions.

(e) *Appeals Board.* (1) The Appeals Board of the Civilian Production Administration is established as an impartial body primarily to consider "appeals from administrative actions" in cases in which exceptional and unreasonable hardship or improper discrimination is claimed. Any person complaining of administrative action on these grounds may have an "appeal from administrative action" submitted to the Appeals Board for final action if he expressly requests it in writing. On the other hand, the Appeals Board will not normally consider any cases which do not involve these factors or which are not "appeals from administrative actions". It is not its ordinary function to review actions involving judgment as to the proper distribution of materials, programming of military or civilian production and their relative essentiality. If the basis for the appeal is relative essentiality and not a claim of exceptional and unreasonable hardship

or improper discrimination no request for referral to the Appeals Board should be made. For further information concerning proceedings before the Appeals Board see Direction 1 to this regulation.

(2) Any "appeal from administrative action" in which exceptional and unreasonable hardship or improper discrimination is claimed, if not granted promptly on the recommendation of the official who took the action appealed from (or an official superior to him) will be referred to the Appeals Board: *Provided*, That the referral has been expressly requested in writing by the appellant. However, the referral to the Appeals Board will preclude further consideration of the case by such officials on the above grounds, and the decision of the Appeals Board will be final.

(3) [Deleted Oct. 12, 1945.]

(f) *Grants and denials of appeals.*

(1) An "appeal from an order or regulation" will generally be granted or denied on the recommendation of the official administering the order or regulation. Any "appeal from administrative action" may be granted or denied on the recommendation of the official who took the original action unless referral to the Appeals Board has been requested in writing by the appellant. Any "appeal from administrative action" may be granted or denied on the recommendation of the Appeals Board.

(2) The grant or denial of any appeal in whole or in part will be valid only when issued in the name of the Civilian Production Administration, countersigned or attested by the Recording Secretary, or in accordance with CPA Regulation No. 1 (§ 903.0). The grant or denial of an appeal referred to the Appeals Board will be indicated by a phrase such as "on the recommendation of the Appeals Board".

(3) The denial of any appeal, in whole or in part, on the recommendation of the Appeals Board, is final unless the Appeals Board elects to reopen the matter.

(g) *Public files.* Whenever an order or another regulation of the Civilian Production Administration expressly so provides, public files containing records relating to the appeals from such orders or regulations or from administrative actions taken under them shall be set up and shall be available for public inspection during the business hours of the Civilian Production Administration.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 7th day of December 1945.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

WAR PRODUCTION BOARD

PART 944—REGULATIONS APPLICABLE TO
THE OPERATION OF THE PRIORITIES
SYSTEM

[Priorities Reg. 16, Direction 1]

INFORMATION FOR APPELLANTS CONCERNING
PROCEEDINGS BEFORE THE APPEALS
BOARD

(a) *Appeals procedure.* (1) The rules governing the form and place of filing appeals are stated in Priorities Regulation 16, which should be consulted.

(2) Within the War Production Board different kinds of appeals are often handled in different ways. However, regardless of the internal routing of appeals, an appellant may as a matter of right obtain consideration of his case by the Appeals Board. The only exception is stated in paragraph (e) (3) of Priorities Regulation 16.

(3) The decisions of the Appeals Board are the final decisions of the War Production Board unless the Appeals Board elects to reopen the case. It will not ordinarily reopen a case unless the appellant offers new and substantial information in addition to that previously presented.

(b) *Action by the Appeals Board.* (1) Owing to the constantly changing demands of war production the Appeals Board cannot always follow "precedents" established in earlier cases. It is the policy of the Board, however, to follow previous actions so long as to do so is consistent with existing War Production Board policies.

(2) Whether a hardship is exceptional and unreasonable or whether there has been improper discrimination is often a question of degree. The Board weighs carefully the facts in each case in the light of similar hardships falling upon others. The Board may con-

sider hardship upon the appellant, the appellant's employees, the local community, or particular consumers.

(c) *Hearings by the Appeals Board.* (1) If the Appeals Board desires to obtain additional facts not contained in the file it may, in its discretion, hold a public hearing on any appeal. In such a case the Appeals Board will fix the date and time of the hearing by correspondence with the appellant, or by telephone. Hearings are held only in Washington, D. C.

(2) Any appellant may request a hearing. The Appeals Board tries to arrange for all hearings requested. Most appeals, however, are decided on the basis of the written record without hearings. The appellant's case is not prejudiced by the fact that he does not request a hearing.

(3) When required for wartime security, the Appeals Board may decline to make public recommendations or information considered by it in reaching a decision.

(d) *Presentation of case if a hearing is held.* The Appeals Board is not a judicial body, hence its proceedings are not limited by legal rules of evidence. Hearings before the Board are informal and you may present your case in your own way. It is not necessary to be represented by counsel although you may be if you so choose. Ordinarily the oath is not administered to witnesses. Nevertheless, any misrepresentation of fact, or any withholding of fact is punishable under the Federal Statutes. The obligation is just as serious as if the oath were administered. The following comments may be of help to you:

(1) It is well to open your case with a short statement of the issues involved and the facts on which you rely as causing exceptional and unreasonable hardship, or indicating improper discrimination.

(2) You can then develop the issues in greater detail so as to give the Board a clear understanding of the supporting facts.

(3) All statements intended to bear upon the Board's decision should, so far as possible, be supported by proof or exhibits.

(4) It is often convenient, although not necessary, to provide the members of the Board (of whom there are five) with a written statement of statistical and other pertinent data offered in support of your case.

(5) Following your statement the Administrator of the Order, or other official who has previously considered your case is heard if he wishes to make any statement. Members of the Board then usually ask questions relating to the issues involved, as they are entitled to do at any point in the proceedings.

(6) Persons claiming an interest in an appeal are then, in the discretion of the Appeals Board, given an opportunity to be heard. This may include competitors, representatives of various divisions of the War Production Board or representatives of the Army, Navy or other government agencies.

(7) The appellant before the hearing is closed is then given an opportunity to answer such comments as have been made.

(8) Hearings are expected to take not more than one hour but additional time may be granted in exceptional cases.

(9) A verbatim transcript of the hearings is taken and becomes a part of the record. The Appeals Board considers only the relevant evidence in reaching its decisions.

Issued this 3d day of May 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SUBJECT: PR-28, Dated May 9, 1947
Restricted Priorities Assistance

This regulation provides for filing applications for RR ratings under very limited conditions, by the classes of applicants specified.

It explains how applications for RR ratings are to be prepared and to whom they are to be addressed. However, such applications by the FPHA shall continue to be submitted through the Central Office Priorities and Materials Survey Division, and where they are for the needs of local bodies, they may also be submitted in this way marked: "In care of the Federal Public Housing Authority".

It also explains criteria under which applications for RR ratings may be made. This information was formerly contained in Supplement 1 to PR-28, which has been revoked.

The regulation states that application should be made on Form OHE 14-172, but this form is not now available and will not be until the supply of forms CPA-541-A has been exhausted. Consequently, applications will be made on form CPA-541-A until further notice.

OFFICE OF HOUSING EXPEDITER

[Priorities Reg. 28, as Amended May 9, 1947]
PART 803—PRIORITIES REGULATIONS UNDER
VETERANS' EMERGENCY HOUSING ACT OF
1946

RESTRICTED PRIORITIES ASSISTANCE

Section 803.8 Priorities Regulation 28
is amended to read as follows:

§ 803.8 *Restricted priorities assistance*—(a) *What this section does.* This section describes the conditions under which RR preference ratings may be granted by the Housing Expediter. Before May 9, 1947, this section contained principally the provisions governing filing of applications for RR ratings. This amendment, effective May 9, adds the eligibility provisions which were formerly contained in Supplement 1 to this section which is being revoked simultaneously with the issuance of this amendment. In general, rating assistance will be given under this section only in three classes of cases in support of the objectives of the Veterans' Emergency Housing Program and to aid the Veterans' Administration Construction Program.

(b) *General conditions for issuance of RR ratings.* When effective assistance of other kinds is not practicable (the Housing Expediter may locate sources able to ship without ratings), an RR rating may be granted for specific items and quantities of materials in the limited classes of cases described in paragraph (c) of this section, upon determination in each instance that all of the following general conditions are met:

- (1) The use of substitute and less scarce items is not practicable;
- (2) Reasonable efforts have been made to get the required item without a rating; and
- (3) A rating is required to obtain the item by the latest date and in the minimum quantity practicable after taking into consideration material in inventory and material available without a rating.

(c) *Special conditions for issuance of RR ratings.* If all of the general conditions of paragraph (b) of this section are met, RR ratings may be issued for:

(1) An item needed to maintain or increase the production of a building product which is determined by the Housing Expediter to be in critically short supply (such products and the extent of the rating assistance which may be granted are customarily shown in Table I of this section); or

(2) Capital equipment which is a bottleneck in the production or erection of new housing accommodations, or is a bottleneck in the erection of a Veterans Administration Construction Project; or

(3) An item needed to provide essential utility services to new housing accommodations, or to a Veterans Administration Construction Project.

However, no RR ratings will be issued for specialized machinery or equipment designed and made solely for the production of a critical building product listed in Table I of this section or for site-preparation equipment or for an item (other than processing equipment) to be incorporated in construction at site or for any item listed in paragraph (d) of this section.

(d) *Products for which informal assistance, but not RR ratings, may be given.* No RR ratings will be assigned under this section for steel, pig iron, gypsum liner paper, or phenolic resin molding compounds.

The Housing Expediter may be able to locate sources in a position to ship such products without a rating for any applicant who meets the conditions in paragraphs (b) and (c) of this section.

(e) *Filing of applications.* Applications for an RR rating under this section should be made on Form OHE 14-172 (formerly Form CPA-541A), addressed to the Housing Expediter, Washington 25, D. C., Ref.: PR-28. Until copies of Form

OHE 14-172 are available, applications may be made on Form CPA-541A.

Since ratings are no longer given to support a minimum economic rate of production or to give special help to small business or the business needs of veterans, no questions on Form CPA-541A need be answered which were designed for such cases. For example, Questions 7b, 13 and 16 on Form CPA-541A (as revised 4-23-46) may be left unanswered. On the other hand, supporting data required by Item 14 is of major importance and should clearly show how the application qualifies under paragraphs (b) and (c) of this section.

(f) *Existing ratings.* Nothing in this section affects the validity or duration of ratings granted before April 1, 1947. Rules concerning the termination of certain ratings at the end of March 1947 are stated in Priorities Regulation 35.

(g) *Reports.* The reporting requirements of this section have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(h) *Effective date.* This section, as amended, shall become effective on May 9, 1947.

(60 Stat. 207; 50 U.S.C. 1821; E. O. 9836, 12 F. R. 1939)

Issued this 9th day of May 1947.

OFFICE OF THE HOUSING
EXPEDITER,

By JAMES V. SARCONI,
Authorizing Officer.

DIRECTIONS TO PR 28

The following directions to PR 28 are still in effect (May 9, 1947):

Direction 6—Preference rating assistance for trucks.

Direction 25—Priorities assistance for merchant pig iron, for cast iron soil pipe and cast iron soil fittings.

NHA
FPHA
3-18-47

Bulletin 14

~~PART 1~~ - Section 3.9

SUBJECT: Supplement I to PR-28, dated 3-4-47 1/

This regulation explains that CC ratings will not be issued after March 31, 1947. It states the limited conditions under which the new RR ratings may be granted.

The provisions of this Supplement are related to PR-35, which explains the new ratings and their use, and the mechanics of changing certain old type ratings to new ones.

1/ This is a new insert, which should be recorded in the Index for Part 1, Section 3.

MAR. 4, 1947

OFFICE OF TEMPORARY CONTROLS
CIVILIAN PRODUCTION ADMINISTRATION

PART 944—REGULATIONS APPLICABLE TO THE
OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 28, Supp. I]

PRIORITIES ASSISTANCE AFTER MARCH 31,
1947

(a) *Purpose of this supplement.* This supplement describes the conditions under which RR preference ratings may be granted by the Civilian Production Administration. The issuance of CC ratings will be discontinued by the end of March 1947, as explained in Priorities Regulation 35 being issued simultaneously with this supplement.

In furtherance of the announced policy of restoring normal buyer-seller relations as soon as possible, the rating assistance which will be given after the end of March will be even more limited than that now provided for in Priorities Regulation 28.

After that time, such assistance will in general be given only in three classes of cases in support of the objectives of the Veterans Emergency Housing Program and to aid the Veterans Administration Construction Program, as indicated in paragraph (b) below.

(b) *Exceptional cases when RR ratings may be assigned.* (1) Where an item (other than those listed in (c) below) is required in connection with the Veterans Emergency Housing Program or Veterans Administration Construction Program and all of the conditions of paragraph (b) (2) below are met, RR ratings may be granted in the following cases (except that no rating will be issued under (i) or (ii) below for the

purchase of specialized machinery, site preparation equipment, or for an item to be incorporated in construction at the site):

(i) To maintain or increase the production of a building product which is determined by CPA to be in critically short supply (such products will customarily be listed in Table I of Priorities Regulation 28); or

(ii) For capital equipment which is a bottleneck in the production or erection of new housing accommodations, or is a bottleneck in the erection of a Veterans Administration Construction Project; or

(iii) Where an item is needed to provide essential utility services to new housing accommodations, or to a Veterans Administration Construction Project.

(2) When effective assistance of other kinds is not practicable (CPA may locate sources able to ship without ratings), an RR rating may be granted for specific items and quantities of materials in the limited classes of cases described in paragraph (b) (1) above, upon determination in each instance that all the following conditions are met:

(i) The use of substitute and less scarce materials is not practicable;

(ii) Reasonable efforts have been made to get the required item without a rating; and

(iii) A rating is required to obtain the item by the latest date and in the minimum quantity practicable after taking into consideration material in inventory and material available without a rating.

(c) *Materials for which informal assistance, but not RR ratings, may be*

given. No RR ratings will be assigned under the regulation for steel, pig iron, gypsum liner paper, or phenolic resin molding compounds.

CPA may be able to locate sources in a position to ship such materials without a rating for any applicant who meets the conditions in paragraph (b) above.

(d) *Applications and authorizations.* Applications for a rating under this supplement should be made in accordance with paragraph (c) of Priorities Regulation 28.

Where applications have been or are filed under Priorities Regulation 28, but meet the more restrictive conditions stated in this supplement, RR ratings may be issued beginning immediately, instead of CC ratings. Applications filed under Priorities Regulation 28, but not meeting the conditions stated in this supplement will be considered under that regulation, even though any CC rating which may be issued may expire at the end of March, as explained in Priorities Regulation 35. After March, no further CC ratings will be issued.

(e) *Existing CC ratings.* Nothing in this supplement affects the validity or duration of CC ratings granted before April 1, 1947. Rules concerning the termination of certain CC and other ratings at the end of March 1947 are stated in Priorities Regulation 35.

Issued this 4th day of March 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

SUBJECT: PR-32 Dated March 31, 1947
Inventories

This regulation was issued by OHE to replace PR-32, as issued by CPA, which was revoked simultaneously with the release of this document.

It refers to allowable inventories of materials and products, and contains general rules to prevent hoarding to the detriment of the housing program. It covers only certain building materials required in the Veterans Emergency Housing Program and is, therefore, of narrower scope than the former CPA PR-32.

The materials covered are set forth in Table 1 of the regulation. It is unlikely that the FPHA will be affected by these restrictions, since these critical materials are in such short supply that stockpiling to the extent of hoarding is impracticable. However, it is the responsibility of the FPHA to compare any possible large acquisitions of materials with the inventory limitations of the regulation.

[Priorities Reg. 32]

PART 803—PRIORITIES REGULATIONS UNDER
VETERANS' EMERGENCY HOUSING ACT OF
1946

INVENTORIES

PURPOSE

- Par.
(a) What this section provides.

DEFINITIONS

- (b) Definitions.

GENERAL RESTRICTIONS

- (c) Restriction on delivery.
(d) Restrictions on receipts.
(e) Restriction on ordering more than needed.
(f) Adjusting outstanding orders when requirements change.
(g) Restriction on processing.

EXCEPTIONS

- (h) General exceptions.
(i) Receipts permitted after adjustment of orders.

MISCELLANEOUS

- (j) Separate inventories.
(k) Violations.
(l) Communications and appeals.
(m) Reporting requirements approved.
(n) Effective date.

PURPOSE

§ 803.9 *Inventories*—(a) *What this section provides.* The purpose of this section, Priorities Regulation 32, is to prevent excessive inventories by restricting ordering, deliveries, receipts and processing of certain building materials, which are listed in Table 1 at the end of this section. These materials are covered by this section whether or not they are acquired with priorities assistance.

This section applies to all persons buying for use or for resale, whether established firms or newcomers. Certain exceptions to the inventory limitations are stated in paragraphs (h) and (i) of this section.

This section replaces Priorities Regulation 32 of the Civilian Production Administration, which is being revoked by CPA simultaneously with the issuance of this section. This section covers only certain building materials required in the VEHP and therefore is of narrower scope than the former CPA PR-32.

DEFINITIONS

(b) *Definitions.* For the purpose of this section:

(1) "Table 1 materials" means the materials listed in the table at the end of this section.

(2) "Users" or "persons buying for use" means persons (including Government operated consuming establishments) who use a material for production, operating supplies, maintenance and repair, or for construction, whether for their own account or for the account of another.

(3) A person's "practicable minimum working inventory" means the inventory reasonably necessary to meet his own deliveries, or to supply his services, on the basis of his current or scheduled method and rate of operation.

(4) "OHE" means Office of the Housing Expediter.

(5) "This section" means this Priorities Regulation 32.

GENERAL RESTRICTIONS

(c) *Restriction on delivery.* No person may deliver any Table 1 material if he knows or has reason to believe that acceptance of the delivery would be in violation of this section.

NOTE: For rule on making or delivering Table 1 materials earlier than required by customers, see Interpretation 3.

(d) *Restrictions on receipts.* This section places the following restrictions on receipts of Table 1 materials:

(1) *Users.* No person buying for use may accept delivery of any Table 1 material if his inventory of that material is, or will be, larger than the smaller of the following two amounts:

(i) A "practicable minimum working inventory" (see definition in paragraph (b) (3) of this section).

(ii) The amount he needs, on the basis of his current or scheduled method and rate of operation, during the period specified in the table at the end of this section, if such period is specified. (This restriction (ii) applies only within the 48 States and the District of Columbia.)

NOTE: For rule on when material is considered to be in inventory, see Interpretation 4; for rule as to seasonal industries, see Interpretation 1.

(2) *Resellers.* No person buying for resale may accept delivery of any Table 1 material if his inventory of that material is, or will be, more than a "practicable minimum working inventory."

(3) *VHP-1 builders.* No person may receive any Table 1 material for use in a construction project for which an authorization under VHP-1 is necessary, unless an authorization for the project has already been obtained.

(e) *Restriction on ordering more than needed.* A person may not place any order, whether rated or unrated, calling for delivery of any Table 1 material in larger amounts than he would be permitted to receive under this section, or on an earlier date than permitted under other applicable OHE regulations or orders (such as Schedule A to PR 33 or HEPR 6).

Orders totalling more than he is allowed to receive may not be placed with different suppliers even though he intends to cancel one or more of them before delivery. The restriction does not forbid the placing of orders for delivery under the conditions explained in Interpretation 11 to Priorities Regulation 1, but such orders may not be scheduled for production by the supplier as long as this restriction is effective.

(f) *Adjusting outstanding orders when requirements change.* A person who has ordered any Table 1 material for future delivery must promptly adjust his outstanding orders, and if necessary postpone or cancel them, if his requirements change so that he would exceed the lim-

its prescribed by this section if he accepted delivery on the date specified. Such a change in his requirements might occur because of a change in his operations, slowing or stoppage of production, delayed delivery by another supplier, or other reasons.

(g) *Restriction on processing.* No person may process any Table 1 material if his inventory of the material in its processed form (including the form in which he sells it) is, or will be, more than a "practicable minimum working inventory." The term "process" includes fabricating, or otherwise altering the shape or form of the material.

This limitation applies whether the manufacturer does his own processing or has it done for his account by others. He may not exceed it by causing or permitting avoidable delays in transportation, storage, or processing.

EXCEPTIONS

(h) *General exceptions.* This paragraph states general exceptions to the restrictions on acceptance of delivery described in paragraph (d) of this section, and to all other inventory restrictions on delivery and acceptance of delivery in applicable OHE regulations and orders unless they contain specific provisions to the contrary. None of these or any other exceptions to OHE inventory restrictions on receipts permit a supplier to disregard any applicable OHE regulation or order which restricts production or delivery.

(1) *Imported materials.* A person may import any material without regard to OHE inventory restrictions. However, if his inventory of it thereby becomes in excess of the amount permitted by this section, he may not receive further deliveries of it from domestic sources until his inventory is reduced to permitted levels. The inventory restrictions of this section do apply to any deliveries of the imported material that any person accepting delivery from him may receive.

(2) *Advance stockpiling for new production.* A person may receive, in anticipation of starting or resuming production, the minimum amount of material or equipment he would need during the first 30 days of such production, provided no priorities assistance is used to get the material or equipment. Records of such receipts and the basis on which they were computed must be preserved as required by Priorities Regulation 1. This 30-day amount is a ceiling as far as advance stockpiling is concerned, and may not be considered as a "bonus" to be added to the amount of any material which a producer expects to have available for making his new product. This paragraph relates to production only and does not permit the advance stockpiling of building materials for construction purposes.

(3) *Minimum sale quantities.* Minimum sale quantities and production runs may be accepted to the extent permitted by Interpretation 2 to this regulation. However, after receiving a minimum sale quantity of any material, a person may

not accept delivery of any additional quantities until his inventory of it is within applicable limits.

(i) *Receipts permitted after adjustment of orders.* Where a person has promptly adjusted his outstanding orders with his supplier as required by paragraph (f) of this section, and the supplier is not otherwise prohibited from producing or delivering any material involved, delivery of it may be made and accepted and the inventory restrictions of paragraph (d) of this section exceeded to the following extent, but no further:

(1) Delivery may be made and accepted if the supplier has shipped the material or loaded it for shipment before the receipt of the instruction to adjust.

(2) Delivery may be made and accepted of (i) any special item which the supplier actually has in stock or in production, or (ii) special components or special materials which he has acquired for the purpose of filling the order. A special item means one that the supplier does not usually make, stock, or sell, and which cannot readily be disposed of to others.

(3) Even if the material is not a special item, delivery may be made by, and accepted from a producer, if it has already been produced or is in production before receipt of the instruction to adjust, and it cannot be used to fill other orders on the producer's books.

NOTE: For effect of reduction in consumption rate on permitted inventories, see Interpretation 5.

MISCELLANEOUS PROVISIONS

(j) *Separate inventories.* (1) In figuring his inventory, a person must include all material in his possession and all material held for his account by another person, but not material held by him for the account of another person.

(2) In the case of a person who on August 28, 1945, had more than one operating unit and kept separate inventory records for them, this section applies to each such operating unit or division independently. A person may not make any further separation or consolidation of such operating units without special written approval of the Housing Expediter unless it is purely incidental to a separation or consolidation which is made primarily for other than inventory purposes.

(k) *Violations.* Any person who willfully violates any provision of this section, or who, in connection with this section, willfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. Any person who violates any provision of this section may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control.

(l) *Communications and appeals.* Communications regarding the provisions of this section should be addressed to the Housing Expediter, Washington 25, D. C., Ref. PR 32. Any person who considers that compliance with any provision in this section would result in an exceptional and unreasonable hardship on him may appeal for relief. An appeal shall be in the form of a letter in triplicate,

addressed to the Housing Expediter, Washington 25, D. C., Ref. PR 32, clearly stating the specific provision appealed from and the grounds for claiming an exceptional and unreasonable hardship.

(m) *Reporting requirements approved.* The reporting requirements of this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(n) *Effective date.* The effective date of this section is April 1, 1947.

(60 Stat. 207; 56 Stat. 177, as amended; E. O. 9836, 12 F. R. 1939)

Issued this 31st day of March 1947.

FRANK R. CREEDON,
Housing Expediter.

TABLE 1—MATERIALS SUBJECT TO THIS SECTION

Explanation. Receipts by "users" of materials listed in Column 1 are subject to the specific inventory provisions shown in Column 2, or a "practicable minimum working inventory," whichever is less. (See paragraph (d) (1) of this section.) If no specific provision is shown in Column 2, the "practicable minimum working inventory" restriction of paragraph (d) (1) (i) of this section controls.

Receipts by resellers are subject to the restriction of paragraph (d) (2) of this section.

Ordering and processing restrictions are in paragraphs (e) and (g) of this section.

Only residential types of the items listed in the table are covered by this section. The fact that a residential type may also be suitable for nonresidential use does not take it out of the "residential" class.

Material (1)	Inventory Limitation (2)
A. Lumber Materials	
Flooring, hardwood (all grades). Lumber, housing construction (softwood—flooring, ceiling, siding, partition, casing, base, moulding stock, strips and boards, two-inch dimension, finish, lath and shop other than Douglas fir and Western pine shop controlled by VHP 5). Millwork as defined in VHP 5. Plywood, construction (softwood) (Interior (moisture resistant): $\frac{1}{4}$ " and $\frac{3}{8}$ " sanded or $\frac{5}{16}$ " and $\frac{1}{2}$ " unsanded wallboard; and $\frac{1}{4}$ " and $\frac{3}{8}$ " sanded or $\frac{5}{16}$ " and $\frac{1}{2}$ " unsanded sound onside ply-panel; $\frac{5}{16}$ ", $\frac{3}{8}$ ", $\frac{1}{2}$ " and $\frac{5}{8}$ " sheathing; and Exterior: $\frac{1}{4}$ " and $\frac{3}{8}$ " sanded or $\frac{5}{16}$ " and $\frac{1}{2}$ " unsanded sound onside ply-panel).	60 days ¹
B. Electrical Wiring Materials	
Cable, metallic or nonmetallic sheathed. Lighting fixtures, not including portable lamps.	

¹ The inventory limitations of this section apply to the total amount of lumber in usable condition in the user's inventory rather than item by item. The restrictions do not apply to receipts of green lumber which must be seasoned by the user before it is usable for the purpose for which it was purchased. However, no such receipts may be accepted if the user's inventory of insufficiently seasoned green lumber is, or will be, in excess of a practicable minimum working inventory. Moreover, when such lumber is sufficiently seasoned for use it must be counted in determining whether or not the person is eligible to accept any further deliveries of lumber in usable condition under the limitations of this Table 1.

Material (1)	Inventory Limitation (2)
B. Electrical Wiring Materials—Continued	
Raceways (including rigid and flexible conduit, thin-wall metallic tubing, surface metal raceways) and fittings. Service entrance equipment (of the following kinds only: (a) Fuse cut-outs; (b) meter pans; (c) panel-boards; (d) service switches).	
Wiring devices (of the following kinds only: (a) Sockets, lamp-holders, and lamp receptacles—medium screw base types; (b) convenience receptacles (outlets); (c) toggle switches; (d) wall and face plates; (e) outlet switch and receptacle boxes—covers, hangers, supports, and clamps included; (f) box connectors for metallic or nonmetallic sheathed cable).	45 days
C. Hardware Materials	
Builders' hardware (of the following types only: (a) Butts, hinges, hasps; (b) door locks, lock trim; (c) sash, screen, and shelf hardware; (d) night latches, dead locks; (e) spring hinges; (f) sash balances, sash pulleys).	
D. Masonry Materials	
Cement, portland (all types including high early strength, limestone, slag, and sulfate resistant). Tile, common and face, structural.	
E. Plumbing and Heating Supplies	
Bathtubs (steel, cast iron). Boilers, low pressure, for heating and hot water. Controls, temperature and combustion, for heating and hot water. Fittings and trim (brass tubular goods included) for bathtubs, kitchen sinks, lavatories, and waterclosets. Furnace pipes, fittings, and duct work. Furnaces, floor, wall. Furnaces, warm air (forced or gravity circulation types of the following kinds only: (a) Gas-fired—rated input 110,000 or less B. T. U. per hour; (b) oil-fired—rated output 100,000 or less B. T. U. per hour; (c) coal-fired—grate not larger than either 2.64 sq. ft. in area or 22" in diameter). Kitchen sinks and undersink cabinets. (This includes sinks and sink-and-tray combinations, undersink cabinets with or without sinks, and any fixture containing a kitchen sink.) Lavatories. Oil burners, domestic. Pipe, bituminized fibre, for drains and sewers. Pipe, sewer, clay. Pipe, soil, cast iron, and fittings for such pipe. Pipe fittings, screwed (of the following kinds only): (a) Gray cast recessed drainage, 2" and under; (b) Gray cast steam fittings, 3" and under (125 lbs. S. W. P.); (c) Malleable fittings, including unions, 2" and under (150 lbs. S. W. P.). Pipe nipples, steel and wrought iron, black and galvanized, sizes $\frac{3}{8}$ " to 4" inclusive, in lengths 6" and less, made from standard weight pipe.	30 days

Material (1)	Inventory Limitation (2)
E. Plumbing and Heating Supplies—Continued	
Radiation, convector and cast iron, including accompanying metal enclosures and grilles.	45 days
Range boilers.	
Registers and grilles for heating systems.	
Stokers, domestic.	
Stoves and ranges for cooking and heating, including space heaters.	
Tanks, septic.	
Tanks, oil and water storage, capacity 550 gallons or less.	
Tubing, copper—types K, L, M—sizes 3/8" to 3" inclusive.	45 days
Tubing fittings (for copper tubing as defined above), pressure (solder and flare) and drainage (solder).	
Water closets (1-piece combinations; and bowls and tanks, separately or in combination).	
Water heaters.	
F. Prefabricated Housing	
Prefabricated houses, sections, and panels (as defined in Direction 8 to PR 33).	
G. Structural Materials (Metal)	
Doors and frames, hollow metal and kalamein.	
Window sash and frames, metal (of the following types only: casements; double hung windows; basement windows).	
H. Wall and Roof Materials	
Asbestos-cement flat sheets, 1/4" thick or less. This does not include electrical and insulation grades.	45 days
Building board (products made from wood pulp, vegetable fibres, pressed paper stock, or multiple plies of fibred stock, produced for use in building construction, and commonly described as structural insulation board, sheathing, lath, tile board, plank, thin board or laminated fibre tile board). This does not include the following: acoustical tile, asbestos-cement faced insulation board, mineral surfaced insulation board, roof insulation, and products commonly described as "hard board."	30 days ²
Gypsum board (products made from gypsum and commonly described as wall board, wide board, laminated board). This does not include precast reinforced gypsum roof plank.	30 days
Gypsum lath (gypsum products especially made for use as a plaster base).	30 days
Lime, finishing.	
Papers, building and sheathing (of the following kinds only: (a) Asphalt sheathing paper; (b) laminated papers, consisting of two or more plies of paper cemented together with asphalt; (c) metal foil, designed for building use and consisting of one or more layers of metal foil laminated with one or more layers of paper; (d) rosin-sized, red rosin, and house sheathing paper; (e) slaters felt weighing approximately 25 lbs. per 500 square-foot roll).	

²The inventory limitations apply to the total amount in the user's inventory rather than item by item.

Material (1)	Inventory Limitation (2)
H. Wall and Roof Materials—Con.	
Plaster, hardwall (gypsum plaster—basic, ready-mixed and guaging—made for use in applying base or finish coats to lathed interior walls).	
Plaster base (metal lath and accessories for metal lath).	30 days
Shingles (asbestos-cement, asphalt, slate, wood).	

I. Miscellaneous Building Materials	
Cabinets, metal, attachable or built-in types for kitchens or bathrooms.	
Floor coverings (of the following types only: (a) Felt-base; (b) linoleum (up to battleship grade); (c) mastics; (d) asphalt tile; (e) rubber tile).	
Gutters and downspouts.	
Insect screen cloth, metal or plastic.	30 days
Lead caulking.	
Paints, house, exterior — ready mixed, paste, semipaste, and lead-in-oil. This is limited to primers, under-coats, finish coats, and stucco and cement paints only. It does not include such paints as trim colors, porch and deck paints and exterior enamels. This is also limited to lead-in-oil in 12 1/2 lb. and larger containers and to the other paints in 1-gal. and larger containers.	
Weatherstripping, metal.	

INTERPRETATION 1

INVENTORIES IN SEASONAL INDUSTRIES

Paragraphs (d) (1) and (2) of Priorities Regulation 32 prohibit any person from accepting a delivery which will give him more than a "practicable minimum working inventory" reasonably necessary to meet his own deliveries on the basis of his current or scheduled method and rate of operation. This does not prevent a person engaged in a seasonal industry who normally stocks up inventory in advance of the season from accepting delivery of his requirements of the inventory in question: *Provided*, (a) That he is not guilty of hoarding, and (b) That the deliveries accepted are no greater and no further in advance than those which he would normally accept in the ordinary course of his business to meet reasonably anticipated requirements. (Issued March 31, 1947.)

INTERPRETATION 2

MINIMUM SALE QUANTITIES AND PRODUCTION RUNS

(a) *Applicable provisions of the regulations.* Priorities Regulation 32 forbids the making or acceptance of a delivery which will give the customer more than the "practicable minimum working inventory" reasonably necessary for him to make his own deliveries. A similar provision in paragraph (c) (2) of Priorities Regulation No. 3 says that a customer who is applying a rating for which no specific quantities have been authorized may use it only to get the "minimum amount needed."

(b) *Factors to be considered in determining how much can be ordered and delivered.* In determining a customer's minimum inventory "reasonably necessary" under Priorities Regulation 32 or his "minimum amount needed" under Priorities Regulation No. 3, it is proper in some cases to consider not only the immediate needs of the customer's plant but also whether the amount which he orders will be a minimum production run for his supplier. The customer may order and receive

(and the supplier may deliver) the customer's requirements for a longer period in advance than he actually needs at the time of delivery if, but only if, it is not practicable for him to get the item from any supplier in the smaller quantities which he presently needs. The supplier may reject his customer's order if it is less than the minimum which he regularly sells or less than his minimum production run of a product which is mass-produced under the conditions explained in Interpretation 3 of Priorities Regulation 1.

(c) *Relief in exceptional cases.* If the conditions stated in paragraph (b) above cannot be satisfied but the customer wants to order or accept delivery of more than his actual needs at the time of delivery, he should apply to the Housing Expediter for permission, stating the facts and why it is not practicable to satisfy the condition of paragraph (b).

(d) *Specific limits on ratings may not be exceeded.* This interpretation does not apply to the use of a rating where a specific quantity is stated in the instrument assigning the rating. If a person is assigned a rating for a specific amount of material, he may not use it to get more. If he finds that he can only get the material in larger quantities, he should apply for a modification of the rating.

(e) *No effect on contractual rights.* The times and amounts in which deliveries are to be made are to be determined by agreement between the supplier and the customer. Nothing in this interpretation relieves a supplier from fulfilling a contract to make deliveries at specified time in specified amounts. For example, if a customer has agreed to buy and a supplier has agreed to furnish 100 units a month for six months, this interpretation does not obligate the buyer to accept 600 units delivered during the first month, although it permits him to do so under the conditions described in paragraph (b). (Issued March 31, 1947.)

INTERPRETATION 3

MAKING OR DELIVERING MATERIAL EARLIER THAN REQUIRED BY CUSTOMERS

(a) Paragraph (c) of Priorities Regulation 32 prohibits a person from knowingly making a delivery which will give his customer more than the latter is permitted to receive under the regulation. Paragraph (g) of that regulation prohibits a person from processing or fabricating material if his inventory of the material in its processed or fabricated form will be more than a practicable minimum working inventory. These two restrictions should be borne in mind by any supplier who wants to make or deliver any material to his customer earlier or in greater quantities than required by the customer.

(b) For example: A supplier has accepted his customer's order of a product to be delivered at the rate of 100 a month for six months. The supplier would like to ship 200 a month for three months, or perhaps the entire 600 in the first month. Since the customer's requirements of 100 a month are presumably all he could accept within the inventory limitations of paragraph (d) of the regulation, the requirement that the supplier may not knowingly ship more than this would prevent him from delivering earlier than required by his customer, unless he received notice from his customer that the receipt of the larger amount would not cause him to have an excess inventory.

(c) Thus, before delivering a material or product substantially earlier or in greater quantities than is called for by his customer's order a supplier is requested to satisfy himself that the receipt by the customer of the changed quantities will be within the permissible inventory limitations applicable to the customer. The supplier may rely on any statement or notice to this effect from his customer, unless he knows or has reason to know that it is false.

(d) Similarly, assuming his customer would not be permitted to receive the larger quantities, the supplier should take this into account in his plans for processing the material or product so that he himself will not have an inventory greater than permitted by paragraph (g) of the regulation.

(e) This interpretation, of course, does not change the rule on delivery or acceptance of minimum sale quantities or production runs to the extent described in Interpretation 2 to this regulation. (Issued March 31, 1947.)

INTERPRETATION 4

INVENTORY MATERIAL

(a) Paragraph (d) of Priorities Regulation 32 prohibits a person from accepting delivery of material if his inventory of it is, or will be, greater than the maximum prescribed. For the purpose of this regulation, material is considered to be inventory until it is actually put into process or is actually installed or assembled. Putting into process does not include minor initial operations such as painting, and does not include any shear-

ing, cutting, trimming or other operation unless such initial operations are part of a continuous fabricating or assembling operation. Nor does it include operations such as inspection, testing and ageing nor segregation or earmarking for a specific job or operation.

(b) For example, if a manufacturer who uses lumber cuts a sufficient quantity of it to length at one time to maintain his operations for a considerable period of time, the cut pieces remain as inventory until processed into another form or until assembled or installed. (Issued March 31, 1947.)

INTERPRETATION 5

EFFECT OF REDUCTION IN CONSUMPTION RATE ON PERMITTED INVENTORIES

(a) Paragraph (d) of Priorities Regulation 32 prohibits the acceptance of delivery of material if a person's inventory of it is or will be, more than the amount permitted by the regulation. If material is acquired within these restrictions the regulation does not prohibit the mere possession of an inventory

if a change in circumstances makes it greater than the amount permitted. For instance, if based upon current rate of production a manufacturer's permitted inventory of a certain item is 100 and he has in inventory 60, he may receive a further delivery of 40. If after receiving the delivery of 40 his rate of consumption, because of contract cancellation or the like, is reduced drastically the mere fact that he has an inventory of 100, although his permitted inventory may be only 10, is not a violation of the regulation. He may not, of course, accept any further deliveries of that item until his inventory has been reduced below 10 (except as provided in paragraph (i) of Priorities Regulation 32 relating to material already shipped, special items, etc.).

(b) Similarly, the regulation does not affect the liability of a customer for material in inventory when the customer cancels his contract. Such liability is controlled by the provisions of the contract between the customer and his supplier and by contract law. (Issued March 31, 1947.)

NHA
FPHA
3-18-47

Bulletin 14

~~PART 1~~ - Section 3.12

SUBJECT: PR-33, Amended 2-28-47 1/

This Regulation provided the method for obtaining authorization and priorities assistance for housing, on Form CPA-4386 applications filed prior to September 10, 1946.

It continues in an active status to explain the requirements and conditions imposed on any dwelling accommodations approved and built under the regulation; and governs any supplemental actions in connection with amendments and appeals relative to applications processed under the regulation.

This revision of PR-33 contains minor modifications to effect a parallel with current provisions in the permit system. All changes in the regulation have been underscored.

1/ Supersedes PR-33, dated 12-13-46.

OFFICE OF TEMPORARY CONTROLS
CIVILIAN PRODUCTION ADMINISTRATION

PR 33

FEB. 28, 1947

[As Amended]

Incl. Ints. 1, 2, and 3

PART 944—REGULATIONS APPLICABLE TO
THE OPERATIONS OF THE PRIORITIES
SYSTEM

[Priorities Reg. 33, as Amended Feb. 28, 1947]

VETERANS' EMERGENCY HOUSING PROGRAM

§ 944.54 *Priorities Regulation 33*—(a) *What this regulation does.* Priorities Regulation 33 was the method by which the Civilian Production Administration provided general priorities assistance for the Veterans' Emergency Housing Program on applications filed before September 10, 1946. It was also the method by which persons who wished to do construction work restricted by VHP-1 could apply for authorization under that order when the work was to be done on structures used for residential purposes. Applications under the regulation were made to the National Housing Agency or an agency acting for it under a delegation. On and after December 24, 1946, all new applications in connection with housing accommodations have been filed under the Housing Permit Regulation or other applicable regulation of the Housing Expediter.

The provisions of Priorities Regulation 33, as amended, apply to all housing accommodations built under an approved application on Form CPA-4386 or Form CPA-4387.

(b) [Deleted Feb. 28, 1947.]

(c) On approval of an application, a copy of the application bearing a project serial number and a placard or placards are sent to the builder.

(1) If the application covered the construction, completion or conversion of dwelling accommodations to which veterans of World War II and members of the Armed Forces would be given preference in selling or renting, or if the application covered the construction, conversion or alteration by an educational institution or public organization of a dormitory or other group housing facility for veterans of World War II and members of the Armed Forces, the placard contained a statement that the accommodations were to be rented or sold to veterans or members of the Armed Forces and spaces for the maximum sales price or rent and the project serial number. The builder must insert in the placard or placards clearly, legibly and permanently the project serial number. The builder must set up a placard in front of each separate residential building on the project site in a conspicuous location within 5 days after construction has started and must keep the placard there until completion of the building; and, unless all the accommodations in the building have been sold or rented

to veterans of World War II or members of the Armed Forces, in accordance with paragraph (h), for 30 days after completion (for 60 days after completion in the case of accommodations approved after August 6, 1946, which are being offered for sale). As soon as construction is completed, the builder must insert in the placard for that unit the appropriate rent and sales price, not in excess of those specified in the application as approved. The applicant may post a project sign instead of posting the placards sent to him. If he chooses to use a project sign, he must post a sign having the approximate dimensions of 3' x 5' or more in a conspicuous location on the site of the project. Such a sign must contain the same information that is required on placards as provided above and all provisions applying to placards, apply to signs posted instead of placards.

(2) If the application does not fall within paragraph (c) (1), the builder need not post any placard.

(d) Paragraph (c) of Schedule A to PR-33 contains the provisions concerning the use of HH ratings formerly in paragraph (d) of this regulation.

