

The Alaska Native Claims Settlement Act, referred to in subsec. (k)(2)(C), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

CODIFICATION

In subsec. (b)(1)(A)(v), “section 801(e) of such title” was in the original “section 601(e)”, and was translated as meaning “section 601(e) of such Act”, meaning section 601(e) of the Social Security Act, to reflect the probable intent of Congress.

Section was enacted as part of the Consolidated Appropriations Act, 2021, and not as part of the CARES Act which in part comprises this chapter.

AMENDMENTS

2021—Subsec. (e)(1). Pub. L. 117-2 substituted “September 30, 2022” for “December 31, 2021”.

§ 9058b. Funding for water assistance program

(a) In general

In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services (in this section referred to as the “Secretary”) for fiscal year 2021, out of any amounts in the Treasury not otherwise appropriated, \$500,000,000, to remain available until expended, for grants to States and Indian Tribes to assist low-income households, particularly those with the lowest incomes, that pay a high proportion of household income for drinking water and wastewater services, by providing funds to owners or operators of public water systems or treatment works to reduce arrearages of and rates charged to such households for such services.

(b) Allotment

The Secretary shall—

(1) allot amounts appropriated in this section to a State or Indian Tribe based on—

(A) the percentage of households in the State, or under the jurisdiction of the Indian Tribe, with income equal or less than 150 percent of the Federal poverty line; and

(B) the percentage of households in the State, or under the jurisdiction of the Indian Tribe, that spend more than 30 percent of monthly income on housing; and

(2) reserve up to 3 percent of the amount appropriated in this section for Indian Tribes and tribal organizations.

(c) Definition

In this section, the term “State” means each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

(Pub. L. 117-2, title II, §2912, Mar. 11, 2021, 135 Stat. 51.)

Editorial Notes

CODIFICATION

Section was enacted as part of the American Rescue Plan Act of 2021, and not as part of the CARES Act which in part comprises this chapter.

§ 9058c. Emergency rental assistance

(a) Funding

(1) Appropriation

In addition to amounts otherwise available, there is appropriated to the Secretary of the Treasury for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$21,550,000,000, to remain available until September 30, 2027, for making payments to eligible grantees under this section—

(2) Reservation of funds

Of the amount appropriated under paragraph (1), the Secretary shall reserve—

(A) \$305,000,000 for making payments under this section to the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa;

(B) \$30,000,000 for costs of the Secretary for the administration of emergency rental assistance programs and technical assistance to recipients of any grants made by the Secretary to provide financial and other assistance to renters;

(C) \$3,000,000 for administrative expenses of the Inspector General relating to oversight of funds provided in this section; and

(D) \$2,500,000,000 for payments to high-need grantees as provided in this section.

(b) Allocation of funds to eligible grantees

(1) Allocation for States and units of local government

(A) In general

The amount appropriated under paragraph (1) of subsection (a) that remains after the application of paragraph (2) of such subsection shall be allocated to eligible grantees described in subparagraphs (A) and (B) of subsection (f)(1) in the same manner as the amount appropriated under section 9058a of this title is allocated to States and units of local government under subsection (b)(1) of such section, except that section 9058a(b) of this title shall be applied—

(i) without regard to clause (i) of paragraph (1)(A);

(ii) by deeming the amount appropriated under paragraph (1) of subsection (a) of this Act¹ that remains after the application of paragraph (2) of such subsection to be the amount deemed to apply for purposes of applying clause (ii) of section 9058a(b)(1)(A) of this title;

(iii) by substituting “\$152,000,000” for “\$200,000,000” each place such term appears;

(iv) in subclause (I) of such section 9058a(b)(1)(A)(v) of this title, by substituting “under section 9058c of title 15” for “under section 9058a of title 15”; and

(v) in subclause (II) of such section 9058a(b)(1)(A)(v) of this title, by substituting “local government elects to receive funds from the Secretary under section 9058c of title 15 and will use the funds in a manner consistent with such section”

¹ So in original. Probably should be “this section”.

for “local government elects to receive funds from the Secretary under section 9058a of title 15 and will use the funds in a manner consistent with such section”.

