

§ 3716. Separability

If any clause, sentence, paragraph or part of this chapter shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid or invalid as applied to a class of cases, such judgment shall not affect, impair, or invalidate the remainder thereof and of this chapter, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

(Pub. L. 97-35, title III, §369H, Aug. 13, 1981, 95 Stat. 431.)

§ 3717. Regulations

The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this chapter.

(Pub. L. 97-35, title III, §369I, Aug. 13, 1981, 95 Stat. 431.)

CHAPTER 38A—SINGLE FAMILY MORTGAGE FORECLOSURE

Sec.	
3751.	Findings and purpose. (a) Findings. (b) Purpose.
3752.	Definitions.
3753.	Applicability.
3754.	Designation of foreclosure commissioner. (a) In general. (b) Power of sale. (c) Qualifications. (d) Designation procedure.
3755.	Prerequisites to foreclosure. (a) In general. (b) Other rights unaffected.
3756.	Commencement of foreclosure. (a) Request to foreclosure commissioner. (b) Designation of substitute foreclosure commissioner. (c) Written notice.
3757.	Notice of default and foreclosure sale.
3758.	Service of notice of foreclosure sale.
3759.	Presale reinstatement. (a) Withdrawal and cancellation. (b) Opportunity of Secretary to dispute withdrawal. (c) Effect of cancellation. (d) Notice of cancellation.
3760.	Conduct of sale; adjournment. (a) In general. (b) Duties of foreclosure commissioner. (c) Adjournment or cancellation of sale. (d) Cash deposits. (e) Presumption of validity of sale.
3761.	Foreclosure costs.
3762.	Disposition of sale proceeds. (a) Priority payments. (b) Other payments.
3763.	Transfer of title and possession. (a) Delivery of deeds. (b) Right of possession. (c) Death of purchaser. (d) Bona fide purchaser. (e) No right of redemption. (f) Taxes.
3764.	Record of foreclosure and sale. (a) Statements included. (b) Effect of statements. (c) Recordation of instruments.
3765.	Effect of sale.
3766.	Computation of time.
3767.	Severability.

Sec.	
3768.	Deficiency judgment. (a) In general. (b) Limitation.

§ 3751. Findings and purpose**(a) Findings**

The Congress finds that—

(1) the disparate State laws under which mortgages are foreclosed on behalf of the Secretary covering 1- to 4-family residential properties—

(A) burden certain programs administered by the Secretary;

(B) increase the costs of collecting obligations; and

(C) generally are a detriment to the community in which the properties are located;

(2) the long periods required to complete the foreclosure of such mortgages under certain State laws—

(A) lead to deterioration in the condition of the properties involved;

(B) necessitate substantial Federal holding expenditures;

(C) increase the risk of vandalism, fire loss, depreciation, damage, and waste with respect to the properties; and

(D) adversely affect the neighborhoods in which the properties are located;

(3) these conditions seriously impair the ability of the Secretary to protect the Federal financial interest in the affected properties and frustrate attainment of the objectives of the underlying Federal program authority;

(4) the availability of uniform and more expeditious procedures, with no right of redemption in the mortgagor or others, for the foreclosure of these mortgages by the Secretary will tend to ameliorate these conditions; and

(5) providing the Secretary with a nonjudicial foreclosure procedure will reduce unnecessary litigation by removing many foreclosures from the courts if they contribute to overcrowded calendars.

(b) Purpose

The purpose of this chapter is to create a uniform Federal foreclosure remedy for single family mortgages that—

(1) are held by the Secretary pursuant to title I or title II of the National Housing Act [12 U.S.C. 1702 et seq., 1707 et seq.]; or

(2) secure loans obligated by the Secretary under section 1452b¹ of title 42.

(Pub. L. 103-327, title II, Sept. 28, 1994, 108 Stat. 2316.)

REFERENCES IN TEXT

The National Housing Act, referred to in subsec. (b)(1), is act June 27, 1934, ch. 847, 48 Stat. 1246, as amended. Titles I and II of the Act are classified generally to subchapters I (§1702 et seq.) and II (§1707 et seq.), respectively, of chapter 13 of this title. For complete classification of this Act to the Code, see section 1701 of this title and Tables.

Section 1452b of title 42, referred to in subsec. (b)(2), was repealed by Pub. L. 101-625, title II, §289(b)(1), Nov. 28, 1990, 104 Stat. 4128.

¹ See References in Text note below.