(e) *Construction of the project.* A builder who constructs, converts, alters, or repairs housing accommodations under this regulation must do the work in accordance with the description given in the application, except where he has obtained written approval for a change from the agency which approved the original application.

(f) *Reports.* All persons affected by this regulation shall file such reports as may be requested by the CPA, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(g) *Maximum sales prices and rents—*

(1) *General.* The restrictions on sales prices and rents contained in this paragraph (g) must be observed so long as this regulation remains in effect. They apply to dwellings of the kinds described below when built or converted under this regulation. Except as provided in the Housing Permit Regulation, dwellings or other housing accommodations covered by approved applications under this regulation are considered to have been built or converted under this regulation when the priorities assistance assigned has been used to get materials for the accommodations or when the construction of the accommodations could not have been done under VHP-1 without the authorization granted by the approval of the application. The restrictions on sales prices do not apply to judicial or statu-

tory foreclosure sales of a dwelling and do not prohibit any subsequent sale of the dwelling at or below the amount of the foreclosure sale. The restrictions on sales prices and rents apply to all sales and leases, whether made to veterans of World War II or to other persons. It is a violation of this regulation to condition a sale or rent on the purchase of or the agreement to purchase any commodity, service or property interest, except where this regulation specifically permits the consideration paid for the commodity, service or property interest to be included in or added to the maximum sales price or maximum rent. Approval of a proposed sales price or rent should be considered merely as a limit upon the price or rent to be charged. It should not be considered as a statement that the sales price or rent represents the value of the dwelling or the apartment for other purposes. In the case of remodeling or rehabilitation, the Office of Price Administration may reduce the maximum rent specified in the application, unless prior approval of the rent has been obtained from that agency.

(2) *One-family dwelling.* (i) A "one-family dwelling" means a building designed for occupancy by one family and to be occupied, rented or sold as a unit, including a detached or semi-detached house or a row house but not including an apartment house or a two-family "one-over-one" house.

(ii) A builder must not sell a one-family dwelling built or converted under this regulation, including the land and all improvements (including garage if provided), for more than the maximum sales price specified in the application, as approved, including within this sales price the amount of any brokerage fees or commissions paid in connection with the sale, whether paid by the builder or by the purchaser.

(iii) No other person shall sell a one-family dwelling built or converted under this regulation, including the land and all improvements, for more than the maximum sales price specified in the application as approved, plus the amount of any normal and customary brokerage fees or commissions actually paid for services which have been rendered in connection with the sale being made, whether paid by the seller or the purchaser, plus normal and customary brokerage fees actually paid for services rendered in connection with previous sales of the dwelling (after the sale by the builder) whether paid by previous sellers or purchasers.

(iv) No person shall rent a one-family dwelling built or converted under this regulation for more than the maximum rent specified in the application as approved. If no rent is specified in the application, the person wishing to rent the dwelling may request the Federal

Housing Administration to set a rent on the basis of information given in the original application and any supplemental information filed, and no person shall rent the dwelling for more than the amount set.

(3) *Two-family dwellings.* (i) A "two-family dwelling" means a building designed for occupancy by two families which will be sold as a unit, not including semi-detached or row houses covered by paragraph (g) (2).

(ii) A builder must not sell a two-family dwelling built or converted under this regulation, including the land and all improvements (including garage if provided), for more than the maximum sales price specified in the application, as approved, including within this sales price the amount of any brokerage fees or commissions paid in connection with the sale, whether paid by the builder or the purchaser.

(iii) No other person shall sell a two-family dwelling built or converted under this regulation, including the land and all improvements, for more than the maximum sales price specified in the application as approved, plus the amount of any normal and customary brokerage fees or commissions actually paid for services which have been rendered in connection with the sale being made, whether paid by the seller or the purchaser, plus brokerage fees actually paid for services rendered in connection with previous sales of the dwelling (after the sale by the builder), whether paid by previous sellers or purchasers.

(iv) No person shall rent an apartment in a two-family dwelling built or converted under this regulation for more than the maximum rent specified for the apartment in the application as approved.

(4) *Multiple-family dwellings.* (i) A "multiple-family dwelling" means a building containing three or more separate living accommodations for three or more families.

(ii) No person shall rent an apartment in a multiple-family dwelling built or converted under this regulation for more than the maximum rent specified for the apartment in the application as approved.

(5) *Dormitories and group housing facilities.* No person (whether the builder or any other person) shall rent accommodations in a dormitory or other group housing facility built under this regulation for more than the maximum shelter rent specified in the application as approved.

(6) *Maximum rent and maximum shelter rent.* "Maximum rent" means the total consideration paid by the tenant for the accommodations including charges paid by the tenant for tenant services specified on the application and including charges paid by the tenant for garage as specified on the application, but excluding charges covering the actual cost on a pro rata basis for gas and electricity for the tenant's domestic purposes when the application specifies that such charges will be made. "Maximum shelter rent" means the maximum rent, less charges for tenant services and

garage. Any payment for the rental of furniture made by a tenant or a prospective tenant in connection with the renting of dwelling accommodations built or altered under this regulation must be considered as a part of the maximum rent. However, if the rental of furniture was requested by a tenant in connection with a dwelling accommodation covered by a lease entered into with the tenant before December 13, 1946, the amount paid for furniture in connection with the lease or with a later renting of that dwelling accommodation need not be included in the maximum rent.

(7) *Requests for increases in sales prices and rents by builders.* A builder may apply to the Federal Housing Administration for an increase in the sales price or rent specified in the application before the house is sold (i. e., before title has passed) or initially rented. The application will not be approved unless he can show that he has incurred or will incur additional or increased costs in the construction over which he had, or has, no control, or if he can show that he will incur additional or increased costs in the operation of rented accommodations over which he has no control, and that these increased or additional costs will make it unreasonable for him to sell or rent at the price or rent specified in the application. No increase in sales price or rent will be granted in excess of the increase in construction cost, or a proper proportion of it, or the increase in operating cost, as the case may be.

(8) *Requests for increases in sales prices or rents by subsequent owners.* An owner of a dwelling built under this regulation, other than the builder, may apply to the Federal Housing Administration for an increase in the sales price or rent specified in the application if the subsequent owner has made improvements to the dwelling which would warrant an increase. No increase will be granted in excess of the cost of construction of the improvement, or a proper proportion of it in the case of a requested increase in rents. However, no increase in sales price to an amount more than \$10,000 (or \$17,000 in the case of a two-family dwelling) will be granted and no increase in shelter rent to more than \$80 a month will be granted, except on appeal where unusual hardship would result. If an increase in rent is needed because of subsequent improvements, and the accommodations have previously been rented and are in a Defense Rental Area established by the Office of Price Administration, the owner should apply to the Area Rent Office of the Office of Price Administration for an increase (or in the District of Columbia to the Office of Administrator of Rent Control for the District of Columbia). If an increase is granted, one copy of the instrument granting the increase must be filed with the appropriate office of the Federal Housing Administration. Upon the filing of this copy with the Federal Housing Administration, the new rent granted becomes the maximum shelter rent under this regulation. (Note: Under Veterans' Housing Program Order 1 it may

be necessary to get authorization to make these alterations.)

(h) *Preferences for veterans of World War II and members of the Armed Forces—(1) General.* This paragraph tells how preferences must be given under this regulation to veterans of World War II and members of the Armed Forces as long as this regulation remains in effect. As used in this regulation, "veterans of World War II and members of the Armed Forces" (sometimes referred to in this regulation as "veterans" or as "veterans of World War II") include the following: (i) A person who has been on active service in the U. S. Army, Navy, Coast Guard or Marine Corps or in the U. S. Merchant Marine during World War II (i. e., on or after September 16, 1940) and who was discharged or released under conditions other than dishonorable; (ii) a person who is serving in the U. S. Army, Navy, Coast Guard, Marine Corps or in the U. S. Merchant Marine; (iii) the spouse of a member of the Armed Forces who died in service during World War II or the spouse of a deceased veteran of World War II, if the spouse is living with a child or children of the deceased; or (iv) a citizen of the United States who served in the Armed Forces of an allied nation during World War II. The preference for veterans and members of the Armed Forces provided by this paragraph (h) does not apply to judicial or statutory foreclosure sales. Sales subsequent to a foreclosure sale, however, are subject to the provisions of this paragraph. The requirements of this paragraph apply to the original sales or leases and to later sales and leases, as long as this regulation remains in effect. The provisions of paragraph (h) do not apply to dwellings for which neither a maximum sales price nor a maximum rent is established under this regulation and do not apply to dwellings approved for the purpose of increasing or maintaining the production of scarce materials or products, or to the initial occupancy of a dwelling or an apartment in it approved under this regulation for the occupancy of the applicant or the continued occupancy of his tenant.

(2) *One-family dwellings.* (i) A builder who has built or converted a one-family dwelling under this regulation must, during construction and for 30 days after completion (or 60 days after completion if the application was approved after August 6, 1946, and the dwelling is being offered for sale), publicly offer it for sale or for rent at or below the approved maximum sales price or the approved maximum rent to veterans of World War II and members of the Armed Forces for their own occupancy, and he must not sell or rent it to any other person unless he has made such an offer.

(ii) If a one-family dwelling built or converted under this regulation is being offered for sale, the person offering it for sale must not sell or otherwise dispose of it to any person other than a veteran of World War II or a member of the Armed Forces unless he has publicly offered it for sale to such veterans for at least 30 days (or 60 days if the dwelling was built or converted under an authorization ap-

proved after August 6, 1946) at or below the approved maximum sales price.

(iii) No person shall rent a one-family dwelling built or converted under this regulation to any person other than a veteran of World War II or a member of the Armed Forces unless he has publicly offered the dwelling for rent to such veterans for at least 30 days (or during construction and for 30 days afterwards in the case of the initial offering by the builder) at or below the approved maximum rent.

(3) *Two-family dwellings.* (i) A builder who has built or converted a two-family dwelling under this regulation must publicly offer it for sale or the apartments in it for rent at or below the maximum sales price or the maximum rent specified in the application, as approved, to veterans of World War II and members of the Armed Forces for their own occupancy. This public offering must continue during construction and for 30 days afterwards in the case of rentals, and in the case of sales if the application was approved before August 7, 1946. It must last during construction and for 60 days after completion in the case of sales of dwellings built or converted under an application approved after August 6, 1946.

(ii) If a two-family dwelling built or converted under this regulation is being offered for sale, the person offering it for sale must not sell or otherwise dispose of it to any person other than a veteran of World War II or a member of the Armed Forces unless he has publicly offered it for sale to such veterans for at least 30 days (or 60 days if the dwelling was built or converted under an authorization approved after August 6, 1946) at or below the approved maximum sales price.

(iii) No person shall rent an apartment in a two-family dwelling built or converted under this regulation to any person other than a veteran of World War II or a member of the Armed Forces unless he has publicly offered the apartment for rent to such veterans for at least 30 days (or during construction and for 30 days afterwards in the case of the initial offering by the builder) at or below the approved maximum rent.

(4) *Multiple-family dwellings.* (i) A builder who has built or converted a multiple-family dwelling under this regulation must, during construction and for 30 days after completion, publicly offer the apartments in it for rent to veterans of World War II and members of the Armed Forces for their own occupancy at or below the maximum rent given in the application as approved.

(ii) No person shall rent an apartment in a multiple-family dwelling built or converted under this regulation to any person other than a veteran of World War II or a member of the Armed Forces unless he has publicly offered the apartment for rent to such veterans for at least 30 days (or during construction and for 30 days after completion in the case of the initial offering of the builder) at or below the approved maximum rent.

(5) *Dormitories and group housing facilities.* A builder who has built or converted a dormitory or other group

housing facility under this regulation must make the accommodations available exclusively for veterans of World War II and members of the Armed Forces and their dependents otherwise eligible to occupy the accommodations, except that if an educational institution builds a dormitory under this program it may make available to non-veterans 40% of the accommodations in the dormitory if it makes available to veterans of World War II an equivalent number of similar or better accommodations in other dormitories at rents not larger than the rents specified in the application as approved.

(i) *Notices in advertisements and deeds.* (1) If the placard described in paragraph (c) (1) is sent to the applicant, as long as this regulation remains in effect a builder who has used the HH rating to get materials for a dwelling, or who could not, under Veterans' Housing Program Order 1, have built or converted the dwelling without approval under this regulation and every other person who has acquired title to such a dwelling (whether completed or not) must include a statement in substantially the following form in any deed, conveyance or other instrument by which the dwelling is sold, transferred or mortgaged to any other person:

The building on the premises hereby conveyed was built (converted) under Priorities Regulation 33 (Builder's Serial No. —). Under that regulation a limit is placed on either the sales price or the rent for the premises or both and preferences are given to veterans of World War II or members of the Armed Forces in selling or renting. As long as that regulation remains in effect, any violation of these restrictions by the grantee or by any subsequent purchaser will subject him to the penalties provided by law. The above is inserted only to give notice of the provisions of Priorities Regulation 33 and neither the insertion of the above nor the regulation is intended to affect the validity of the interest hereby conveyed.

(2) If the placard described in paragraph (c) (1) is sent to the applicant, as long as this regulation remains in effect the builder and every subsequent owner, and their agents and brokers, must include in any advertisement printed or published in which accommodations built under Priorities Regulation 33 are offered for sale or for rent, the following statements:

Built under Veterans' Emergency Housing Program.

Held for sale (rent) to veterans of World War II for 60 (30) days.

Sales price (rent per month) \$-----.

(j) *Transfer of ratings forbidden.* No person to whom an HH rating has been assigned shall transfer the rating to any other person (as distinguished from applying the rating to purchase orders) and any transfer attempted is void. If for any reason a builder wishes to abandon a project and another builder wishes to continue with the project, the new builder should apply to the appropriate FHA office, attaching to his application a letter from the former builder or the representatives of the former builder joining in the request for the assignment of ratings to the new builder.

(k) *Appeals.* Any person affected by this regulation or a direction to it who considers that compliance with its provisions would result in an exceptional and unreasonable hardship on him may appeal for relief. An appeal from a provision of this regulation should be filed with the local office of the Federal Housing Administration or other appropriate agency. An appeal from a schedule or direction to this regulation, unless expressly stated otherwise, should be filed by letter in duplicate addressed to the Civilian Production Administration, Washington 25, D. C., Ref: Direction or Schedule to PR-33.

(l) *Amendments and supplemental applications.* A builder may apply to the agency which approved his application for an amendment to it. If the amendment covers changes in the specifications of the proposed dwelling or dwellings or changes in the proposed sales price or rent (see paragraph (g) (6)), or a change in the construction schedule of a project involving several buildings, the request for an amendment may be made by letter in triplicate. If the request for an amendment is granted, the provisions of this regulation apply to the application as amended. If the request for an amendment requires additional buildings or dwelling units not included in the original application, a new application on Form NHA 14-56 covering the new units should be filed.

(m) *Communications.* All communications about this regulation should be addressed to the appropriate State or District Office of the Federal Housing Administration or other appropriate agency. Communications about Schedules A and B or directions to the regulation should, unless specifically directed otherwise, be addressed to the Civilian Production Administration, Washington 25, D. C., or to the appropriate Civilian Production Administration Construction Field Office.

(n) *Violations.* Any person who wilfully violates any provision of this regulation or who, in connection with this regulation, wilfully conceals a material fact or furnishes false information to any Department or Agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining any further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 28th day of February 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1

PUBLIC OFFERING

Paragraph (h) of Priorities Regulation 33 provides generally that the owner of dwelling accommodations constructed under the Regulation must "publicly offer" them for sale or for rent exclusively to eligible veterans during prescribed periods. This requirement imposes upon the owner the

obligation not only to offer the accommodations to veterans in good faith but also to take such affirmative steps as, under the circumstances, will give notice to all veterans or a reasonably large class of veterans in the community that the accommodations are available and will give them a reasonable opportunity to negotiate for them. These steps may take the form of newspaper advertisements, listing the property with real estate brokers, or consulting the local Mayor's Veterans' Housing Committee for the purpose of finding eligible veterans. The mere posting of a placard is not sufficient for this purpose. The owner's intention as manifested by his conduct is an important element in determining whether the public offer requirement has been met. The refusal of the owner to sell to a particular veteran for personal reasons does not by itself necessarily constitute a violation of the public offer requirement. If, however, an owner refuses to sell or rent to veterans whom he does not know to be unqualified or unable to purchase or rent, and then sells or rents to a non-veteran, the owner has violated the regulation. (Issued October 31, 1946.)

INTERPRETATION 2

PREFERENCES TO VETERANS IN SELLING OR RENTING HOUSING ACCOMMODATIONS

Paragraph (h) of Priorities Regulation 33 sets forth the preferences which must be given to veterans of World War II when housing accommodations built under the regulation are being sold or rented. Paragraph (g) sets forth limitations on the sales prices and rents which may be charged for the accommodations. In general these paragraphs provide that the accommodations must be offered for sale or for rent to veterans of World War II (as defined in PR 33) during construction and for 30 days after completion or for 30 days in case the house or apartment is later sold or rented again. When a one or two family house which was authorized after August 6, 1946 is to be sold, it must be offered to veterans during construction and for 60 days after completion or for 60 days in case of a later sale. The requirement that a house or apartment be offered for 60 or 30 days does not prevent the offeror from accepting a veteran's offer within the period. The following examples will illustrate the effect of these general rules. (In the illustrations it is assumed that the authorization was issued after August 6, 1946. If approval had been given on or before August 6, 1946, the 60 day figures below would be 30 days.)

(1) A one-family dwelling was built under the regulation, with a maximum sales price of \$7,500. The builder sold it to a veteran when it was complete. The veteran now wishes to move. The veteran must publicly offer the house to other veterans of World War II for 60 days. The veteran must not charge more than \$7,500 for the house whether he sells to a veteran or to a non-veteran, unless he has been authorized to charge more by the Federal Housing Administration. However, if any customary brokerage fees are paid for services rendered in connection with this sale, whether paid by the buyer or the seller, they may be added to the sales price.

(2) A one-family dwelling was built under the regulation, with a maximum sales price of \$7,500. The builder publicly offered the dwelling to veterans during construction and for 30 days after completion without finding a veteran who wanted to buy it. He then sold the house to a non-veteran for \$7,500. The non-veteran now wishes to sell the

house. The non-veteran must publicly offer the dwelling to veterans of World War II for 60 days, at a price of \$7,500 or less. However, if any customary brokerage fees are paid for services rendered in connection with this sale, whether paid by the buyer or the seller, they may be added to the sales price.

(3) A one-family dwelling was built under the regulation. A maximum sales price of \$7,500 was approved, but no rent was stated in the application. The builder, instead of selling the dwelling at once, decides to rent it. He must apply to the Federal Housing Administration for approval of a maximum rent before he rents the dwelling.

(4) A one-family dwelling was built under the regulation, having a maximum rent of \$63 a month and a maximum sales price of \$7,500. The builder sold the house to a veteran. The veteran now wishes to rent the house. He must publicly offer the dwelling to veterans of World War II for 30 days, before renting to a non-veteran, and he must not charge more than \$63, whether he rents to a veteran or a non-veteran unless the Federal Housing Administration authorizes an increase.

(5) A one-family dwelling was built under the regulation, having a maximum rent of \$63 a month and a maximum sales price of \$7,500. The builder rented it to a non-veteran for \$63 a month, no veterans having applied during construction and for 30 days after completion. The tenant now wishes to sublet the house. He must publicly offer the house to veterans of World War II for 30 days and must not rent it for more than \$63 a month. This would also be the case if the tenant who wished to sublet were a veteran.

(6) A multiple-family dwelling was built under the regulation, each apartment having a maximum rent of \$63 a month. The builder publicly offered the apartments for rent to veterans during construction and for 30 days after completion. One of the apartments was leased by a veteran; another, not having been taken by a veteran during this period, was then leased to a non-veteran. Neither the veteran nor the non-veteran may be charged more than \$63 a month for his apartment. Six months later the two apartments are vacated. The builder must publicly offer each for 30 days to veterans of World War II for not more than \$63 a month.

(7) A multiple-family dwelling was built under the regulation, each apartment having a maximum rent of \$63. All the apartments were rented to veterans when the building was completed. The builder sold the building to an investor. An apartment has been vacated by a tenant. The new owner must publicly offer the apartment for 30 days to veterans of World War II for not more than \$63 a month, and must not rent it to a non-veteran unless he has made such a public offer to veterans.

(8) A multiple-family dwelling was built under the regulation, each apartment having a maximum rent of \$63. The builder wishes to sell the building to be operated as a co-operative apartment house. The builder cannot do this unless the Federal Housing Administration grants him an appeal from the requirement that he must publicly offer the apartments for rent to veterans during construction and for 30 days after completion.

See also Interpretation 1 to Priorities Regulation 33 which defines and explains the requirements of the regulation which concern public offering to veterans. (Issued November 15, 1946.)

INTERPRETATION 3

CHARGES IN EXCESS OF MAXIMUM SALES PRICE REQUESTED BECAUSE OF INCIDENTAL CHARGES, EXTRAS, OR ADDITIONAL CONSTRUCTION

Under paragraph (g) of Priorities Regulation 33 a seller must not require a purchaser, as a condition for the sale of a house, to buy or agree to buy any commodity, service, or property interest, except where the regulation specifically permits the charges for the commodity, service, or property interest to be added to the maximum sales price. This means that the seller must offer the dwelling accommodations to the purchaser at or below the approved maximum sales price and free from incidental charges and extras. The following examples illustrate the effect of this general rule:

1. *Abstract fees and title insurance.* The purchaser may pay the customary abstract fees and title insurance over and above the maximum sales price, unless the purchaser is required to take these services when he does not want them.

2. *Financing charges.* The purchaser may pay customary incidental charges (such as fire insurance, title insurance, mortgagee's appraisal fees, and future taxes) in connection with financing the purchase of a dwelling, if the purchase of these services is not made a condition to the sale. The purchaser must be given an opportunity to purchase the dwelling for cash at or below the approved maximum price and to finance the purchase himself in any way he desires. The seller cannot require the purchaser to finance the purchase through a particular lending institution.

3. *Previously incurred charges.* Charges which have been incurred by the builder before the sale of the dwelling must not be charged the purchaser in addition to the maximum sales price. A request that a prospective purchaser pay such charges for prior services would be making the charges a condition to the sale. Charges of this kind include accumulated taxes before the date of sale, interest before the sale, prepayment penalties in connection with a builder's loan, fees for survey of site and liability and fire insurance before the sale.

4. *Charges for additional construction or for equipment or fixtures not specified in the application.* The builder must publicly offer the building described in the application at or below the approved maximum sales price. He may not, under his authorization, do any additional construction in connection with the authorized construction over and above what is specified in the application, except where he gets written approval from the agency which approved the original application. He must not increase his sales price above the approved maximum sales price by reason of any such additional construction or added equipment, except where the increased price has been approved in writing by the agency which approved the original application.

A person who has bought a house built under Priorities Regulation 33 and who has made improvements to the house (authorization under VHP-1 may be required for such improvements) must not charge more than the approved maximum sales price for the house if he sells it, unless he has obtained permission for the increased charge from the agency which approved the original application (this will usually be given, where appropriate, in connection with the application for authorization under VHP-1 to make the improvements). (Issued February 3, 1947.)

CIVILIAN PRODUCTION ADMINISTRATION

PART 944—REGULATIONS APPLICABLE TO THE
OPERATION OF THE PRIORITIES SYSTEM[Priorities Reg. 33, Direction 11 as Amended
Oct. 15, 1946]VETERANS' EMERGENCY HOUSING PROGRAM;
FPHA TEMPORARY RE-USE HOUSING PROJ-
ECTS

(a) *What this direction does.* As part of the Veterans' Emergency Housing Program under the Veterans' Emergency Housing Act of 1946, the Federal Public Housing Authority (FPHA) is erecting 200,000 temporary housing units for emergency use by veterans in distress situations, pending completion of permanent housing units under the Veterans' Emergency Housing Program. Many of these temporary units are being erected for municipalities, to meet existing housing emergencies, and must be completed as soon as possible. Others are being erected at universities and colleges and must be ready for use during the coming scholastic year. Some of the building materials required for these units are in extremely short supply, and unless special assistance is given, local suppliers will not be able to meet those needs. This direction provides for special assistance to FPHA contractors in some instances. The special assistance includes several types of "super-priority" procedures which may be authorized for many of the building mate-

NOTE: Table Amended Oct. 15, 1946.

Material for which special assistance is required	Type of special assistance available for particular material
1. Any material listed in paragraph (d) below (certain types of building board, cast iron soil pipe).	"Certified-HH" rating—superior to uncertified HH and CC ratings and extendible to producers.
2. Any material listed in paragraph (j) below (hardwood flooring, lumber, millwork, softwood plywood).	"Individual directive" or other action—requiring preferential treatment by a producer or supplier for a specific contractor's order.
3. Any material covered by paragraph (m) below (any material on Schedule A to PR 33 except those covered by #1 and #2 above).	HHH rating—superior to HH and CC ratings but otherwise identical with HH rating.
4. Any material listed in paragraph (p) below (certain types of heating and plumbing fixtures made for FPHA projects).	"Authorized order"—directed at "earmarked products" made specifically for FPHA projects.
5. Any other material (see paragraph (s) below)-----	CC rating under Priorities Regulation 28.

"Certified-HH" Rating Procedure

(d) *Material for which certified-HH ratings may be authorized.* Special assistance for the following materials (as listed on Schedule A to PR 33) may be given in the form of authority to use a "certified HH" rated order:

NOTE: Table Amended Oct. 15, 1946.

Material
Cast iron soil pipe (including fittings).
Gypsum board.
Building board.

A "certified-HH" rated order is an HH rated order to which the endorsement described in paragraph (f) below has been added by an authorized FPHA representative. A certified-HH rating has a higher priority than an uncertified HH rating or a CC rating and is extendible by suppliers (but not by producers) to get the material to be delivered on the "certified-HH" order involved. Its priority, however, is lower than ratings of AAA or MM.

(e) *Authorization for certified-HH rating.* Under the conditions stated in paragraph (b)

rials on Schedule A to Priorities Regulation 33, if efforts to get them on time through the use of HH ratings are unsuccessful. In addition, as explained in this direction, special assistance for other materials may be available under other CPA orders.

Special Assistance Available

(b) *When contractors may apply for special assistance.* It is expected that a contractor will ordinarily get most of his building materials for an FPHA temporary re-use housing project without any priorities assistance except the HH ratings assigned for the particular materials listed on Schedule A to PR 33. However, a contractor may apply to the FPHA (see paragraph (v) below for special assistance under certain circumstances. Unless otherwise specified below, he may apply only in cases where he has served purchase orders (with an HH rating, if authorized) for any building material on three or more sources of supply and received notice of their inability to deliver by the date required. The type of special assistance available and the method of applying depend on the particular material involved, as explained below.

(c) *Types of special assistance.* The various types of special assistance available are tabulated as follows and explained below:

above, a contractor may apply for certified-HH rating assistance by presenting his proposed purchase order to the FPHA. If the FPHA decides that special assistance is needed, the authorized FPHA representative may endorse the following certificate on the contractor's purchase order:

Certified-HH rated order authorized, under Direction 11 to PR 33, for materials to be used in FPHA temporary re-use housing projects.

Signature and title of authorized
FPHA representative.

This certificate makes the purchase order a "certified-HH" rated order, entitled to the preferential treatment explained in paragraphs (f) and (g) below. The order will then be returned to the contractor, to be placed by him with his source of supply.

(f) *Suppliers' handling of certified-HH rated orders.* A distributor, jobber, dealer, or other supplier must not fill certified-HH rated orders out of inventory on hand or with material previously ordered. Instead, he must get the material by extending the certified-HH rating to his source of supply. Upon receiving material so ordered, he must deliver it on the order bearing the rating which was extended. Ratings are to be extended as explained in Priorities Regulation

3 except that the following statement is to be added to the certificate required by PR 3:

The items ordered herewith are for certified-HH rated orders authorized, under Direction 11 to PR 33, for materials to be used in FPHA temporary re-use housing projects.

(g) *Producers' handling of certified-HH and other rated orders.* Producers must accept and fill certified-HH rated orders in accordance with the rules of Priorities Regulation 1, for rated orders, subject to the following special rules:

(1) *Priority for certified-HH rating.* A certified-HH rating is of higher priority than an uncertified HH or a CC rating but of lower priority than an AAA or MM rating. Subject to the "ceiling" provision of paragraph (g) (2) below, a producer receiving a certified-HH order for any material listed in paragraph (d) above must fill it in preference to any uncertified HH or CC rated orders.

(2) *"Ceiling" on accepting certified-HH and AAA rated orders.* The maximum amount of certified-HH rated orders which a producer need accept for delivery of any material listed in paragraph (d) above in any month is 20% of his production of that material during that month. (AAA rated orders accepted by a producer before October 15, 1946, for any such material may be charged to the 20% ceiling for the month of delivery.) A producer may accept more than this amount of certified-HH orders but is not required to do so. The FPHA requirements for the materials listed in paragraph (d) above are so large that it is essential that they be spread evenly among all producers. If any single producer devoted a major part of his production to FPHA requirements, the resulting dislocation in his normal distribution might seriously interfere with the other phases of the Veterans' Emergency Housing Program.

(h) *Producer's equitable distribution of remainder of production.* After providing, each month, for certified-HH and AAA rated orders for a particular material listed in paragraph (d) above, a producer should distribute the remainder of the month's production of that material among his customers in each area in a fair and equitable manner, without regard to the certified-HH and AAA rated orders which any such customer may have served on him. In determining the amount of material to be shipped into each area, a producer should give due regard to the requirements of the Veterans' Emergency Housing Program.

(i) *Applicability of Schedule B to PR 33.* Quantities received by a distributor for delivery on certified-HH orders shall be excluded by him in all his ceiling and set aside calculations under Schedule B to PR 33. Quantities received by a distributor for delivery on any AAA rated order for an FPHA project shall also be so excluded, if the producer involved accepted the order, as placed with him, before October 15, 1946.

**"Individual Directive" or Other Assistance
Procedure for Certain Lumber Products**

(j) *Materials for which special assistance may be issued.* Special assistance for the following materials (as listed on Schedule A to PR 33) may be given by the Civilian

Production Administration, in the form of an individual directive or other arrangement under which a producer or supplier will provide preferential treatment for a particular purchase order:

Material
Flooring, hardwood, residential.
Lumber, housing construction.
Millwork.
Plywood, construction (softwood).

(k) *Procedure for getting special assistance.* Under the conditions stated in paragraph (b) above, a contractor may apply for this special assistance by filing a Form CPA-4473 application with the FPFA. If the FPFA believes that special assistance is needed, it will forward the application to the appropriate Civilian Production Administration office (Portland, Oregon, or Washington, D. C.). The Civilian Production Administration office will review the request and, if approved, will take appropriate assistance action, notifying the contractor and other interested persons.

(l) *Applicability of other regulations.* An order for which special assistance is given will be handled in accordance with applicable regulations (currently, Direction 1 to PR 33 and Order L-358), unless otherwise specified in the CPA action.

HHH-Rating Procedure

(m) *Materials for which HHH ratings may be authorized.* For any material listed on Schedule A to PR 33 except those listed in paragraphs (d) and (j) above ("certified-HH" and "individual directive" procedures), special assistance may be given in the form of authority to use an HHH rating. An HHH rating has a higher priority than a rating of HH or CC but a lower priority than a rating of AAA or MM.

(n) *Authorization for HHH rating.* Under the conditions stated in paragraph (b) above, a contractor may apply to the FPFA for authorization to use an HHH rating. Application is to be made in the manner required by the FPFA. If the FPFA decides that the special assistance is needed, it may authorize the contractor to use an HHH rating. The method for using the HHH rating is the same as for the HH rating.

(o) *Suppliers' and producers' handling of HHH ratings.* A supplier or producer must accept and fill an HHH rated order in accordance with the rules of Priorities Regulation 1, subject to the special rules mentioned in this paragraph. He must fill an HHH rated order in preference to an HH or CC rated order. As explained in Schedule B, HHH ratings for any material are extendible under the same conditions as HH ratings for that material and are subject to any rules for HH rated orders in Schedules A and B to PR 33 and in any other applicable regulations.

"Authorized Order" Procedure for "Earmarked Products"

(p) *Materials made specially for FPFA projects ("earmarked products").* The CPA has been giving certain types of special assistance for steel and iron castings to certain producers for the manufacture of specific quantities of the following kinds of plumbing and heating equipment:

Material

Cooking ranges (21" gas, up to 36" oil).
Ice refrigerators.
Shower stalls.
Space heaters (gas, oil).
Water heaters (20-gal. gas, 30-gal. oil).

Under Order L-357, the quantities so manufactured are called "earmarked products" and may be sold only on "authorized orders" for FPFA temporary re-use housing projects.

(q) *Authorization for "authorized orders".* In general, where a contractor needs materials of the kinds listed in paragraph (p) above, he will ordinarily be supplied, on "authorized orders", from the production earmarked for FPFA projects. To get any such earmarked products, a contractor should present one or more proposed purchase orders to the FPFA. The authorized FPFA representative may then place the following endorsement on each purchase order:

Authorized order, under Direction 11 to PR 33 and Order L-357, for earmarked products to be used in FPFA temporary re-use housing projects.

Signature and title of authorized
FPFA representative

This endorsement makes an order an "authorized order". An "authorized order" is not a rated order and is not to be treated as a rated order. It is, however, the only type of order on which "earmarked products" under Order L-357 may be delivered. After endorsement, an order will be returned to the contractor, together with any necessary instructions for placing it. In the case of ice refrigerators, the FPFA arrangements with the producers may provide for direct sale of this item by producers to FPFA contractors, on authorized orders.

(r) *Handling of authorized orders.* Order L-357 explains how suppliers and producers are to handle authorized orders.

CC Rating Procedure

(s) *Materials for which CC rating may be authorized.* Under Priorities Regulation 28, the Civilian Production Administration may assign a CC rating, if certain conditions exist, for construction materials which are not listed on Schedule A to Priorities Regulation 33.

(t) *Procedure for getting CC rating authorization.* Under the conditions specified in Priorities Regulation 28, a contractor may present, to the FPFA, a Form CPA-541A application for a CC rating. If the FPFA believes that such assistance is needed, it will forward the application to the Civilian Production Administration, Washington 25, D. C., Ref: PR 28. The application will be reviewed by the CPA in accordance with PR 28. If approved, the contractor may use the CC rating as authorized.

(u) *Handling of CC rated orders.* Suppliers and producers must accept and fill CC rated orders in accordance with the rules of Priorities Regulation 1 and Schedule B to Priorities Regulation 33, where applicable.

Communications and Applications

(v) *Addressing communications and applications—(1) By contractors.* Contractors should address all communications concerning this direction, and make all applications under this direction, to the FPFA project engineer or to such other FPFA official as may be designated by that agency.

(2) *By other persons.* Communications by producers and suppliers concerning the operation of the various priorities provisions of this direction and obligations under them should be addressed to the Civilian Production Administration, Washington 25, D. C.,

Ref: Dir. 11 to PR 33. All other communications should be addressed to the Federal Public Housing Authority, either at the office of the project engineer or at the appropriate regional or field office (see Appendix A).

Definitions

(w) *Definitions.* For the purposes of this direction:

(1) "Contractor" means a contractor or subcontractor engaged to do construction work on an FPFA temporary re-use housing project.

(2) "Producer" means a person owning or operating facilities in which a building material affected by this direction is produced.

(3) "Supplier" means a person who is in the business of buying a building material, from a producer or from any other person, for resale as such. This includes distributors, jobbers, office wholesalers, brokers, and dealers of all types.

Expiration Date

(x) *Expiration date.* This direction will expire at 12 p. m. (e. s. t.), December 31, 1946.

Issued this 15th day of October 1946.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

Communications to an FPFA regional or field office concerning this direction should be addressed, unless otherwise shown below, to the Regional Assistant Director for Development, Federal Public Housing Authority, at whichever of the following addresses is appropriate:

Area served and office address

Region I—Connecticut, Massachusetts, New Hampshire, Rhode Island, Vermont—24 School Street, Boston 8, Mass.
Region II—Delaware, Maryland,¹ New Jersey, New York, Pennsylvania—270 Broadway, New York 7, N. Y.
Region III—Illinois, Indiana, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin—201 North Wells Street, Chicago 6, Ill.
Region IV—Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia—Georgia Savings Bank Building, Peachtree and Broad Streets, Atlanta 3, Ga.
Region V—Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas—1411 Electric Building, Fort Worth 2, Tex.
Region VI—Arizona, California, Nevada, Utah, Hawaii—760 Market Street, San Francisco 2, Calif.
Region VII—Idaho, Montana, Oregon, Washington, Wyoming, Alaska—Skinner Building, 5th Avenue and Union Street, Seattle, Wash.
Region VIII—Kentucky, Ohio, Michigan, West Virginia—2073 East Ninth Street, Cleveland 15, Ohio.
Metropolitan District of Columbia, etc.—District of Columbia, Virginia,¹ Maryland,¹ Puerto Rico, Virgin Islands—Director, General Field Office, Federal Public Housing Authority, 1201 Connecticut Avenue, Washington 25, D. C.

¹ The following areas of Virginia and Maryland are served by the General Field Office, rather than by the local regional office serving the other areas of those states: Virginia—Alexandria, Fairfax County, Arlington County. Maryland—Montgomery County, Prince Georges County, Cedar Point, Indian Head, Meadale.

NHA
FPHA
3-18-47

Bulletin 14

~~PART I~~ -- Section 3.12

SUBJECT: Schedule A to PR-33, Amended 3-3-47 1/

Schedule A is a list of the building materials and equipment for which HH ratings can be used; and includes instructions relative to using the ratings, which have been assigned under HEPR-5 and PR-33.

This Schedule has been revised by CPA to reflect its action for revocation of the Limitation Orders, L-358 and L-359, relative to lumber materials.

1/ Supersedes Schedule A to PR-33, dated 12-10-46.

**OFFICE OF TEMPORARY CONTROLS
CIVILIAN PRODUCTION ADMINISTRATION**

Sch. A to PR 33

MAR. 3, 1947

[As Amended]

**PART 944—REGULATIONS APPLICABLE TO THE
OPERATION OF THE PRIORITIES SYSTEM**

[Priorities Reg. 33, Schedule A as Amended
March 3, 1947]

Section 944.54a *Schedule A to Priorities Regulation 33*, is amended to read as follows:

There is a shortage in the supply of the materials and facilities listed in paragraph (b) of this schedule for defense, for private account and for export. These materials and facilities are suitable for the construction and completion of housing accommodations in rural and urban areas and for the construction and repair of essential farm buildings. The allocation of, and the establishment of priorities for the delivery of, these materials and facilities in the manner, upon the conditions and to the extent provided in this schedule and other applicable regulations, orders, directives, schedules and directions of the Civilian Production Administration and of the Housing Expediter are necessary and appropriate in the public interest, to promote the national defense and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

§ 944.54a *Schedule A to Priorities Regulation 33*—(a) *Establishment of allocation and priorities system.* Priorities for the delivery of the materials and facilities listed in paragraph (b) of this schedule are hereby established, and they may be allocated, under the Veterans' Emergency Housing Act of 1946, as provided in this schedule and in other orders, regulations, directions, schedules and directives of the Civilian Production Administration. These priorities consist in general of HH and HHH ratings. The method by which these ratings may be applied and other provisions concerning their use are set forth in paragraph (c) of this schedule. The effect of these ratings shall be the effect provided in applicable regulations of the Civilian Production Administration (including Priorities Regulations 1 and 3, schedules and directions to Priorities Regulation 33, and orders in the "L" series). In addition, some of these applicable regulations provide for "certified" and "authorized" orders for some of these materials under certain conditions. The terms and conditions under which these ratings will be assigned and the conditions and requirements imposed upon the use of materials obtained by means of these ratings and upon housing accommodations constructed or manufactured from such materials are set forth in Housing Expediter Priorities Regulation 5, Priorities Regulation 33 and in other applicable regulations of the Civilian Production Administration and the Housing Expediter.

(b) *List of short materials.* The materials and facilities for which priorities are established by this schedule are listed

below. The listing includes only residential types of the items mentioned. The fact that a residential type may also be suitable for nonresidential use does not take it out of the "residential" class.

**MATERIALS AND FACILITIES SUBJECT TO HH
RATINGS**

A. Lumber Materials

1. Flooring, hardwood (all grades).
2. Lumber, housing construction (softwood—flooring, ceiling, siding, partition, casing, base, moulding stock, strips and boards, two-inch dimension, finish, lath and shop.) (After April 1, 1947 this will not include Douglas fir and Western pine shop which will be controlled by VHP 5).
3. Millwork.
4. Plywood, construction (softwood) (Interior (moisture resistant): $\frac{1}{4}$ " and $\frac{3}{8}$ " sanded or $\frac{1}{16}$ " and $\frac{1}{8}$ " unsanded wall-board; $\frac{1}{4}$ " and $\frac{3}{8}$ " sanded or $\frac{1}{16}$ " and $\frac{1}{8}$ " unsanded sound oneseid plypanel; $\frac{1}{16}$ ", $\frac{3}{8}$ ", $\frac{1}{2}$ " and $\frac{5}{8}$ " sheathing; and Exterior: $\frac{1}{4}$ " and $\frac{3}{8}$ " sanded or $\frac{1}{16}$ " and $\frac{1}{8}$ " unsanded sound oneseid ply-panel).

B. Electrical Wiring Materials

1. *Cable, metallic or nonmetallic sheathed.
2. Lighting fixtures, not including portable lamps.
3. Raceways (including rigid and flexible conduit, thin-wall metallic tubing, surface metal raceways) and fittings.
4. Service entrance equipment (of the following kinds only: (a) Fuse cut-outs; (b) meter pans; (c) panel-boards; (d) service switches).
5. Wiring devices (of the following kinds only: (a) Sockets, lampholders, and lamp receptacles—medium screw base types; (b) convenience receptacles (outlets); (c) toggle switches; (d) wall and face plates; (e) outlet, switch and receptacle boxes—covers, hangers, supports, and clamps included; (f) box connectors for metallic or nonmetallic sheathed cable).

