

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

Office of the Secretary

24 CFR Part 92

[Docket No. R-95-1775; FR-3860-F-01]

RIN 2501-AB90

**Eligible Applicants for the HOME
Investment Partnerships Program**

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule.

SUMMARY: This final rule amends the existing interim rule for the HOME Investment Partnerships Program by making it conform with the program definition for eligible applicants in the Indian Community Development Block Grant Program. This revision will eliminate confusion and simplify administration of Native American Tribal Programs. This final rule is intended to be effective for the Fiscal Year 1995 funding cycle, for which applications are due April 14, 1995.

EFFECTIVE DATE: April 10, 1995.

FOR FURTHER INFORMATION CONTACT: Bruce Knott, Director, Housing & Community Development Division, Office of Native American Programs, room B-133, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 755-0068 (this is not a toll-free number). Hearing- or speech-impaired persons may use the TDD number by contacting the Federal Information Relay Service on 1-800-877-TDDY (1-800-877-8339) (a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

The HOME Investment Partnerships Program (HOME) was enacted under title II (42 U.S.C. 12701-12839) of the Cranston-Gonzalez National Affordable Housing Act (NAHA) (Pub. L. 101-625, approved November 28, 1990). One of the purposes of the HOME program is to provide funds to Indian tribes in order to expand the supply of decent, safe, sanitary, and affordable housing for very low-income and low-income Americans. HUD's implementing regulations for the Indian HOME Program are found at 24 CFR part 92. In a separate rulemaking, the Department is relocating these regulations to a new 24 CFR part 954.

At the present time, applicants eligible for grant assistance under the Indian HOME program are defined as Indian tribes. This has caused confusion among constituents for assistance under HUD-administered tribal programs, especially in Alaska, and is inconsistent with the definition of eligible applicant

for grant assistance under the Indian Community Development Block Grant program. This final rule amends the existing interim rule for the HOME Investment Partnerships Program by making it conform with the program definition for eligible applicants in the Indian Community Development Block Grant Program in order to simplify administration of Native American Tribal Programs. The revision is intended to be effective for the Fiscal Year 1995 funding cycle, for which applications are due April 14, 1995.

II. Justification for Final Rulemaking

It is HUD's policy to publish rules for public comment before their issuance for effect, in accordance with its own regulations on rulemaking found at 24 CFR part 10. However, part 10 provides that prior public procedure will be omitted, if HUD determines that it is "impracticable, unnecessary, or contrary to the public interest" (24 CFR 10.1). The Department finds that in this case prior public comment is contrary to the interest of the public. This final rule merely amends 24 CFR part 92 by incorporating the definition of "eligible applicants" found in the Indian Community Development Block Grant Program in order to eliminate confusion and simplify administration of Native American Tribal Programs.

III. Other Matters

A. Environmental Review

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implements section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA). This Finding of No Significant Impact is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, room 10276, 451 Seventh Street, SW., Washington, DC 20410-0500.

B. Federalism Impact

The General Counsel, as the Designated Official for HUD under section 6(a) of Executive Order 12612, *Federalism*, has determined that the policies contained in this final rule will not have substantial direct effects on States or their political subdivisions, or the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government.

C. Impact on the Family

The General Counsel, as the designated official under Executive Order 12606, *The Family*, has determined that this final rule would not have significant impact on family formation, maintenance, and general well-being, and, thus, is not subject to review under the Order. No significant change in existing HUD policies or programs will result from promulgation of this rule, as those policies and programs relate to family concerns.

D. Impact on Small Entities

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed and approved this rule, and in so doing certifies that this rule will not have a significant economic impact on a substantial number of small entities.

E. Regulatory Agenda

This final rule was not listed in the Department's Semiannual Agenda of Regulations published on November 14, 1994 (59 FR 57632) in accordance with Executive Order 12866 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance Number for the HOME Program is 14.239.

List of Subjects in 24 CFR part 92

Administrative practice and procedure, Grant programs—housing and community development, Grant programs—Indians, Indians, Low and moderate income housing, Manufactured homes, Rent subsidies, Reporting and recordkeeping requirements.

Accordingly, 24 CFR part 92, is amended as follows:

**PART 92—HOME INVESTMENT
PARTNERSHIPS PROGRAM**

1. The authority citation for part 92 continues to read as follows:

Authority: 42 U.S.C. 3535(d) and 12701-12839.

2. Section 92.602 is revised to read as follows:

**§ 92.602 Eligible Applicants for HOME
Funds for Indian Tribes.**

(a) Eligible applicants for HOME funds for Indian tribes are any Indian Tribe, band, group, or nation, including Alaskan Indians, Aleuts, and Eskimos, and any Alaskan native village of the United States which is considered an eligible recipient under Title I of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450) or which had been an eligible recipient under the State and Local

Fiscal Assistance Act of 1972 (31 U.S.C. 1221). Eligible recipients under the Indian Self-Determination and Education Assistance Act will be determined by the Bureau of Indian Affairs and eligible recipients under the State and Local Fiscal Assistance Act of 1972 are those that have been determined eligible by the Department of Treasury, Office of Revenue Sharing.

(b) Tribal organizations which are eligible under Title I of the Indian Self-Determination and Education Assistance Act may apply on behalf of any Indian Tribe, band, group, nation, or Alaskan native village eligible under that act for funds under this part when one or more of these entities have

authorized the Tribal organization to do so through concurring resolutions. Such resolutions must accompany the application for funding. Eligible Tribal organizations under Title I of the Indian Self-Determination and Education Assistance Act will be determined by the Bureau of Indian Affairs.

(c) Only eligible applicants shall receive grants. However, eligible applicants may contract or otherwise agree with non-eligible entities such as States, cities, counties, or other organizations to assist in the preparation of applications and to help implement assisted activities.

(d) To apply for funding in a given fiscal year, an applicant must be eligible

as an Indian Tribe or Alaskan native village, as provided in paragraph (a) of this section, or as a Tribal organization, as provided in paragraph (b) of this section, by the application submission date.

(e) Applicants must have the administrative capacity to undertake the project proposed, including systems of internal control necessary to administer these projects effectively.

Dated: March 2, 1995.

Henry G. Cisneros,
Secretary.

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