(B) Pro rata adjustment

The Secretary shall make pro rata adjustments in the amounts of the allocations determined under subparagraph (A) of this paragraph for entities described in such subparagraph as necessary to ensure that the total amount of allocations made pursuant to such subparagraph does not exceed the remainder appropriated amount described in such subparagraph.

(2) Allocations for territories

The amount reserved under subsection (a)(2)(A) shall be allocated to eligible grantees described in subsection (f)(1)(C) in the same manner as the amount appropriated under section 9058a(a)(2)(A) of this title is allocated under section 9058a(b)(3) of this title to eligible grantees described under subparagraph (C) of such section 9058a(b)(3) of this title, except that section 9058a(b)(3) of this title shall be applied—

(A) in subparagraph (A), by inserting “of section 9058c of this title” after “the amount reserved under subsection (a)(2)(A)”; and

(B) in clause (i) of subparagraph (B), by substituting “the amount equal to 0.3 percent of the amount appropriated under subsection (a)(1)” with “the amount equal to 0.3 percent of the amount appropriated under subsection (a)(1) of section 9058c of this title”.

(3) High-need grantees

The Secretary shall allocate funds reserved under subsection (a)(2)(D) to eligible grantees with a high need for assistance under this section, with the number of very low-income renter households paying more than 50 percent of income on rent or living in substandard or overcrowded conditions, rental market costs, and change in employment since February 2020 used as the factors for allocating funds.

(c) Payment schedule

(1) In general

The Secretary shall pay all eligible grantees not less than 40 percent of each such eligible grantee’s total allocation provided under subsection (b) within 60 days of March 11, 2021.

(2) Subsequent payments

The Secretary shall pay to eligible grantees additional amounts in tranches up to the full amount of each such eligible grantee’s total allocation in accordance with a procedure established by the Secretary, provided that any such procedure established by the Secretary shall require that an eligible grantee must have obligated not less than 75 percent of the funds already disbursed by the Secretary pursuant to this section prior to disbursement of additional amounts.

(d) Use of funds

(1) In general

An eligible grantee shall only use the funds provided from payments made under this section as follows:

(A) Financial assistance

(i) In general

Subject to clause (ii) of this subparagraph, funds received by an eligible grantee from payments made under this section shall be used to provide financial assistance to eligible households, not to exceed 18 months, including the payment of—

- (I) rent;
- (II) rental arrears;
- (III) utilities and home energy costs;
- (IV) utilities and home energy costs arrears; and
- (V) other expenses related to housing, as defined by the Secretary.

(ii) Limitation

The aggregate amount of financial assistance an eligible household may receive under this section, when combined with financial assistance provided under section 9058a of this title, shall not exceed 18 months.

(B) Housing stability services

Not more than 10 percent of funds received by an eligible grantee from payments made under this section may be used to provide case management and other services intended to help keep households stably housed.

(C) Administrative costs

Not more than 15 percent of the total amount paid to an eligible grantee under this section may be used for administrative costs attributable to providing financial assistance, housing stability services, and other affordable rental housing and eviction prevention activities, including for data collection and reporting requirements related to such funds.

(D) Other affordable rental housing and eviction prevention activities

An eligible grantee may use any funds from payments made under this section that are unobligated on October 1, 2022, for purposes in addition to those specified in this paragraph, provided that—

(i) such other purposes are affordable rental housing and eviction prevention purposes, as defined by the Secretary, serving very low-income families (as such term is defined in section 1437a(b) of title 42); and

(ii) prior to obligating any funds for such purposes, the eligible grantee has obligated not less than 75 percent of the total funds allocated to such eligible grantee in accordance with this section.