C. Hardware Materials

1. Builders hardware (of the following types only: (a) Butts, hinges, hasps; (b) door locks, lock trim; (c) sash, screen, and shelf hardware; (d) night latches, dead locks; (e) spring hinges; (f) sash balances, sash pulleys).
2. *Nails (ferrous, of the following kinds only: Wire and cut nails 2d to 20d, inclusive; nails and brads smaller than 2d but suitable for roofing, siding, lath, or millwork). This does not include 2d to 10d cement and bright box nails.

D. Masonry Materials

1. Brick, common and face, clay.
2. Brick, sand lime.
3. Concrete block and brick.
4. Cement, portland (all types, including high early strength, limestone, slag, and sulfate resistant).
5. Tile, common and face, structural.

See paragraph (v) of Schedule B to PR 33 for special rule regarding HHH and HH rated orders for items marked with an asterisk () in the above list.

E. Plumbing and Heating Supplies

1. Bathtubs (steel, cast iron).
2. Boilers, low pressure, for heating and hot water.
3. Controls, temperature and combustion, for heating and hot water.
4. Fittings and trim (brass tubular goods included) for bathtubs, kitchen sinks, lavatories, and waterclosets.
5. Furnace pipes, fittings, and duct work.
6. Furnaces, floor, wall.
7. Furnaces, warm air (forced or gravity circulation types of the following kinds only: (a) Gas-fired—rated input 110,000 or less B. T. U. per hour; (b) oil-fired—rated output 100,000 or less B. T. U. per hour; (c) coal-fired—grate not larger than either 2.64 sq. ft. in area or 22" in diameter).
8. Kitchen sinks and undersink cabinets. (This includes sinks and sink-and-tray combinations, undersink cabinets with or without sinks, and any fixture containing a kitchen sink.)
9. Lavatories.
10. Oil burners, domestic.
11. Pipe, bituminized fibre, for drains and sewers.
12. Pipe, sewer, clay.
13. Pipe, soil, cast iron, and fittings for such pipe.
14. *Pipe, steel and wrought iron, black and galvanized, sizes $\frac{3}{8}$ " to 4" inclusive, standard weight.
15. *Pipe fittings, screwed (of the following kinds only: (a) Gray cast recessed drainage, 2" and under; (b) gray cast steam fittings, 3" and under (125 lbs. S. W. P.); (c) malleable fittings, including unions, 2" and under (150 lbs. S. W. P.)).
16. *Pipe nipples, steel and wrought iron, black and galvanized, sizes $\frac{3}{8}$ " to 4" inclusive, in lengths 6" and less, made from standard weight pipe.
17. Radiation, convactor and cast iron, including accompanying metal enclosures and grilles.
18. Range boilers.
19. Registers and grilles for heating systems.
20. Stokers, domestic.
21. Stoves and ranges for cooking and heating, including space heaters.
22. Tanks, septic.
23. Tanks, oil and water storage, capacity 550 gallons or less.
24. *Tubing, copper—types K, L, M—sizes $\frac{3}{8}$ " to 3" inclusive.
25. Tubing fittings (for copper tubing as defined above), pressure (solder and flare) and drainage (solder).
26. Water closets (1-piece combinations; and bowls and tanks, separately or in combination).
27. Water heaters.

F. Prefabricated Housing

1. Prefabricated houses, sections, and panels (as defined in Direction 8 to PR 33).

G. Structural Materials (Metal)

1. Doors and frames, hollow metal and kalamein.
2. *Fabricated reinforcing rod and mesh.
3. Joists, bar, steel.
4. Structural shapes, steel and aluminum, fabricated or cut to length.
5. Window sash and frames, metal (of the following types only: casements; double hung windows; basement windows).

H. Wall and Roof Materials

1. Asbestos-cement flat sheets, $\frac{1}{4}$ " thick or less. This does not include electrical and insulation grades.
2. Building board (products made from wood pulp, vegetable fibres, pressed paper stock, or multiple plies of fibred stock, produced for use in building construction, and commonly described as structural insulation board, sheathing, lath, tile board, plank, thin board or laminated fibre tile board). This does not include the following: acoustical tile, asbestos-cement faced insulation board, mineral surfaced insulation board, roof insulation, and products commonly described as "hard board".
3. Gypsum board (products made from gypsum and commonly described as wall board, wide board, laminated board). This does not include precast reinforced gypsum roof plank.
4. Gypsum lath (gypsum products especially made for use as a plaster base).
5. Lime, finishing.
6. Papers, building and sheathing (of the following kinds only: (a) Asphalt sheathing paper; (b) laminated papers, consisting of two or more plies of paper cemented together with asphalt; (c) metal foil, designed for building use and consisting of one or more layers of metal foil laminated with one or more layers of paper; (d) rosin-sized, red rosin, and house sheathing paper); (e) slaters felt weighing approximately 25 lbs. per 500 square-foot roll.
7. Plaster, hardwall (gypsum plaster—basic, ready-mixed and gauging—made for use in applying base or finish coats to lathed interior walls).
8. Plaster base (metal lath and accessories for metal lath).
9. *Sheet, copper. (A person authorized to use an HH rating may use it for this material only if (1) he is going to use the material in making any of the following items for the authorized job or units and (2) he has not received other priorities assistance for this purpose from the CPA (under Priorities Regulation 28): flashings; gutters and downspouts; shower pans; termite shields.)
10. *Sheet, flat galvanized steel, 23 gauge or lighter. (A person authorized to use an HH rating may use it for this material only if (1) he is going to use it in making any of the following items for the authorized job or units and (2) he has not received other priorities assistance for this purpose from the CPA (under Priorities Regulation 28 or Order M-21): flashings; furnace pipes, fittings, and duct work; gutters and downspouts; termite shields.)
11. Shingles (asbestos-cement, asphalt, slate, wood).
12. *Stucco mesh (woven or welded wire).

I. Miscellaneous Building Materials

1. Cabinets, metal, attachable or built-in types for kitchens or bathrooms.
2. Floor coverings (of the following types only: (a) Felt-base; (b) linoleum (up to battleship grade); (c) mastic; (d) asphalt tile; (e) rubber tile).
3. Gutters and downspouts.
4. Insect screen cloth, metal or plastic.
5. Lead, caulking.
6. Paints, house, exterior—ready mixed, paste, semi-paste, and lead-in-oil. This is limited to primers, under-coats, finish coats, and stucco and cement paints only. It does not include such paints as trim colors, porch and deck paints and exterior enamels. This is also limited to lead-in-oil in 12½-lb. and larger containers and to the other paints in 1-gal. and larger containers.
7. Weatherstripping, metal.

(c) *Use of HH and HHH ratings.* The general rules for applying HH ratings are set forth below, together with certain provisions concerning the use of these ratings by builders. These rules apply to the use of HHH ratings except when otherwise provided by Direction 11 to Priorities Regulation 33 or other applicable regulations. Except as specifically provided elsewhere, these rules also apply to the use of HH ratings by prefabricators and trailer manufacturers. Additional rules applicable to HHH ratings and other related priorities assistance are set forth in Direction 11 to Priorities Regulation 33.

(1) *Kinds and quantities of materials.* The HH rating may be used only to get materials of the kinds listed in paragraph (b) of this schedule. The HH rating may not be used to get more than the minimum quantities of those materials needed to complete the housing accommodations for which the rating was assigned, in accordance with the description given in the application as approved. In some cases applicants may be limited to specific quantities of particular materials. In such cases the HH rating may not be used to get more than the specific quantities approved. The HH rating may not be applied to purchase orders for greater quantities of materials than the applicant is authorized to get. Persons authorized to use the HH rating may not place duplicate orders totalling more than the authorized minimum quantities, even though they plan to cancel one of the orders later.

(2) *Restriction on time of delivery.* A person placing an HH rated order must not specify delivery dates on purchase orders for rated materials more than 30 days before the time they are to be incorporated in the project. This provision applies to materials ordered with an HH rating, instead of the usual rule in Priorities Regulation 32. Furthermore, he must not place rated purchase orders for materials in which delivery is specified later than during the third full calendar month after the calendar month during which the purchase order is placed.

(3) *Expiration of rating.* The right to use the HH rating for a project expires 90 days after the issuance of the rating, unless the builder has begun construction on the project by physically incorporating at the site of the project materials which will be an integral part of the construction. If the builder has not begun construction within this time, he must unrate all orders for materials for the project to which he has applied the HH rating. If the application covers a number of different buildings, the right to use the rating for materials going into any individual building expires unless that particular building has been started within the 90 day period. However, he may apply by letter in triplicate to the agency which granted his application for an extension of the starting date, showing why he was unable to begin construction in accordance with his original application and giving his revised starting date. If the request for an extension is approved, he need not unrate his orders but he must postpone the delivery dates so as to comply with paragraph

(c) (2) of this schedule. The provisions of this paragraph (c) (3) do not apply to prefabricators and house trailer manufacturers, since their authorizations are granted on a calendar-quarter basis.

(4) *Use of rating.* The applicant must not use an HH rating or give others the right to use it before his application has been approved. After approval, the HH rating may be used to get materials by the applicant or by contractors or sub-contractors doing all or any part of the construction work for the applicant. Applicants, contractors and sub-contractors using the rating and their officers and agents must comply with all applicable provisions of this and other pertinent regulations. The applicant may authorize contractors and sub-contractors, and contractors may authorize sub-contractors, to use the rating assigned to the applicant, by using a certificate in substantially the following form:

VETERANS' EMERGENCY HOUSING PROGRAM

Application Serial Number.....

You are hereby authorized to use the HH rating to obtain material of the kinds listed on Schedule A to Civilian Production Administration Priorities Regulation 33 which are required for the housing accommodations located at (give location). Your use of this rating is subject to the provisions of applicable regulations.

Authorized user of rating

A contractor to whom an HH rating has been assigned by the Army or the Navy for military housing may authorize his subcontractors, to use that rating, by using the certificate as set out above in this paragraph but without the caption "Veterans' Emergency Housing Program" and the "Application Serial Number."

(5) *Certificates.* The HH rating may be applied to a purchase order by a person authorized to use the rating only by placing on the order the certificate specified for him below (the certificates set out in Priorities Regulations 3 and 7 may not be used):

VETERANS' EMERGENCY HOUSING PROGRAM*

Application Serial Number.....*

I certify to the U. S. Government that an HH rating has been assigned for the materials covered by this order. The materials will be used only for housing accommodations, as authorized. The housing accommodations are at.....**

(Give location.)

Purchaser.

Purchase orders already placed with the certificates previously specified in this Schedule or in Directions 8 and 13 to PR 33 need not be re-certified. Printed and other prepared forms of those previous certificates may continue to be employed until they are used up.

(d) *Violations.* Any person who willfully violates any provision of any rule, regulation or order of the Civilian Production Administration dealing with the

*Contractors using HH rating assigned by the Army or Navy should substitute the following caption, without an application serial number: "MILITARY HOUSING."

**Prefabricators need not include statement about location.

priorities assistance and allocations established by this schedule, or who, by any statement or omission, wilfully falsifies any records, which he is required to keep, or who otherwise wilfully furnished false or misleading information to the Civilian Production Administration and any person who obtains a delivery or an allocation of materials or facilities or a preference rating by means of a material

and wilfully false or misleading statement, may be prohibited by the Civilian Production Administration from making or obtaining further deliveries of materials and facilities of the kinds listed in paragraph (b) of this schedule and may be deprived of further priorities assistance. The Civilian Production Administration may also take any other action deemed appropriate, including the mak-

ing of a recommendation for prosecution under section 35 (A) of the Criminal Code, under the Second War Powers Act or under the Veterans' Emergency Housing Act of 1946.

Issued this 3d day of March 1947.

**CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.**

NHA
FPHA
5-23-47

BULLETIN 14

Section 3.12

SUBJECT: Amendment 1 to Schedule A to PR-33, Dated March 31, 1947,
Cut-off Date for HH Ratings, and Rules for Special Sales
of Materials in the HH Category.

This amendment provides that orders bearing an HH rating may not be placed after April 15, 1947, and explains how a person authorized to place HH rated orders may request relief from this provision. Authority for extending such relief is in the FPHA regional offices, under certain conditions as explained in the Amendment.

The Amendment also explains the rules governing "Special Sales" of quantities of materials, obtained with priorities assistance for the housing program, which the person who so acquired such materials is unable to use for the authorized purposes.

OFFICE OF HOUSING EXPEDITER

Priorities Reg. 33, Schedule A, as Amended
March 3, 1947, Amdt. 1]

**PART 803—PRIORITIES REGULATIONS UNDER
VETERANS' EMERGENCY HOUSING ACT OF
1946**

Section 803.11a, *Schedule A to Priorities Regulation 33*, is amended as follows:

1. Add the following subparagraph at the end of paragraph (c):

(6) *Cut-off date.* No order bearing an HH rating may be placed by a builder, contractor, sub-contractor, or prefabricator after April 15, 1947. The placing of such orders is subject to the 30-day and three-month time restrictions of paragraph (c) (2) of this section. An HH rated order which conforms with the specifications of this paragraph remains valid until filled.

However, a builder, contractor, sub-contractor, or prefabricator who is authorized to place HH rated orders may request relief from the restrictions of this paragraph (c) (6) if (i) for reasons beyond his control, he is unable to place his order by April 15, 1947, or (ii) he is not entitled to specify a delivery date which meets the time restrictions of paragraph (c) (2) of this section. He may request relief by sending in an explanatory letter, in triplicate, no later than June 1, 1947, to the appropriate local office of the Federal Housing Administration in all cases except those in which his original application for priorities assistance was filed with the Federal Public Housing Authority. In such cases, he should address his request to the appropriate FPHA Regional Office. In general, relief will be granted only where it is shown that exceptional and unreasonable hardship will otherwise result to the applicant.

A person to whom such relief is granted may apply an HH rating by placing on

his order the certificate specified in paragraph (c) (5) of this section, adding to that certificate the following sentence: "Use of HH rating after April 15, 1947 authorized under Schedule A to PR 33."

This paragraph (c) (6) does not apply to certified HH and HHH rated orders, since they are covered by Direction 11 to PR 33.

2. Renumber the present paragraph (d) as "(e)" and insert the following as paragraph (d):

(d) *Use of materials: "Special sales."* Under PR 1, materials obtained with priorities assistance must, if possible, be used for the purposes for which the assistance was given. Rules for "special sales" of such materials in cases where it was not possible to use them for the original purposes have been set out in PR 13. Due to revocation of PR 13, effective April 1, 1947, this Schedule A now contains the rules for "special sales" of certain materials after April 1, 1947.

(1) *Permitted sales.* These rules apply only to materials obtained with priorities assistance for the housing program (HHH ratings, HH ratings, or certified orders authorized under PR 33, directions to PR 33, HEPR-5, or HEPR-6). A person who has such material which he is unable to use for the authorized purposes may sell it as follows. If all the material of the same kind that he has at any one location did not cost him more than \$100, he may sell it free of the restrictions of this paragraph. If, however, the material cost him more than \$100, he may sell it only to any of the following persons, upon the basis of a buyer's certificate as set out in paragraph (d) (2) of this section:

(i) A builder, contractor, or sub-contractor, for his use in housing accommodations specifically authorized under PR 33, HEPR-5, or HPR;

(ii) A prefabricator who has received

an authorization under Direction 8 to PR 33 or HEPR-6, for his use in making prefabricated houses, sections, panels, or packages;

(iii) A builder, contractor, or sub-contractor, for his use in the Veterans' Administration Construction Program;

(iv) A distributor or dealer, for resale to any person who is listed in (i), (ii), or (iii), or in this subparagraph (iv), who gives the certificate specified in paragraph (d) (2) of this section:

(v) A producer, or reprocessor, of the same kind of material, for resale to any person who is listed in (i), (ii), (iii), or (iv) and who gives the certificate specified in paragraph (d) (2) of this section.

(2) *Buyer's certificate.* The buyer's certificate required in paragraph (d) (1) of this section must be in substantially the following form:

The undersigned certifies to the U. S. Government, subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code, that he is eligible, under Schedule A to PR 33, to buy the materials covered by this order and that he will use or dispose of them only as permitted by that Schedule.

Buyer's signature

Any person giving this certificate may use or dispose of the materials which he gets with it only in accordance with this Schedule A. Any person who has given the certificate previously specified in PR 13 for the class of materials referred to in paragraph (d) (1) of this section may use or dispose of those materials only in accordance with the certificate he gave or in accordance with this Schedule A (60 Stat. 207; 56 Stat. 177, as amended; E. O. 9836, 12 F. R. 1939)

Issued this 31st day of March 1947, to become effective April 1, 1947.

FRANK R. CREEDON,
Housing Expediter.

NHA
FPHA
3-18-47

Bulletin 14

~~PART I~~ - Section 3.12

SUBJECT: Schedule B to PR-33, Amended 3-3-47 1/

This Schedule supplements Schedule A and is specifically directed to distributors and manufacturers, explaining how they are to handle rated orders for materials and equipment listed in Schedule A.

This Schedule has been revised by CPA to reflect its action for revocation of the limitation orders, L-358 and L-359, relative to lumber materials.

1/ Supersedes Schedule B to PR-33, dated 12-31-46.

OFFICE OF TEMPORARY CONTROLS
CIVILIAN PRODUCTION ADMINISTRATION

Sch. B to PR 33

MAR. 3, 1947
[As Amended]

**PART 944—REGULATIONS APPLICABLE TO THE
OPERATIONS OF THE PRIORITIES SYSTEM**
[Priorities Reg. 33, Schedule B as Amended
Mar. 3, 1947]

**HOW DISTRIBUTORS OF BUILDING MATERIALS
HANDLE RATINGS**

PURPOSE AND SCOPE OF SCHEDULE B

Par.
(a) What this schedule does.

DEFINITIONS

(b) Definitions.

EXTENSION OF RATINGS

- (c) What "extension" of ratings means.
- (d) HHH and HH ratings are not extendible by manufacturers.
- (e) When HHH and HH ratings are extendible.
- (f) Special rule for "certified-HH" ratings.

SET-ASIDE PROVISIONS

(g)-(k) [Revoked Dec. 31, 1946.]

"CEILING" PROVISIONS

- (l) Purpose of "ceiling".
- (m) Operation of "ceiling".
- (n) Ceilings for materials for which HHH and HH ratings are not extendible.
- (o) Ceilings for materials for which HHH and HH ratings are extendible.

**APPORTIONMENT OF SALES BETWEEN USERS AND
OTHERS**

- (p) Minimum percentage for users.
- (q) Special rule for nails.
- (r) Exclusion of certain quantities in figuring ceilings.
- (s) Inclusion of direct shipments in figuring ceilings.

OTHER SPECIAL PROVISIONS

- (t) Rated orders must be accepted.
- (u) Manufacturer's scheduling for HHH, HH, and CC ratings.
- (v) Materials for which manufacturers need not accept any HHH or HH rated orders.
- (w) Refusal of outside-area orders.
- (x) Applicability of this schedule to AAA rated orders.

RECORDS

(y) Records.

MISCELLANEOUS PROVISIONS

- (z) Communications.
- (aa) [Revoked Dec. 31, 1946.]

PURPOSES AND SCOPE OF SCHEDULE B

§ 944.54b *Schedule B to Priorities Regulation 33*—(a) *What this schedule does.* This Schedule B explains special rules for the handling of rated orders (AAA; MM; HHH; HH and CC) by people who sell most of the building materials listed in Schedule A to Priorities Regulation 33. (Schedule A lists the building materials for which HH ratings can be used by builders and other authorized persons and tells how they use these ratings.)

NOTE: Former 2d and 3d undesignated subparagraphs of paragraph (a) deleted March 3, 1947.

When any material is mentioned by name in this schedule, the material is the same as the corresponding item on Schedule A, unless it is specifically made

less inclusive than the Schedule A item. In no case does it include anything not included in the Schedule A item.

The provisions of this Schedule B apply to HHH ratings since they are to be treated exactly the same as HH ratings except in one respect—the HHH rating has a higher priority than the HH rating. The provisions of this Schedule B apply to "certified-HH" ratings only where specifically mentioned below. This is because there are special rules for certified-HH ratings, as explained in Direction 11 to PR-33.

Beginning April 1, 1947, this Schedule will apply to the "Lumber Materials" group on Schedule A to PR 33. Until then, the Schedule does not apply to those materials since they are covered by other orders (L-358 and L-359) which will remain in effect up to that date.

This Schedule also does not apply to deliveries of any "prefabricated houses, sections, and panels." They are covered by Direction 8 to PR 33.

DEFINITIONS

(b) *Definitions.* For the purposes of this schedule:

(1) "Distributor" means any of the following:

(i) A person (including, but not limited to, wholesalers, jobbers, dealers) who sells to users.

(ii) A retail outlet (including, but not limited to, the following: mail order houses, department stores, hardware stores, appliance stores, appliance sales departments of public utility companies, etc.)

(iii) A manufacturer's factory branch sales offices which sell to users.

(iv) A manufacturer (to the extent that he sells directly to users and not through factory branch sales offices).

(v) Any sawmill, any manufacturer of construction plywood (softwood), millwork, or hardwood flooring and any person who buys and stocks construction plywood (softwood), millwork, or hardwood flooring for resale or housing construction lumber for resale as such. Where two or more separate and distinct sales yards are operated, each yard must be considered a "distributor." (For the purposes of Schedule B, this paragraph (v) is the only definition for distributors of the materials mentioned in it.)

(2) "User" means any person who buys for use instead of for resale. This includes, but is not limited to, the following:

(i) A builder, prefabricator, or house trailer manufacturer.

(ii) A person buying from a retail outlet.

(iii) A person buying for a structure, property, or installation owned, occupied, or managed by him.

(iv) A person who installs what he sells (such as a plumbing contractor, wiring contractor, etc.) The performance of such service as the mere connecting of a stove to an existing gas line in a structure does not constitute "installing" for the purpose of this definition.

EXTENSION OF RATINGS

(c) *What "extension" of ratings means.* Some of the new provisions of this schedule involve the matter of "extension" of ratings. This matter is explained in Priorities Regulation 3, but a brief generalized explanation is as follows (this is merely explanatory and its application to particular materials depends on the various provisions in the schedule).

In general, people may place rated orders in one of two ways (the distinction between the two is important):

(1) *By "application."* When a rating is used by a person to whom it was originally issued (or by a person he has authorized to use it), he is "applying" it to his supplier.

(2) *By "extension."* When a person receives a rated order from a customer and passes the rating on to his supplier, he is "extending" the rating. The cases in which HHH and HH ratings may be extended are explained below.

(d) *HHH and HH ratings are not extendible by manufacturers.* HHH and HH ratings are never extendible by manufacturers (as such).

(e) *When HHH and HH ratings are extendible.* In general, distributors and other suppliers may not extend HHH and HH ratings. However, they may extend such ratings for certain materials, subject to certain conditions. In these cases, the ratings may be extended by them to get the material to be delivered on the rated orders involved. The procedure for extending ratings is explained in Priorities Regulation 3.

(1) *Limited extendibility.* For the following materials,¹ HHH and HH ratings may be extended to suppliers except manufacturers (as such):

Nails.
Pipe, steel and wrought iron.
Pipe fittings (cast and malleable).
Pipe nipples, steel and wrought iron.
Sheet, copper.
Sheet, galvanized steel.
Tubing, copper.
Tubing (copper) fittings.

(2) *Complete extendibility.* For the following materials,¹ HHH and HH rat-

¹ When any material is mentioned by name in this schedule, the material is the same as the corresponding item on Schedule A, unless it is specifically made less inclusive than the Schedule A item. In no case does it include anything not included in the Schedule A item.

ings may be extended to suppliers, including manufacturers (as such):

Brick, common and face, clay.
Brick, sand lime.
Concrete block and brick.
Tile, structural clay.

(f) *Special rule for certified-HH ratings.* "Certified-HH" ratings may be issued, under Direction 11 to PR 33, for the following materials, for use in FPHA projects: building board, cast iron soil pipe, and gypsum board. A "certified-HH" rating is extendible to suppliers, including manufacturers.

SET-ASIDE PROVISIONS

(g)-(k) [Revoked Dec. 31, 1946.]

"CEILING" PROVISIONS

(l) *Purpose of "ceiling."* In general, rated orders must be accepted and filled in accordance with the basic priorities rules of Priorities Regulation 1. One of those rules is that rated orders must be accepted and filled in preference to unrated or lower rated orders. The "ceiling" provisions of this Schedule modify that basic rule by putting a limit on the amount of his supply a person has to use in filling rated orders.

It is not necessary to hold any supply in expectation of receiving rated orders.

(m) *Operation of "ceiling."* A person who is required to fill rated orders for a Schedule A material does not have to use more than his "ceiling" amount to fill such orders. (AAA rated orders are an exception to this rule. While amounts delivered on AAA orders may be charged against the ceiling, a person may not refuse to fill a AAA rated order merely on the ground that it will exceed his ceiling.)

The distributor may set his own unit of measure in figuring the ceiling. Ordinarily, the customary way of billing the material in the industry should be used, such as units on things like stoves, pounds for insulated copper wire, square feet for screen cloth, etc.

The figuring and application of ceilings depend on whether or not HHH and HH ratings are extendible for the particular material involved. The following paragraphs (n) and (o) explain this in more detail.

(n) *Ceilings for materials for which HHH and HH ratings are not extendible.* In the case of materials for which HHH and HH ratings are not extendible, the ceiling applies to the distributor only. He is to figure his ceiling as follows (this does not apply to the "extendibility" materials listed in paragraphs (e) (1) and (2) above):

(1) *Most materials.* Except for the "Lumber Materials" group covered by paragraph (n) (2) below, the ceiling is 75% of the distributor's deliveries of the particular material to users during the month.

(2) *Lumber materials.* In the case of any of the following materials¹, after March 31, 1947, a distributor need not use more than the specified percentage of the quantity he produces or receives in any quarter to fill rated orders:

	Percent
Hardwood flooring-----	75
Housing construction lumber----	50
Millwork-----	75
Construction plywood (softwood)-	50

(o) *Ceilings for materials for which HHH and HH ratings are extendible.* In the case of materials for which HHH and HH ratings are extendible, the figuring and application of ceilings depend on whether or not these ratings are extendible to the manufacturer.

(1) *Percentage ceiling for "complete-extendibility" materials.* In the case of a material for which HHH and HH ratings are extendible to a manufacturer, the percentage ceiling applies to him. His ceiling is 75% of the total amount scheduled for production during the month. This applies to the materials listed in paragraph (e) (2).

(2) *Percentage ceiling for "limited-extendibility" materials.* In the case of a material for which HHH and HH ratings are extendible to any supplier except a manufacturer (as such), the percentage ceiling applies to the supplier who gets his supply from the manufacturer (as such). The supplier's ceiling is 75% of the total quantity delivered by him during the month. This applies to the materials listed in paragraph (e) (1).

(3) *General ceiling for other suppliers of "extendibility" materials.* In the case of a material for which HHH and HH ratings are extendible, the ceiling for any distributor or other supplier who extends the rating is generally the amount he gets by extending those ratings. He must redeliver these (or equivalent) amounts on the orders bearing the ratings he extended. Generally, the amounts he gets without extending ratings (i. e., "free supply") need not be used to fill rated orders.

APPORTIONMENT OF SALES BETWEEN USERS AND OTHERS

(p) *Minimum percentage for users.* Where a person normally sells both to users and to persons buying for resale, he must continue to sell to both those classes of customers. The portion he sells to users must be at least as large, percentage-wise, as the portion he has usually sold to that class of customers in the past. He may sell more than that percentage to users and should do so

¹ When any material is mentioned by name in this schedule, the material is the same as the corresponding item on Schedule A, unless it is specifically made less inclusive than the Schedule A item. In no case does it include anything not included in the Schedule A item.

when it will help the Veterans' Emergency Housing Program. While this percentage requirement is an exception from the rules of Priorities Regulation 1, the other rules of that regulation apply to his handling of rated orders from users.

(q) *Special rule for nails.* The former special rule for apportioning sales of nails between users and persons buying for resale is revoked. Instead, the apportioning rule of paragraph (p) now applies to nails,¹ as well as to the other materials in Schedule A to PR 33.

(r) *Exclusion of certain quantities in figuring ceilings.* In the case of materials for which a distributor's ceiling is based on deliveries to users, his ceiling figuring does not have to include amounts delivered to persons who are not users if those deliveries are made in conformity with paragraph (p) above. (This rule does not apply to any materials for which HHH and HH ratings are extendible, as listed in paragraph (e) above.)

For instance, where a manufacturer of sinks makes some deliveries directly to users, those deliveries are subject to this Schedule and he is a "distributor" with respect to them. However, the ceiling provisions of this Schedule do not apply to the rest of his deliveries, if they are not made to users.

Also, where a person delivers to a distributor, the ceiling provisions do not apply to the person making the delivery for those quantities but do apply to the person who receives them. This is an example of the rule. If a distributor delivers 100 sinks during a month, he would normally be required to deliver up to 75 (75% of 100) on rated orders, if received. If, however, he legitimately delivers 40 of the 100 to another distributor, then he need apply the ceiling provisions to 60 sinks only and deliver up to 45 (which is 75% of 60) on rated orders, if received.

However, in these cases he must make a complete record of the transaction and adjust the records which he is required to keep under paragraph (y) accordingly.

(s) *Inclusion of direct shipments in figuring ceilings.* A distributor must include any direct shipments which he arranges to have made by his supplier directly to his customer for his own account. These kinds of shipments count against the distributor's ceiling, and the distributor must handle these shipments just as if the material had actually been delivered from his stock. It is the distributor's job to make arrangements with the manufacturer so that these shipments the manufacturer makes are in accordance with those that the distributor can make under this schedule.

OTHER SPECIAL PROVISIONS

(t) *Rated orders must be accepted.* A person required to accept rated orders under this schedule must not turn down a rated order merely because he does not have the material ordered in stock or because it would exceed his ceiling.

He must accept the order, and keep it on hand to fill it as soon as possible (subject to the ceiling provisions), and he must tell his customer how soon he expects to be able to fill it.

(u) *Manufacturer's scheduling for HHH, HH, and CC ratings.* When a manufacturer receives, and is required to accept, any rated order, including an HHH, HH or CC rated order (by extension or by application), he must schedule it as required by Priorities Regulation 1.

(v) *Materials for which manufacturers need not accept any HHH or HH rated orders.* (1) For the following materials¹, HHH and HH rated orders may not be served on a manufacturer and have no effect on him (see paragraph (v) (3) below):

Cable
Fabricated reinforcing rod and mesh
Nails
Pipe, steel and wrought iron
Pipe, fittings (cast and malleable)
Pipe nipples, steel and wrought iron
Sheet, copper
Sheet, galvanized steel
Stucco mesh
Tubing, copper

These items have been marked with an asterisk in Schedule A to PR 33.

¹ When any material is mentioned by name in this schedule, the material is the same as the corresponding item on Schedule A, unless it is specifically made less inclusive than the Schedule A item. In no case does it include anything not included in the Schedule A item.

(2) For any of the following materials,¹ a manufacturer who sells to dealers directly (and not through factory branch sales offices) need not accept HHH and HH rated orders from a dealer even if the dealer has been authorized to use such a rating as a subcontractor:

Asphalt tile floor covering
Bollers, low pressure
Controls, temperature and combustion
Furnaces, floor, wall
Furnaces, warm air
Oil burners, domestic

(3) Subparagraphs (v) (1) and (v) (2) above do not mean, by implication, that HHH and HH rated orders may be served on manufacturers for the Schedule A materials not mentioned. This question is controlled by other rules (Priorities Regulation 1 and other applicable regulations). The special rules in those subparagraphs merely mean that, for the materials mentioned, HHH and HH rated orders may not be served on the manufacturers involved even if other applicable rules might otherwise permit that.

(w) *Refusal of outside-area orders.* A producer or other supplier may refuse to accept an HHH or HH rated order for any material listed below for delivery by him in any area to which he has not delivered it in the five years preceding receipt of this order. A new producer or dealer may not apply this basis for refusal to accept such rated orders for delivery in his local trading area. This paragraph applies to the following materials¹:

Brick, common and face, clay.
Brick, sand lime.
Concrete block and brick.
Tile, structural, clay.

(x) *Applicability of this schedule to AAA rated orders.* This schedule does not limit acceptance of AAA rated orders or deliveries on AAA rated orders.

RECORDS

(y) *Records.* Each person entitled to apply a ceiling under this Schedule must keep records in such a way that, upon request of authorized government representatives, he can show for each material, how much he delivered with or without ratings, separately, after the material was put on Schedule A.

These various records must be kept so that each rated purchase order placed with him can be easily identified. (These record requirements are in addition to those of Priorities Regulation 1.)

MISCELLANEOUS PROVISIONS

(z) *Communications.* All communications about this Schedule should be addressed to the Civilian Production Administration, Washington 25, D. C., Ref: Schedule B to PR 33.

(aa) [Revoked Dec. 31, 1946.]

Issued this 3d day of March 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX I—[Deleted Dec. 31, 1946.]

•NHA
FPHA
9-26-46

Bulletin 14

~~PART I~~ - Section 3.12

SUBJECT: Direction 5 to PR-33, Amended 8-28-46 1/
Gypsum Board and Gypsum Lath

The issuance of Schedule B to PR-33, which established an 85% set-aside for gypsum board and lath, takes the place of previous provisions in Direction 5, necessitating this amendment thereto.

This Direction, which does not affect FPHA priorities operations, makes provisions for directives to be issued by CPA for the purpose of securing the production and delivery of gypsum liner for the manufacture of gypsum board and gypsum lath.

CIVILIAN PRODUCTION ADMINISTRATION

Dir. 5 to PR 33

AUG. 28, 1946

[As Amended]

PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Reg. 33, Direction 5, as Amended Aug. 28, 1946]

GYPSUM BOARD AND GYPSUM LATH

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of building materials and building supplies for defense, for private account and for export; and the following direction is deemed necessary and appropriate in the public interest and to promote the national defense:

NOTE: The first subparagraph of paragraph (a) deleted Aug. 28, 1946.

(a) *Purpose of this direction.* In order to meet the Veterans' Emergency Housing Program and the needs of other essential construction it is necessary to increase the production of many building materials including gypsum board and gypsum lath, and to do this increased tonnage of gypsum liner must be made available to producers of gypsum board and lath. This direction makes provision for directives to be issued by the Civilian Production Administration from time to time for the purpose of securing the production and delivery of gypsum liner for the manufacture of gypsum board and gypsum lath.

(b) *Definitions.* For the purposes of this direction:

(1) "Gypsum board" means only those products made from gypsum and commonly

referred to in the building trade as wall board, long board, wide board, laminated board or sheathing. The term does not include precast reinforced gypsum roof plank.

(2) "Gypsum lath" means the gypsum product made especially for use as a plaster base.

(3) "Producer" means a person owning or operating facilities in which gypsum board or gypsum lath are manufactured.

(4) [Deleted Aug. 28, 1946.]

NOTE: Former paragraphs (c), (d) and (e) deleted and former paragraphs (f) and (g) redesignated (c) and (d) on Aug. 28, 1946.

(c) *Directives for gypsum liner.* The Civilian Production Administration, in order to increase the production of gypsum board and gypsum lath, may issue directives from time to time to the manufacturers of boxboard, requiring them to produce specified quantities of gypsum liner and to make delivery to producers of gypsum board and gypsum lath. The production of gypsum liner covered by the directives will be distributed among the boxboard mills in as equitable a manner as is possible taking into account the following:

(1) The facilities of all mills in the boxboard field which can produce either cream-faced, greyback or lath board and which have suitable machines and roll equipment for the production of liner of the basic weight required.

(2) From the total tonnage of gypsum liner needed to produce the required tonnage of gypsum board and lath for housing and other essential construction, including maintenance and repair, there will be deducted the tonnage of gypsum liner being produced by

the regular suppliers for the gypsum board and lath producers. The additional tonnage of gypsum liner necessary to meet the requirements for gypsum board and gypsum lath will be spread through the means of directives among the boxboard mills on an approximate percentage basis of their production, calculated on the boxboard and miscellaneous board produced by them during the first three months of 1946.

(d) *Appeals.* (1) Any appeal from the provisions of this direction should be made by mailing a letter in triplicate to the Civilian Production Administration, Washington 25, D. C., Ref: PR-33, Direction 5, stating the particular provision appealed from and stating fully the grounds for the appeal.

(2) If an appeal from a directive issued under paragraph (c) is to be made on the ground that compliance with the action will result in production at a loss, an application for price relief on that ground must first be filed with the Secretary of the Office of Price Administration, Washington, D. C., and a copy filed with the appeal. If the Civilian Production Administration appeal is granted, the directive for increases above current production will be suspended until the decision of the Office of Price Administration upon the application for price relief. This paragraph does not indicate or limit the extent or kind of price relief, if any, which may be granted by the Office of Price Administration.

Issued this 28th day of August 1946.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

SUBJECT: Direction 11 to PR-33, Amended 1-17-47 1/
Special Assistance for Re-Use Housing Projects

This Direction explains the four types of special assistance which have been available exclusively to FPHA for completing its veterans re-use housing program: (1) Certified-HH ratings, (2) HHH ratings, (3) special directives for forest products, and (4) authorized orders for equipment made specifically for FPHA projects.

Cut-off dates were previously established restricting the further use of Certified-HH and HHH ratings, and paragraph (x) provides that such ratings cannot be placed on any purchase orders after January 31, 1947

The only revision introduced in this amendment is contained in paragraph (s), which reflects the recent amendment of PR-28 and its drastically restricted access to CC ratings.

1/ Supersedes Direction 11 to PR-33, dated 12-10-46.

**OFFICE OF TEMPORARY CONTROLS
CIVILIAN PRODUCTION ADMINISTRATION**

**PART 944—REGULATIONS APPLICABLE TO THE
OPERATION OF THE PRIORITIES SYSTEM**

[Priorities Reg. 33, Direction 11 as Amended
Jan. 17, 1947]

**VETERANS' EMERGENCY HOUSING PROGRAM;
FPHA TEMPORARY RE-USE HOUSING PROJ-
ECTS**

(a) *What this direction does.* As part of the Veterans' Emergency Housing Program under the Veterans' Emergency Housing Act of 1946, the Federal Public Housing Authority (FPHA) is erecting 200,000 temporary housing units for emergency use by veterans in distress situations, pending completion of permanent housing units under the Veterans' Emergency Housing Program. Many of these temporary units are being erected for municipalities, to meet existing housing emergencies, and must be completed as soon as possible. Others are being erected at universities and colleges and must be ready for use during the coming scholastic year. Some of the building materials required for these units are in extremely short supply, and unless special assistance is given, local suppliers will not be able to meet those needs. This direction provides for special assistance to FPHA contractors in some instances. The special assistance includes several types of "super-priority" procedures which may be

NOTE: Table amended Jan. 17, 1947.

Material for which special assistance is required	Type of special assistance available for particular material
1. Any material listed in paragraph (d) below (certain types of building board, cast iron soil pipe).	"Certified-HH" rating—superior to uncertified HH and CC ratings and extendible to producers.
2. Any material listed in paragraph (j) below (hardwood flooring, lumber, millwork, softwood plywood).	"Individual directive" or other action—requiring preferential treatment by a producer or supplier for a specific contractor's order.
3. Any material covered by paragraph (m) below (any material on Schedule A to PR 33 except those covered by #1 and #2 above).	HHH rating—superior to HH and CC ratings but otherwise identical with HH rating.
4. Any material listed in paragraph (p) below (certain types of heating and plumbing fixtures made for FPHA projects).	"Authorized order"—directed at "earmarked products" made specifically for FPHA projects.
5. Limited types of items, under very limited conditions (see paragraph (s) below).	CC rating under Priorities Regulation 28.

"Certified-HH" Rating Procedure

(d) *Material for which certified-HH ratings may be authorized.* Special assistance for the following materials (as listed on Schedule A to PR 33) may be given in the form of authority to use a "certified HH" rated order:

Material
Cast iron soil pipe (including fittings).
Gypsum board.
Building board.

A "certified-HH" rated order is an HH-rated order to which the endorsement described in paragraph (f) below has been added by an authorized FPHA representative. A certified-HH rating has a higher priority than an uncertified HH rating or a CC rating and is extendible by suppliers (but not by producers) to get the material to be delivered on the "certified-HH" order involved. Its priority, however, is lower than ratings of AAA or MM.

(e) *Authorization for certified-HH rating.* Under the conditions stated in paragraph (b) above, a contractor may apply for certified-HH rating assistance by presenting his pro-

posed purchase order to the FPHA. If the FPHA decides that special assistance is needed, the authorized FPHA representative may endorse the following certificate on the contractor's purchase order:

Special Assistance Available

(b) *When contractors may apply for special assistance.* It is expected that a contractor will ordinarily get most of his building materials for an FPHA temporary re-use housing project without any priorities assistance except the HH ratings assigned for the particular materials listed on Schedule A to PR 33. However, a contractor may apply to the FPHA (see paragraph (v) below for special assistance under certain circumstances. Unless otherwise specified below, he may apply only in cases where he has served purchase orders (with an HH rating, if authorized) for any building material on three or more sources of supply and received notice of their inability to deliver by the date required. The type of special assistance available and the method of applying depend on the particular material involved, as explained below.

(c) *Types of special assistance.* The various types of special assistance available are tabulated as follows and explained below:

posed purchase order to the FPHA. If the FPHA decides that special assistance is needed, the authorized FPHA representative may endorse the following certificate on the contractor's purchase order:

Certified-HH rated order authorized, under Direction 11 to PR 33, for materials to be used in FPHA temporary re-use housing projects.

Signature and title of authorized
FPHA representative.

This certificate makes the purchase order a "certified-HH" rated order, entitled to the preferential treatment explained in paragraphs (f) and (g) below. The order will then be returned to the contractor, to be placed by him with his source of supply.

(f) *Suppliers' handling of certified-HH rated orders.* A distributor, jobber, dealer, or other supplier must not fill certified-HH rated orders out of inventory on hand or with material previously ordered. Instead, he must get the material by extending the certified-HH rating to his source of supply. Upon receiving material so ordered, he must deliver it on the order bearing the rating which was extended. Ratings are to be extended as explained in Priorities Regulation

3 except that the following statement is to be added to the certificate required by PR 3:

The items ordered herewith are for certified-HH rated orders authorized, under Direction 11 to PR 33, for materials to be used in FPHA temporary re-use housing projects.

(g) *Producers' handling of certified-HH and other rated orders.* Producers must accept and fill certified-HH rated orders in accordance with the rules of Priorities Regulation 1, for rated orders, subject to the following special rules:

(1) *Priority for certified-HH rating.* A certified-HH rating is of higher priority than an uncertified HH or a CC rating but of lower priority than an AAA or MM rating. Subject to the "ceiling" provision of paragraph (g) (2) below, a producer receiving a certified-HH order for any material listed in paragraph (d) above must fill it in preference to any uncertified HH or CC rated orders.

(2) *"Ceiling" on accepting certified-HH and AAA rated orders.* The maximum amount of certified-HH rated orders which a producer need accept for delivery of any material listed in paragraph (d) above in any month is 20% of his production of that material during that month. (AAA rated orders accepted by a producer before October 15, 1946, for any such material may be charged to the 20% ceiling for the month of delivery.) A producer may accept more than this amount of certified-HH orders but is not required to do so. The FPHA requirements for the materials listed in paragraph (d) above are so large that it is essential that they be spread evenly among all producers. If any single producer devoted a major part of his production to FPHA requirements, the resulting dislocation in his normal distribution might seriously interfere with the other phases of the Veterans' Emergency Housing Program.

(h) *Producer's equitable distribution of remainder of production.* After providing, each month, for certified-HH and AAA rated orders for a particular material listed in paragraph (d) above, a producer should distribute the remainder of the month's production of that material among his customers in each area in a fair and equitable manner, without regard to the certified-HH and AAA rated orders which any such customer may have served on him. In determining the amount of material to be shipped into each area, a producer should give due regard to the requirements of the Veterans' Emergency Housing Program.

(i) *Applicability of Schedule B to PR 33.* Quantities received by a distributor for delivery on certified-HH orders shall be excluded by him in all his ceiling and set aside calculations under Schedule B to PR 33. Quantities received by a distributor for delivery on any AAA rated order for an FPHA project shall also be so excluded, if the producer involved accepted the order, as placed with him, before October 15, 1946.

**"Individual Directive" or Other Assistance
Procedure for Certain Lumber Products**

(j) *Materials for which special assistance may be issued.* Special assistance for the following materials (as listed on Schedule A to PR 33) may be given by the Civilian Production Administration, in the form of an individual directive or other arrangement under which a producer or supplier will pro-

vide preferential treatment for a particular purchase order:

Material
Flooring, hardwood, residential. Lumber, housing construction. Millwork. Plywood, construction (softwood).

(k) *Procedure for getting special assistance.* Under the conditions stated in paragraph (b) above, a contractor may apply for this special assistance by filing a Form CPA-4473 application with the FPFA. If the FPFA believes that special assistance is needed, it will forward the application to the appropriate Civilian Production Administration office (Portland, Oregon, or Washington, D. C.). The Civilian Production Administration office will review the request and, if approved, will take appropriate assistance action, notifying the contractor and other interested persons.

(l) *Applicability of other regulations.* An order for which special assistance is given will be handled in accordance with applicable regulations (Orders L-358 and L-359), unless otherwise specified in the CPA action.

HHH-Rating Procedure

(m) *Materials for which HHH ratings may be authorized.* For any material listed on Schedule A to PR 33 except those listed in paragraphs (d) and (j) above ("certified-HH" and "individual directive" procedures), special assistance may be given in the form of authority to use an HHH rating. An HHH rating has a higher priority than a rating of HH or CC but a lower priority than a rating of AAA or MM.

(n) *Authorization for HHH rating.* Under the conditions stated in paragraph (b) above, a contractor may apply to the FPFA for authorization to use an HHH rating. Application is to be made in the manner required by the FPFA. If the FPFA decides that the special assistance is needed, it may authorize the contractor to use an HHH rating. The method for using the HHH rating is the same as for the HH rating.

(o) *Suppliers' and producers' handling of HHH ratings.* A supplier or producer must accept and fill an HHH rated order in accordance with the rules of Priorities Regulation 1, subject to the special rules mentioned in this paragraph. He must fill an HHH rated order in preference to an HH or CC rated order. As explained in Schedule B, HHH ratings for any material are extendible under the same conditions as HH ratings for that material and are subject to any rules for HH rated orders in Schedules A and B to PR 33 and in any other applicable regulations.

"Authorized Order" Procedure for "Earmarked Products"

(p) *Materials made specially for FPFA projects ("earmarked products").* The CPA has been giving certain types of special assistance for steel and iron castings to certain producers for the manufacture of specific quantities of the following kinds of plumbing and heating equipment:

Material
Cooking ranges (21" gas, up to 36" oil). Ice refrigerators. Shower stalls. Space heaters (gas, oil). Water heaters (20-gal. gas, 30-gal. oil).

Under Order L-357, the quantities so manufactured are called "earmarked products" and may be sold only as permitted by that order. Usually, sale is permitted only on "authorized orders" for FPFA temporary re-use housing projects.

(q) *Authorization for "authorized orders".* In general, where a contractor needs materials of the kinds listed in paragraph (p) above, he will ordinarily be supplied, on "authorized orders", from the production earmarked for FPFA projects. To get any such earmarked products, a contractor should present one or more proposed purchase orders to the FPFA. The authorized FPFA representative may then place the following endorsement on each purchase order:

Authorized order, under Direction 11 to PR 33 and Order L-357, for earmarked products to be used in FPFA temporary re-use housing projects.

Signature and title of authorized
FPFA representative

This endorsement makes an order an "authorized order". An "authorized order" is not a rated order and is not to be treated as a rated order. It is, however, the only type of order on which "earmarked products" under Order L-357 may usually be delivered. After endorsement, an order will be returned to the contractor, together with any necessary instructions for placing it. In the case of ice refrigerators, the FPFA arrangements with the producers may provide for direct sale of this item by producers to FPFA contractors, on authorized orders.

(r) *Handling of authorized orders.* Order L-357 explains how suppliers and producers are to handle authorized orders.

CC Rating Procedure

(s) *Items for which CC rating may be authorized (PR 28).* Under Priorities Regulation 28, as recently amended, the conditions under which CC rating assistance will be given have been drastically curtailed. PR 28 explains the conditions under which such assistance will be given. In general, CC ratings will no longer be given for construction materials.

(t) *Procedure for getting CC rating authorization.* Under the conditions specified in Priorities Regulation 28, a contractor may present, to the FPFA, a Form CPA-541A application for a CC rating. If the FPFA believes that such assistance is needed, it will forward the application to the Civilian Production Administration, Washington 25, D. C., Ref: PR 28. The application will be reviewed by the CPA in accordance with PR 28. If approved, the contractor may use the CC rating as authorized.

(u) *Handling of CC rated orders.* Suppliers and producers must accept and fill CC rated orders in accordance with the rules of Priorities Regulation 1 and Schedule B to Priorities Regulation 33, where applicable.

Communications and Applications

(v) *Addressing communications and applications—(1) By contractors.* Contractors should address all communications concerning this direction, and make all applications under this direction, to the FPFA project engineer or to such other FPFA official as may be designated by that agency.

(2) *By other persons.* Communications by producers and suppliers concerning the operation of the various priorities provisions of this direction and obligations under them should be addressed to the Civilian Production Administration, Washington 25, D. C., Ref: Dir. 11 to PR 33. All other communications should be addressed to the Federal Public Housing Authority, either at the office of the project engineer or at the appropriate regional or field office (see Appendix A).

Definitions

(w) *Definitions.* For the purposes of this direction:

(1) "Contractor" means a contractor or subcontractor engaged to do construction work on an FPFA temporary re-use housing project.

(2) "Producer" means a person owning or operating facilities in which a building material affected by this direction is produced.

(3) "Supplier" means a person who is in the business of buying a building material, from a producer or from any other person, for resale as such. This includes distributors, jobbers, office wholesalers, brokers, and dealers of all types.

Cut-Off Dates

(x) *Cut-off dates.* No order bearing a certified-HH or HHH rating assigned under this direction may be placed by an FPFA contractor after January 31, 1947. No order bearing such a rating may specify a delivery date later than March 31, 1947. A certified-HH or HHH rated order which conforms with the specifications of this paragraph remains valid until filled.

Issued this 17th day of January 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

Communications to an FPFA regional or field office concerning this direction should be addressed, unless otherwise shown below, to the Regional Assistant Director for Development, Federal Public Housing Authority, at whichever of the following addresses is appropriate:

Area served and office address

Region I—Connecticut, Massachusetts, New Hampshire, Rhode Island, Vermont—24 School Street, Boston 8, Mass.

Region II—Delaware, Maryland,¹ New Jersey, New York, Pennsylvania—270 Broadway, New York 7, N. Y.

Region III—Illinois, Indiana, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin—201 North Wells Street, Chicago 6, Ill.

Region IV—Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia¹—Georgia Savings Bank Building, Peachtree and Broad Streets, Atlanta 3, Ga.

Region V—Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas—1411 Electric Building, Fort Worth 2, Tex.

Region VI—Arizona, California, Nevada, Utah, Hawaii—760 Market Street, San Francisco 2, Calif.

Region VII—Idaho, Montana, Oregon, Washington, Wyoming, Alaska—Skinner Building, 5th Avenue and Union Street, Seattle, Wash.

Region VIII—Kentucky, Ohio, Michigan, West Virginia—2073 East Ninth Street, Cleveland 15, Ohio.

Metropolitan District of Columbia, etc.—District of Columbia, Virginia,¹ Maryland,¹ Puerto Rico, Virgin Islands—Director, General Field Office, Federal Public Housing Authority, 1201 Connecticut Avenue, Washington 25, D. C.

¹ The following areas of Virginia and Maryland are served by the General Field Office, rather than by the local regional office serving the other areas of those states: Virginia—Alexandria, Fairfax County, Arlington County. Maryland—Montgomery County, Prince Georges County, Cedar Point, Indian Head, Meade.

SUBJECT: Direction 13 to PR-33 re House Trailers

Direction 13 to PR-33 establishes restrictions on the sale of house trailers which have been manufactured with priorities assistance. The only provisions affecting FPHA activities is summarized in the following paragraphs.

Included as eligible purchasers are educational institutions and public organizations buying one or more house trailers, mounted or demounted, to provide housing accommodations for veterans or for any local emergency housing situations.

Such purchasers are required to show to the dealer a written statement signed by an authorized official of the FPHA. This requirement imposes a responsibility on the regional offices to receive and consider requests and, on determination that the specified number of house trailers is necessary and desirable for the purposes, to issue a statement to that effect.

SUBJECT: List 1, Direction 13 to PR-33, Amended 12-31-46 1/
Purchasers Eligible for Veterans Preference

This regulation specifies the qualifications which will enable an individual purchaser of house trailers to establish veterans preference.

The requirements of this List, and the other requirements in paragraphs (p) and (q) of Direction 13 may be brought to the attention of FPHA personnel who may be in need of housing accommodations and desire to purchase trailers for their full-time housing use.

A minor language change makes it clear that a veteran is entitled to buying preference if he is purchasing a new trailer either for his own use or for "the full-time use of his dependent family".

OFFICE OF TEMPORARY CONTROLS
CIVILIAN PRODUCTION ADMINISTRATIONPART 944—REGULATIONS APPLICABLE TO
THE OPERATIONS OF THE PRIORITIES
SYSTEM

[Priorities Reg. 33, List 1, as Amended Dec. 31,
1946, to Direction 13]

PURCHASERS ELIGIBLE FOR VETERANS PREF-
ERENCE

A purchaser is eligible, under paragraph (q) of Direction 13 to PR 33, for veterans' preference in buying a new mounted VEHP house trailer if he is in one of the following classes and if, in addition, he meets the other requirements stated in paragraph (q):

(a) A person who (1) has served in the active military or naval forces of the United States on or after September 16, 1940, (2) has been discharged or released therefrom under conditions other than dishonorable, and (3) wishes to buy the house trailer for his own

full-time housing use or for the full-time housing use of his dependent family.

(b) A person who (1) is serving in the active military or naval forces of the United States, (2) requires dwelling accommodations for his dependent family, and (3) wishes to buy the house trailer for the full-time housing use of his dependent family.

(c) The spouse of a veteran (as described in paragraph (a) of this list) who died after being discharged or released from service, or the spouse of a person who served in the active military or naval forces of the United States on or after September 16, 1940 and who died in service, if the spouse wishes to buy the house trailer for full-time housing use by her (him) and a child or children of the deceased.

(d) A citizen of the United States who (1) served in the Armed Forces of an allied nation during World War II (and who has been discharged or released therefrom under conditions other than dishonorable), (2) requires dwelling accommodations for his dependent family, and (3) wishes to buy the

house trailer for the full-time housing use of his dependent family.

(e) A person to whom the War Shipping Administration has issued a certificate of continuous service in the United States Merchant Marine and who (1) requires dwelling accommodations for his dependent family, and (2) wishes to buy the house trailer for the full-time housing use of his dependent family.

(f) A citizen of the United States who (1) as a civilian, was interned or held a prisoner of war by an enemy nation at any time during World War II, (2) requires dwelling accommodations for his dependent family and (3) wishes to buy the house trailer for the full-time housing use of his dependent family.

Issued this 31st day of December 1946.

CIVILIAN PRODUCTION
ADMINISTRATION,

By J. JOSEPH WHELAN,
Recording Secretary.

SUBJECT: PR-35, dated 3-4-47 1/

This Regulation explains the revised priorities rating system and provides that after April 1, 1947, priority rating assistance will be given, in general, only in support of the housing program and to aid the Veterans Administration building program.

Ratings already issued for other reasons will expire. Provision is made, however, for the continuance of valid ratings now outstanding when they are to be used to obtain construction items listed on Schedule A to PR-33, with the exception of steel, as defined in List B.

New "RR" ratings will replace CC ratings, and "RRR" ratings will replace AAA ratings. Beginning April 1, no AAA, MM, or CC ratings will be issued for any purpose. Valid HH and HHH ratings are not affected in any way by PR-35.

1/ This is a new insert, which should be recorded in the Index for Part 1, Section 3.

OFFICE OF TEMPORARY CONTROLS
CIVILIAN PRODUCTION ADMINISTRATION

PART 944—REGULATIONS APPLICABLE TO THE
OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Reg. 35]

REVISED PRIORITIES RATING SYSTEM

Explanation and scope

- (a) Explanation.
- (b) Ratings valid after March 1947.
- (1) Certain ratings remain valid.
- (2) Ratings which expire (some may be re-rated).
- (3) New RR and RRR ratings effective at once.
- (c) General description of revised rating system.
- (1) RRR for extreme emergencies only.
- (2) RR for VEHF and V. A. construction program.
- (3) RR equivalent to CC, and RRR to AAA.
- (d) When and how certain old ratings may be converted to a new rating.
- (1) Producers of building products listed in PR-28, Table 1.
- (2) No AAA may be converted to RRR by holder.
- (3) Other persons not authorized to re-rate.
- (4) How to apply for and use a new rating to replace an old one.
- (5) New ratings date back to former one.
- (e) Transition period.
- (1) CC and other ratings may still be issued through March.
- (2) Extensibility not affected while ratings remain effective.
- (3) All old ratings unaffected through March.
- (4) Certain old ratings to be disregarded after March.
- (5) Notice of expiration need not be given by customer.
- (f) Reports.
- List A—List of "Construction Items".
- List B—"Steel Items".

§ 944.56 *Priorities Regulation 35.*

(a) *Explanation.* In furtherance of the announced policy of restoring normal buyer-seller relations as soon as possible, the rating assistance which will be given after the end of March 1947 will be even more limited than that now provided. As explained in Supplement I of Priorities Regulation 28 (being issued simultaneously with this regulation), after that time priorities assistance will in general be given only in a very limited class of cases which support the objectives of the Veterans Emergency Housing Program.

Preference ratings, issued by CPA and by other government agencies, have assisted not only housing but top military programs and general industrial reconversion. After March 31, rating assistance will be given, in general, only in support of the housing program, and to aid the Veterans Administration Construction Program, and the ratings that were issued for other reasons will expire. This will be done with the minimum dislocation: for example, it will not be necessary to disturb the ratings outstanding for the purchase of building materials or building products on Schedule A or Priorities Regulation 33 since these ratings (mostly HH) are directly related to the housing program. How-

ever, the rating symbols AAA, MM, and CC have been used for other materials for both housing and other purposes. Where necessary in order to identify those ratings for other materials, which will be used and continue in effect in support of the housing program after the end of March, new symbols will be assigned.

This regulation explains which outstanding ratings remain valid after March and which ratings will expire at the end of March. It also explains the new rating symbols and their effect, and the mechanics of the transition for the few cases where the holder of an old rating may be permitted to change to the new.

This regulation applies to preference ratings only. It does not affect any other priorities or allocation instruments.

There will also be changes in other regulations and orders of the Civilian Production Administration. It may not be practical to make all such changes before this regulation is published, and if there is any inconsistency between this regulation and any other CPA regulation or order, this one controls unless the other expressly states the contrary.

(b) *Ratings valid after March, 1947.*

(1) Valid HHH and HH ratings are not affected in any way by this regulation. Valid AAA, MM, and CC ratings issued for the purchase of any building materials or products listed in Schedule A of Priorities Regulation 33 are not revoked and remain in effect in accordance with the rules under which they were issued, except that they may not be used and will not be effective for the purchase of steel for delivery after March 31, 1947. A list of the materials and products, as listed in Schedule A of PR-33, referred to hereafter in this regulation as "construction items", is appended as List A for convenient reference, and the forms and shapes of steel are shown in List B.

(2) At the end of March 1947 all AAA, MM, and CC ratings for any material or product, other than a construction item, shall expire. However, certain of these may be re-rated with one of the new ratings under the procedures described in paragraph (d) below.

(3) The new RR and RRR ratings described in (c) below will be effective during March 1947 and thereafter, for any materials for which issued. The purposes for which they will be issued will of course be limited, as explained in this regulation and in Supplement I to Priorities Regulation 28.

(c) *General description of revised rating system.* AAA, MM, and CC ratings will not be issued after March 31, 1947, and except for those continued in effect under paragraph (b) (1) above for the purchase of construction items, will be replaced by the following:

(1) The new RRR rating, which may be assigned by CPA only in extreme

emergencies, and where an RR rating would be inadequate.

(2) The new RR rating, which may be assigned by CPA after March 1, 1947, under the conditions stated in Supplement I to Priorities Regulation 28; or which in some cases may be converted from an old rating by the persons and under the conditions described in subparagraph (d) (1) below.

(3) The new RR rating is equivalent to CC, and the new RRR rating is equivalent to AAA, under the rules stated in Priorities Regulation 1, 3 and other general priorities regulations.

(d) *When and how certain old ratings may be converted to a new rating.*

(1) Any producer who has been assigned and is entitled to use an AAA, MM or CC rating to get any item needed to maintain or increase his production of a critical building product listed in Table 1 of Priorities Regulation 28, may rate or re-rate to RR his purchase order for such item (except for steel) if still needed for this purpose. This must be done by furnishing the supplier the following statement, in time for him to receive it by the end of March, 1947: "Authorized RR rating under PR-35".

This statement must be made in addition to the certificate required by Priorities Regulation 3, and may not be waived by the seller. Persons giving the statement must use the material covered by it only as stated, and it will constitute a representation to the seller and to CPA that the buyer is entitled to rate or re-rate the purchase order to RR under the terms of this subparagraph (d) (1).

If the purchase order has already been placed, so that the statement cannot be put on it, the purchaser may give the statement to his supplier by letter or telegram, with the addition of sufficient information to clearly identify the previously placed order, and the exact materials covered by the statement.

A supplier who receives this statement may extend the RR rating only in accordance with the rules in Priorities Regulation 3 governing the extension of RR ratings.

(2) No AAA rating may be re-rated RRR by use of the statement described above. A person wishing an AAA rating to be re-rated RRR must apply to CPA.

(3) A person entitled to use an AAA, MM, and CC rating which will expire at the end of March, and who is not permitted to re-rate his order with the certificate described above, may apply to CPA for a new rating, if he can meet the conditions stated in Supplement I to PR-28.

(4) Applications to CPA for a new RR rating to replace a CC rating may be made on Form CPA-541-A by marking it "Re-rating Request PR-35", stating the previous case number and date of issuance of the old rating certificate. A request for re-rating of an MM or AAA preference rating may be made to CPA by letter or telegram, marked "Ref. PR-

35", and identifying the previous case. In either instance explain fully why a re-rating is necessary in support of the housing program or the Veterans' Administration Construction Program. If a new rating is granted, it may be used by forwarding the rating certificate required by PR-3, to the supplier together with any additional information needed to enable the person receiving it to know exactly the items re-rated, the old and new rating, and the original purchase order referred to.

(5) Any rated order which is re-rated RR or RRR before April 1, 1947 shall be treated by the person with whom the order was placed as if it had carried the new rating at the time the original rated order was received by him. In view of the expiration of many ratings at the end of March, persons entitled to use an RR or RRR rating may be able to get earlier delivery after that time than possible before the expiration of the old ratings.

(e) *Transition period.* (1) Until March 31, 1947, CPA may continue to issue CC ratings under the conditions stated in PR-28. AAA ratings may continue to be assigned until that time under existing procedures. Beginning April 1, 1947, no new AAA, MM, or CC ratings will be issued by CPA for any purpose.

(2) Those ratings which remain in effect until the end of March may continue to be extended until that date, in accordance with Priorities Regulation 3 and other applicable rules.

(3) All orders rated AAA, MM, or CC which do not meet the conditions of (b) (1) above will become unrated at the end of March 1947, unless re-rated to RR or RRR during March. However, all outstanding ratings are unaffected during March, and suppliers must continue to accept and fill such orders in accordance with Priorities Regulation 1 and other applicable rules.

(4) Any unfilled purchase order with an AAA, MM, or CC rating for the delivery of any material except construction items, which is in the hands of a supplier and has not been re-rated RR or RRR by the end of March 1947, shall be treated by him as unrated after that date. This includes ratings on orders which were originally accepted and scheduled for delivery by the end of March, but which, due to circumstances beyond the supplier's control, are delayed beyond that date in delivery.

(5) It is not necessary for any person to cancel a rating which has been applied or extended to his purchase order if the rating expires at the end of March under the terms of this regulation.

(f) *Reports.* The reporting requirements of this regulation have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 4th day of March 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

CONSTRUCTION ITEMS

This lists the same materials and facilities in Schedule A to Priorities Regulation 33, paragraph (b), as amended from time to time. It is appended here for convenience only, and if there should be any inconsistency, Schedule A to PR-33 shall be controlling.

A. Lumber Materials

1. Flooring, hardwood (all grades).
2. Lumber, housing construction (softwood—flooring, ceiling, siding partition, casing, base, moulding stock, strips and boards, two-inch dimension, finish, lath and shop).
3. Millwork.
4. Plywood, construction (softwood) (Interior (moisture resistant): $\frac{1}{4}$ " and $\frac{3}{8}$ " sanded or $\frac{1}{16}$ " and $\frac{1}{8}$ " unsanded wallboard; $\frac{1}{4}$ " and $\frac{3}{8}$ " sanded or $\frac{1}{16}$ " and $\frac{1}{8}$ " unsanded sound one side plypanel; $\frac{1}{16}$ ", $\frac{3}{16}$ ", $\frac{1}{2}$ " and $\frac{3}{4}$ " sheathing; and Exterior; $\frac{1}{4}$ " and $\frac{3}{8}$ " sanded or $\frac{1}{16}$ " and $\frac{1}{8}$ " unsanded sound one side plypanel).

B. Electrical Wiring Materials

1. Cable, metallic or nonmetallic sheathed.
2. Lighting fixtures, not including portable lamps.
3. Raceways (including rigid and flexible conduit, thin-wall metallic tubing, surface metal raceways) and fittings.
4. Service entrance equipment (of the following kinds only): (a) Fuse cut-outs; (b) meter pans; (c) panel-boards; (d) service switches).
5. Wiring devices (of the following kinds only): (a) Sockets, lampholders, and lamp receptacles—medium screw base types; (b) convenience receptacles (outlets); (c) toggle switches; (d) wall and face plates; (e) outlet, switch and receptacle boxes—covers, hangers, supports, and clamps included; (f) box connectors for metallic or nonmetallic sheathed cable).

C. Hardware Materials

1. Builders hardware (of the following types only): (a) Butts, hinges, hasps; (b) door locks, lock trim; (c) sash, screen, and shelf hardware; (d) night latches, dead locks; (e) spring hinges; (f) sash balances, sash pulleys).
2. Nails (ferrous, of the following kinds only: Wire and cut nails 2d to 20d, inclusive; nails and brads smaller than 2d but suitable for roofing, siding, lath, or millwork). This does not include 2d to 10d cement and bright box nails.

D. Masonry Materials

1. Brick, common and face, clay.
2. Brick, sand lime.
3. Concrete block and brick.
4. Cement, portland (all types, including high early strength, limestone, slag, and sulfate resistant).
5. Tile, common and face, structural.

E. Plumbing and Heating Supplies

1. Bathtubs (steel, cast iron).
2. Boilers, low pressure, for heating and hot water.
3. Controls, temperature and combustion, for heating and hot water.
4. Fittings and trim (brass tubular goods included) for bathtubs, kitchen sinks, lavatories, and waterclosets.
5. Furnace pipes, fittings, and duct work.
6. Furnaces, floor, wall.
7. Furnaces, warm air (forced or gravity circulation types of the following kinds only: (a) Gas-fired—rated input 110,000 or less B. T. U. per hour; (b) oil-fired—rated output 100,000 or less B. T. U. per hour; (c) coal-fired—grate not larger than either 2.64 sq. ft. in area or 22" in diameter).

8. Kitchen sinks and undersink cabinets. (This includes sinks and sink-and-tray combinations, undersink cabinets with or without sinks, and any fixture containing a kitchen sink.)

9. Lavatories.

10. Oil burners, domestic.

11. Pipe, bituminized fibre, for drains and sewers.

12. Pipe, sewer, clay.

13. Pipe, soil, cast iron, and fittings for such pipe.

14. Pipe, steel and wrought iron, black and galvanized, sizes $\frac{3}{4}$ " to 4" inclusive, standard weight.

15. Pipe fittings, screwed (of the following kinds only: (a) Gray cast recessed drainage, 2" and under; (b) gray cast steam fittings, 3" and under (125 lbs. S. W. P.); (c) malleable fittings, including unions, 2" and under (150 lbs. S. W. P.)).

16. Pipe nipples, steel and wrought iron, black and galvanized, sizes $\frac{3}{8}$ " to 4" inclusive, in lengths 6" and less, made from standard weight pipe.

17. Radiation, convector and cast iron, including accompanying metal enclosures and grilles.

18. Range boilers.

19. Registers and grilles for heating systems.

20. Stokers, domestic.

21. Stoves and ranges for cooking and heating, including space heaters.

22. Tanks, septic.

23. Tanks, oil and water storage, capacity 550 gallons or less.

24. Tubing, copper—types K, L, M—sizes $\frac{3}{8}$ " to 3" inclusive.

25. Tubing, fittings (for copper tubing as defined above), pressure (solder and flare) and drainage (solder).

26. Water closets (1-piece combinations; and bowls and tanks, separately or in combination).

27. Water heaters.

F. Prefabricated Housing

1. Prefabricated houses, sections, and panels (as defined in Direction 8 to PR-33).

G. Structural Materials (Metal)

1. Doors and frames, hollow metal and kalamein.

2. Fabricated reinforcing rod and mesh.

3. Joists, bar, steel.

4. Structural shapes, steel and aluminum, fabricated or cut to length.

5. Window sash and frames, metal (of the following types only: casements; double hung windows; basement windows).

H. Wall and Roof Materials

1. Asbestos-cement flat sheets, $\frac{1}{4}$ " thick or less. This does not include electrical and insulation grades.

2. Building board (products made from wood pulp, vegetable fibres, pressed paper stock, or multiple plies of fibred stock, produced for use in building construction, and commonly described as structural insulation board, sheathing, lath, tile board, plank, thin board or laminated fibre tile board). This does not include the following: acoustical tile, asbestos-cement faced insulation board, mineral surfaced insulation board, roof insulation, and products commonly described as "hard board".

3. Gypsum board (products made from gypsum and commonly described as wall board, wide board, laminated board). This does not include precast reinforced gypsum roof plank.

4. Gypsum lath (gypsum products especially made for use as a plaster base).

5. Lime, finishing.

6. Papers, building and sheathing (of the following kinds only: (a) Asphalt sheathing

paper; (b) laminated papers, consisting of two or more plies of paper cemented together with asphalt; (c) metal foil, designed for building use and consisting of one or more layers of metal foil laminated with one or more layers of paper; (d) rosin-sized, red rosin,* and house sheathing paper; (e) slaters felt weighing approximately 25 lbs. per 500 square-foot roll.

7. Plaster, hardwall (gypsum plaster-basic, ready-mixed and gauging-made for use in applying base or finish coats to lathed interior walls).

8. Plaster base (metal lath and accessories for metal lath).

9. Sheet, copper.

10. Sheet, flat galvanized steel, 23 gauge or lighter.

11. Shingles (asbestos-cement, asphalt, slate, wood).

12. Stucco mesh (woven or welded wire).

1. Miscellaneous Building Materials

1. Cabinets, metal, attachable or built-in types for kitchens or bathrooms.

2. Floor coverings (of the following types only: (a) Felt-base; (b) linoleum (up to battleship grade); (c) mastic; (d) asphalt tile; (e) rubber tile).

3. Gutters and downspouts.

4. Insect screen cloth, metal or plastic.

5. Lead, caulking.

6. Paints, house, exterior—ready mixed, paste, semi-paste, and lead-in-oil. This is limited to primers, under-coats, finish coats, and stucco and cement paints only. It does not include such paints as trim colors, porch and deck paints and exterior enamels. This is also limited to lead-in-oil in 12½-lb. and larger containers and to the other paints in 1-gal. and larger containers.

7. Weatherstripping, metal.

LIST B

FORMS AND SHAPES OF STEEL

Steel:

Bars, Cold-Finished.

Bars, Hot-Rolled or Forged.

LIST B—Continued

FORMS AND SHAPES OF STEEL—continued

Steel—Continued.

Ingots, Billets, Blooms, Slabs, Die Blocks, Tube Rounds, Sheet Bars, Tin Bar, and Skelp.

Pipe, including Threaded Couplings of the type normally supplied for Threaded Pipe.

Plates, all Plates (including Rolled Armored Plate in the form and shape to which it is rolled by the Steel Mill and prior to any subsequent fabrication), and including Nickel Clad and Stainless Clad.

Rail and Track Accessories.

Sheet and Strip.

Steel Castings (rough as cast).

Steel Forgings (rough as forged).

Structural Shapes and Piling.

Tinplate, Terneplate, and Tin Mill Black Plate.

Tubing.

Wheels, Tires, and Axles.

Wire Rods, Wire and Wire Products.

SUBJECT: Interpretation 1 to PR 35
Restrictions on the Use of CC ratings Apply to the Use
of RR Ratings

This interpretation explains that certain special rules concerning the use of CC ratings apply, in the same way and to the same extent, to the use of RR ratings.

Access to RR ratings is very limited; but in the few cases where the FPFA may apply for a rating, reference should first be made to the effect of the regulations cited.

MAR. 25, 1947

**OFFICE OF TEMPORARY CONTROLS
CIVILIAN PRODUCTION ADMINISTRATION**

[Priorities Regulation 35, Interpretation 1]
**PART 944—REGULATIONS APPLICABLE TO
THE OPERATIONS OF THE PRIORITIES SYSTEM**

**RESTRICTIONS ON THE USE OF CC RATINGS
APPLY TO THE USE OF RR RATINGS**

The question has arisen as to whether certain special rules concerning the use of CC ratings, such as those in Direction 15 to Pri-

orities Regulation 3 and Direction 6 to Priorities Regulation 28 apply in the same way and to the same extent to the use of RR ratings.

Subparagraph (c) (3) of Priorities Regulation 35 states that the new RR rating is equivalent to CC under the rules stated in Priorities Regulation 1, 3 and other general priorities regulations. Therefore special rules in general priorities regulations and

directions to such regulations applicable to the use of CC ratings also apply in the same way and to the same extent to the use of RR ratings.

Issued this 25th day of March 1947.

**CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.**

INDEX 1/

SECTION 4

<u>Section 4</u>	<u>Priorities Regulations (HEPR)</u>	
Section 4.1	HEPR-1	1-27-47
Section 4.2	HEPR-2	1-27-47
Section 4.5	HEPR-5	2-13-47
	Amdt. 1	4-22-47

SUBJECT: HEPR-1, Amended 1-27-47 1/
Surplus Building Materials and Equipment

This Regulation grants special preferential consideration to the FPHA in the acquisition of approximately 100 types of building materials and equipment from any surplus property holdings of the WAA, prior to public sale. It includes surplus building materials in military installations except structures in place, and materials made available from WAA dismantling operations.

The period of time during which the materials can be transferred to FPHA will depend on the type of building materials or equipment, and the method of subsequent sale arranged for other priority groups.

Immediately after FPHA and VA Claims are satisfied, the remaining items are offered for sale to holders of HH ratings, construction permits, and other purchasers. This can benefit local bodies engaged in providing over-quota or non-contract housing for veterans.

Paragraph (q) requires that each person or agency obtaining any materials or equipment under this regulation must prepare and keep, for two years, accurate and complete records of each transaction.

1/ Supersedes HEPR-1, dated 10-16-46.

OFFICE OF HOUSING EXPEDITER

[Priorities Reg. 1 as Amended Jan. 27, 1947]

PART 803—PRIORITIES REGULATIONS UNDER
VETERANS' EMERGENCY HOUSING ACT OF
1946SURPLUS BUILDING MATERIALS AND
EQUIPMENT

Par.

PURPOSE

(a) What this section provides.

RESTRICTIONS ON DISPOSALS BY WAA

- (b) Building materials and equipment covered by this section.
- (c) Agencies eligible during period prior to sale.
- (d) Public advertisement.
- (e) Offering period.
- (f) Order of preference within priority groups described in paragraphs (e) (1) through (e) (4).
- (g) Surplus Property Act priority groups.
- (h) Minimum and maximum quantities.
- (i) Other terms of disposal.

RESTRICTIONS ON BUYERS

- (j) Authorized quantities.
- (k) Use by persons described in paragraphs (e) (1) through (e) (4).
- (l) Sales by persons described in paragraphs (e) (1) through (e) (4).
- (m) Sales by dealers.

OTHER PROVISIONS

- (n) Effect of Housing Expediter and CPA directives.
- (o) Appeals.
- (p) Violations.
- (q) Reporting and record-keeping requirements.

§ 803.1 *Surplus building materials and equipment for the Veterans' Emergency Housing Program and the Veterans Administration Construction Program*—(a) *What this section provides.* This section, Housing Expediter Priorities Regulation 1, provides for channeling certain surplus building materials and equipment held by the War Assets Administration into the Veterans' Emergency Housing Program and the Veterans Administration Construction Program. The materials and equipment will be used in the first program for the construction of low and moderate cost housing accommodations, in the second for the construction of veterans' hospitals and other facilities. This section is deemed necessary and appropriate in the public interest and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

The materials listed at the end of this section are suitable for the construction of housing accommodations and are in short supply. These materials, referred to in this section as "building materials and equipment," are not now available in sufficient quantities from new production. Unless otherwise directed by the Housing Expediter or the Civilian Production Administration, any disposal of any of the building materials and equipment covered by this section which are held as surplus by WAA must be made subject to this section.

RESTRICTIONS ON DISPOSALS BY WAA

(b) *Building materials and equipment covered by this section.* This section applies only to the building materials and equipment listed at the end of this section. It applies whether the listed building materials and equipment are new or used, and includes building materials and equipment recovered or salvaged from dismantled surplus property, if the dismantling is done under WAA direction and not by the purchaser. (Sales of surplus structures for dismantlement or other removal by the purchaser are governed by Housing Expediter Priorities Regulation 7.) As used in this section, the term "materials" includes items customarily referred to as "supplies."

(c) *Agencies eligible during period prior to sale.* During a period of time depending upon the type of building material or equipment and the method of sale and prior to the time any building materials or equipment covered by this section are first advertised or publicly offered for sale, such building materials or equipment may be transferred only to:

(1) The Veterans Administration for use in the Veterans Administration Construction Program.

(2) The Federal Public Housing Authority, to the extent directed by the Housing Expediter, for use under Title V of the act entitled "An Act to expedite the provision of housing in connection with the national defense, and for other purposes," approved October 14, 1940, as amended.

(3) *Holders of unexpired Housing Expediter certificates* (issued under Housing Expediter Priorities Regulation 4), or unexpired CPA urgency certificates (issued under Direction 16 to CPA Priorities Regulation 13).

As between a request for transfer received during this period from FPFA or VA, and an order from a certificate holder, WAA shall give preference to that which is first received.

Some WAA disposals under this section are of building materials and equipment resulting from the dismantlement of surplus government installations, and are conducted at the location of the dismantling operation. At any such site, during the period described in this paragraph, total transfers to FPFA and VA of building materials and equipment covered by this section shall not exceed 50% of the dollar value of all such materials and equipment available for disposal at the site.

(d) *Public advertisement.* During a period of time determined by WAA, the building materials or equipment remaining at the end of the period described in paragraph (c) of this section shall be

publicly advertised by WAA for disposal to:

(1) Priority groups described in paragraphs (e) (1) through (e) (4) of this section.

(2) Priority groups established by the Surplus Property Act of 1944, as amended.

(3) Other buyers.

Such advertisement shall be addressed to as many of these priority groups, and other buyers, as WAA deems appropriate in view of the probable demand. The advertisement shall indicate that during a specified offering period orders will be filled in the order of preference provided for in paragraphs (e), (f), and (g) of this section.

In the case of building materials or equipment which are available in such small quantities that public advertisement would be impracticable, WAA may employ other forms of public offering.

During the advertising period (or other public offering) described in this paragraph, the Veterans Administration and Federal Public Housing Authority may not acquire any of the building materials or equipment covered by this section which are being offered for disposal.

(e) *Offering period.* During the offering period specified in the public advertisement (or other public offering) provided for in paragraph (d) of this section, WAA shall follow the order of preference set out below in disposing of any building materials or equipment covered by this section:

(1) *HEPR 4 certificates.* Holders of unexpired Housing Expediter certificates, or unexpired CPA urgency certificates.

(2) *HH and MM ratings.* Persons who give with their purchase orders a certificate in writing in substantially the following form:

The undersigned certifies to the War Assets Administration and the Housing Expediter, subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code, that (1) he has been authorized to use an HH rating for the construction of housing accommodations, or for production of prefabricated housing, under the Veterans' Emergency Housing Program (or an MM rating for construction under the Veterans Administration Construction Program), (2) the following project or serial number(s) has (have) been assigned in connection with such construction or production: _____, and (3) all the materials and equipment covered by this purchase order are required for and will be used in such construction or production.

(Signature)

(3) *Construction permits for veterans' housing.* Persons who give with their purchase orders a certificate in writing in substantially the following form:

The undersigned certifies to the War Assets Administration and the Housing Expediter,

subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code, that (1) he has been issued a construction permit under the Veterans' Emergency Housing Program for the construction of housing accommodations by a veteran for his own occupancy or to be sold or rented with preference to veterans (or he is employed as a contractor or subcontractor on such construction for which a VEHP construction permit has been issued), (2) the following VEHP project number(s) has (have) been assigned to such construction: -----, and (3) all the materials and equipment covered by this purchase order are required for and will be used in such construction.

(Signature)

(4) *Other construction permits.* Persons who give with their purchase orders a certificate in writing in substantially the following form:

The undersigned certifies to the War Assets Administration and the Housing Expediter, subject to the criminal penalties of Section 35 (A) of the U. S. Criminal Code, that (1) he has been issued a construction permit for the construction of housing accommodations under the Veterans' Emergency Housing Program (or he is employed as a contractor or subcontractor on construction for which such a permit has been issued), (2) the following VEHP project number(s) has (have) been assigned to such construction: -----, and (3) all the materials and equipment covered by this purchase order are required for and will be used in such construction.

(Signature)

(5) *Surplus Property Act priority groups.* Priority groups established by the Surplus Property Act of 1944, as amended.

(6) *Other buyers.*

At dismantlement sales of the kind described in paragraph (c) of this section, the above order of preference shall be modified by combining groups (1) through (4) above into one priority group, and giving equal preference to members of all four groups.

During the offering period covered by this paragraph, the Federal Public Housing Authority and Veterans Administration may not acquire any of the building materials or equipment covered by this section which are being offered for disposal, until after the preferences of groups (1) through (4) of this paragraph have been satisfied.

(f) *Order of preference within priority groups described in paragraphs (e) (1) through (e) (4).* Within each priority group (1), (2), (3), or (4) of paragraph (e) of this section, WAA shall follow the order of preference set out below in filling orders for building materials or equipment covered by this section:

(1) *In order of receipt.* Unless the Housing Expediter or WAA makes the determinations described in subparagraph (2) of this paragraph, WAA shall accept

and fill orders in the sequence in which they are received by WAA.

(2) *By drawing of lots.* If the Housing Expediter or WAA determines, before the offering period described in paragraph (e) of this section begins, that:

(i) The amount of any building material or equipment covered by this section to be offered for disposal by WAA at a particular place will be inadequate to fill the expected orders from persons described in paragraph (e) (2) of this section (or from persons described in paragraph (e) (3) or (4) after the preceding preferences have been satisfied), and

(ii) The geographical distribution of such persons would work an unusual and inequitable hardship upon some of them if the "order of receipt" rule were applied as provided in subparagraph (1) of this paragraph,

WAA shall then fill orders from such persons in a sequence determined by the drawing of lots.

(g) *Surplus Property Act priority groups.* During the period described in paragraph (c) of this section, any disposal by WAA of building materials or equipment covered by this section shall be made without regard to the priority groups established by the Surplus Property Act of 1944, as amended. In addition, during the offering period described in paragraph (e) of this section, any disposal by WAA of building materials or equipment covered by this section to persons described in paragraphs (e) (1) through (4) shall be made without regard to the priority groups established by the Surplus Property Act. However, after the preferences of the persons described in paragraphs (e) (1) through (4) have been satisfied, WAA may dispose of the remainder of any lot of building materials or equipment in accordance with the Surplus Property Act and applicable regulations issued under that Act.