(2) Distribution of assistance

Amounts appropriated under subsection (a)(1) of this section shall be subject to the same terms and conditions that apply under paragraph (4) of section 9058a(c) of this title to amounts appropriated under subsection (a)(1) of such section 9058a of this title.

(e) Reallocation of funds

(1) In general

Beginning March 31, 2022, the Secretary shall reallocate funds allocated to eligible grantees

in accordance with subsection (b) but not yet paid in accordance with subsection (c)(2) according to a procedure established by the Secretary.

(2) Eligibility for reallocated funds

The Secretary shall require an eligible grantee to have obligated 50 percent of the total amount of funds allocated to such eligible grantee under subsection (b) to be eligible to receive funds reallocated under paragraph (1) of this subsection.

(3) Payment of reallocated funds by the Secretary

The Secretary shall pay to each eligible grantee eligible for a payment of reallocated funds described in paragraph (2) of this subsection the amount allocated to such eligible grantee in accordance with the procedure established by the Secretary in accordance with paragraph (1) of this subsection.

(4) Use of reallocated funds

Eligible grantees may use any funds received in accordance with this subsection only for purposes specified in paragraph (1) of subsection (d).

(f) Definitions

In this section:

(1) Eligible grantee

The term “eligible grantee” means any of the following:

(A) The 50 States of the United States and the District of Columbia.

(B) A unit of local government (as defined in paragraph (5)).

(C) The Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

(2) Eligible household

The term “eligible household” means a household of 1 or more individuals who are obligated to pay rent on a residential dwelling and with respect to which the eligible grantee involved determines that—

(A) 1 or more individuals within the household has—

(i) qualified for unemployment benefits; or

(ii) experienced a reduction in household income, incurred significant costs, or experienced other financial hardship during or due, directly or indirectly, to the coronavirus pandemic;

(B) 1 or more individuals within the household can demonstrate a risk of experiencing homelessness or housing instability; and

(C) the household is a low-income family (as such term is defined in section 1437a(b) of title 42.²)

(3) Inspector general

The term “Inspector General” means the Inspector General of the Department of the Treasury.

(4) Secretary

The term “Secretary” means the Secretary of the Treasury.

(5) Unit of local government

The term “unit of local government” has the meaning given such term in section 9058a of this title.

(g) Availability

Funds provided to an eligible grantee under a payment made under this section shall remain available through September 30, 2025.

(Pub. L. 117-2, title III, § 3201, Mar. 11, 2021, 135 Stat. 54.)

Editorial Notes

CODIFICATION

Section was enacted as part of the American Rescue Plan Act of 2021, and not as part of the CARES Act which in part comprises this chapter.

Section is comprised of section 3201 of Pub. L. 117-2. Subsec. (h) of section 3201 of Pub. L. 117-2 amended section 9058a of this title.

§ 9058d. Homeowner Assistance Fund

(a) Appropriation

In addition to amounts otherwise available, there is appropriated to the Secretary of the Treasury for the Homeowner Assistance Fund established under subsection (c) for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$9,961,000,000, to remain available until September 30, 2025, for qualified expenses that meet the purposes specified under subsection (c) and expenses described in subsection (d)(1).

(b) Definitions

In this section:

(1) Conforming loan limit

The term “conforming loan limit” means the applicable limitation governing the maximum original principal obligation of a mortgage secured by a single-family residence, a mortgage secured by a 2-family residence, a mortgage secured by a 3-family residence, or a mortgage secured by a 4-family residence, as determined and adjusted annually under section 1717(b)(2) of title 12 and section 1454(a)(2) of title 12.

(2) Dwelling

The term “dwelling” means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more individuals.

(3) Eligible entity

The term “eligible entity” means—

(A) a State; or

(B) any entity eligible for payment under subsection (f).

(4) Mortgage

The term “mortgage” means any credit transaction—

(A) that is secured by a mortgage, deed of trust, or other consensual security interest on a principal residence of a borrower that is (i) a 1- to 4-unit dwelling, or (ii) residential

²So in original. A closing parenthesis probably should precede the period.