(h) *Minimum and maximum quantities.* During the offering period described in paragraph (e) of this section, WAA may dispose of any materials or equipment covered by this section:

(1) In such minimum quantities as WAA may determine.

(2) In such maximum quantities as WAA determines will be most equitable in view of the estimated demand for the particular building materials or equipment offered for disposal. However, if one or more purchase orders from persons described in paragraphs (e) (1) through (4) of this section remain partially unfilled at the end of the offering period, and if some of the particular building material or equipment covered by such orders remains undisposed of at the end of the offering period, WAA shall apply such material or equipment to the unfilled orders (in the order of preference provided for in paragraphs (e), (f), and (g) of this section).

(i) *Other terms of disposal.* During the periods described in paragraphs (c) and (e) of this section, WAA may dispose of any building materials or equipment covered by this section upon such terms and conditions as are not in conflict with this section.

RESTRICTIONS ON BUYERS

(j) *Authorized quantities.* The quantities of building materials or equipment obtained by use of the certificate described in paragraph (e) (2) of this section, together with the quantities obtained from other sources by use of the HH rating itself (or MM rating), must not exceed the quantities for which the use of the HH rating (or MM rating) was authorized.

(k) *Use by persons described in paragraphs (e) (1) through (e) (4).* As provided in HEPR 4, any person obtaining building materials or equipment by use of a Housing Expediter certificate may use the items only for the purpose for which the certificate was issued. Any person obtaining building materials or equipment by use of the certificate described in paragraph (e) (2), (3), or (4) of this section may use the items so obtained only in accordance with the terms of that certificate.

(l) *Sales by persons described in paragraphs (e) (1) through (e) (4).* If it becomes impossible for a person who acquired building materials or equipment by use of a Housing Expediter certificate to use them for the purpose for which the certificate was issued, they may be disposed of only as provided in HEPR 4. If it becomes impossible for a person who acquired building materials or equipment by use of the certificate described in paragraph (e) (2), (3), or (4) of this section to use all of them in accordance with the terms of that certificate, he must publicly offer for sale the unused building materials or equipment and must dispose of them only to persons who give a certificate as described in paragraphs (e) (2) through (4) of this section. In addition, he must not dispose of them even to such persons if he knows or has reason to believe, that they will be acquired, used, or disposed of in violation of this section.

(m) *Sales by dealers.* Any person who obtained building materials or equipment by use of the certificate formerly described in paragraph (e) (2) of this section (for regularly established sellers of building materials or equipment) must dispose of the building materials or equipment so obtained only in accordance with the terms of that certificate. In addition, he must not dispose of them even to persons eligible under the terms of the certificate if he knows, or has reason to believe, that they will be acquired, used, or disposed of in violation of this section.

OTHER PROVISIONS

(n) *Effect of Housing Expediter and CPA directives.* Directives issued by the Housing Expediter or the Civilian Production Administration shall take precedence over the disposal procedure outlined in this section. CPA directives shall take precedence over Housing Expediter directives.

(o) *Appeals.* Any person who considers that compliance with any provision in this section would result in an excep-

tional and unreasonable hardship on him may appeal for relief. An appeal shall be in the form of a letter in triplicate, addressed to the Housing Expediter, Washington 25, D. C., clearly stating the specific provision in the section appealed from and the grounds for claiming an exceptional and unreasonable hardship.

(p) *Violations.* Any person who willfully violates any provision of this section and any person who knowingly makes any statement to any department or agency of the United States, as to any matter within its jurisdiction, which is false in any respect, or who willfully conceals a material fact in any certificate required to be filed under this section, or who willfully falsifies any records required to be kept under this section, shall, upon conviction thereof, be subject to fine or imprisonment or both, under the Veterans' Emergency Housing Act of 1946 and other applicable Federal Statutes. Any such person or any other person who violates any provision of this section may be prohibited from making or obtaining any further deliveries of, or from using, any materials or facilities suitable for housing construction, and may be deprived of priorities assistance for such materials or facilities.

(q) *Reporting and record-keeping requirements.* Each person or agency participating in any transaction to which this section is applicable shall complete and preserve, for at least two years after each such transaction, accurate and complete records of the details of the transaction. All persons affected by this section shall file such information and reports as may be required by the Housing Expediter (or person or agency authorized by him to make such requests), subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942. The record-keeping requirements of this section have been approved by the Bureau of the Budget in accordance with that Act.

(60 Stat. 207; 56 Stat. 177, as amended; E. O. 9638, 10 F. R. 12591; CPA Directive 44, 11 F. R. 8936)

Issued this 27th day of January 1947.

FRANK R. CREEDON,
Housing Expediter.

TABLE OF BUILDING MATERIALS AND EQUIPMENT COVERED BY THIS SECTION

NOTE: Table revised Jan. 27, 1947.

Aluminum, plate, sheet and strip and shapes.
Asbestos cement pipe and fittings.
Asbestos flat sheets.
Bends, lead.
Boilers, low pressure residential heating.
Brick, common and face.
Brick, sand-lime.
Building sections, knocked down, portable, metal.
Burners, oil, domestic, apartment-type and hot water heating.
Burner units, boiler.
Casements, metal.
Caulking, lead.
Cement, Portland.
Conduit, electrical, 3/4" to 2" incl.
Controls, oil burners.
Door frames, metal.
Fabricated structural shapes and forms, iron and steel, suitable for housing construction only.
Felt, roofing, dry.
Fittings, conduit, metal.
Fittings, threaded, malleable, and cast iron, brass and bronze.
Floor coverings, hard-surface.
Flooring, hardwood, including stair treads.
Fractional h. p. motors, 1/8 to 1/2 h. p. inclusive.
Furnaces, warm air (gravity circulation, wall, floor, and forced air circulation).
Furnaces, gas fixtures.
Furnace pipe, fittings and duct work.
Glass, window, common, sheet.
Gutters and downspouts, metal.
Gypsum board.
Gypsum lath.
Gypsum plank, metal bound.
Hardboard, (tempered, untempered).
Hardware, builders'.
Hot water circulation, condensation, and vacuum heating pumps.
Insect screen cloth, metal.
Insulation board.
Insulation, flexible.
Insulators, electric.
Lath, metal, and accessories.
Lath, insulated.
Lime, finish and masonry.
Linoleum.
Linseed oil, raw and boiled.
Lumber.
Millwork, including frames, moulding, sash, doors, and built-in kitchen cabinets.
Nails, 20d and under, all types.
Paint, pigments, all types, thinners, dryers and varnishes.
Panels, sections, prefabricated, all types.
Paper, building and sheathing.

Pipe, lead, and fittings up to 1 1/2".
Pipe, wrought iron and steel and fittings, black and galvanized.
Plaster, hardwall.
Plumbing fixtures:
Bathtubs.
Kitchen sinks and undersink cabinets.
(This includes sinks and sink-and-tray combinations, undersink cabinets with or without sinks, and any fixture containing a kitchen sink.)
Lavatories.
Water closets (1-piece combinations; and bowls and tanks, separately or in combination).
Plumbing fixtures fittings and trim, brass, bronze and steel.
Prefabricated structures suitable for housing (except fixed structures in place).
Putty.
Radiation, cast iron, tubular, cast iron convector, extended surface convector.
Range boilers, water; domestic, without coils or burner.
Refrigerators, domestic.
Registers and grilles, warm air; steel, other than ornamental.
Roofing; asphalt, asbestos, wood and metal.
Sash weights.
Screens, metal.
Septic tanks, all metal, reinforced concrete.
Sewer drain pipe, bituminized fiber.
Sewer pipe, clay, and fittings.
Sheathing, insulation.
Sheet, copper.
Sheet steel, form panels for foundation walls.
Siding, shingles, asbestos cement.
Softwood plywood.
Soil pipe, cast iron.
Steel, bars, rods, mesh reinforcing.
Steel sheets, galvanized and black.
Tanks, storage, up to 550 gals., for oil, water, and liquefied gas.
Termite shields, metal.
Terneplate and roofing.
Tile, gypsum, except partition.
Tile, asphalt.
Tile, structural clay, hollow.
Traps, lead.
Tubing, copper, 1/2" to 1 1/4" inclusive.
Valves, iron and brass, stop and waste up to 2".
Veneer, softwood.
Wallboard, fiber, laminated.
Water heaters, electric, side-arm, indirect, and direct-fire storage type.
Weather stripping, rubber, wood and metal.
Windows, window frames, metal.
Wire, copper, insulated (including Romex 8 B-X cable).
Wire, domestic use.
Wire, stucco mesh.
Wiring devices, electrical, residential type; such as switches, receptacles, wall plates.

SUBJECT: HEPR-2, Amended 1-27-47 1/
Surplus Materials and Equipment for Utilities

This Regulation provides for the disposition from WAA holdings of certain surplus materials and equipment which are suitable for the construction of utilities (water, power, gas, sewage) servicing veterans housing and hospitals.

Under this regulation the FPHA has a preferential consideration in the acquisition of such materials and equipment prior to public sale by WAA. The period of time allowed for FPHA's acquisition will depend on the type of materials and the method of subsequent sale.

After the needs of the FPHA veterans temporary housing program and the VA construction program have been satisfied, remaining materials will be made available to state and local governmental agencies and their instrumentalities, which have preference over publicly or privately-owned utilities. This priority will benefit many of the local housing authorities which are providing housing for veterans.

Paragraph (c) requires that each person or agency obtaining any materials or equipment under this regulation must prepare and keep, for two years, accurate and complete records of each transaction.

1/ Supersedes HEPR-2, dated 10-16-46.

OFFICE OF HOUSING EXPEDITER

[Priorities Reg. 2 as Amended Jan. 27, 1947]
**PART 803—PRIORITIES REGULATIONS UNDER
 VETERANS' EMERGENCY HOUSING ACT OF
 1946**

SURPLUS MATERIALS AND EQUIPMENT**PURPOSE**

Par.

- (a) What this section provides.
RESTRICTIONS ON DISPOSALS BY WAA
 (b) Materials and equipment covered by this section.
 (c) Agencies eligible during period prior to sale.
 (d) Public advertisement.
 (e) Offering period.
 (f) Order of preference within priority groups described in paragraphs (e) (1) through (e) (4).
 (g) Surplus Property Act priority groups.
 (h) Minimum and maximum quantities.
 (i) Other terms of disposal.

RESTRICTIONS ON BUYERS

- (j) Use by persons, agencies, or instrumentalities described in paragraphs (e) (1) through (e) (4).
 (k) Sales by persons, agencies or instrumentalities described in paragraph (e) (1) through (e) (4).

OTHER PROVISIONS

- (l) Effect of Housing Expediter and CPA directives.
 (m) Appeals.
 (n) Violations.
 (o) Reporting and record-making requirements.

PURPOSE

§ 803.2 Surplus materials and equipment for utilities servicing the Veterans' Emergency Housing Program and the Veterans Administration Construction Program—(a) What this section provides. This section, Housing Expediter Priorities Regulation 2, provides for the channeling of certain surplus materials and equipment held by the War Assets Administration into the construction and maintenance of utilities (water, power, gas, or sewerage) which are necessary for housing accommodations constructed under the Veterans' Emergency Housing Program, and for hospitals and other facilities constructed under the Veterans Administration Construction Program. This section is deemed necessary and appropriate in the public interest and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

The materials listed in the table at the end of this section are suitable for the construction of housing accommodations and are in short supply. These materials, referred to in this section as "materials and equipment," are not now available in sufficient quantities from new production. Unless otherwise directed by the Housing Expediter or the Civilian Production Administration, any disposal by War Assets Administration of any of these materials or equipment held as surplus by WAA must be made subject to this section. Under this section, first opportunity for acquiring such materials and equipment held as surplus property by WAA is given to persons and governmental agencies and instrumentalities

acquiring for use in utilities for the Veterans' Emergency Housing Program and the Veterans Administration Construction Program. Special provision is made for a utility or governmental agency or instrumentality to use materials or equipment purchased under this section, to meet a public emergency arising within six months after such purchase and endangering the health or safety of a community.

RESTRICTIONS ON DISPOSALS BY WAA

(b) *Materials and equipment covered by this section.* This section applies only to the materials and equipment listed at the end of this section. It applies whether the listed materials and equipment are new or used, and includes materials and equipment recovered or salvaged from dismantled surplus property, if the dismantling is done under WAA direction and not by the purchaser. (Sales of surplus utilities for removal by the purchaser are governed by Housing Expediter Priorities Regulation 7.) As used in this section, the term "materials" includes items customarily referred to as "supplies."

(c) *Agencies eligible during period prior to sale.* During a period of time depending upon the type of material or equipment and the method of sale, and prior to the time any materials or equipment covered by this section are first advertised or publicly offered for sale, such materials or equipment may be transferred only to:

(1) The Veterans Administration for use in the Veterans Administration Construction Program.
 (2) The Federal Public Housing Authority, to the extent directed by the Housing Expediter, for use under Title V of the Act entitled "An Act to expedite the provision of housing in connection with the national defense, and for other purposes," approved October 14, 1940, as amended.
 (3) Holders of unexpired Housing Expediter certificates (issued under Housing Expediter Priorities Regulation 4), or unexpired CPA urgency certificates (issued under Direction 16 to CPA Priorities Regulation 13).

As between a request for transfer received during this period from FPFA or VA, and an order from a certificate holder, WAA shall give preference to that which is first received.

Some WAA disposals under this section are of materials and equipment resulting from the dismantlement of surplus government installations, and are conducted at the location of the dismantling operation. At any such site, during the period described in this paragraph, total transfers to FPFA and VA of materials and equipment covered by this section shall not exceed 50% of the dollar value

of all such materials and equipment available for disposal at the site.

(d) *Public advertisement.* During a period of time determined by WAA, the materials or equipment remaining at the end of the period described in paragraph (c) of this section shall be publicly advertised by WAA for disposal to:

(1) Priority groups described in paragraphs (e) (1) through (e) (4) of this section.

(2) Priority groups established by the Surplus Property Act of 1944, as amended.

(3) Other buyers.

Such advertisement shall be addressed to as many of these priority groups, and other buyers, as WAA deems appropriate in view of the probable demand. The advertisement shall indicate that during a specified offering period orders will be filled in the order of preference provided for in paragraphs (e), (f), and (g) of this section.

In the case of materials or equipment which are available in such small quantities that public advertisement would be impracticable, WAA may employ other forms of public offering.

During the advertising period (or other public offering) described in this paragraph, the Veterans Administration and Federal Public Housing Authority may not acquire any of the materials or equipment covered by this section which are being offered for disposal.

(e) *Offering period.* During the offering period specified in the public advertisement (or other public offering) provided for in paragraph (d) of this section, WAA shall follow the order of preference set out below in disposing of any materials or equipment covered by this section:

(1) Holders of unexpired Housing Expediter certificates, or unexpired CPA urgency certificates.

(2) State or local governmental agencies or instrumentalities that give with their purchase orders a certificate in writing in substantially the following form:

The undersigned certifies to the War Assets Administration and the Housing Expediter, subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code, that all the usable materials and equipment covered by this purchase order (1) are required for construction or maintenance of utilities (water, power, gas, sewerage) necessary to service housing accommodations the construction of which has been authorized, prior to the date of this certificate, under the Veterans' Emergency Housing Program (or construction for which priorities assistance has been assigned under the Veterans Administration Construction Program), and (2) will be used within six months from the date of this order (1) in the construction or maintenance of such utilities, (11) in replacing equivalent materials which will be used in the construction or maintenance of such

utilities, or (iii) for the repair of an essential utility servicing other housing accommodations, if necessary to meet a public emergency in connection with such utility which endangers the health or safety of a community, but not for normal maintenance, repair, or operation of such utility.

Signature

(3) Publicly or privately owned utilities that give with their purchase orders a certificate in writing in substantially the form set out in subparagraph (2) of this paragraph.

(4) Contractors, subcontractors, or builders who give with their purchase orders a certificate in writing in substantially the following form:

The undersigned certifies to the War Assets Administration and the Housing Expediter, subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code, that all the usable materials and equipment covered by this purchase order are required for and within six months of the date of this purchase order will be used in construction or maintenance of utilities (water, power, gas, sewerage) necessary to service housing accommodations the construction of which has been authorized, prior to the date of this certificate, under the Veterans' Emergency Housing Program, or construction for which priorities assistance has been assigned under the Veterans Administration Construction Program.

Signature

(5) Priority groups established by the Surplus Property Act of 1944, as amended.

(6) Other buyers.

At dismantlement sales of the kind described in paragraph (c) of this section, the above order of preference shall be modified by combining groups (1) through (4) above into one priority group, and giving equal preference to members of all four groups.

During the offering period covered by this paragraph, the Federal Public Housing Authority and Veterans Administration may not acquire any of the materials or equipment covered by this section which are being offered for disposal, until after the preferences of groups (1) through (4) of this paragraph have been satisfied.

(f) *Order of preference within priority groups described in paragraphs (e) (1) through (e) (4).* Within each priority group (1), (2), (3), or (4) of paragraph (e) of this section, WAA shall follow the order of preference set out below in filling orders for materials or equipment covered by this section:

(1) *In order of receipt.* Unless the Housing Expediter or WAA makes the determinations described in subparagraph (2) of this paragraph, WAA shall accept and fill orders in the sequence in which they are received by WAA.

(2) *By drawing of lots.* If the Housing Expediter or WAA determines, before the offering period described in paragraph (e) of this section begins, that:

(i) The amount of any material or equipment covered by this section to be

offered for disposal by WAA at a particular place will be inadequate to fill the expected orders from persons, agencies and instrumentalities described in paragraph (e) (2) of this section (or from persons, agencies, and instrumentalities described in paragraph (e) (3) or (4) after the preceding preferences have been satisfied), and

(ii) The geographical distribution of such persons, agencies and instrumentalities would work an unusual and inequitable hardship upon some of them if the "order of receipt" rule were applied as provided in subparagraph (1) of this paragraph,

WAA shall then fill orders from such persons in a sequence determined by the drawing of lots.

(g) *Surplus Property Act priority groups.* During the period described in paragraph (c) of this section, any disposal by WAA of materials or equipment covered by this section shall be made without regard to the priority groups established by the Surplus Property Act of 1944, as amended. In addition, during the offering period described in paragraph (e) of this section, any disposal by WAA of materials or equipment covered by this section to persons, agencies or instrumentalities described in paragraphs (e) (1) through (e) (4) of this section shall be made without regard to the priority groups established in the Surplus Property Act. However, after the preferences of such persons, agencies and instrumentalities have been satisfied, WAA may dispose of the remainder of any lot of materials or equipment in accordance with the Surplus Property Act and applicable regulations issued under that Act.

(h) *Minimum and maximum quantities.* During the offering period described in paragraph (e) of this section, WAA may dispose of any materials or equipment covered by this section:

(1) In such minimum quantities as WAA may determine.

(2) In such maximum quantities as WAA determines will be most equitable in view of the estimated demand for the particular materials or equipment offered for disposal. However, if one or more purchase orders from persons described in paragraphs (e) (1) through (e) (4) of this section remain partially unfilled at the end of the offering period, and if some of the particular material or equipment covered by such orders remains undisposed of at the end of the offering period, WAA shall apply such material or equipment to the unfilled orders (in the order of preference provided for in paragraphs (e), (f), and (g) of this section).

(i) *Other terms of disposal.* During the offering periods described in paragraphs (c) and (e) of this section, WAA may dispose of any materials or equipment covered by this section upon such other terms and conditions as are not in conflict with this section.

RESTRICTIONS ON BUYERS

(j) *Use by persons, agencies, or instrumentalities described in paragraphs*

(e) (1) through (e) (4). As provided in HEPR 4, any person or governmental agency or instrumentality obtaining materials or equipment by use of a Housing Expediter certificate may use the items only for the purpose for which the certificate was issued. Any person, agency, or instrumentality obtaining materials or equipment by use of the certificate described in paragraph (e) (2), (e) (3), or (e) (4) of this section may use the materials or equipment so obtained only in accordance with the terms of that certificate.

(k) *Sales by persons, agencies or instrumentalities described in paragraphs (e) (1) through (e) (4).* If it becomes impossible for a person, agency or instrumentality who acquired materials or equipment by use of a Housing Expediter certificate to use them for the purpose for which the certificate was issued, the items may be disposed of only as provided in HEPR 4. If it becomes impossible for a person, agency, or instrumentality who acquired usable materials or equipment by use of the certificate described in paragraph (e) (2), (3), or (4) of this section to use all of them in accordance with terms of that certificate, he must publicly offer for sale such unused materials or equipment and must dispose of them only to a person or governmental agency or instrumentality as described in paragraphs (e) (2) through (e) (4) of this section. In addition, he must not dispose of them even to such persons, agencies, or instrumentalities if he knows, or has reason to believe, that they will be acquired, used, or disposed of in violation of this section.

OTHER PROVISIONS

(l) *Effect of Housing Expediter and CPA directives.* Directives issued by the Housing Expediter or the Civilian Production Administration shall take precedence over the disposal procedure outlined in this section. CPA directives shall take precedence over Housing Expediter directives.

(m) *Appeals.* Any person who considers that compliance with any provisions of this section would result in an exceptional and unreasonable hardship on him may appeal for relief. An appeal shall be in the form of a letter in triplicate, addressed to the Housing Expediter, Washington 25, D. C., clearly stating the specific provision of the section appealed from and the grounds for claiming an exceptional and unreasonable hardship.

(n) *Violations.* Any person who willfully violates any provision of this section or who knowingly makes any statement to the Housing Expediter or the War Assets Administration, as to any matter within their respective jurisdictions, which is false in any respect, or who willfully conceals a material fact in any certificate required to be executed under this section, or who willfully falsifies any records required to be kept under this section, shall, upon conviction there-

of, be subject to fine or imprisonment or both, under the Veterans' Emergency Housing Act of 1946 and other applicable federal statutes. Any such person or any other person who violates any provision of this section may be prohibited from making or obtaining any further deliveries of, or from using, any materials or facilities suitable for housing construction, and may be deprived of priorities assistance for such materials or facilities.

(c) *Reporting and record-keeping requirements.* Each person or agency participating in any transaction to which this section is applicable shall complete and preserve, for at least two years after each such transaction, accurate and complete records of the details of the transaction. All persons affected by this section shall file such information and reports as may be required by the Housing Expediter (or any person or agency authorized by him to make such requests), subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942. The record-keeping requirements of this section have been approved by the Bureau of the Budget in accordance with that Act.

(60 Stat. 207; 56 Stat. 177, as amended; E. O. 9638, 10 F. R. 12591; CPA Directive 44, 11 F. R. 8936)

Issued this 27th day of January 1947.

FRANK R. CREEDON,
Housing Expediter.

TABLE OF MATERIALS AND EQUIPMENT COVERED
BY THIS SECTION

NOTE: Table amended Jan. 27, 1947.

Braided hemp and yarn, for water, gas and sewer pipes.
Cable, electrical, lead covered.
Corporation cocks, brass, up to and including 2" for water.
Goosenecks, lead, with and without brass fittings, up to and including 2", water.
Hydrants, fire, all types, for water.
Insulators, for power.
Lead, caulking.
Lightning arresters, for power.
Manhole frames and covers, cast iron, all types.
Meters:
(a) Electrical domestic.
(b) Gas, tinned steel and cast iron, for gas.
(c) Water, 5/8" to 2".
Meter boxes:
(a) Frames and covers (all types) for water.
(b) Steel, for power.
Meter stops, up to and including 1 1/2" for gas.
Pipe:

- (a) Asbestos-cement, up to and including 24".
- (b) Black, wrought, galvanized iron (services) up to and including 2" for gas and water.
- (c) Cast iron pressure, up to and including 24".
- (d) Steel (mains) up to and including 12" for gas and water.
- (e) Vitrified tile up to and including 24" sewers.

Pipe fittings:

- (a) Cast iron and asbestos-cement (mains) up to and including 24" and stops.
- (b) Black and galvanized iron (services) up to and including 2".
- (c) Vitrified clay fittings.
- (d) Couplings and fittings for steel pipe.

Poles and cross arms, wood distribution type, power.

Pole-line hardware, for power.

Regulators, gas.

Transformers, up to and including 50 Kva.

Tile, open joint, up to and including 6" for drainage and septic tank fields.

Tubing, copper and copper alloy, up to and including 2" for water and gas.

Service boxes, cast iron, for gas and water.

Valves, up to and including 24" for gas and water (mains and pipes).

Valve boxes and covers, cast iron, water and gas.

Wire, copper, electrical, insulated, weather-proofed, and bare.

NHA
FPHA
3-13-47

BULLETIN 14

~~HEPR-1~~ - Section ~~3.5~~

4.5

SUBJECT: HEPR-5, Amended 2-13-47 1/

This Regulation continues to be applicable to housing accommodations for which authorization and assignment of HH priorities were granted under it, on Form NHA-14-56, prior to December 24, 1946.

The regulation has been superseded by HPR as the document which controls NHA processing and has been modified on the basis that no new applications for HH priorities will be processed, and accordingly has been condensed and perfected. A revision of previous requirements, conforming with a current amendment in HPR, provides that builders may wait until completion of construction before displaying the amount of approved rentals and sales prices on placards, also, that wives of student veterans may live in dwellings provided by colleges for married veterans.

1/ Supersedes: HEPR-5, dated 12-13-46
Amdt. 1 to HEPR-5, dated 12-23-46

OFFICE OF HOUSING EXPEDITER

HEPR 5

INCL. INTS. 1-4

FEB. 13, 1947

[As Amended]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

[Housing Expediter Priorities Reg. 5, Incl. Ints. 1-4, as Amended, Feb. 13, 1947]

AUTHORIZATION AND PRIORITIES ASSISTANCE FOR HOUSING

Par.

- (a) What this section provides.
- (b) [Deleted Feb. 13, 1947.]

APPLICATIONS

- (c) Kinds of applications approved.
- (d) Restrictions on applicant.

CONSTRUCTION

- (e) Use of HH rating.
- (f) Posting of placards or signs.
- (g) Construction inspection.

HOLDING FOR RENT

- (h) Housing required to be held for rent.

MAXIMUM SALES PRICES AND RENTS

- (i) Maximum sales prices and rents.

PREFERENCES FOR VETERANS

- (j) Preferences for veterans.

NOTICES OF RESTRICTIONS

- (k) Notices of restrictions. (Deeds and advertisements.)

OTHER PROVISIONS

- (l) Prohibition against transfer of authorization.
- (m) Appeals.
- (n) Amendments to applications.
- (o) Definitions.
- (p) Communications.
- (q) Violations and enforcement.
- (r) Reports.

§ 803.5 *Authorization and priorities assistance for housing*—(a) *What this section provides.* This section, (Housing Expediter Priorities Regulation 5), was the method by which the Housing Expediter provided priorities assistance under the Veterans' Emergency Housing Program on applications filed from September 10, 1946 until December 24, 1946. During that period it was also the method by which persons who wished to construct, repair, make additions to, alter, install fixtures in, improve, or convert housing accommodations restricted by Civilian Production Administration's Veterans' Housing Program Order 1 could apply for authorization under that order when the work was to be done on structures used for residential purposes. Applications under the regulation were made to the National Housing Agency or an agency acting for it under a delegation. On December 24, 1946, this system of applications was superseded by requests for permits under the Housing Permit Regulation. A person who has received authorization or a preference rating for the construction of any building under this section (HEPR 5) may surrender his authorization and apply for a permit as provided in the Housing Permit Regulation if he has not yet begun construction of such building. If a permit is granted, the provisions of this section shall be inapplicable with respect to construction begun after December 24 and covered by the permit, and the approved application will be amended or

cancelled to exclude such construction therefrom. The provisions of this section remain applicable to all housing accommodations built, altered, completed or repaired hereunder. This includes all housing accommodations which have been authorized hereunder upon which construction has begun on or before December 24, 1946, and all housing accommodations started after December 24, 1946, unless the applicant properly surrendered his authorization in accordance with the Housing Permit Regulation. Such construction, subject to the conditions of this section, may continue to receive priorities assistance, and the applicant and succeeding owners will be subject to the provisions of this section as long as it remains in effect. Requests for changes in applications approved under this section which do not involve additional dwelling units shall be made in accordance with the provisions of this section.

(b) [Deleted Feb. 13, 1947.]

APPLICATIONS

(c) *Kinds of applications approved.* Applications for authorization under Civilian Production Administration's Veterans' Housing Program Order 1 or for priorities assistance under this section, or both, have been approved when made by persons in the following categories:

(1) A veteran wishing to build, complete, alter, or repair a house for his occupancy as owner.

(2) A person wishing to build or complete family dwelling accommodations (or convert dwellings or other structures into family dwelling accommodations) to which veterans will be given preference in selling or renting.

(3) A person wishing priorities assistance to complete dwelling accommodations under construction on March 26, 1946, not eligible for authorization under the preceding subparagraph.

(4) A person wishing to reconstruct (or build on another site in event of total destruction) or repair dwelling accommodations destroyed or damaged by fire, flood, tornado, or other similar disaster if the reconstruction or repair is necessary to the continuance of year-round occupancy by the applicant or his tenant.

(5) A person wishing to re-erect a dwelling which is required to be moved because the land on which it is located has been or is in the process of being acquired by eminent domain. An application submitted under this subparagraph is not subject to the provisions of paragraphs (i), (j), and (k) of this section unless the dwelling is to be re-erected for sale or for rent.

(6) A person wishing authorization to make repairs or alterations to dwelling accommodations necessary in order to maintain them in a habitable condition or to return them to a habitable condition, or to make a summer home habitable for year-round or winter occupancy by a veteran, or to provide space for additional persons who are either

veterans or members of the immediate family of the applicant, or both.

(7) A producer of a scarce material or product needed for the construction or production of dwelling accommodations, facilities or materials or needed for public health or safety, wishing to construct, repair, or alter dwelling accommodations which are necessary to increase or maintain the production of the scarce material or product, and which are to be held for rent to employees of the industry producing the scarce material or product.

(8) A person wishing to construct, repair, or alter a farm dwelling, such construction, repair, or alteration, being necessary to increase or maintain the production of essential food products.

(9) An educational institution (or a person under its sponsorship) or a public organization wishing to construct, repair, or alter a dormitory or other single-person housing facility for student veterans.

(10) A person wishing to construct or erect dwelling accommodations for experimental or testing purposes or to obtain materials for other experimental or testing purposes. Such dwelling accommodations are not subject to paragraphs (i), (j), and (k) of this section unless sold or rented for dwelling purposes.

(d) *Restrictions on applicant.* An applicant who constructs, completes, converts, alters, or repairs dwelling accommodations under this section must comply with all agreements and conditions stated in the approved application and shall do the work in accordance with the description given in the application and any attachments thereto, unless he has obtained prior written approval for a change from the agency which approved the original application.

CONSTRUCTION

(e) *Use of HH rating.* The HH rating assigned for dwelling accommodations may be used only to obtain materials of the kinds listed on Schedule A to Civilian Production Administration's Priorities Regulation 33 and only to obtain the minimum quantities of such materials which are needed for the dwelling accommodations as described and approved in the application. All materials obtained by using the HH rating shall be used only in the construction of the dwelling accommodations as described and approved in the application and attachments thereto. Schedule A to Civilian Production Administration's Priorities Regulation 33 explains how the rating may be applied to a purchase order, who may use the rating to obtain materials, when it expires and how it may be extended under certain circumstances. An applicant who has failed to comply with the requirements of the next paragraph may not use an HH rating under this section.

(f) *Posting of placards or signs.* Upon approval of an application for new construction or conversions under this sec-

tion, a placard or placards was sent to the applicant indicating that the dwelling accommodations are being built under the Veterans' Emergency Housing Program. If the application was approved under paragraph (c) (2) or (c) (9) of this section, the applicant must insert the application serial number in the placard or placards, legibly and permanently, and must post a placard in front of each separate residential building on the site in a conspicuous location within 5 days after the time construction is begun and must continue to post the placard until completion of the building. Unless all the accommodations in the building have been sold or rented to veterans in accordance with paragraph (j), the applicant must continue to post the placard for 60 days after completion in the case of offer for sale or 30 days afterwards in the case of offer for rent. As soon as any residential accommodation is completed, the builder must insert, legibly and permanently, the appropriate rent and sales price, not in excess of those specified in the application as approved. The applicant may post a project sign instead of posting the placards sent to him. If he chooses to use a project sign, he must post at least one sign having the approximate dimensions of 3 feet by 5 feet or more in a conspicuous location on the site of each project. Such a sign must contain the same information that is required on placards as provided above and all provisions applying to placards, apply to signs posted instead of placards.

(g) *Construction inspection.* Some applications have been approved under this section pursuant to provisions that the dwellings built thereunder must comply with all or part of the "HH Minimum Property Requirements". When the Federal Housing Administration has approved an application for authorization or priorities assistance for such a dwelling, it transmits to the applicant three postal cards (HH Form No. 1010) for use by him in reporting construction progress. The applicant shall properly fill out each card received by him and mail it at the stage of construction indicated below to the State or District Office of the Federal Housing Administration where his application was approved. The first card shall be mailed when construction has begun. The second card shall be mailed when the dwelling has been enclosed and roofed, structural framing completed and exposed, and roughing-in of heating, plumbing, and electric work installed and visible for inspection. The third card shall be mailed when the dwelling has been substantially completed. The Federal Housing Administration will make an inspection of the dwelling upon receipt of the second postal card referred to above and a second inspection upon receipt of the third postal card. These are for the purpose of determining whether the construction conforms to the plans, outline specifications, and other exhibits made a part of the application. Inspections under the National Housing Act, where applicable, may be made in place of the inspections provided in this paragraph. An applicant who has failed to fill out and mail each card as required

by this paragraph may not use an HH rating under this section and may not sell or rent the dwelling involved until such card has been filled out and mailed to the State or District Office of the Federal Housing Administration where his application was approved.

HOLDING FOR RENT

(h) *Housing required to be held for rent.* If an application as approved contains a statement or otherwise indicates that a dwelling or an apartment will be held for rent, the original applicant and any subsequent owner shall hold the dwelling or apartment for rent as long as this section remains in effect (but not later than December 31, 1947). However, the structure may be sold (at not more than the maximum sales price if specified in the application) to any person for investment purposes. In such case the purchaser shall not occupy the dwelling or apartment but shall hold it for rent in accordance with this section. Any subsequent owner of dwelling accommodations approved under paragraph (c) (7) of this section shall continue to hold them for rent to the persons described in that paragraph.

MAXIMUM SALES PRICES AND RENTS

(i) *Maximum sales prices and rents—*

(1) *General.* The restrictions on sales prices and rents contained in this paragraph must be observed as long as this section remains in effect. They apply to sales prices and rents for dwellings of the kinds described below when built or converted under this section.

The restrictions on sale prices contained in this section do not apply to property being sold in the course of judicial or statutory proceedings in connection with foreclosures and do not prohibit any subsequent sale of such property at or below the amount of the sale price in such proceedings.

In the case of any dwelling unit provided by converting a structure in a Defense Rental Area established pursuant to the Emergency Price Control Act of 1942, as amended, the maximum rent specified in the application as approved is not the authorized amount at which the dwelling may be rented as the rents for converted units must be determined by the Office of Temporary Controls (Office of Price Administration).

Approval of a proposed sales price or rent under this section should be considered merely as a limit upon the price or rent to be charged. It should not be considered as a statement that the sales price or rent represents the value of the dwelling or the apartment for other purposes.

Within 30 days of any sale, by the applicant or a subsequent owner, of any dwelling accommodations for which a maximum sales price has been established under this section, the seller shall fill out in triplicate a sales report form (NHA form 14-39). The seller shall file the original and one signed copy of this form with the local Area Rent Office of the Office of Temporary Controls (Office of Price Administration). If the dwelling accommodations are not in an area under OTC rent control, the seller shall send the original and one signed copy of

the form to the nearest OTC Area Rent Office.

For requirements on filing a rent registration form, see OPA Rent Regulation for Housing.

(2) *One-family dwellings.* (i) An applicant or subsequent owner must not sell a one-family dwelling built or converted under this section, including the land and all improvements (including garage if provided), for more than the maximum sales price specified in the application as approved.

(ii) No person shall rent a one-family dwelling unit built or converted under this section for more than the maximum rent specified in the application as approved. If no rent was specified in the application for a dwelling built under this section, the person wishing to rent the dwelling may request the agency with which the application was filed to set a rent. This will be done on the basis of information given in the original application and any supplemental information filed, and no person shall rent the dwelling for more than the amount set. After the first renting of the dwelling in an area under Federal rent control, the request to set or approve a rent should not be made as described above, but should be made to the OTC Area Rent Office or, in the District of Columbia to the Administrator of Rent Control.

(3) *Two-family dwellings.* (i) An applicant or subsequent owner must not sell a two-family dwelling built or converted under this section, including land and all improvements (including garage if provided), for more than the maximum sales price specified in the application as approved.

(ii) No person shall rent an apartment in a two-family dwelling built or converted under this section for more than the maximum rent specified for the apartment in the application as approved. No person shall sell for the occupancy of the purchaser any apartment, undivided interest, or other right to accommodations in a part of a two-family dwelling built or converted under this section unless a proposed maximum sales price for such accommodations has been submitted to and approved in writing by the agency which approved the original application. No person shall sell such accommodations for more than such maximum sales price.

(4) *Multiple-family dwellings.* No person shall rent an apartment in a multiple-family dwelling built or converted under this section for more than the maximum rent specified for the apartment in the application as approved. No person shall sell for the occupancy of the purchaser any apartment, undivided interest, or other right to accommodations in a multiple-family dwelling built or converted under this section unless a proposed maximum sales price for such accommodations has been submitted to and approved in writing by the agency which approved the original application. No person shall sell such accommodations for more than such maximum sales price.

(5) *Dormitories.* As long as this section remains in effect, no person (whether the applicant or any other person) shall rent accommodations in a

dormitory or other housing facility built or converted under this section for more than the maximum rent specified in the application as approved.

(6) *Requests for increases in sales prices or rents because of increased costs.* An applicant may apply by letter in triplicate to the agency with which the application was filed for an increase in the maximum sales price or maximum rent approved in the application before title to the dwelling has passed or before it is initially rented. The increase will not be approved unless it can be shown that he has incurred additional or increased costs in the construction over which he had no control, and which could not reasonably have been anticipated by him at the time of the initial application, or unless it can be shown that he will incur additional or increased costs in the operation of rented accommodations over which he has no control, and that these increased or additional costs will make it unreasonable to require him to sell or rent at the price or rent approved in the application. No increase in sales price or rent will be granted in excess of the increase in construction costs, or a proper proportion thereof in the case of rent, or the increase in operating costs, as the case may be.

(7) *Requests for increases in sales prices or rents because of improvements.* If he has made major structural changes or improvements (not including ordinary maintenance and repair) to the dwelling which would warrant an increase, a subsequent owner or any owner-occupant of a dwelling built or converted under this section may apply for an increase in the sales price or rent specified in the application. Such an application should be made by a letter in triplicate, or by such form as may be prescribed, to the agency with which the original application was filed. No increase will be granted in excess of the cost of such changes or improvements, or a proper proportion thereof in the case of a requested increase in rent. Moreover, no increase in sales price to an amount more than \$10,000 (or \$17,000 in the case of a two-family dwelling) will be granted and no increase in shelter rent to an amount more than \$80 a month will be granted except where unusual hardship would result to the applicant for the increase. If an increase in rent is needed because of subsequent changes or improvements, and the accommodations have previously been rented and are in a Defense Rental Area established pursuant to the Emergency Price Control Act of 1942, as amended, the owner should apply to the Area Rent Office of the Office of Temporary Controls (OPA) for an increase (or in the District of Columbia, to the Office of Administrator of Rent Control for the District of Columbia). If an increase is granted, one copy of the instrument granting the increase must be filed with the local office of the agency with which the application was filed. Upon the filing of this copy of the instrument granting the increase, the new rent granted becomes the maximum rent under this section. The right to apply for any increase in the sales price or rent specified in the application shall have no effect

upon the authorized sales price or rent until the increase has been approved in writing in accordance with this section. (Under Civilian Production Administration's Veterans' Housing Program Order 1 it may be necessary to get authorization to make these changes or improvements.)

(8) *Tie-in sale.* It shall be a violation of this section to condition a sale or rent upon the purchase of, or the agreement to purchase, any commodity, service or property interest, except where this section specifically permits the consideration paid for such commodity, service, or property interest to be included in or added to the maximum sales price or maximum rent.

PREFERENCES FOR VETERANS

(j) *Preferences for veterans*—(1) *General.* This paragraph tells how preferences will be given under this section to veterans in the initial or any subsequent sale or rental as long as this section remains in effect. Although these preferences for veterans are limited to the periods specified below, the restrictions of paragraph (i) of this section on sales prices and rent continue as long as this section remains in effect. The preferences for veterans provided by this paragraph do not apply to sales in the course of judicial or statutory proceedings in connection with foreclosures. Sales subsequent to such sales, however, are subject to the provisions of this paragraph. The provisions of this paragraph do not apply to dwellings for which neither a maximum sales price nor a maximum rent were required to be stated in the application or established under this section, or to dwellings approved on applications under paragraph (c) (7) of this section, or to the initial occupancy of a dwelling or an apartment in it approved under this section for the occupancy of the applicant or the continued occupancy of his tenant.

(2) *One-family dwelling.* (i) An applicant who has built or converted a one-family dwelling under this section must publicly offer it for sale or for rent to veterans for their own occupancy at or below the maximum sales price or the maximum rent specified in the application as approved. In case of sale, this offer must be made during construction and for 60 days after completion. In case of rent, this offer must be made during construction and for 30 days after completion.

(ii) If a one-family dwelling built or converted under this section is being offered for sale, the owner (whether the applicant or any subsequent owner) must not sell or otherwise dispose of it to any person other than a veteran unless he has publicly offered it for sale to veterans for at least 60 days (or during construction and for 60 days afterwards in the case of the applicant) at or below the maximum sales price specified in the application as approved.

(iii) If a one-family dwelling built or converted under this section is being offered for rent, the person offering it for rent must not rent it to any person other than a veteran unless he has publicly offered it for rent to veterans for at least 30 days (or during construction and for

30 days afterwards in the case of the applicant) at or below the maximum rent specified in the application as approved or set by the appropriate agency.

(3) *Two-family dwellings.* (i) An applicant who has built or converted a two-family dwelling under this section must publicly offer it for sale or the apartments in it for rent to veterans for their own occupancy at or below the maximum sales price or the maximum rent specified in the application as approved. In case of sale, this offer must be made during construction and for 60 days after completion. In case of rent, this offer must be made during construction and for 30 days after completion.

(ii) If a two-family dwelling built or converted under this section is being offered for sale, the owner (whether the applicant or any subsequent owner) must not sell or otherwise dispose of it to any person other than a veteran unless he has publicly offered it for sale to veterans for at least 60 days (or during construction and for 60 days afterwards in the case of the applicant) at or below the maximum sales price specified in the application as approved.

(iii) If an apartment in a two-family dwelling built or converted under this section is being offered for rent, the person offering it for rent must not rent it to any person other than a veteran unless he has publicly offered it for rent to veterans for at least 30 days (or during construction and for 30 days afterwards in the case of the applicant) at or below the maximum rent specified for the apartment in the application as approved.

(4) *Multiple-family dwellings.* (i) An applicant who has built or converted a multiple-family dwelling under this section must, during construction and for 30 days after completion, publicly offer the apartments in it for rent to veterans for their own occupancy at or below the maximum rent specified in the application as approved.

(ii) No person shall rent an apartment in a multiple-family dwelling built or converted under this section to any person other than a veteran unless he has publicly offered the apartment for rent to veterans for at least 30 days (or during construction and for 30 days after completion) at or below the maximum rent specified in the application as approved. However, an owner or his building service employee may reside in such a multiple-family dwelling if the accommodations to be occupied by him do not exceed in floor space a normal one-family unit in the structure, and if the space so occupied does not exceed 15% of the floor space of the structure used for residential purposes.

(5) *Dormitories.* An applicant who has built or converted a dormitory or other single-person housing facility under this section must make the accommodations available exclusively for veterans and their dependents otherwise eligible to occupy the dwelling accommodations. However, if an educational institution builds a dormitory under this section, it may make 40% of the accommodations in the dormitory available to nonveterans if it makes available to veterans an equivalent number of

similar or better accommodations in other dormitories at rents not larger than the rents specified in the application as approved.

NOTICES OF RESTRICTIONS

(k) *Notices of restrictions*—(1) *Deeds*. The applicant and every person who has acquired title to a dwelling (whether completed or not) approved under paragraph (c) (1), (2) or (9) of this section must, as long as this section remains in effect, include a statement in the following form in any deed, conveyance, or other instrument by which the dwelling is sold, transferred, or mortgaged to any other person:

The building on the premises hereby sold, transferred or mortgaged was built (converted) under Housing Expediter Priorities Regulation 5 (Application Serial No. —). Under that regulation a limit is placed on either the sales price or the rent for the premises, or both, and preferences are given to veterans of World War II in selling or renting. The premises must also be held for rent if the application as approved under that regulation contains a statement to that effect. As long as that regulation remains in effect, any violation of these restrictions by the grantee or by any subsequent owner will subject him to the penalties provided by law. The above is inserted only to give notice of the provisions of Housing Expediter Priorities Regulation 5 and neither the insertion of the above nor the regulation is intended to affect the validity of the interest hereby sold, transferred, or mortgaged.

(2) *Advertisements*. The applicant and every subsequent owner, and their agents and brokers, must, as long as this section remains in effect, include a statement in substantially the following form in any advertisement printed or published in which dwelling accommodations approved under paragraph (c) (1), (2) or (9) of this section are offered for sale or for rent:

Built under the Veterans' Emergency Housing Program. For sale (for rent) at or below \$----- (insert maximum sales price or rent) only to veterans, during construction and for 60 (30 in case of rent) days after completion (or for the next 60 days in case of subsequent sale or 30 days in case of subsequent rent).

OTHER PROVISIONS

(1) *Prohibition against transfer of authorization*. No person to whom an authorization has been given or an HH rating has been assigned shall transfer the authorization or rating to any other person (as distinguished from applying the rating to purchase orders) and any transfer attempted is void. If for any reason an applicant wishes to abandon construction approved under this section and another applicant wishes to continue it, the new applicant should apply to the agency with which the original application was filed. He should attach to his application a statement from the former applicant (or his representatives) joining in the request for the granting of the authorization or the assignment of the rating to the new applicant.

(m) *Appeals*. Any person affected by this section who considers that compliance with its provisions would result in an exceptional and unreasonable hardship on him may appeal for relief. An

appeal from any provisions of this section should be filed with the appropriate local office of the Federal Housing Administration or other agency with which the application was filed.

(n) *Amendments to applications*. An applicant may apply to the agency which approved his application for an amendment to it, *Provided*, That such amendment does not involve the construction of additional dwelling units. The request for an amendment should be made by letter in triplicate or by such form as may be prescribed. If the request for an amendment is granted, the provisions of this section shall apply to the application as amended and approved.

(o) *Definitions*. As used in this section:

(1) The term "veteran" shall include:

(i) A person who has served in the active military or naval forces of the United States on or after September 16, 1940, and who has been discharged or released therefrom under conditions other than dishonorable;

(ii) The spouse of a veteran (as described in the preceding subparagraph) who died after being discharged or released from service, if the spouse is living with a child or children of the deceased veteran;

(iii) A person who is serving in the active military or naval forces of the United States requiring dwelling accommodations for his dependent family;

(iv) The spouse of a person who served in the active military or naval forces of the United States on or after September 16, 1940, and who died in service, if the spouse is living with a child or children of the deceased;

(v) A citizen of the United States who served in the Armed Forces of an allied nation during World War II (and who has been discharged or released therefrom under conditions other than dishonorable) requiring dwelling accommodations for his dependent family;

(vi) A person to whom the War Shipping Administration has issued a certificate of continuous service in the United States Merchant Marine who requires dwelling accommodations for his dependent family; and

(vii) A citizen of the United States who, as a civilian, was interned or held a prisoner of war by an enemy nation at any time during World War II, requiring dwelling accommodations for his dependent family.

(2) "Maximum rent" means the total consideration paid by the tenant for the dwelling accommodations. This includes charges paid by the tenant for tenant services specified on the application and charges paid by the tenant for garage as specified on the application. However, it does not include charges covering the actual cost on a pro rata basis for gas and electricity for the tenant's domestic purposes when the application specifies that such charges will be made. The total charges for tenant services will not be approved if more than \$3 per room per month. The charge for garage will not be approved if more than \$10 per month, and will be allowed only for multiple-family dwellings.

Any payment, contribution, or investment required of or made by a tenant, or prospective tenant, of the dwelling unit in connection with a mutual ownership or similar plan, shall be considered as part of the maximum rent. This is so whether such payment, contribution or investment be made as a lump sum or in several amounts or whether it be in the form or nature of a certificate, deposit, membership, undivided interest, or otherwise.

Any payment for the rental of furniture made by a tenant or a prospective tenant in connection with the renting of any dwelling accommodations heretofore or hereafter constructed under this section, shall be considered a part of the maximum rent. However, if the rental of furniture in dwelling accommodations was voluntarily requested by a tenant, any payments for furniture pursuant to an agreement entered into with such tenant prior to December 13, 1946 (or any payments by a subsequent tenant for furniture in such dwelling accommodations), need not be included in the maximum rent.

(3) The term "maximum shelter rent" means the maximum rent, less charges for tenant services and garage.

(4) "Maximum sales price" means the total consideration paid (including any charge made a condition to the sale) by the buyer for the dwelling accommodations with accompanying land and improvements. The only items which are excluded are those incidental charges, such as brokerage fees or commissions or charges, which buyers or sellers of such dwelling accommodations customarily assume in the community where such accommodations are located, and which actually have been incurred for services rendered at the buyer's or seller's request in connection with the sale. (Such incidental charges may not be charged in the first sale unless enumerated in the application as approved.)

Any payment, contribution, or investment required of or made by an occupant or prospective occupant, other than a tenant of the dwelling unit, in connection with a mutual ownership, stock company, or other group plan, shall be considered as part of the maximum sales price. This is so whether such payment be made as a lump sum or in several amounts or whether such payment be in the form or nature of a certificate, deposit, membership, undivided interest, or otherwise. (See paragraph (i) (3) and (4) of this section with respect to sales prices for interests in multiple-family or two-family dwellings.)

(5) "Person" means an individual, corporation, partnership, association, or any other organized group of any of the foregoing, or legal successor or representative of any of the foregoing.

(6) "One-family dwelling" means a building designed for occupancy by one family and to be occupied, rented, or sold as a unit, including a detached or semi-detached house or a row house, but not including an apartment house or a two-family "one-over-one" house or a farmhouse.

(7) "Two-family dwelling" means a building designed for occupancy by two families which, if sold, will be sold as a

unit, not including semi-detached or row houses covered by the preceding subparagraph (6).

(8) "Multiple-family dwelling" means a building containing three or more separate living accommodations for three or more families, not including semi-detached or row houses covered by paragraph (c) (6), or (c) (7) of this section.

(9) "Begun construction" means to have physically incorporated at the site, materials which will be an integral part of the construction.

(10) "Convert" means to provide an additional dwelling unit or units by repair, alteration, reconstruction, or otherwise.

(11) "HH Minimum Property Requirements" shall be the same as the "Property Standards", "Minimum Construction Requirements", and "Minimum Requirements for Rental Housing", as established for the area and amended from time to time by the Federal Housing Administration under the National Housing Act, insofar as they apply to the structure itself and its water supply and sewage disposal systems, or as modified by rulings or standards issued by the National Housing Agency on special methods of construction or substitute materials. The "HH Minimum Property Requirements" will be made available in all State and District Offices of the Federal Housing Administration.

(12) "Public organization" means a governing body such as the United States Government, a state, county, city, town, village or other municipal government or an agency, instrumentality, or authority of such a governing body.

(13) "Educational institution" means a school, including a trade or vocational school, a college, a university or any similar institution of learning.

(14) "This section" means this regulation, Housing Expediter Priorities Regulation 5.

(p) *Communications.* All communications concerning this section should be addressed to the office of the agency to which the application was submitted.

(q) *Violations and enforcement—(1) General.* The maximum sales price, rent and other requirements of this section shall not be evaded either directly or indirectly. It shall be unlawful for any person to effect, either as principal, broker, or agent, a sale or rent of any dwelling accommodations at a price or rent in excess of the maximum sales price or the maximum rent applicable to such sale or rent under the provisions of this section, or to solicit or attempt, offer, or agree to make any such sale or rent.

(2) *Suit by purchaser for overcharge.* If any person sells housing accommodations in excess of the maximum amount authorized for such accommodations under this section, the person who buys such accommodations may, within one year from the date of the sale, bring an action or suit for the amount by which the consideration exceeded the maximum authorized selling price, plus reasonable attorney's fees and costs as determined by the court.

(3) *Suit by Housing Expediter for restitution.* If the person who may bring such action has not previously done so, the Housing Expediter (or the department, agency, or officer as he shall direct) may bring an action or suit to compel restitution of the amount by which the consideration exceeded the maximum authorized selling price.

(4) *Penalties.* Any person who willfully violates any provision of this section and any person who knowingly makes any statement to any department or agency of the United States, false in any material respect, or who willfully conceals a material fact, in any description or statement required to be filed under this section, shall, upon conviction thereof, be subject to fine or imprisonment, or both. Any such person or any other person who violates any provision of this section, or any regulation or other issuance under the Second War Powers Act (56 Stat. 176, as amended) relating to priorities assistance for housing, may be prohibited from making or obtaining any further deliveries of, or from using, any materials or facilities suitable for housing construction, and may be deprived of priorities assistance for such materials or facilities.

(r) *Reports.* All persons affected by this section shall file such information and reports as may be required by the Housing Expediter (or a person or agency authorized by him to make such requests), subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942. The reporting requirements of this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(60 Stat. 207; Title III 56 Stat. 177, as amended; E. O. 9638, 10 F. R. 12591; CPA Directive 42, 11 F. R. 9514)

Issued this 13th day of February 1947.

FRANK R. CREEDON,
Housing Expediter.

INTERPRETATION 1

PUBLIC OFFERING

Paragraph (j) of Housing Expediter Priorities Regulation 5 provides generally that the owner of dwelling accommodations constructed under the regulation must "publicly offer" them for sale or for rent exclusively to eligible veterans during prescribed periods. This requirement imposes upon the owner the obligation not only to offer the accommodations to veterans in good faith but also to take such affirmative steps as, under the circumstances, will give notice to all veterans or a reasonably large class of veterans in the community that the accommodations are available and will give them a reasonable opportunity to negotiate for them. These steps may take the form of newspaper advertisements, listing the property with real estate brokers, or consulting the local Mayor's Veterans' Housing Committee for the purpose of finding eligible veterans. The mere posting of a placard is not sufficient for this purpose. The owner's intention as manifested by his conduct is an important element in determining whether the public offer requirement has been met. The refusal of the owner to sell to a particular veteran for personal reasons does not by itself necessarily constitute a violation of the public offer requirement. If,

however, an owner refuses to sell or rent to veterans whom he does not know to be unqualified or unable to purchase or rent and then sells or rents to a nonveteran, the owner has violated the regulation. (Issued October 31, 1946.)

INTERPRETATION 2

PREFERENCES TO VETERANS IN SELLING OR RENTING HOUSING ACCOMMODATIONS

Paragraph (j) of Housing Expediter Priorities Regulation 5 sets forth the preference which must be given to veterans of World War II when housing accommodations built under the regulation are being sold or rented. Paragraph (i) sets forth limitations on the sales prices and rents which may be charged for the accommodations. In general these paragraphs provide that the accommodations must be publicly offered for sale or rent to veterans of World War II (as defined in HEPR 5) during construction and for 60 days after completion if offered for sale, or during construction and for 30 days after completion if offered for rent. In case of subsequent sales or rentals the accommodations must again be offered to veterans for a period of 60 days if offered for sale or 30 days if offered for rent. The requirements that housing accommodations be offered for 60 or 30 days does not prevent the offeror accepting a veteran's offer within the period. The following examples will illustrate the effect of these general rules:

(a) A one-family dwelling was built under the regulation, with a maximum sales price of \$7,500. The builder sold it to a veteran when it was complete. The veteran now wishes to move to another town. The veteran must publicly offer the house to other veterans of World War II for 60 days. He must not charge more than \$7,500 for the house whether he sells to a veteran or to a non-veteran, unless he has been authorized to charge more by FHA. However, if any customary brokerage fees are paid for services rendered in connection with this subsequent sale, whether paid by the buyer or the seller, they may be added to the sales price.

(b) A one-family dwelling was built under the regulation, with a maximum sales price of \$7,500. The builder publicly offered the dwelling to veterans during construction and for 60 days after completion without finding a veteran who wanted to buy it. He then sold the house to a non-veteran for \$7,500. The non-veteran now wishes to sell the house. The non-veteran must publicly offer the dwelling to veterans of World War II for 60 days, at a price of \$7,500 or less. However, if any customary brokerage fees are paid for services rendered in connection with this subsequent sale, whether paid by the buyer or the seller, they may be added to the sales price.

(c) A one-family dwelling was built under the regulation. A maximum sales price of \$7,500 was approved but no rent was stated in the application. The builder, instead of selling the dwelling at once, decided to rent it. The builder must apply to FHA for approval of a maximum rent before he rents the building.

(d) A one-family dwelling was built under the regulation, having a maximum rent of \$63 a month and a maximum sales price of \$7,500. The builder sold the house to a veteran. The veteran now wishes to rent the house. He must publicly offer the dwelling to veterans of World War II for 30 days, before renting to a non-veteran, and he must not charge more than \$63, whether he rents to a veteran or a non-veteran unless the FHA authorizes an increase.

(e) A one-family dwelling was built under the regulation, having a maximum rent of \$63 a month and a maximum sales price of \$7,500. The builder, leased it to a non-veteran for \$63 a month, no veteran having

applied during construction and for 30 days after completion. The tenant now wishes to sublet the house. He must publicly offer the house to veterans of World War II for 30 days and must not rent it for more than \$63 a month. This would also be the case if the tenant who wished to sublet were a veteran.

(f) A multiple-family dwelling was built under the regulation, each apartment having a maximum rent of \$63 a month. The builder publicly offered the apartments for rent to veterans during construction and for 30 days after completion. One of the apartments was leased by a veteran; another, not having been taken by a veteran during this period, was then leased to a non-veteran. Neither the veteran nor the non-veteran may be charged more than \$63 a month for his apartment. Six months later the two apartments are vacated. The builder must publicly offer each for 30 days to veterans of World War II for not more than \$63 a month.

(g) A multiple-family dwelling was built under the regulation, each apartment having a maximum rent of \$63. All the apartments were rented to veterans when the building was completed. The builder sold the building to an investor. An apartment has been vacated by a tenant. The new owner must publicly offer the apartment for 30 days to veterans of World War II for not more than \$63 a month, and must not rent it to a non-veteran unless he has made such a public offer to veterans. (Issued November 15, 1946.)

[Interpretation 3 deleted February 13, 1947]

INTERPRETATION 4

CHARGES IN EXCESS OF MAXIMUM SALES PRICE REQUESTED BECAUSE OF INCIDENTAL CHARGES, EXTRAS, OR ADDITIONAL CONSTRUCTION

Under paragraph (1) of Housing Expediter Priorities Regulation 5 a seller must not re-

quire a purchaser, as a condition to the sale of a house authorized under that Regulation, to buy or agree to buy any commodity, service or property interest, except where the regulation specifically permits the charges for the commodity, service or property interest to be added to the maximum sales price. Under paragraph (o) items which may be added are those incidental charges, such as brokerage fees or commissions or charges, which buyers or sellers of such dwelling accommodations customarily assume in the community, and which actually have been incurred for services rendered at the buyer's or seller's request in connection with the sale. (Such incidental charges may not be made in the first sale unless enumerated in the application as approved.) This means that, except for such customary incidental charges, the seller must offer the dwelling accommodations to the purchaser at or below the approved maximum sales price and free from charges and extras. The following examples illustrate the effect of this general rule:

1. *Abstract fees, title insurance and financing charges.* It is permissible for the purchaser to pay the abstract fees and title insurance over and above the maximum sales price and to pay incidental charges (such as fire insurance, title insurance, mortgagee's appraisal fees, and future taxes) in connection with financing a particular purchase if these charges are not made a condition to the sale. If it is customary in the community for the buyer to assume these incidental charges and they have been actually incurred for services rendered, he may even be required to pay them as a condition to the sale. (Such incidental charges may not be made in the first sale unless enumerated in the application as approved). In connection with financing, the purchaser must be given an opportunity to purchase the dwelling for cash at or below the approved maximum sales

price and to finance the purchase in any way he desires.

2. *Previously incurred charges.* Charges which have been incurred by the builder before the sale of the dwelling must not be charged the purchaser in addition to the maximum sales price. A request that a prospective purchaser pay such charges for prior services would be necessarily making the charges a condition to the sale. Charges of this kind include accumulated taxes before the date of sale, interest before the sale, prepayment penalties in connection with a builder's loan, fees for survey of site, and fire and liability insurance before the sale.

3. *Charges for additional construction or for equipment or fixtures not specified in the application.* The builder must publicly offer the dwelling described in his application at or below the approved maximum sales price. He may not under his authorization do any additional construction in connection with the authorized construction over and above what is specified in his application, except where he gets written approval from the agency which approved the original application. He must not increase his sales price above the original approved maximum sales price by reason of any such additional construction or added equipment, except where the increased price has been approved in writing by the agency which approved the original application.

A person who has bought a house built under Housing Expediter Priorities Regulation 5 and who has made improvements to the house (authorization for such improvements may be required by VHP-1) must not charge more than the approved maximum sales price for the house if he sells it, unless he has obtained permission for the increased charge from the agency which approved the original application. [Issued February 3, 1947]

SUBJECT: Amendment 1 to HEPR 5, dated April 22, 1947. Substitution of OHE for Area Rent Office of the Office of Temporary Controls (Office of Price Administration) and for CPA as the jurisdictional agency in certain cases.

This Amendment establishes OHE as the jurisdictional agency in certain matters previously handled by other agencies, and incorporates a list of OHE Regional Compliance Offices.

It particularly affects the filing of sales report forms (NHA form 14-39) upon the sale of any dwelling for which a maximum sales price has been established under HEPR 5. The seller is now required to file such reports, in accordance with instructions in paragraph (i)(1) of HEPR 5, with the Regional Compliance Officer of the Office of the Housing Expediter.

Amdt. 1 to HEPR 5

APR. 22, 1947

OFFICE OF HOUSING EXPEDITER

[Housing Expediter Priorities Reg. 5, as Amended Feb. 13, 1947, Amdt. 1]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

AUTHORIZATION AND PRIORITIES ASSISTANCE FOR HOUSING

Section 803.5, Housing Expediter Priorities Regulation 5, is amended in the following respects:

1. Wherever in this section the words "Area Rent Office of the Office of Temporary Controls (Office of Price Administration)" are used, they shall, except in connection with the rental or maximum rent of a dwelling, hereafter mean "Regional Compliance Office of the Office of the Housing Expediter."

2. Wherever in this section the words "Civilian Production Administration" are used, they shall hereafter mean "Housing Expediter," except where a different

meaning clearly appears from the context.

3. By adding a new paragraph (s) to read as follows:

(s) *Regional Compliance Offices.*

Jurisdictional Area and Address

Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont: 40 Broad Street, Boston 9, Mass.

Delaware, Maryland (except areas listed under Washington Metropolitan Area Office), New Jersey, New York, Pennsylvania: 45th Floor, Empire State Building, New York 1, N. Y.

Illinois, Indiana, Iowa, Johnson and Wyandotte Counties in Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin: 226 West Jackson Boulevard, Chicago 6, Ill.

Alabama, Florida, Georgia, Mississippi, South Carolina, North Carolina, Tennessee, Virginia (except areas listed under Washington Metropolitan Area Office): 1st Floor, Ginn Building, 165 Luckie Street NW., Atlanta 1, Ga.

Arkansas, Colorado, Kansas (except two counties listed under Region III), Louisiana, New Mexico, Oklahoma, Texas: 507 Mercantile Bank Building, Dallas 1, Tex.

Arizona, California, Nevada, Utah, Hawaii: 1355 Market Street, San Francisco 3, Calif.

Idaho, Montana, Oregon, Washington, Wyoming, Alaska: 4430 Stuart Building, Seattle 1, Wash.

Kentucky, Michigan, Ohio, West Virginia: Union Commerce Building, Cleveland 14, Ohio.

District of Columbia; Calvert, Charles, Montgomery, Prince Georges and St. Marys Counties and the locality of Odenton in Anne Arundel County in Maryland; Arlington and Fairfax Counties and the City of Alexandria in Virginia; Panama Canal Zone; off-continent areas except Hawaii: 4222 Social Security Building, Washington 25, D. C.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 22d day of April 1947.

FRANK R. CREEDON,
Housing Expediter.

NHA
FPHA
5-23-47

BULLETIN 14

Section 5

INDEX 1/

SECTION 5

Section 5 Limitation Orders

Section 5.2 L-357 12-10-46

1/ Supersedes Index dated 7-25-46

6879

NHA
FPHA
12-20-46

Bulletin 14

~~Part 1~~ - Section 5.2

SUBJECT: L-357, Amended 12-10-46 1/
Sales Restrictions for FPHA Earmarked Equipment

This Limitation Order applies to manufacturers and suppliers, and is related to Direction 11 to PR-33, which explains the "authorized order" procedure for products manufactured and earmarked for FPHA re-use projects.

L-357 has been revised to provide in paragraph (c) a method whereby FPHA can formally release producers from obligations and commitments, and authorize them to sell their FPHA-earmarked products to persons other than FPHA or its contractors.

1/ Supersedes L-357, dated 11-15-46.

CIVILIAN PRODUCTION ADMINISTRATION

L-357

DEC. 10, 1946

[As Amended]

PART 3288—PLUMBING AND HEATING EQUIPMENT

[Limitation Order L-357, as Amended
Dec. 10, 1946]

SALES RESTRICTIONS FOR CERTAIN PLUMBING AND HEATING EQUIPMENT MADE FOR FPFA PROJECTS

§ 3288.91 *Limitation Order L-357*—(a) *What this order does.* As part of the Veterans' Emergency Housing Program under the Veterans' Emergency Housing Act, the Federal Public Housing Authority (FPFA) is erecting 200,000 temporary housing units for emergency use by veterans in distress situations, pending the completion of permanent housing units under the Veterans' Emergency Housing Program. As explained in Direction 11 to Priorities Regulation 33, contractors will need special assistance in getting some of the building materials necessary for these units. Direction 11 to PR 33 provides for certain types of special assistance to contractors. In addition, under various procedures, the Civilian Production Administration also has been furnishing special steel and iron assistance to some producers of certain plumbing and heating equipment to be made specifically for use in FPFA temporary re-use housing projects. This Limitation Order is necessary to insure that the plumbing and heating equipment built with this special assistance is made available for the FPFA projects.

(b) *Definition.* For the purposes of this order, "earmarked product" means any cooking range, ice refrigerator, shower stall, space heater, or water heater which is (1) manufactured for FPFA temporary re-use housing projects under an agreement between the producer and the FPFA and (2) made with steel or iron obtained through special assistance given specifically for this purpose by the Civilian Production Administration (special authorization under Direction 12 or 13 to Order M-21, CC rating, MM ratings, or otherwise).

(c) *Provisions for producers of earmarked products*—(1) *Sales restriction.* No producer of "earmarked products" may sell or deliver them except (i) on "authorized orders" from suppliers or FPFA contractors, (ii) on orders placed by the FPFA itself, or (iii) as provided for in paragraph (c) (2) below.

(2) *Release from sales restrictions.* If a producer receives formal notification from the FPFA that it will not require any specified part of his completed or expected production of "earmarked products," that part is released from the sales restrictions of this order. For-

mal notification from the FPFA must be in writing, over the signature of an Assistant Commissioner of that agency and containing a statement in substantially the following language:

This is a formal notification under Order L-357, releasing the quantities specified above from the sales restrictions of that order.

The effect of such a release is as follows:

(i) The released quantities may be sold without regard to the sales restrictions of this order but subject to any other applicable CPA orders and regulations.

(ii) In some cases, the release may apply to quantities of a particular product not yet put into production. In such a case, any materials obtained with special assistance for that production must be used only to produce either a product of the same general type or any product listed on Schedule A to Priorities Regulation 33. When produced, the quantities covered by the release may be sold without regard to the sales restrictions of this order but subject to any other applicable CPA orders and regulations.

(d) *Restriction on suppliers' sales of earmarked products.* No distributor, jobber, dealer or other supplier who obtains "earmarked products" may sell or deliver them except on "authorized orders" from other suppliers or FPFA contractors.

(e) *"Authorized orders" for contractors.* In general, it is expected that where a contractor needs any cooking ranges, ice refrigerators, shower stalls, space heaters, or water heaters for an FPFA temporary re-use housing project, he will ordinarily be supplied, on "authorized orders", from the production earmarked for such projects. To get "earmarked products" for an FPFA project, a contractor should present his proposed purchase orders to the FPFA project engineer (or other representative designated by the FPFA). The authorized FPFA representative may then place the following endorsement on each purchase order:

Authorized order, under Direction 11 to PR 33 and Order L-357, for earmarked products to be used in FPFA temporary re-use housing projects.

Signature and title of authorized
FPFA representative

This endorsement makes an order an "authorized order". An authorized order

is not a rated order and is not to be treated as a rated order. It is, however, the only type of order on which earmarked products may be delivered. After endorsement, an order will be returned to the contractor, together with any necessary instructions for placing it. In the case of ice refrigerators, the FPFA arrangements with the producers may provide for direct sale of this item by producers to FPFA contractors, on authorized orders.

(f) *How suppliers get earmarked products.* A distributor, jobber, dealer, or other supplier may get earmarked products to fill authorized orders only by placing an "authorized order" with his source of supply. If he does not know a source of supply for earmarked products, he can get information through the local FPFA office. He may place authorized orders only when he has received authorized orders from his customers. He may then place one or more authorized orders totalling no more than the authorized orders he has to fill. To make his purchase order an "authorized order", he must endorse on it the following certification:

The items ordered herewith are to fill authorized orders, under Direction 11 to PR 33 and Order L-357, for earmarked products to be used in FPFA temporary re-use housing projects.

Name of firm
By-----
Authorized official

An order so endorsed by a supplier is an "authorized order".

(g) *Communications.* Contractors should address all communications concerning this order to the FPFA project engineer or to such other FPFA official as may be designated by that agency. Communications by other persons for information as to sources of supply and FPFA arrangements with producers should be addressed to the Federal Public Housing Authority, either at the office of the project engineer or at the appropriate regional or field office (see Appendix A). All other communications should be addressed to the Civilian Production Administration, Washington 25, D. C., Ref.: L-357.

Issued this 10th day of December 1946.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

Communications to an FPFA regional or field office concerning this order should be addressed, unless otherwise shown below, to the Regional Assistant Director for Development, Federal Public Housing Authority, at

whichever of the following addresses is appropriate:

Area served and office address

Region I—Connecticut, Massachusetts, New Hampshire, Rhode Island, Vermont—24 School Street, Boston 8, Mass.

Region II—Delaware, Maryland,¹ New Jersey, New York, Pennsylvania—270 Broadway, New York 7, N. Y.

Region III—Illinois, Indiana, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin—201 North Wells Street, Chicago 6, Ill.

¹The following areas of Virginia and Maryland are served by the General Field Office, rather than by the local regional office serving the other areas of those states: Virginia—Alexandria, Fairfax County, Arlington County. Maryland—Montgomery County, Prince Georges County, Cedar Point, Indian Head, Meadeale.

Region IV—Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia¹—Georgia Savings Bank Building, Peachtree and Broad Streets, Atlanta 3, Ga.

Region V—Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas—1411 Electric Building, Fort Worth 2, Tex.

Region VI—Arizona, California, Nevada, Utah, Hawaii—760 Market Street, San Francisco 2, Calif.

Region VII—Idaho, Montana, Oregon, Washington, Wyoming, Alaska—Skinner Building, 5th Avenue and Union Streets, Seattle, Wash.

Region VIII—Kentucky, Ohio, Michigan, West Virginia—2073 East Ninth Street, Cleveland 15, Ohio.

Metropolitan District of Columbia, etc.—District of Columbia, Virginia,¹ Maryland,¹ Puerto Rico, Virgin Islands—Director, General Field Office, Federal Public Housing Authority, 1201 Connecticut Avenue, Washington 25, D. C.

NHA
FPHA
3-13-47

BULLETIN 14

~~PART II~~ - Section 4.1

SUBJECT: Housing Permit Regulation - HPR, Amended 2-13-47 1/
Authorization for Housing

This Regulation governs the issuance of permits for the building, altering or repairing of housing accommodations.

The permit system operates particularly to assure veterans' preference on housing for sale or rent, and to prevent construction of luxury type housing by its restrictions on floor area and bathroom fixtures. Other major conditions are that the housing must be designed for year-round occupancy, and rental for family units must not exceed an \$80 average.

Under the permit system, FPHA is the processing agency for applications submitted by public organizations, educational institutions, and persons under the sponsorship of educational institutions who wish to provide single-person accommodations for student veterans.

This amendment provides clarifying and perfecting changes, among which is reference to form OHE-14-56 instead of NHA-14-56.

1/ Supersedes HPR, dated 12-23-46

OFFICE OF HOUSING EXPEDITER

HPR

FEB. 13, 1947
[As Amended]

[Housing Permit Regulation, as Amended
Feb. 13, 1947]

PART 806—HOUSING PERMIT REGULATION UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

AUTHORIZATION FOR HOUSING

Par.

- (a) General.
- (b) Housing construction covered by this section.

APPLICATIONS

- (c) Persons eligible.
- (d) Filing applications.
- (e) Plans and specifications.
- (f) Approval of applications.
- (g) Restrictions on applicants.

CONSTRUCTION

- (h) Construction standards and limitations.
- (i) Posting of placards.

RENTS

- (j) Maximum rents.

PREFERENCES FOR VETERANS

- (k) Preferences for veterans.

DEFINITIONS

- (l) Definitions.

OTHER PROVISIONS

- (m) Advertisements.
- (n) Prohibition against transfer of permits.
- (o) Appeals.
- (p) Amendments to applications.
- (q) Communications.
- (r) Violations and enforcement.
- (s) Reports.

§ 806.1 *Authorization for housing*—(a) *General*—(1) *What this section provides.* This section, Housing Permit Regulation, is issued in accordance with the Veterans' Emergency Housing Program for 1947. The section provides for giving specific authorization under the Civilian Production Administration (Office of Temporary Controls) Veterans' Housing Program Order 1 to veterans and certain other persons who wish to construct, repair, make additions to, alter, install fixtures in, improve, or convert housing accommodations. Such authorization will be given in the form of a construction permit.

This section explains:

- (i) Who may apply for a construction permit.
- (ii) How to apply.
- (iii) The conditions upon which applications for permits will be approved.
- (iv) The conditions which will be imposed on the applicant and succeeding owners while this section is in effect.

(2) *Effect of this section on approved priority applications.* New authorizations and priority ratings under Housing Expediter Priorities Regulation 5 will not be issued after the effective date of this section (December 24, 1946). However, this section does not apply to or affect applications or dwelling accommodations heretofore approved under Civilian Production Administration (OTC) Priorities Regulation 33 or Housing Expediter Priorities Regulation 5. Any requests for changes in applications approved under those regulations which do not involve additional

dwelling units shall be made in accordance with CPA Priorities Regulation 33 or Housing Expediter Priorities Regulation 5, whichever is applicable. However, if a person is authorized to use an HH rating under either of those regulations but has not begun the construction of all the dwellings approved in his application, he may return his approved application to the Federal Housing Administration (or in appropriate cases to the Federal Public Housing Authority) and apply for a permit in accordance with this section for the construction of the dwellings on which construction has not begun. If the permit is granted, the provisions of this section shall be applicable to such construction instead of the provisions of the regulation under which his priority application was approved, and his priority application will be amended to exclude the construction for which the permit is granted. However, such a person is not required to obtain a permit under this section, but may elect to use the HH rating and authorization originally granted, subject to the provisions of the regulation under which it was granted.

(b) *Housing construction covered by this section.* (1) The following kinds of construction, alteration, or repair are included in this section where the application and construction qualify under paragraphs (c) through (h) or relief is granted on appeal under paragraph (o):

(i) The construction of any building in which 50% or more of the floor space involved is to be used for residential purposes except where the purpose is primarily for the accommodation of transients or overnight guests. Construction which is covered includes subsidiary buildings on residential property where used for residential purposes, such as private garages, tool sheds, piers, greenhouses and the like, and includes dining halls and other essential residential accommodations used entirely as part of dormitory or other single-person accommodations also covered by the application. Farmhouses and other farm living accommodations and bunkhouses for transitory farm labor are included under this subparagraph. Housing of the War and Navy Departments, summer or winter camps, and hotels or tourist cabins primarily for transients and overnight guests, are not included.

(ii) Additions, alterations, or repairs to a building where 50% or more of the floor area involved in the proposed additions, alterations, or repairs will be used for dwelling accommodations of the kinds described above.

(2) Construction not included in this section is under the jurisdiction of the Office of Temporary Controls (Civilian Production Administration). Also, if a project under this section involves construction, additions, alterations, or repairs of which more than 25% is non-residential, a recommendation will be obtained from the Office of Temporary Controls (CPA) as to the essentiality of the non-residential part of the work.

APPLICATIONS

(c) *Persons eligible.* Applications for a construction permit under this section may be made by the following:

(1) *Veteran.* A veteran who wishes to build, complete, alter, or repair a family dwelling (or convert a dwelling or other structure into a family dwelling) for his occupancy as owner. The cost of any alteration or repair of any house under this subparagraph may not exceed \$10,000.

(2) *Builder for veterans.* A person who wishes to build or complete family dwelling accommodations (or convert dwellings or other structures into family dwelling accommodations) to which veterans will be given preferences in selling or renting as provided in this section. (Any applicant, although not a veteran, may initially occupy a dwelling unit in a two-family or multiple dwelling owned by him and constructed under this section.)

(3) *Non-veteran building for own occupancy.* A person who wishes to build a family dwelling (or convert a dwelling or other structure into a family dwelling) for his occupancy as owner.

(4) *Disaster.* A person who wishes to reconstruct (or build on another site, in event of total destruction) or repair dwelling accommodations destroyed or damaged by fire, flood, tornado, or other similar disaster. Such a person is eligible only if the reconstruction or repair is necessary to the continuance of year-round occupancy by the applicant or his tenant. Any application under this subparagraph must be made not later than 6 months after such destruction or damage.

(5) *Repairs or alterations to make a house habitable or to provide space for additional persons.* A person who wishes authorization to make repairs or alterations to dwelling accommodations necessary in order (i) to maintain them in a habitable condition or to return them to a habitable condition, or (ii) to make a summer home habitable for winter occupancy by a veteran, or (iii) to provide space for additional persons who are either veterans or members of the immediate family of the applicant. If space for additional persons is provided, under subdivision (iii), the estimated cost of the construction shall not exceed \$1500 per person. In the event that such additional space is vacated, the applicant or a subsequent owner or other person must not, while this section is in effect, rent it to any person other than a member of his immediate family or a veteran, unless it has been publicly offered for rent to veterans for at least 30 days on the same or more favorable terms.

(6) *Educational institution or public organization.* An educational institution, (or a person under its sponsorship) or a public organization which wishes to construct, repair, or alter a dormitory or other single-person housing facility (or to repair or alter any dwelling accommodations) for student veterans.

An application for new construction under this paragraph (c) (6) will not be approved if the maximum rent proposed is more than the amount charged for comparable accommodations in the area. If the application is made by a person under the sponsorship of an educational institution, the application must be accompanied by a letter from that institution which (i) requests that the application be approved, (ii) states that there is not a sufficient number of available rooms in the community for its student veterans, and (iii) represents that the institution will refer student veterans to the proposed accommodations as long as this section is in effect. Accommodations provided by persons under the sponsorship of an educational institution must be made available during the institution's school year only to student veterans and their dependents referred by the institution.

(7) *Experimental housing.* A person who wishes to construct or erect dwelling accommodations for experimental or testing purposes, where the proposed work is determined by the Technical Office of the Office of the Administrator of the National Housing Agency to be essential to the Veterans' Emergency Housing Program.

(d) *Filing applications.* Applications for construction permits under this section should be made on OHE Form 14-56, and filed with the appropriate State or District Office of the Federal Housing Administration, except that:

(1) Applications by educational institutions, or persons under their sponsorship, or by public organizations (whether under paragraph (c) (6) or other paragraph of this section) should be filed with the appropriate Regional Office of the Federal Public Housing Authority.

(2) Applications to construct or erect dwelling accommodations for experimental or testing purposes should be filed with the Technical Office of the Office of the Administrator of the National Housing Agency.

(e) *Plans and specifications.* When an application is made in which a maximum rent is required to be stated, as provided by paragraph (j) (2), plans and outline specifications shall be attached to and made a part of such application.

(f) *Approval of applications.* The application for a permit may be approved if (1) the conditions and requirements in paragraphs (c) through (e) of this section have been met, and (2) the proposed rents, where required to be stated, are reasonably related to the proposed accommodations. Upon approval, a copy of the approved application will be given to the applicant and will constitute his construction permit.

(g) *Restrictions on applicants.* An applicant who constructs, completes, converts, alters, or repairs dwelling accommodations under this section must comply with all agreements and conditions stated in the approved application and shall do the work in accordance with the description given in the application and any attachments thereto, unless he has obtained prior written approval for a change from the agency with which his application was filed.

CONSTRUCTION

(h) *Construction standards and limitations—(1) Suitability for year-round occupancy.* No person shall build or convert any dwelling accommodations under this section except accommodations which are suitable and intended for year-round occupancy.

(2) *Maximum floor area.* No person shall build or convert any dwelling accommodations under this section in which the total calculated floor area of any dwelling unit exceeds 1,500 square feet. Calculated area comprises the square foot area of spaces above basement or foundation including utility rooms, vestibules, halls, closets, stair wells and interior chimneys and fire places. It does not include garages, unfinished attics, open porches, attached terraces, balconies and projecting fire places or chimneys outside the exterior walls. Measurements are taken to the outside surfaces of exterior walls. In a half story, measurements are taken to the outside surfaces of exterior walls or partitions enclosing the areas, but any area where the ceiling height is less than five feet is not included.

(3) *Bathroom fixtures.* No person shall install in any dwelling or apartment constructed, converted or altered under this section any bathroom fixtures which will result in the dwelling or apartment having more such fixtures than are normally required for one bathroom.

(4) *Subsidiary structures.* The granting of a permit under this section constitutes authorization only (i) to construct, convert, alter or repair the dwellings specified in the application, and (ii) in connection with the construction of new residential accommodations, to construct subsidiary sanitary facilities, garage space, tool sheds, walls and fences.

(i) *Posting of placards or signs.* When permits are granted for new construction or conversions under paragraphs (c) (2) or (c) (6) of this section, the applicants must post either placards or signs as explained in this paragraph.

(1) *Placards.* When such permits are granted, a placard or placards will be sent to the applicant indicating that the dwelling accommodations are being built for veterans under the Veterans' Emergency Housing Program. If the permit covers the construction of dwelling accommodations to be rented, the placard will contain a space for the maximum rent. If the applicant posts a placard or placards, he must insert the application serial number legibly and permanently. Such a placard must be posted in a conspicuous location in front of each separate residential building within five days after the time construction is begun and must continue to be posted until completion of the building. Unless all the accommodations in the building have been sold or rented to veterans, the applicant must continue to post the placard for 60 days after completion of the building in the case of offer for sale or 30 days afterwards in the case of offer for rent. In the case of such offer for rent, the applicant, upon completion of construction, must legibly and permanently insert the appropriate rent, not in excess of the amount specified in the application as approved.

(2) *Signs.* If the applicant elects to post a project sign in lieu of the placards sent to him, he must post a sign having the approximate dimensions of three by five feet (or greater) in a conspicuous location on the site of each project. Such a sign must contain the same information and be posted during the same period as is required under subparagraph (1) of this paragraph in the case of placards.

RENTS

(j) *Maximum rents—(1) General.* The restrictions on rents contained in this paragraph apply to all new dwelling accommodations built under this section for which a proposed maximum rent must be stated under subparagraph (2) of this paragraph. These restrictions must be observed as long as this section is in effect. Proposed rents, where required, will not be approved under this section unless they are reasonably related to the proposed accommodations. However, approval of a proposed rent should not be considered as a representation by the processing agency that the rent represents the value of the dwelling or apartment for other purposes.

After the first renting of the dwelling in an area under Federal rent control, the request to approve a change in rent should be made to the Area Rent Office established pursuant to the Emergency Price Control Act of 1942, as amended, or in the District of Columbia to the Administrator of Rent Control. Any changed rent granted becomes the maximum rent under this section.

(2) *Proposed rent to be stated in application.* In case of an application for a permit to construct new family dwellings or apartments to be offered for rent, the proposed maximum rent and maximum shelter rent must be stated for each such dwelling or apartment. In case of an application for a permit to construct new single-person dwellings, the proposed maximum rent to be charged each person must be stated. Maximum rents and shelter rents must be stated for every new dwelling or apartment in a proposed two-family dwelling, multiple-dwelling, or housing facility designed for occupancy by single persons. However, maximum rents or shelter rents need not be stated for construction in disaster cases under paragraph (c) (4) of this section.

(3) *Maximum rent which may be approved.* No maximum shelter rent exceeding \$80 per month may be approved for a dwelling or apartment under this section unless the average of all shelter rents approved in the application for dwellings in a single project is \$80 per month or less.

(4) *Maximum rent not to be exceeded.* No person shall rent a family or single-person dwelling or apartment for which a proposed maximum rent or maximum shelter rent has been specified in the application as approved, for more than the rent as approved.

(5) *Requests for increases in rents because of increased costs.* An applicant may apply by letter in triplicate or such form as may be prescribed to the agency with which the application was filed for an increase in the maximum rent approved in the application before the

dwelling is initially rented. The increase will not be approved unless it can be shown (i) that the applicant has incurred additional or increased costs in the construction over which he had no control, and which could not reasonably have been anticipated by him at the time of the initial application, or (ii) that he will incur additional or increased costs in operation over which he has no control, and that these additional or increased costs of construction or operation will make it unreasonable to require him to rent at the amount approved in the application. No increase in rent will be granted unless reasonably related to the increase in construction costs or the increase in operating costs.

(6) *Requests for increases in rents because of improvements.* If a subsequent owner or any owner-occupant of a dwelling (except a dwelling which has been previously rented and which is located in a Defense Rental Area established under the Emergency Price Control Act of 1942, as amended, or in the District of Columbia), built under this section has made major structural changes or improvements (not including ordinary maintenance or repair) to the dwelling which would warrant an increase in the rent specified in the application, he may apply for the increase to the agency with which the original application was filed. Such application should be made by a letter in triplicate or by such form as may be prescribed. No increase will be granted unless it is reasonably related to the cost of such changes or improvements. Moreover, no increase in shelter rent of any dwelling will be granted to an amount more than \$80 a month unless (i) the average of all shelter rents approved in the original application, as amended, for dwellings in a single project will be \$80 a month or less or (ii) unusual hardship would result to the applicant if the increase is not granted. (Under CPA Veterans' Housing Program Order 1 it may be necessary to get authorization to make these changes or improvements.)

PREFERENCES FOR VETERANS

(k) *Preferences for veterans*—(1) *Family dwellings.* If a family dwelling or apartment built or converted under this section is being offered for sale or rent, the owner (whether the applicant or any subsequent owner) or any other person must not sell, rent or otherwise dispose of it to any person other than a veteran unless he has publicly offered it for sale or rent, as the case may be, to veterans for their own occupancy. In the case of sale, this offer must be made to veterans for at least 60 days (or during construction and for 60 days afterwards in the case of the applicant). In the case of rent, this offer must be made to veterans for at least 30 days (or during construction and for 30 days afterwards in the case of the applicant). An applicant who has built or converted a family dwelling or apartment approved for rent or sale under this section must, for these periods of time, publicly offer it for sale or for rent to veterans for their own occupancy. No person may sell or rent or otherwise dispose of a dwelling or apartment built or converted under this section to a person other than a veteran on

terms or at a price more favorable than offered to veterans during the time a public offering must be made to veterans under this subparagraph. However, this subparagraph does not apply to:

(i) Dwellings or apartments approved in disaster cases under paragraph (c) (4) of this section;

(ii) The initial occupancy of a dwelling or apartment built or converted under this section for the occupancy of the applicant or the continued occupancy of his tenant;

(iii) The occupancy of an apartment in a two-family or multiple dwelling structure by the owner of the entire structure;

(iv) Sales in the course of judicial or statutory proceedings in connection with foreclosures (sales subsequent to such judicial or statutory sales are subject to the provisions of this subparagraph (1)); or

(v) The occupancy of a dwelling or apartment by a building service employee which does not exceed 15 percent of the residential floor space of the structure or project.

(2) *Dormitories or other single-person housing facilities.* An applicant who has built or converted a dormitory or other single-person housing facility under this section must make the accommodations available exclusively for veterans and their dependents otherwise eligible to occupy the dwelling accommodations. However, if an educational institution builds a dormitory under this section, it may make 40% of the accommodations in the dormitory available to non-veterans if it makes available to veterans an equivalent number of similar or better accommodations in other dormitories at rents not higher than the rents specified in the application as approved. It may also make 15 percent of the residential floor space of any dormitory or dormitory project available to building service employees.

DEFINITIONS

(1) *Definitions.* As used in this section:

(i) The term "veteran" shall include:

(i) A person who has served in the active military or naval forces of the United States on or after September 16, 1940, and who has been discharged or released therefrom under conditions other than dishonorable;

(ii) The spouse of a veteran (as described in the preceding subparagraph) who died after being discharged or released from service, if the spouse is living with a child or children of the deceased veteran;

(iii) A person who is serving in the active military or naval forces of the United States requiring dwelling accommodations for his dependent family;

(iv) The spouse of a person who served in the active military or naval forces of the United States on or after September 16, 1940 and who died in service, if the spouse is living with a child or children of the deceased;

(v) A citizen of the United States who served in the armed forces of an allied nation during World War II (and who has been discharged or released therefrom under conditions other than dis-

honorable) requiring dwelling accommodations for his dependent family;

(vi) A person to whom the War Shipping Administration has issued a certificate of continuous service in the United States Merchant Marine who requires dwelling accommodations for his dependent family; and

(vii) A citizen of the United States who, as a civilian, was interned or held a prisoner of war by an enemy nation at any time during World War II, requiring dwelling accommodations for his dependent family.

(2) "Maximum rent" means the total consideration paid by the tenant for the dwelling accommodations. This includes charges paid by the tenant for tenant services specified on the application and charges paid by the tenant for garage as specified on the application. However, it does not include charges for the rental of furniture or on charges covering the actual cost on a pro rata basis for gas and electricity for the tenant's domestic purposes when the application specifies that such charges for gas or electricity will be made.

The total charges for tenant services will not be approved if more than \$3 per room per month. The charge for garage will not be approved if more than \$10 per month, and will be allowed only for multiple-family dwellings.

(3) "Maximum shelter rent" means the maximum rent, less charges for tenant services and garage.

(4) "Person" means an individual, corporation, partnership, association, public organization, or any other organized group of any of the foregoing, or legal successor or representative of any of the foregoing.

(5) "One-family dwelling" means a building designed for occupancy by one family and to be occupied, rented, or sold as a unit, including a detached or semi-detached house or a row house, but not including an apartment house or a two-family "one-over-one" house.

(6) "Two-family dwelling" means a building designed for occupancy by two families which, if sold, will be sold as a unit, not including semi-detached or row houses covered by subparagraph (5) of this paragraph.

(7) "Multiple-family dwelling" means a building containing three or more separate living accommodations for three or more families, not including semi-detached or row houses covered by subparagraphs (5) or (6) of this paragraph.

(8) "Project" means construction authorized on a single site or contiguous sites except for streets, roads and alley ways.

(9) "Begun construction" means to have physically incorporated at the site materials which will be an integral part of the construction.

(10) "Convert" means to provide an additional dwelling unit or units by repair, alteration, reconstruction, or otherwise.

(11) "Public organization" means a governing body such as the United States Government, a State, county, city, town, village or other municipal government or an agency, instrumentality, or authority of such a governing body.

(12) "Educational institution" means a school, including a trade or vocational school, a college, a university or any similar institution of learning.

(13) "This section" means this Housing Permit Regulation.

OTHER PROVISIONS

(m) *Advertisements.* The applicant and every subsequent owner and their agents and brokers, must, as long as this section remains in effect, include a statement in substantially the following form in any advertisement printed or published in which dwelling accommodations approved under paragraph (c) (1), (2), (3), or (6) of this section are offered for sale or for rent:

Built under the Veterans' Emergency Housing Program. For sale (for rent at \$-----). It is being offered for sale (for rent) only to veterans during construction and for 60 (30 in case of rent) days after completion (or for 60 days in case of subsequent sale or 30 days in case of subsequent rent).

(n) *Prohibition against transfer of permits.* No person to whom a permit has been given shall transfer it to any other person and any transfer attempted is void. If for any reason an applicant wishes to abandon construction approved under this section and another applicant wishes to continue it, the new applicant should apply to the agency with which the original application was filed. He should attach to his application a statement from the former applicant (or his representative) joining in the request for the granting of the permit to the new applicant.

(o) *Appeals.* Any person who considers that compliance with any provision of this section would result in an exceptional and unreasonable hardship on him may appeal for relief. In addition, any person whose application has been denied in whole or in part as a result of an interpretation of the section which he considers to be incorrect may file an appeal. An appeal shall be in the form of a letter in triplicate and

should be filed with the appropriate local office of the Federal Housing Administration or other agency with which applications may be filed under this section. The letter must state clearly the specific provision of the section appealed from and the grounds for claiming an exceptional and unreasonable hardship, or the denial action appealed from, as the case may be.

(p) *Amendments to applications.* Any applicant may apply to the agency which granted his permit for an amendment to it. The request for an amendment should be made by letter in triplicate or by such form as may be prescribed. If the request for an amendment is granted, the provisions of this section shall apply to the permit as amended and approved. However, if the request for an amendment requires additional buildings or dwelling units not included in the original permit, a new application should be filed on OHE Form 14-56 covering the new units.

(q) *Communications.* All communications concerning this section should be addressed to the local office of the Federal Housing Administration or other appropriate agency indicated in paragraph (d) of this section.

(r) *Violations and enforcement—(1) General.* The veterans' preference, maximum rent and other requirements of this section shall not be evaded either directly or indirectly. It shall be unlawful for any person to effect, either as principal, broker, or agent, a rental of any dwelling accommodations at a rent in excess of the maximum rent applicable to such rental under the provisions of this section, or to solicit or attempt, offer, or agree to make any such rental. It shall also be unlawful for any such person to condition a rental of any dwelling accommodations upon the purchase of, or agreement to purchase, any commodity, service or property interest, except tenant services specified on the application, the rental of furniture or an investment interest in the accommodations.

The restrictions in paragraph (k) of this section apply to the builder and subsequent owners of all dwelling accommodations constructed in violation of VHP 1. However, this does not relieve the builder of any penalty to which he may be subject by reason of the violation of VHP 1.

(2) *Penalties.* Any person who willfully violates any provision of this section and any person who knowingly makes any statement to any department or agency of the United States, false in any material respect, or who willfully conceals a material fact, in any description or statement required to be filed under this section, shall, upon conviction thereof, be subject to fine or imprisonment, or both. Any such person or any other person who violates any provision of this section, or any regulation or other issuance under the Second War Powers Act (56 Stat. 176, as amended) or the Veterans' Emergency Housing Act of 1946 relating to the construction or disposition of dwelling accommodations may have his permit revoked or suspended and may be denied the right to obtain any permit in the future and may be prohibited from making or obtaining deliveries of, or from using any materials or facilities suitable for housing construction.

(s) *Reports.* All persons affected by this section shall file such information and reports as may be required by the Housing Expediter (or a person or agency authorized by him to make such requests), subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942. The reporting requirements of this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(60 Stat. 207; 56 Stat. 177, as amended; E. O. 9638, 10 F. R. 12591; CPA Directive 42, 11 F. R. 9514)

Issued this 13th day of February 1947.

FRANK R. CREEDON,
Housing Expediter.

NHA
FPHA
5-23-47

BULLETIN 14

Section 6

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SECTION 6

Section 6 Permit Regulations (HPR)

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5-23-47

BULLETIN 14

Section 6.1

SUBJECT: Amendment 1 to HPR, Dated March 26, 1947 Maximum Floor Area

This Amendment, which revises paragraph (h)(2) of HPR, provides that 150 square feet may be allowed for a utility room in excess of the 1500 square foot limitation on dwelling units authorized under the Housing Permit Regulation, when the dwelling unit does not have a basement.

It also restates the method for calculating floor areas as explained in the original paragraph (h)(2).

OFFICE OF HOUSING EXPEDITER

Amdt. 1 to HPR

MAR. 26, 1947

[Housing Permit Regulation, as Amended,
Feb. 13, 1947, Amdt. 1]

PART 806—HOUSING PERMIT REGULATION
UNDER VETERANS' EMERGENCY HOUSING
ACT OF 1946

MAXIMUM FLOOR AREA

Section 806.1, Housing Permit Regulation, is amended in the following respects:

1. Paragraph (h) (2) is amended to read as follows:

(2) *Maximum floor area.* No person

shall build or convert any dwelling accommodations under this section in which the total calculated floor area of any dwelling unit exceeds 1,500 square feet. Calculated area comprises the square foot area of spaces above basement or foundation including utility rooms, vestibules, halls, closets, stair wells and interior chimneys and fireplaces. However, calculated area does not include the square foot area of a utility room not exceeding 150 square feet in any house which does not have a basement. Calculated area does not in-

clude garages, unfinished attics, open porches, attached terraces, balconies and projecting fireplaces of chimneys outside the exterior walls. Measurements are taken to the outside surfaces of exterior walls. In a half story, measurements are taken to the outside surfaces of exterior walls or partitions enclosing the areas, but any area where the ceiling height is less than five feet is not included.

Issued this 26th day of March 1947.

FRANK R. CREEDON,
Housing Expediter.

NHA
FPHA
5-23-47

BULLETIN 14

Section 6.1

SUBJECT: Amendment 2 to HPR, Dated March 31, 1947 Housing Permit
Regulation under Veterans' Emergency Housing Act of 1946

This Amendment revises the wording of paragraph (b)(2) of HPR to omit reference to determination by the CPA as to essentiality of non-residential portions of housing projects where such portions exceed 25 percent of the total floor area of the project.

The net effect of this amendment, insofar as FPHA processing is concerned, is simply to change the referral agency. Projects which come within this category shall now be submitted to the local office of the Housing Expediter for determination as to essentiality of the non-residential part of the work, or, if that procedure is impracticable, they may be submitted to the FPHA Central Office, which will request a determination by the OHE Central Office.

Amdt. 2 to HPR

MAR. 31, 1947

OFFICE OF HOUSING EXPEDITER

[Housing Permit Reg., as Amended Feb. 13,
1947, Amdt. 2]

PART 806—HOUSING PERMIT REGULATION UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

Section 806.1, Housing Permit Regulation, is amended in the following respects.

Paragraph (b) (2) is amended to read as follows:

§ 806.1 *Authorization for housing*
* * *

(b) *Housing construction covered by this section.* * * *

(2) If a project under this section involves construction, additions, alterations,

or repairs of which more than 25% is non-residential, it must be established that the non-residential part of the work is essential.

Issued this 31st day of March 1947, to become effective April 1, 1947.

FRANK R. CREEDON,
Housing Expediter.

NHA
FPHA
5-23-47

BULLETIN 14

Section 7

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SECTION 7

Section 7 Miscellaneous Orders, etc.

Section 7.1 Organization Doc. (OHE) Amdt. 1 3-31-47

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Section 7.2

SUBJECT: Organization Doc., Amdt. 1, Dated March 31, 1947
Miscellaneous Amendments and List of District
Construction Offices, Division of Non-Residential
Construction, OHE

This document correlates certain organizational and procedural documents which previously related to CPA with such instruments which affect operations of OHE, and outlines the organization of OHE.

FPHA officials processing applications for Housing Construction Permits will find very helpful the incorporated listing of OHE District Construction Offices. Applications involving work of non-residential character in excess of those proportions approvable by the FPHA should be referred to one of these offices for determination as to essentiality of the non-residential part of the work.

OFFICE OF HOUSING EXPEDITER

PART 851—ORGANIZATION DESCRIPTION, INCLUDING DELEGATIONS OF FINAL AUTHORITY

MISCELLANEOUS AMENDMENTS

By Executive Order 9836 issued March 22, 1947, effective April 1, 1947, the President has transferred to the Housing Expediter all functions of the Temporary Controls Administrator and of the Office of Temporary Controls with respect to the Veterans' Emergency Housing Program which have previously been administered by the Civilian Production Administration in the Office of Temporary Controls. By the same Executive order the President has delegated to the Housing Expediter, to the extent necessary for the proper exercise of the functions which were transferred, the powers and authority vested in the President by Title III of the Second War Powers Act, 1942, as amended. These powers and this authority are in addition to those vested in the Housing Expediter by the Veterans' Emergency Housing Act of 1946. To permit the carrying out of the functions transferred to the Housing Expediter by this Executive order, the Organization Description, including Delegations of Final Authority, of the Office of the Housing Expediter, Part 851 of this chapter, is amended to include the following sections:

SUBPART A—CENTRAL OFFICE

§ 851.8a *Office of Compliance Commissioners.* The following organizational and procedural documents of the Civilian Production Administration, or parts of such documents, relating to the Office of Compliance Commissioners are hereby adopted, ratified and confirmed for the Office of the Housing Expediter and shall remain in full force and effect until revoked or amended by the Housing Expediter:

(a) § 903.204, Organizational Document 1, Civilian Production Administration, 11 F. R. 177A-372.

(b) Procedural Document 5, Civilian Production Administration, 11 F. R. 177A-372.

(c) Procedural Document 6, Civilian Production Administration, 11 F. R. 177A-372.

§ 851.8b *Compliance Division.* The following organizational and procedural documents of the Civilian Production Administration, or parts of such documents, relating to the Compliance Division are hereby adopted, ratified and confirmed for the Office of the Housing Expediter and shall remain in full force and effect until revoked or amended by the Housing Expediter:

(a) § 903.210 (1), Organizational Document 1, Civilian Production Administration, 11 F. R. 177A-372.

(b) Procedural Document 5, Civilian Production Administration, 11 F. R. 177A-372.

(c) Procedural Document 6, Civilian Production Administration, 11 F. R. 177A-372.

§ 851.8c *Division of Non-Residential Construction.* The Division of Non-Residential Construction is responsible for the conservation of scarce building materials necessary for the Veterans' Emergency Housing Program and other essential construction.

The conservation of building materials is accomplished primarily through the administration of the Veterans' Housing Program Order (VHP-1) which restricts construction. The Division of Non-Residential Construction processes applications for all types of non-housing construction.

The Division of Non-Residential Construction is comprised of the Office of the Director, the Field Operations Section which directs the District Construction Offices, the Project Processing Section and the Facilities Review Committee.

(a) The Field Operations Section directs the activities of the District Construction Offices listed in § 851.15a that are established in principal cities throughout the country and in Honolulu and Puerto Rico.

(b) The District Construction Offices receive all non-housing applications submitted under VHP-1. The managers and assistant managers of the District Construction Offices are authorized to take action with respect to these applications as provided below under "Delegations of Authority."

Certain applications may be referred to the Washington Office for administrative action even though ordinarily within the scope of the District Construction Manager or Assistant Manager's authority. These include cases where considerations of national policy are involved or where additional special information is available only to the Washington Office.

A District Construction Committee, composed of a group of public advisers representative of the major economic interests of the locality assists each District Construction Manager in the review of the applications. Each committee generally includes a representative from an industrial interest, such as manufacturing, mining, lumber, etc., from the construction materials distribution industry, from the construction industry, from construction labor, from commercial interests, from the press, from state or civic government, and a representative of veterans of World War II. The committee acts in an advisory capacity to the District Construction Manager who has sole authority to approve or deny the applications coming within his jurisdiction.

(c) The Project Processing Section is responsible for the approval or denial of applications for construction projects under the following circumstances:

(1) When the application is beyond the scope of field authority.

(2) When the application is on appeal from a decision rendered by the District Construction Manager or Assistant Manager.

(3) When the project requires consideration on a national scale.

The Project Processing Section refers to the Facilities Review Committee appeals on all cases which it has previously denied unless the decision of denial is reversed and the case approved. It may, however, refer any case which it elects to the Facilities Review Committee.

(d) The Facilities Review Committee is composed of a chairman designated by the Director of the Division of Non-Residential Construction and in addition representatives of the Labor Advisory Service, the Review and Analysis Branch, and the Project Processing Section. This committee reviews applications for construction projects that are referred to it by the Project Processing Section. The committee acts in an advisory capacity to the chairman who has authority to approve or deny applications.

SUBPART B—REGIONAL OFFICES

§ 851.15a *District Construction Offices.* The following is a list of the District Construction Offices, Division of Non-Residential Construction, Office of Housing Expediter:

State, City, and Address

Alabama: Birmingham, Dixie Carlton Hotel, 3d Ave. and 23d St.
Arizona: Phoenix, 614 Goodrich Bldg., Central and Washington.
Arkansas: Little Rock, 428 Louisiana St.
California: Los Angeles, W. M. Garland Bldg., Room 703; San Diego, 355 Civic Center; San Francisco, 1355 Market St.
Colorado: Denver, 523 Continental Oil Bldg.
Connecticut: Hartford, 115 Broad St.
Delaware: Wilmington, Penn. Office Bldg., Room 301.
District of Columbia: Washington, 1200 15th St., NW.
Florida: Jacksonville, George Washington Hotel Annex; Miami, 25 Northeast 3d St.
Georgia: Atlanta, 619 Peachtree St.
Honolulu: Hawaii, Bldg. I, Iolani Palace.
Idaho: Boise, 119 North 8th St.
Illinois: Chicago, 226 West Jackson Blvd.; Springfield, Old High School Bldg., 301 West Adams St.
Indiana: Indianapolis, Room 317, Kresge Bldg.
Iowa: Des Moines, 316 Home Federal Bldg., 518 Grand Ave.
Kansas: Topeka, 700-02 Kansas Ave.
Kentucky: Louisville, 1307 Heyburn Bldg.
Louisiana: New Orleans, 1412 Masonic Temple.
Maine: Bangor, 8 Harlow St.
Maryland: Baltimore, 1106 North Charles St.
Massachusetts: Boston, 822-40 Broad St.; Springfield, 1597 Main St.
Michigan: Detroit, 800 Blvd. Bldg., Grand Rapids, 730 Keeler Bldg.
Minnesota: Minneapolis, Midland Bank Bldg., Room 447.
Mississippi: Jackson, 107 South President St.

Missouri: Kansas City, 603 Mutual Bldg.;
 St. Louis, Room 434, Old Customs House.
 Montana: Helena, Suite 1, Penwell Block.
 Nebraska: Omaha, Arthur Bldg., 2d Floor,
 210 South 18th St.
 Nevada: Reno, 56 Boyd Pl.
 New Hampshire: Manchester, 814 Elm St.
 New Jersey: Newark, 309 Washington St.
 New Mexico: Albuquerque, 2d Floor, City
 Hall.
 New York: Albany, 75 State St.; Buffalo,
 17 Court St.; New York City, 43d Floor,
 Empire State Bldg.
 North Carolina: Greensboro, 210 North
 Green St.
 North Dakota: Fargo, 507 First National
 Bank Bldg.
 Ohio: Cincinnati, 529 Walnut St.; Cleve-
 land, 4th Floor, Union Commerce Bldg.
 Oklahoma: Oklahoma City, 215 Colcord
 Bldg.
 Oregon: Portland, 820 Morgan Bldg.
 Pennsylvania: Philadelphia, Broad St.
 Station Bldg.; Pittsburgh, 411 Chamber of
 Commerce Bldg.
 Puerto Rico: San Juan, Post Office Box
 4387.
 Rhode Island: Providence, 75 Westminster
 St.
 South Carolina: Columbia, 2065 Bloss-
 som St.
 South Dakota: Sioux Falls, 515 S. Main St.
 Tennessee: Memphis, 677 Shrine Bldg.
 Texas: Dallas, 511 Mercantile Bank Bldg.;
 Houston, Electric Bldg., Room 1004; San
 Antonio, 310 St. Marys St., 203 Transit
 Tower Bldg.
 Utah: Salt Lake City, 310 Atlas Bldg.

Vermont: Burlington, 44 Church St.
 Virginia: Richmond, 615 E. Main St.
 Washington: Seattle, 491 Henry Bldg.;
 Spokane, North 120 Wall St.
 West Virginia: Charleston, 269 State Capi-
 tol Bldg., P. O. Box 3027.
 Wisconsin: Milwaukee, 161 West Wisconsin
 Ave.
 Wyoming: Casper, 116 East 2d St.

SUBPART D—DELEGATIONS OF AUTHORITY

§ 851.20 *VHP-1: District construction managers and assistant managers.* The manager and assistant manager of the District Construction Offices, Division of Non-Residential Construction, Office of Housing Expediter, are hereby authorized to take, in their own names, the following actions in accordance with pertinent instructions, regulations, and procedures:

(a) Authorizations to begin non-residential construction pursuant to Veterans' Housing Program Order 1: *Provided, That:*

(1) The total cost of structures including fixtures and building service (mechanical) equipment (but excluding the cost of processing equipment) is \$1,000,000 or less.

(2) Any amendments to approved authorizations do not increase such total cost to more than \$1,500,000.

(b) Denials of applications to begin construction of non-residential projects regardless of dollar value.

(c) Grants (but not denials) of appeals from such denials.

§ 851.21 *VHP-1: Officials of Division of Non-Residential Construction.* The Director and Deputy Director of the Division of Non-Residential Construction, the chairman of the Facilities Review Committee, Division of Non-Residential Construction, and the Chief and Assistant Chief of the Project Processing Section, Division of Non-Residential Construction, are hereby authorized to take, in their own names, the following actions in accordance with pertinent instructions, regulations and procedures:

(a) Authorizations to begin non-residential construction pursuant to Veterans' Housing Program Order 1. (This applies to applications beyond the jurisdiction of the Field Offices and to appeals from field denials.)

(b) Denials of applications to begin construction of non-residential projects regardless of dollar value.

(c) Grants or denials of appeals from such denials.

Issued this 31st day of March 1947, to become effective April 1, 1947.

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

FRANK R. CREEDON,
Housing Expediter.

NATIONAL HOUSING AGENCY
FEDERAL PUBLIC HOUSING AUTHORITY

TRANS. NO. 1

BULLETIN 14 - TRANSMITTAL

PRIORITIES REGULATIONS

Each new revision or addition to this Bulletin is transmitted to you by means of this form, which enables you to determine what revisions or additions have been made. Check the transmittal number against the last one received FOR THIS Bulletin to insure that you have received all inserts. File the forms in the back of the Bulletin for future reference.

1. Remove: Index, Part I, Section 2 Regulations Under Veterans
Emergency Housing Program dated 7-25-46

Insert: ✓ Index, Part I, Section 2 Regulations Under Veterans
Emergency Housing Program dated 8-15-46

2. Insert: ✓ Cover sheet on Part I, Section 2.1 Subject: VHP-1
Amended 7-2-46 General Restrictions on Construction
and Repairs dated 8-15-46

3. Remove: VHP-1 dated 3-26-46

Insert: ✓ VHP-1 as amended dated 7-2-46

4. Insert: ✓ Cover sheet on Part I, Section 2.1 Subject:
Supplement 1 to VHP-1 amended 7-2-46. Fixtures
and Equipment dated 8-15-46

5. Remove: Supplement 1 to VHP-1 dated 5-2-46

Insert: ✓ Supplement 1 to VHP-1 as amended dated 7-2-46

6. Insert: ✓ Cover sheet on Part I, Section 2.1 Subject:
Supplement to VHP-1 amended 7-2-46 Beginning
Construction dated 8-15-46

7. Remove: Supplement 2 to VHP-1 as amended dated 5-23-46

Insert: ✓ Supplement 2 to VHP-1 as amended 7-2-46

8. Insert: ✓ Cover sheet on Part I, Section 2.1 Subject:
Supplement 3 to VHP-1 amended 7-2-46 Small Job
Allowances and Classification of Structures dated
8-15-46

9. Remove: Supplement 3 to VHP-1 dated 5-28-46

Insert: ✓ Supplement 3 to VHP-1 as amended dated 7-2-46

DATE

8-15-46

1130

10. Insert: Cover sheet on Part I, Section 2.1 Subject:
Supplement 4 to VHP-1 amended 7-2-46 Items Which
Are Not Structures dated 8-15-46
 11. Insert: Supplement 4 to VHP-1 dated 7-2-46
 12. Remove: Amendment 1 to VHP-1 dated 4-12-46
 13. Remove: Interpretation 1 to VHP-1 dated 4-19-46
Interpretation 2 to VHP-1 dated 4-29-46
Interpretation 3 to VHP-1 dated 5-7-46
 14. Insert: Cover sheet on Part I, Section 2.1 Subject:
Direction 1 to VHP-1 amended 6-21-46 Recon-
struction in Hawaii dated 8-15-46
 15. Insert: Cover sheet on Part I, Section 2.2 Subject:
VHP-2 dated 7-19-46 General Restrictions on
Hardwood Lumber dated 8-15-46
- Insert: VHP-2 dated 7-19-46 Subject: General Restrictions
on Hard wood Lumber

BULLETIN 14 - TRANSMITTAL

PRIORITIES REGULATIONS

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PART I, Section 1.2

- X
2193
1. Remove: Directive 42 dated 5-31-46 as amended.
 2. Insert: ✓ Cover sheet on Directive 42, dated 7-24-46, as amended, subject: Delegations of Authority, dated 8-28-46. Also Directive 42 dated 7-24-46 as amended.

PART I, Section 3.1

1. Remove: PR-1 dated 3-18-46 as amended.
2. Insert: ✓ Cover sheet on PR-1 amended 7-24-46, subject: Basic Rules Governing Priorities Operations, dated 8-28-46. Also PR-1 dated 7-24-46 as amended.

PART I, Section 3.2

1. Remove: PR-3 dated 1-11-46 as amended.
2. Insert: ✓ Cover sheet on PR-3 amended 7-24-46, subject: Use of Preference Ratings dated 8-28-46. Also PR-3 dated 7-24-46 as amended.

PART I, Section 3.9

1. Remove: Schedule 1 to PR-28 dated 7-11-46 as amended.
2. Insert: ✓ Cover sheet on Schedule 1 to PR-28 amended 7-26-46, subject: Critical Products, dated 8-28-46. Also Schedule 1 to PR-28 dated 7-26-46 as amended.

PART I, Section 3.11

1. Remove: ✓ PR-32 dated 6-14-46 as amended.
2. Insert: ✓ Cover sheet on PR-32 amended 7-18-46, subject: Inventories, dated 8-28-46. Also PR-32 dated 7-18-46 as amended.

DATE: 8-28-46

PART I, Section 3.12

1. Remove: Direction 1 to PR-33 dated 6-11-46 as amended.
2. Insert: ✓ Cover sheet on Direction 1 to PR-33 amended 7-17-46, subject: Lumber, Hardwood Flooring and Millwork, dated 8-28-46. Also Direction 1 to PR-33 dated 7-17-46 as amended.
3. Remove: Schedule A to PR-33 dated 7-8-46
4. Insert: ✓ Cover sheet on Schedule A to PR-33 amended 8-16-46, subject: Materials Obtainable with HH Rating, dated 8-28-46. Also Schedule A to PR-33 dated 8-16-46 as amended.
5. Insert: ✓ Cover sheet on Direction 12 to PR-33 dated 8-16-46, subject: Use of HH Ratings for Hardwall Plaster, dated 8-28-46. Also Direction 12 to PR-33 dated 8-16-46.

PART I, Section 3.7

1. Remove: Direction 16 to PR-13 dated 4-5-46. The entry in the index should be deleted. The provisions relative to Urgency Certificates are not applicable to FPFA operations.

PART I, Section 4.5

1. Remove: Conservation Order M-328B dated 5-16-46 as amended. The entry in the index should be deleted. Essentially this order applies to clothing and therefore its provisions do not affect FPFA operations.

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PART I, Section 3.1

1. Remove: Direction 13 to PR-1 dated 1-21-46.
2. Insert: Cover sheet on Direction 13 to PR-1 dated 8-7-46 as amended, subject: Emergency Suspension of Outstanding Ratings for Iron and Steel, dated 9-6-46. Also Direction 13 to PR-1 dated 8-7-46 as amended.

PART I, Section 3.9

1. Remove: PR-28 dated 6-25-46 as amended.
2. Insert: Cover sheet on PR-28 dated 8-7-46 as amended, subject: Restricted Priorities Assistance for Non-Military Purposes, dated 9-6-46. Also PR-28 dated 8-7-46 as amended.
3. Remove: Cover sheet on Schedule 1 to PR-28 amended 7-26-46, subject: Critical Products, dated 8-28-46. Also Schedule 1 to PR-28 dated 7-26-46 as amended.
4. Insert: Cover sheet on Schedule 1 to PR-28 as amended 8-6-46, subject: Critical Products, dated 9-6-46. Also Schedule 1 to PR-28 dated 8-6-46 as amended.

PART I, Section 3.12

1. Insert: Cover sheet on Amendment 1 to PR-33 dated 8-6-46, subject: Extension of Sales Period, dated 9-6-46. Also Amendment 1 to PR-33 dated 8-6-46 (this is a new insert and should be included in the index for Part I, Section 3).

DATE: 9-6-46

Trans. No. 3 (Cont'd)

Part I, Section 3.12 (Cont'd)

2. Remove: Direction 11 to PR-33 dated 7-24-46.
3. Insert: Cover sheet on Direction 11 to PR-33 dated 8-7-46 as amended, subject: Special Assistance for FPHA Contractors, dated 9-6-46. Also Direction 11 to PR-33 dated 8-7-46 as amended.
4. Remove: List 1 to Direction 8 to PR-33 dated 5-7-46 as amended.
5. Insert: Cover sheet on List 1 to Direction 8 PR-33 dated 8-7-46 as amended, subject: Materials for Prefabricators, dated 9-6-46. Also List 1 to Direction 8 to PR-33 dated 8-7-46 as amended.

PART I, Section 4.1

1. Remove: Direction 12 to M-21 dated 6-28-46 as amended.
2. Insert: Cover sheet on Direction 12 to M-21 dated 8-1-46, subject: Emergency Distribution of Steel, dated 9-6-46. Also Direction 12 to M-21 dated 8-1-46 as amended.
3. Remove: Direction 13 to M-21 dated 7-9-46.
4. Insert: Cover sheet on Direction 13 to M-21 dated 8-1-46, subject: Emergency Distribution of Iron, dated 9-6-46. Also Direction 13 to M-21 dated 8-1-46 as amended.

BULLETIN 14 - TRANSMITTAL PRIORITIES REGULATIONS

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TABLE OF CONTENTS

1. Remove: Page 2, dated 7-25-46
2. Insert: Page 2, dated 9-26-46

PART I - Section 1.2

1. Remove: (a) Cover sheet, dated 8-28-46, re Directive 42
(b) Directive 42, dated 7-24-46
2. Insert: (a) Cover sheet, dated 9-26-46, re Directive 42
(b) Directive 42, dated 8-27-46

PART I - Section 2.1

1. Remove: (a) Cover sheet, dated 8-15-46, re VHP-1
(b) VHP-1, dated 7-2-46
2. Insert: ✓(a) Cover sheet, dated 9-26-46, re VHP-1
✓(b) VHP-1, dated 8-27-46
3. Remove: (a) Cover sheet, dated 8-15-46, re Supp. 1 to VHP-1
(b) Supp. 1 to VHP-1, dated 7-2-46
4. Insert: ✓(a) Cover sheet, dated 9-26-46, re Supp. 1 to VHP-1
✓(b) Supp. 1 to VHP-1, dated 8-30-46
5. Remove: (a) Cover sheet, dated 8-15-46, re Supp. 3 to VHP-1
(b) Supp. 3 to VHP-1, dated 7-2-46
6. Insert: ✓(a) Cover sheet, dated 9-26-46, re Supp. 3 to VHP-1
✓(b) Supp. 3 to VHP-1, dated 9-12-46
7. Insert: ✓(a) Cover sheet, dated 9-26-46, re Supp. 5 to VHP-1
✓(b) Supp. 5 to VHP-1, dated 8-27-46

PART I - Section 2.3

1. Insert: ✓(a) Cover sheet, dated 9-26-46, re VHP-3
(b) VHP-3, dated 8-28-46

(Cont'd)

PART I - Section 3.1

1. Remove: Cover sheet, dated 9-6-46, re Dir. 13 to PR-1
(Retain Dir. 13 to PR-1, dated 8-7-46)
2. Insert: (a) Cover sheet, dated 9-26-46, re Dir. 13 to PR-1
(b) Amendment of Dir. 13 to PR-1, dated 9-3-46

PART I - Section 3.7

1. Remove: PR-13, dated 1-17-46
2. Insert: (a) Cover sheet, dated 9-26-46, re PR-13
(b) PR-13, dated 9-10-46
3. Remove: Dir. 7 to PR-13, dated 7-8-46 (Revoked 8-15-46)

PART I - Section 3.8

1. Insert: (a) Cover sheet, dated 9-26-46, re PR-16
(b) Amendment of PR-16, dated 8-30-46
(Retain PR-16, dated 12-7-45)

PART I - Section 3.9

1. Remove: (a) Cover sheet, dated 9-6-46, re PR-28
(b) PR-28, dated 8-7-46
2. Insert: (a) Cover sheet, dated 9-26-46, re PR-28
(b) PR-28, dated 9-6-46
3. Remove: (a) Cover sheet, dated 9-6-46, re Sch. 1 to IR-28
(b) Sch. 1 to IR-28, dated 8-6-46
4. Insert: (a) Cover sheet, dated 9-26-46, re Sch. 1 to IR-28
(b) Sch. 1 to PR-28, dated 9-12-46
5. Insert: (a) Cover sheet, dated 9-26-46, re Dir. 18 to PR-28
(b) Dir. 18 to PR-28, dated 9-12-46

PART I - Section 3.11

1. Remove: (a) Cover sheet, dated 8-28-46, re PR-32
(b) PR-32, dated 7-18-46

PART I - Section 3.12

1. Insert: (a) Cover sheet, dated 9-26-46, re Amdt. 2 to PR-33
(b) Amdt. 2 to PR-33, dated 8-27-46

PART I - Section 3.12 (Cont'd)

2. Remove: (a) Cover sheet, dated 8-28-46, re Sch. A to PR-33
(b) Sch. A to PR-33, dated 8-16-46
3. Insert: (a) Cover sheet, dated 9-26-46, re Sch. A to PR-33
(b) Sch. A to PR-33, dated 8-27-46
4. Insert: (a) Cover sheet, dated 9-26-46, re Amdt. 1, Sch. A to PR-33
(b) Amdt. 1, Sch. A to PR-33, dated 9-3-46
5. Insert: (a) Cover sheet, dated 9-26-46, re Sch. B to PR-33
(b) Sch. B to PR-33, dated 8-27-46
6. Remove: (a) Cover sheet, dated 8-28-46, re Dir. 1 to PR-33
(b) Dir. 1 to PR-33, dated 7-17-46
7. Insert: (a) Cover sheet, dated 9-26-46, re Dir. 1 to PR-33
(b) Dir. 1 to PR-33, dated 8-28-46
8. Remove: Dir. 1A to PR-33, dated 6-11-46
9. Insert: (a) Cover sheet, dated 9-26-46, re Dir. 1A to PR-33
(b) Dir. 1A to PR-33, dated 9-11-46
10. Remove: Dir. 2 to PR-33, dated 7-8-46 (Revoked 9-1-46)
11. Remove: Dir. 3 to PR-33, dated 6-5-46 (Revoked 9-1-46)
12. Remove: Dir. 4 to PR-33, dated 1-18-46 (Revoked 9-1-46)
13. Remove: Dir. 5 to PR-33, dated 4-29-46
14. Insert: (a) Cover sheet, dated 9-26-46, re Dir. 5 to PR-33
(b) Dir. 5 to PR-33, dated 8-28-46
15. Remove: Dir. 6 to PR-33, dated 6-26-46 (Revoked 9-1-46)
16. Remove: Dir. 7 to PR-33, dated 6-26-46 (Revoked 9-1-46)
17. Remove: Dir. 8 to PR-33, dated 5-8-46
18. Insert: (a) Cover sheet, dated 9-26-46, re Dir. 8 to PR-33
(b) Dir. 8 to PR-33, dated 8-22-46
19. Remove: (a) Cover sheet, dated 9-6-46, re List 1, Dir. 8 to PR-33
(b) List 1, Dir. 8 to PR-33, dated 8-7-46 (Revoked 8-22-46)
20. Remove: Dir. 9 to PR-33, dated 4-10-46 (Revoked 9-1-46)
21. Remove: Dir. 10 to PR-33, dated 5-7-46 (Revoked 9-1-46)

(Cont'd)

PART I - Section 3.12 (Cont'd)

22. Remove: (a) Cover sheet, dated 8-28-46, re Dir. 12 to PR-33
(b) Dir. 12 to PR-33, dated 8-16-46 (Revoked 9-1-46)
23. Insert: (a) Cover sheet, dated 9-26-46, re Dir. 13 to PR-33
(b) Dir. 13 to PR-33, dated 8-21-46
24. Insert: (a) Cover sheet, dated 9-26-46, re List 1, Dir. 13 to PR-33
(b) List 1, Dir. 13, to PR-33 dated 8-21-46

PART I - Section 4.1

1. Remove: (a) Cover sheet, dated 9-6-46, re Dir. 13 to M-21
(b) Dir. 13 to M-21, dated 8-1-46
2. Insert: ✓ (a) Cover sheet, dated 9-26-46, re Dir. 13 to M-21
✓ (b) Dir. 13 to M-21, dated 9-6-46

PART I - Section 4.2

1. Remove: (a) M-38, dated 7-2-46
2. Insert: ✓ (a) Cover sheet, dated 9-26-46, re M-38
✓ (b) M-38, dated 8-30-46

PART II - Section 2

1. Insert: Index, Part II - Section 2, dated 9-26-46

PART II - Section 2.1

1. Insert: (a) Cover sheet, dated 9-26-46, re EPO-1
(b) EPO-1, dated 8-27-46

PART II - Section 2.2

1. Insert: (a) Cover sheet, dated 9-26-46, re EPO-2
(b) EPO-2, dated 8-27-46

PART II - Section 3

1. Insert: Index, Part II - Section 3, dated 9-26-46

PART II - Section 3.1

1. Insert: (a) Cover sheet, dated 9-26-46, re HEPR-1
(b) HEPR-1, dated 8-15-46

PART II - Section 3.2

1. Insert: (a) Cover sheet, dated 9-26-46, re HEPR-2
(b) HEPR-2, dated 8-15-46

PART II - Section 3.5

1. Insert: (a) Cover sheet, dated 9-26-46, re HEPR-5
(b) HEPR-5, dated 8-27-46
2. Insert: (a) Cover sheet, dated 9-26-46, re Amdt. 1 to HEPR-5
(b) Amdt. 1 to HEPR-5, dated 9-10-46

NATIONAL HOUSING AGENCY
FEDERAL PUBLIC HOUSING AUTHORITY

TRANS. NO. 5

BULLETIN 14 -- TRANSMITTAL

PRIORITIES REGULATIONS

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PART II -- Section 2.3

1. Insert:
 - (a) Cover sheet, dated 10-18-46, re EPO-3
 - (b) EPO-3, dated 9-13-46

PART II -- Section 3.3

2. Insert:
 - (a) Cover sheet, dated 10-18-46, re HEPR-3
 - (b) HEPR-3, dated 9-13-46

PART II -- Section 3.4

3. Insert:
 - (a) Cover sheet, dated 10-18-46, re HEPR-4
 - (b) HEPR-4, dated 9-13-46

DATE: 10-18-46

BULLETIN 14-TRANSMITTAL

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TABLE OF CONTENTS

PART I - Section 2.1

1. Remove: (a) Cover sheet, dated 9-26-46, re VHP-1
(b) VHP-1, dated 8-27-46
2. Insert: (a) Cover sheet, dated 10-30-46, re VHP-1
(b) VHP-1, dated 10-7-46
3. Remove: (a) Cover sheet, dated 9-26-46, re Supp. 3 to VHP-1
(b) Supp. 3 to VHP-1, dated 9-12-46
4. Insert: (a) Cover sheet, dated 10-30-46, re Supp. 3 to VHP-1
(b) Supp. 3 to VHP-1, dated 10-7-46
5. Remove: (a) Cover sheet, dated 8-15-46, re Supp. 4 to VHP-1
(b) Supp. 4 to VHP-1, dated 7-2-46
6. Insert: (a) Cover sheet, dated 10-30-46, re Supp. 4 to VHP-1
(b) Supp. 4 to VHP-1, dated 10-7-46

PART I - Section 3.7

1. Insert: (a) Cover sheet, dated 10-30-46, re Dir. 23 to PR-13
(b) Dir. 23 to PR-13, dated 10-4-46

PART I - Section 3.9

1. Insert: (a) Cover sheet, dated 10-30-46, re Dir. 20 to PR-28
(b) Dir. 20 to PR-28, dated 10-7-46

PART I - Section 3.12

1. Remove: (a) Cover sheet, dated 9-26-46, re Sch. A. to PR-33
(b) Sch. A. to PR-33, dated 8-27-46
2. Insert: (a) Cover sheet, dated 10-30-46, re Sch. A. to PR-33
(b) Sch. A. to PR-33, dated 10-7-46
3. Remove: (a) Cover sheet, dated 9-26-46, re Amdt. 1, Sch. A to PR-33
(b) Amdt. 1, Sch. A to PR-33, dated 9-3-46

(Cont'd)

DATE: 10-30-46

-
4. Remove: (a) Cover sheet, dated 9-26-46, re Sch. B to PR-33
(b) Sch. B. to PR-33, dated 8-27-46
 5. Insert: (a) Cover sheet, dated 10-30-46, re Sch. B to PR-33
(b) Sch. B to PR-33, dated 10-14-46
 6. Remove: (a) Cover sheet, dated 9-26-46, re Dir. 1A to PR-33
(b) Dir. 1A to PR-33, dated 9-11-46 (Revoked 10-3-46)
 7. Remove: (a) Cover sheet, dated 9-26-46, re Dir. 8 to PR-33
(b) Dir. 8 to PR-33, dated 8-22-46
 8. Insert: (a) Cover sheet, dated 10-30-46, re Dir. 8 to PR-33
(b) Dir. 8 to PR-33, dated 10-16-46
 9. Remove: (a) Cover sheet, dated 9-6-46, re Dir. 11 to PR-33
(b) Dir. 11 to PR-33, dated 8-7-46
 10. Insert: (a) Cover sheet, dated 10-30-46, re Dir. 11 to PR-33
(b) Dir. 11 to PR-33, dated 10-15-46

PART I - Section 4.1

1. Remove: (a) Cover sheet, dated 9-6-46, re Dir. 12 to M-21
(b) Dir. 12 to M-21, dated 8-1-46 (Expired 9-30-46)

PART I - Section 4.2

1. Remove: (a) Cover sheet, dated 9-26-46, re M-38
(b) M-38, dated 8-30-46
2. Insert: (a) Cover sheet, dated 10-30-46, re M-38
(b) M-38, dated 10-3-46

PART I - Section 5.3

1. Insert: (a) Cover sheet, dated 10-30-46, re L-358
(b) L-358, dated 10-3-46

BULLETIN 14 - TRANSMITTAL

PRIORITIES REGULATIONS

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PART I - Section 3.10

1. Remove: PR-31, dated 10-1-45
2. Remove: Amdt. 1 to PR-31, dated 10-22-45
3. Remove: Amdt. 2 to PR-31, dated 10-22-45
4. Remove: Amdt. 3 to PR-31, dated 10-31-45
5. Remove: Amdt. 4 to PR-31, dated 11-15-45
(Above documents removed from Bulletin, having served their purpose)

PART I - Section 3.12

1. Remove: (a) Cover sheet, dated 9-26-46, re Dir. 1 to PR-33
(b) Dir. 1 to PR-33, dated 8-28-46 (Superseded by L-359, 11-1-46)

PART I - Section 4.1

1. Remove: M-21, dated 8-24-45 (Amended 10-22-46, inapplicable to FPHA activities)

PART I - Section 5.1

1. Remove: L-63, dated 3-12-46 (Inapplicable to FPHA activities)

PART I - Section 5.4

1. Insert: (a) Cover sheet, dated 11-8-46, re L-359
(b) L-359, dated 10-18-46

PART II - Section 2.3

1. Remove: (a) Cover sheet, dated 10-18-46, re EPO-3
(b) EPO-3, dated 9-13-46
2. Insert: (a) Cover sheet, dated 11-8-46, re EPO-3
(b) EPO-3, dated 10-16-46

(Cont'd)

PART II - Section 3.1

1. Remove: (a) Cover sheet, dated 9-26-46, re HEPR-1
(b) HEPR-1, dated 8-15-46
2. Insert: (a) Cover sheet, dated 11-8-46, re HEPR-1
(b) HEPR-1, dated 10-16-46

PART II - Section 3.2

1. Remove: (a) Cover sheet, dated 9-26-46, re HEPR-2
(b) HEPR-2, dated 8-15-46
2. Insert: (a) Cover sheet, dated 11-8-46, re HEPR-2
(b) HEPR-2, dated 10-16-46

PART II - Section 3.3

1. Remove: (a) Cover sheet, dated 10-18-46, re HEPR-3
(b) HEPR-3, dated 9-13-46
2. Insert: (a) Cover sheet, dated 11-8-46, re HEPR-3
(b) HEPR-3, dated 10-16-46

NATIONAL HOUSING AGENCY
FEDERAL PUBLIC HOUSING AUTHORITY

TRANS. NO. 8

BULLETIN 14 - TRANSMITTAL

PRIORITIES REGULATIONS

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PART I - Section 1.1

1. Remove: Directive 41, dated 4-17-46
2. Insert: (a) Cover sheet, dated 11-19-46, re Directive 41
(b) Directive 41, dated 10-25-46

PART I - Section 2.1

1. Insert: (a) Cover sheet, dated 11-19-46, re Int. 4 to VHP-1
(b) Int. 4 to VHP-1, dated 10-31-46

PART I - Section 3.9

1. Remove: (a) Cover sheet, dated 9-26-46, re Dir. 18 to PR-28
(b) Dir. 18 to PR-28, dated 9-12-46
(This Direction was amended 11-4-46, and will no longer be included in the Bulletin because of its remote relationship to FPHA activities.)

PART I - Section 3.12

1. Insert: (a) Cover sheet, dated 11-19-46, re Int. 1 to PR-33
(b) Int. 1 to PR-33, dated 10-31-46
2. Insert: (a) Cover sheet, dated 11-19-46, re Dir. 14 to PR-33
(b) Dir. 14 to PR-33, dated 11-5-46

PART I - Section 4.2

1. Remove: (a) Cover sheet, dated 10-30-46, re M-38
(b) M-38, dated 10-3-46
(This Order was amended 10-25-46, and will no longer be included in the Bulletin because of its remote relationship to FPHA activities.)

DATE: 11- -46

3067

NATIONAL HOUSING AGENCY
FEDERAL PUBLIC HOUSING AUTHORITY

TRANS. NO. 9

BULLETIN 14 - TRANSMITTAL

PRIORITIES REGULATIONS

Each new revision or addition to this Bulletin is transmitted to you by means of this form, which enables you to determine what revisions or additions have been made. Check the transmittal number against the last one received FOR THIS BULLETIN to insure that you have received all inserts. File the forms in the back of the Bulletin for future reference.

PART I - Section 3.12

1. Remove:
 - (a) Cover sheet, dated 10-30-46, re Sch. B to PR-33
 - (b) Sch. B to PR-33, dated 10-14-46
2. Insert:
 - (a) Cover sheet, dated 11-22-46, re Sch. B to PR-33
 - (b) Sch. B to PR-33, dated 11-12-46

DATE: 11-22-46

BULLETIN 14 - TRANSMITTAL

PRIORITIES REGULATIONS

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PART I - SECTION 2.1

1. Insert: (a) Cover sheet, dated 12-10-46, re Int. 5 to VHP-1
(b) Int. 5 to VHP-1, dated 11-22-46
2. Remove: (a) Cover sheet, dated 9-26-46, re Supp. 5 to VHP-1
(b) Supp. 5 to VHP-1, dated 8-27-46
3. Insert: (a) Cover sheet, dated 12-10-46, re Supp. 5 to VHP-1
(b) Supp. 5 to VHP-1, dated 11-26-46

PART I - SECTION 3.7

1. Remove: (a) Cover sheet, dated 10-30-46, re Dir. 23 to PR-13
(b) Dir. 23 to PR-13, dated 10-4-46
2. Insert: (a) Cover sheet, dated 12-10-46, re Dir. 23 to PR-13
(b) Dir. 23 to PR-13, dated 11-26-46

PART I - SECTION 3.9

1. Remove: (a) Cover sheet, dated 9-26-46, re Sch. 1 to PR-28
(b) Sch. 1 to PR-28, dated 9-12-46
2. Insert: (a) Cover sheet, dated 12-10-46, re Sch. 1 to PR-28
(b) Sch. 1 to PR-28, dated 12-4-46

PART I - SECTION 3.12

1. Insert: (a) Cover sheet, dated 12-10-46, re Int. 2 to PR-33
(b) Int. 2 to PR-33, dated 11-15-46
2. Insert: (a) Cover sheet, dated 12-10-46, re Amdt. 1, Sch. A to PR-33
(b) Amdt. 1, Sch. A to PR-33, dated 11-21-46
3. Insert: (a) Cover sheet, dated 12-10-46, re Amdt. 2, Sch. A to PR-33
(b) Amdt. 2, Sch. A to PR-33, dated 11-29-46

(Cont'd)

DATE: 12-10-46

4. Remove: (a) Cover sheet, dated 10-30-46, re Dir. 8 to PR-33
(b) Dir. 8 to PR-33, dated 10-16-46
5. Insert: (a) Cover sheet, dated 12-10-46, re Dir. 8 to PR-33
(b) Dir. 8 to PR-33, dated 11-19-46

PART I - SECTION 5.2

1. Remove: L-357, dated 7-24-46
2. Insert: (a) Cover sheet, dated 12-10-46, re L-357
(b) L-357, dated 11-15-46

PART I - SECTION 5.3

1. Remove: (a) Cover sheet, dated 10-30-46, re L-358
(b) L-358, dated 10-3-46
2. Insert: (a) Cover sheet, dated 12-10-46, re L-358
(b) L-358, dated 11-19-46

PART II - SECTION 3.3

1. Insert: (a) Cover sheet, dated 12-10-46, re Amdt. 1 to HEPR-3
(b) Amdt. 1 to HEPR-3, dated 11-14-46

PART II - SECTION 3.5

1. Insert: (a) Cover sheet, dated 12-10-46, re Int. 2 to HEPR-5
(b) Int. 2 to HEPR-5, dated 11-15-46

PART II - SECTION 3.6

1. Insert: (a) Cover sheet, dated 12-10-46, re HEPR-6
(b) HEPR-6, dated 11-19-46

NATIONAL HOUSING AGENCY
FEDERAL PUBLIC HOUSING AUTHORITY

TRANS. NO. 11,

BULLETIN 14 - TRANSMITTAL

PRIORITIES REGULATIONS

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PART I -- SECTION 3.12

1. Remove: (a) Cover sheet, dated 10-30-46, re Sch. A to PR-33
(b) Sch. A to PR-33, dated 10-7-46
2. Remove: (a) Cover sheet, dated 12-10-46, re Amdt. 1, Sch. A to PR-33
(b) Amdt. 1, Sch. A to PR-33, dated 11-21-46
3. Remove: (a) Cover sheet, dated 12-10-46, re Amdt. 2, Sch. A to PR-33
(b) Amdt. 2, Sch. A to PR-33, dated 11-29-46
4. Insert: (a) Cover sheet, dated 12-20-46, re Sch. A to PR-33
(b) Sch. A to PR-33, dated 12-10-46
5. Remove: (a) Cover sheet, dated 12-10-46, re Dir. 8 to PR-33
(b) Dir. 8 to PR-33, dated 11-19-46
6. Insert: (a) Cover sheet, dated 12-20-46, re Dir. 8 to PR-33
(b) Dir. 8 to PR-33, dated 12-10-46
7. Remove: (a) Cover sheet, dated 10-30-46, re Dir. 11 to PR-33
(b) Dir. 11 to PR-33, dated 10-15-46
8. Insert: (a) Cover sheet, dated 12-20-46, re Dir. 11 to PR-33
(b) Dir. 11 to PR-33, dated 12-10-46

PART I -- SECTION 4.1

1. Insert: (a) Cover sheet, dated 12-20-46, re Dir. 16 to M-21
(b) Dir. 16 to M-21, dated 12-9-46

PART I -- SECTION 5.2

1. Remove: (a) Cover sheet, dated 12-10-46, re L-357
(b) L-357, dated 11-15-46
2. Insert: (a) Cover sheet, dated 12-20-46, re, L-357
(b) L-357, dated 12-10-46

(Cont'd)

DATE: 12-20-46

PART II - SECTION 3.5

1. Remove: (a) Cover sheet, dated 9-26-46, re HEPR-5
(b) HEPR-5, dated 8-27-46
2. Remove: (a) Cover sheet, dated 9-26-46, re Amdt. 1 to HEPR-5
(b) Amdt. 1 to HEPR-5, dated 9-10-46
3. Remove: (a) Cover sheet, dated 12-10-46, re Int. 2 to HEPR-5
(b) Int. 2 to HEPR-5, dated 11-15-46
4. Insert: (a) Cover sheet, dated 12-20-46, re HEPR-5
(b) HEPR-5, dated 12-13-46

(Cont'd)

DATE: 12-30-46

NATIONAL HOUSING AGENCY
FEDERAL PUBLIC HOUSING AUTHORITY

TRANS. NO. 12

BULLETIN 14 - TRANSMITTAL

PRIORITIES REGULATIONS

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PART I - Section 3.1

1. Remove: (a) Cover sheet, dated 9-26-46, re Dir. 13 to PR-1
(b) Dir. 13 to PR-1, dated 8-7-46 (Expired)
(c) Amdt. 1, Dir. 13 to PR-1, dated 9-3-46 (Expired)

PART I - Section 3.2

1. Delete: Int. 13 to PR-3, dated 10-1-45
(Appended to PR-3)
2. Insert: (a) Cover sheet, dated 12-30-46, re Int. 13 to PR-3
(b) Int. 13 to PR-3, dated 12-13-46

PART I - Section 3.11

1. Remove: (a) Cover sheet, dated 9-26-46, re PR-32
(b) PR-32, dated 8-27-46
2. Insert: (a) Cover sheet, dated 12-30-46, re PR-32
(b) PR-32, dated 12-13-46
3. Remove: Dir. 8 to PR-32, dated 2-1-46 (Revoked 12-13-46)

PART I - Section 3.12

1. Remove: (a) PR-33, dated 6-14-46
(b) Cover sheet, dated 9-6-46, re Amdt. 1 to PR-33
(c) Amdt. 1 to PR-33, dated 8-6-46
(d) Cover sheet, dated 9-26-46, re Amdt. 2 to PR-33
(e) Amdt. 2 to PR-33, dated 8-27-46
(f) Cover sheet, dated 11-19-46, re Int. 1 to PR-33
(g) Int. 1 to PR-33, dated 10-31-46
(h) Cover sheet, dated 12-10-46, re Int. 2 to PR-33
(i) Int. 2 to PR-33, dated 11-15-46
2. Insert: (a) Cover sheet, dated 12-30-46, re PR-33
(b) PR-33, dated 12-13-46

DATE: 12-30-46

NATIONAL HOUSING AGENCY
FEDERAL PUBLIC HOUSING AUTHORITY

BULLETIN 14 - TRANSMITTAL

PRIORITIES REGULATIONS

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PART I - Section 3.7

1. Remove: (a) Cover sheet, dated 9-26-46, re PR-13
(b) PR-13, dated 9-10-46
2. Insert: (a) Cover sheet, dated 1-3-47, re PR-13
(b) PR-13, dated 12-20-46
3. Remove: Dir. 17 to PR-13, dated 5-1-46 (obsolete)
4. Remove: (a) Cover sheet, dated 12-10-46, re Dir. 23 to PR-13
(b) Dir. 23 to PR-13, dated 11-26-46
5. Insert: (a) Cover sheet, dated 1-3-47, re Dir. 23 to PR-13
(b) Dir. 23 to PR-13, dated 12-20-46

PART I - Section 4.1

1. Remove: (a) Cover sheet, dated 9-26-46, re Dir. 13 to M-21
(b) Dir. 13 to M-21, dated 9-6-46.
(This Direction was amended 12-20-46, but will no longer be included in the Bulletin because of its remote relationship to FPFA activities.)

PART II - Section 4.1

1. Insert: (a) Cover sheet, dated 1-3-47, re HPR
(b) HPR, dated 12-23-46.

DATE: 1-3-47

BULLETIN 14 - TRANSMITTAL

PRIORITIES REGULATIONS

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PART I - Section 2.1

1. Remove: (a) Cover sheet, dated 12-10-46, re Supp. 5 to VHP-1
(b) Supp. 5 to VHP-1, dated 11-26-46
2. Insert: (a) Cover sheet, dated 1-20-47, re Supp. 5 to VHP-1
(b) Supp. 5 to VHP-1, dated 12-24-46

PART I - Section 3.4

1. Remove: PR-7, dated 1-18-44
2. Insert: (a) Cover sheet, dated 1-20-47, re PR-7
(b) PR-7, dated 12-31-46

PART I - Section 3.12

1. Remove: (a) Cover sheet, dated 11-22-46, re Sch. B to PR-33
(b) Sch. B to PR-33, dated 11-12-46
2. Insert: (a) Cover sheet, dated 1-20-47, re Sch. B to PR-33
(b) Sch. B to PR-33, dated 12-31-46
3. Remove: (a) Cover sheet, dated 12-20-46, re Dir. 8 to PR-33
(b) Dir. 8 to PR-33, dated 12-10-46
4. Insert: (a) Cover sheet, dated 1-20-47, re Dir. 8 to PR-33
(b) Dir. 8 to PR-33, dated 12-31-46
5. Remove: (a) Cover sheet, dated 9-26-46, re Dir. 13 to PR-33
(b) Dir. 13 to PR-33, dated 8-21-46
6. Insert: (a) Cover sheet, dated 1-20-47, re Dir. 13 to PR-33
(b) Dir. 13 to PR-33, dated 12-31-46
7. Remove: (a) Cover sheet, dated 9-26-46, re List 1, Dir. 13 to PR-33
(b) List 1, Dir. 13 to PR-33, dated 8-21-46
8. Insert: (a) Cover sheet, dated 1-20-47, re List 1, Dir. 13 to PR-33
(b) List 1, Dir. 13 to PR-33, dated 12-31-46

(Cont'd)

DATE: 1-20-47

PART I - Section 5.4

1. Remove: (a) Cover sheet, dated 11-8-46, re L-359
(b) L-359, dated 10-18-46
2. Insert: (a) Cover sheet, dated 1-20-47, re L-359
(b) L-359, dated 12-31-46

PART II - Section 2.2

1. Remove: (a) Cover sheet, dated 9-26-46, re EPO-2
(b) EPO-2, dated 8-27-46
2. Insert: (a) Cover sheet, dated 1-20-47, re EPO-2
(b) EPO-2, dated 12-23-46

PART II - Section 3.5

1. Insert: (a) Cover sheet, dated 1-20-47, re Amdt. 1 to HEPR-5
(b) Amdt. 1 to HEPR-5, dated 12-23-46

NATIONAL HOUSING AGENCY
FEDERAL PUBLIC HOUSING AUTHORITY

TRANS. NO. 15

BULLETIN 14 - TRANSMITTAL

PRIORITIES REGULATIONS

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PART I - Section 3.1

1. Remove: Dir. 2 to PR-1, dated 6-15-44
2. Remove: Dir. 9 to PR-1, dated 7-19-45

PART I - Section 3.2

1. Remove: Dir. 14 to PR-3, dated 10-1-45

PART I - Section 3.7

1. Remove: Dir. 15 to PR-13, dated 3-21-46
2. Remove: Dir. 19 to PR-13, dated 6-3-46

PART I - Section 3.9

1. Remove: (a) Cover sheet, dated 9-26-46, re PR-28
(b) PR-28, dated 9-6-46
2. Insert: (a) Cover sheet, dated 1-22-47, re PR-28
(b) PR-28, dated 1-8-47
3. Remove: (a) Cover sheet, dated 12-10-46, re Sch. 1 to PR-28
(b) Sch. 1 to PR-28, dated 12-4-46
4. Remove: Dir. 6 to PR-28, dated 3-18-46
5. Remove: Dir. 14 to PR-28, dated 5-21-46
6. Remove: Dir. 15 to PR-28, dated 6-5-46
7. Remove: Dir. 16 to PR-28, dated 6-5-46
8. Remove: (a) Cover sheet, dated 10-30-46, re Dir. 20 to PR-28
(b) Dir. 20 to PR-28, dated 10-7-46
9. Remove: PR-28A, dated 1-29-46

(Cont'd)

DATE: 1-22-47

PART I - Section 4.3

1. Remove: M-43, dated 4-9-46

PART I - Section 4.4

1. Remove: M-317, dated 6-3-46

2. Remove: M-317A, dated 7-11-46

3. Remove: M-317C, dated 6-3-46

PART I - Section 4.5

1. Remove: M-328, dated 11-13-45

PART I - Section 6.1

1. Remove: R-1, dated 3-1-46

2. Remove: App. II to R-1, dated 6-21-46

3. Remove: Amdt. 1, App. II to R-1, dated 7-3-46

PART II - Section 1.1

1. Remove: General Order No. 21-33B, dated 6-3-46

NOTE: Inserts to be removed have been revoked, are obsolete, or have only a remote relationship to FPFA activities.

NATIONAL HOUSING AGENCY
FEDERAL PUBLIC HOUSING AUTHORITY

TRANS NO. 16

BULLETIN 14 - TRANSMITTAL

PRIORITIES REGULATIONS

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PART I - Section 3.7

1. Remove: Dir. 3 to PR-13, dated 4-5-46

PART I - Section 3.12

1. Remove: (a) Cover sheet, dated 1-20-47, re Dir. 8 to PR-33
(b) Dir. 8 to PR-33, dated 12-31-46
2. Remove: (a) Cover sheet, dated 12-20-46, re Dir. 11 to PR-33
(b) Dir. 11 to PR-33, dated 12-10-46
3. Insert: (a) Cover sheet, dated 2-5-47, re Dir. 11 to PR-33
(b) Dir. 11 to PR-33, dated 1-17-47
4. Remove: (a) Cover sheet, dated 1-20-47, re Dir. 13 to PR-33
(b) Dir. 13 to PR-33, dated 12-31-46
5. Remove: (a) Cover sheet, dated 1-20-47, re List 1, Dir. 13 to PR-33
(b) List 1, Dir. 13 to PR-33, dated 12-31-46
6. Insert: Digest sheet, dated 2-5-47, re Dir. 13 to PR-33

PART II - Section 3.3

1. Remove: (a) Cover sheet, dated 11-8-46, re HEPR-3
(b) HEPR-3 dated 10-16-46
2. Remove: (a) Cover sheet, dated 12-10-46, re Amdt. 1 to HEPR-3
(b) Amdt. 1 to HEPR-3, dated 11-14-46

PART II - Section 3.4

1. Remove: (a) Cover sheet, dated 9-18-46, re HEPR-4
(b) HEPR-4, dated 9-13-46

PART II - Section 3.6

1. Remove: (a) Cover sheet, dated 12-10-46, re HEPR-6
(b) HEPR-6, dated 11-19-46

NOTE: Inserts to be removed without a corresponding substitution have either been revoked or do not directly affect FPHA activities.

Date: 2-5-47

NATIONAL HOUSING AGENCY
FEDERAL PUBLIC HOUSING AUTHORITY

TRANS. NO. 17

BULLETIN 14 - TRANSMITTAL

PRIORITIES REGULATIONS

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PART I - Section 3.1

1. Remove: Dir. 1 to PR-1, dated 10-1-45
2. Insert: (a) Cover sheet, dated 2-10-47, re Dir. 1 to PR-1
(b) Dir 1 to PR-1, dated 1-29-47

PART I - Section 3.6

1. Remove: PR-12, dated 10-8-45 (Revoked 1-29-47)

PART I - Section 4.1

1. Remove: (a) Cover sheet, dated 12-20-46, re Dir. 16 to M-21
(b) Dir. 16 to M-21, dated 12-9-46
(Revoked 1-28-47)

PART I - Section 5.3

1. Remove: (a) Cover sheet, dated 12-10-46, re L-358
(b) L-358, dated 11-19-46
2. Insert: (a) Cover sheet, dated 2-10-47, re L-358
(b) L-358, dated 1-28-47

PART I - Section 5.4

1. Remove: (a) Cover sheet, dated 1-20-47, re L-359
(b) L-359, dated 12-31-46
2. Insert: (a) Cover sheet, dated 2-10-47, re L-359
(b) L-359, dated 1-28-47

PART II - Section 2.3

1. Remove: (a) Cover sheet, dated 11-8-46, re EPO-3
(b) EPO-3, dated 10-16-46
(Amended 1-23-47 - not applicable to FPHA)

(Cont'd)

DATE: 2-10-47

PART II - Section 3.1

1. Remove: (a) Cover sheet, dated 11-8-46, re HEPR-1
(b) HEPR-1, dated 10-16-46
2. Insert: (a) Cover sheet, dated 2-10-47, re HEPR-1
(b) HEPR-1, dated 1-27-47

PART II - Section 3.2

1. Remove: (a) Cover sheet, dated 11-8-46, re HEPR-2
(b) HEPR-2, dated 10-16-46
2. Insert: (a) Cover sheet, dated 2-10-47, re HEPR-2
(b) HEPR-2, dated 1-27-47

NATIONAL HOUSING AGENCY
FEDERAL PUBLIC HOUSING AUTHORITY

BULLETIN 14 - TRANSMITTAL

PRIORITIES REGULATIONS

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PART I - Section 1.1

1. REMOVE: (1) Cover sheet, dated 11-19-46, re Directive 41
(2) Directive 41, dated 10-25-46 (Revoked 2-13-47)

PART I - Section 2.1

1. REMOVE: (1) Cover sheet, dated 1-20-47, re Supp. 5 to VHP-1
(2) Supp. 5 to VHP-1, dated 12-24-46
2. INSERT: (1) Cover sheet, dated 3-13-47, re Supp. 5 to VHP-1
(2) Supp. 5 to VHP-1, dated 2-13-47

PART I - Section 2.2

1. REMOVE: (1) Cover sheet, dated 8-15-46, re VHP-2
(2) VHP-2, dated 7-19-46 (Revoked 2-24-47)

PART I - Section 3.9

1. REMOVE: (1) Cover sheet, dated 1-22-47, re PR-28
(2) PR-28, dated 1-8-47
2. INSERT: (1) Cover sheet, dated 3-13-47, re PR-28
(2) PR-28, dated 2-13-47

PART II - Section 3.5

1. REMOVE: (1) Cover sheet, dated 12-20-46, re HEPR-5
(2) HEPR-5, dated 12-13-46
2. REMOVE: (1) Cover sheet, dated 1-20-47, re Amdt. 1 to HEPR-5
(2) Amdt. 1 to HEPR-5, dated 12-23-46
3. INSERT: (1) Cover sheet, dated 3-12-47, re HEPR-5
(2) HEPR-5, dated 2-13-47

PART II - Section 4.1

1. REMOVE: (1) Cover sheet, dated 1-3-47, re HPR
(2) HPR, dated 12-23-46
2. INSERT: (1) Cover sheet, dated 3-12-47, re HPR
(2) HPR, dated 2-13-47

DATE: 3-13-47

NATIONAL HOUSING AGENCY
FEDERAL PUBLIC HOUSING AUTHORITY

TRANS. NO. 19

BULLETIN 14 - TRANSMITTAL

PRIORITIES REGULATIONS

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PART I - Section 2.1

1. Insert: (a) Cover sheet, dated 3-18-47, re Dir. 2 to VHP-1
(b) Dir. 2 to VHP-1, dated 3-6-47

PART I - Section 3.1

1. Remove: (a) Cover sheet, dated 8-28-46, re PR-1
(b) PR-1, dated 7-24-46
2. Insert: (a) Cover sheet, dated 3-18-47, re PR-1
(b) PR-1, dated 3-4-47

PART I - Section 3.2

1. Remove: (a) Cover sheet, dated 8-28-46, re PR-3
(b) PR-3, dated 7-24-46
2. Insert: (a) Cover sheet, dated 3-18-47, re PR-3
(b) PR-3, dated 3-4-47

PART I - Section 3.9

1. Insert: (a) Cover sheet, dated 3-18-47, re Supp. I to PR-28
(b) Supp. I to PR-28, dated 3-4-47

PART I - Section 3.12

1. Remove: (a) Cover sheet, dated 12-30-46, re PR-33
(b) PR-33, dated 12-13-46
2. Insert: (a) Cover sheet, dated 3-18-47, re PR-33
(b) PR-33, dated 2-28-47
3. Remove: (a) Cover sheet, dated 12-20-46, re Sch. A to PR-33
(b) Sch. A to PR-33, dated 12-10-46
4. Insert: (a) Cover sheet, dated 3-18-47, re Sch. A to PR-33
(b) Sch. A to PR-33, dated 3-3-47

(Cont'd)

DATE: 3-18-47

PART I - Section 3.12 (Cont'd)

5. Remove: (a) Cover sheet, dated 1-20-47, re Sch. B to PR-33
(b) Sch. B to PR-33, dated 12-31-46
6. Insert: (a) Cover sheet, dated 3-18-47, re Sch. B to PR-33
(b) Sch. B to PR-33, dated 3-3-47

PART I - Section 3.13

1. Insert: (a) Cover sheet, dated 3-18-47, re PR-35
(b) PR-35, dated 3-4-47

PART I - Section 5.3

1. Remove: (a) Cover sheet, dated 2-10-47, re L-358
(b) L-358, dated 1-28-47 (Revoked 3-31-47)

PART I - Section 5.4

1. Remove: (a) Cover sheet, dated 2-10-47, re L-359
(b) L-359, dated 1-28-47 (Revoked 3-31-47)

NATIONAL HOUSING AGENCY
FEDERAL PUBLIC HOUSING AUTHORITY

TRANS. NO. 20

BULLETIN 14 - TRANSMITTAL

PRIORITIES REGULATIONS

Each new revision, deletion or addition to this Bulletin is transmitted by this form, which enables you to determine what revisions or additions have been made. Check the transmittal number against the last one received FOR THIS BULLETIN to insure that you have received all inserts. File the forms in the back of the Bulletin for future reference.

1. Explanation. This Bulletin will no longer consist of Parts I and II, which previously segregated "CPA Regulations" and "NHA Regulations." By Executive Order 9836, effective April 1, 1947, the regulations, orders and functions of CPA with respect to the VEHP were transferred to the Housing Expediter. The coding in the Bulletin will henceforth consist of a sequence of Sections only, each section covering one category of regulations or orders.
2. Delete from all cover sheets the designations Part I or Part II.
3. Remove: TABLE OF CONTENTS (Page 2), dated 9-26-46.
Insert: TABLE OF CONTENTS (Page 2), dated 4-14-47.
4. Index Sheets. New indices will be forwarded with Transmittal No. 21. In the interim, the following changes shall be made in the present indices:
 - ✓ (1) Remove the Index Sheet for Part I - Section 1, dated 7-25-46 (replacement to be made per item (8) below).
 - ✓ (2) Delete the designations "Part I" from the Index Sheet for Part I - Section 2.
 - ✓ (3) Delete the designations "Part I" from the Index Sheet for Part I - Section 3.
 - ✓ (4) Remove the Index Sheet for Part I - Section 4, dated 7-25-46 (replacement to be made per item (9) below).
 - ✓ (5) Delete the designations "Part I" from the Index Sheet for Part I - Section 5.
 - ✓ (6) Remove the Index Sheet for Part I - Section 6, dated 7-25-46.
 - ✓ (7) Remove the Index Sheet for Part II - Section 1, dated 7-25-46.
 - ✓ (8) Delete the designations "Part II" from the Index Sheet for Part II - Section 2; recode as Section I, and transfer this Index Sheet to its new position in accordance with the revised Table of Contents.
 - ✓ (9) Delete the designations "Part II" from the Index Sheet for Part II - Section 3; recode as Section 4, and transfer this Index Sheet to its new position in accordance with the revised Table of Contents.

(Cont'd)

DATE: 4-14-47

5. Remove: The following obsolete material:

- ✓(1) Cover sheet, dated 9-26-46, re Dir. 42
- ✓(2) Dir. 42, dated 8-27-46 (Revoked 3-31-47)
- ✓(3) Cover sheet, dated 1-3-47, re PR-13
- ✓(4) PR-13, dated 12-20-46 (Revoked 3-31-47)
- ✓(5) Dir. 9 to PR-13, dated 1-29-46 (Revoked 12-20-46)
- ✓(6) Cover sheet, dated 1-3-47, re Dir. 23 to PR-13
- ✓(7) Dir. 23 to PR-13, dated 12-20-46 (Revoked 3-31-47)
- ✓(8) Cover sheet, dated 3-13-47, re PR-28
- ✓(9) PR-28, dated 2-13-47 (Revoked 3-31-47)
- ✓(10) Cover sheet, dated 12-30-46, re PR-32
- ✓(11) PR-32, dated 12-13-46 (Revoked 3-31-47)
- ✓(12) Dir. 6 to PR-32, dated 3-12-46 (Revoked 3-31-47)
- ✓(13) Cover sheet, dated 11-19-46, re Dir. 14 to PR-33
- ✓(14) Dir. 14 to PR-33, dated 11-5-46 (Revoked 3-31-47)

6. Recode and Transfer:

- ✓(1) All releases in Section 2 of former Part II to new Section 1. The sub-section codification, i.e., the numeral following the decimal, is not affected. (2.1 will become 1.1; 2.2 will become 1.2).
- ✓(2) All releases in Section 3 of former Part II to new Section 4. (3.1 becomes 4.1; 3.2 becomes 4.2; etc.)
- ✓(3) The release in Section 4 of former Part II to new Section 6. (4.1 becomes 6.1)

(14-0000)

NATIONAL HOUSING AGENCY
FEDERAL PUBLIC HOUSING AUTHORITY

TRANS. NO. 21

BULLETIN 14 - TRANSMITTAL

PRIORITIES REGULATIONS

Each new revision, deletion, or addition to this Bulletin is transmitted by this form, which enables you to determine what revisions or additions have been made. Check the transmittal number against the last one received FOR THIS BULLETIN to insure that you have received all inserts. File the forms in the back of the Bulletin for future reference.

Section 1

1. REMOVE: Index dated 9-26-46
2. INSERT: Index dated 5-23-47
3. INSERT: (1) Cover sheet, dated 5-23-47, re EPO-5
(2) EPO-5, dated 3-31-47

Section 2

1. REMOVE: Index dated 8-15-46
2. INSERT: Index dated 5-23-47
3. REMOVE: (1) Cover sheet, dated 10-30-46, re VHP-1
(2) VHP-1, dated 10-7-46
4. INSERT: (1) Cover sheet dated 5-23-47, re VHP-1
(2) VHP-1 as amended 4-30-47
5. REMOVE: (1) Cover sheet, dated 9-26-46, re Supp. 1 to VHP-1
(2) Supp. 1 to VHP-1 as amended 8-30-46
6. INSERT: (1) Cover sheet dated 5-23-47, re Supp. 1 to VHP-1
(2) Supp. 1 to VHP-1 as amended 4-30-47
7. REMOVE: (1) Cover sheet dated 8-15-46, re Supp. 2 to VHP-1
(2) Supp. 2 to VHP-1, as amended 7-2-46
8. INSERT: (1) Cover sheet dated 5-23-47, re Supp. 2 to VHP-1
(2) Supp. 2 to VHP-1, as amended 4-30-47
9. REMOVE: (1) Cover sheet, dated 10-30-46, re Supp. 3 to VHP-1
(2) Supp. 3 to VHP-1, as amended 10-7-46
10. INSERT: (1) Cover sheet, dated 5-23-47, re Supp. 3 to VHP-1
(2) Supp. 3 to VHP-1, as amended 4-30-47
11. REMOVE: (1) Cover sheet, dated 10-30-46, re Supp. 4 to VHP-1
(2) Supp. 4 to VHP-1, as amended 10-7-46

DATE

5-23-47

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12. INSERT: (1) Cover sheet, dated 5-23-47, re Supp. 4 to VHP-1
(2) Supp. 4 to VHP-1, as amended 4-30-47
13. REMOVE: (1) Cover sheet, dated 8-15-46, re Dir. 1 to VHP-1
(2) Dir. 1 to VHP-1, as amended 6-21-46 (Revoked 4-30-47)
14. REMOVE: (1) Cover sheet, dated 3-18-47, re Dir. 2 to VHP-1
(2) Dir. 2 to VHP-1, as amended 3-6-47, (Revoked 4-30-47)
15. REMOVE: (1) Cover sheet, dated 11-19-46, re Int. 4 to VHP-1
(2) Int. 4 to VHP-1, dated 10-31-46 (Incor. in VHP-1)
16. REMOVE: (1) Cover sheet, dated 12-10-46, re Int. 5 to VHP-1
(2) Int. 5 to VHP-1 dated 11-22-46 (Incor. in VHP-1)

Section 3

1. REMOVE: Index dated 7-25-46
2. INSERT: Index dated 5-23-47
3. REMOVE: (1) Cover sheet, dated 12-30-46, re Int. 13 to PR-3
(2) Int. 13 to PR-3, as amended 12-13-46 (Incor. in the Reg.)
4. INSERT: (1) Cover sheet, dated 5-23-47, re PR-28
(2) PR-28, as amended 5-9-47
5. REMOVE: (1) Cover sheet, dated 3-18-47, re Supp. 1 to PR-28
(2) Supp. 1 to PR-28, dated 3-4-47
6. INSERT: (1) Cover sheet, dated 5-23-47, re PR-32
(2) PR-32, dated 3-31-47
7. INSERT: (1) Cover sheet, dated 5-23-47, re Amdt. 1 to Sch. A to PR-33
(2) Amdt. 1 to Schedule A to PR-33, dated 3-31-47
8. INSERT: (1) Cover sheet, dated 5-23-47, re Int. 1 to PR-35
(2) Int. 1 to PR-35, dated 3-25-47

Section 4

1. REMOVE: Index dated 9-26-46
2. INSERT: Index dated 5-23-47
3. INSERT: (1) Cover sheet, dated 5-23-47, re Amdt. 1 to HEPR-5
(2) Amdt. 1 to HEPR-5, dated 4-22-47

Section 5

1. REMOVE: Index dated 7-25-46
2. INSERT: Index dated 5-23-47

Section 6

1. INSERT: Index to Section 6, dated 5-23-47
2. INSERT: (1) Cover sheet, dated 5-23-47, re Amdt. 1 to HPR
(2) Amdt. 1 to HPR, dated 3-26-47
3. INSERT: (1) Cover sheet, dated 5-23-47, re Amdt. 2 to HPR
(2) Amdt. 2 to HPR, dated 3-31-47

Section 7

1. INSERT: Index to Section 7 dated 5-23-47
2. INSERT: (1) Cover sheet, dated 5-23-47, re Amdt. 1 to Organization
Doc. (OHE)
(2) Amdt. 1 to Organization Doc. (OHE), dated 3-31-47

BULLETIN 14 - TRANSMITTAL

PRIORITIES REGULATIONS

REMOVE: The entire contents of this bulletin are rescinded.

EXPLANATION: The recent extensive legislative decontrol of priorities and building construction makes obsolete the current releases in Bulletin 14. New releases therefore will be distributed as rapidly as they become or can be made available.

Date: 7-28-47