

erally by Pub. L. 93-383, title II, §201(a), Aug. 22, 1974, 88 Stat. 653, which is classified generally to chapter 8 (§1437 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1437 of Title 42 and Tables.

The date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2008, referred to in subsec. (b)(2)(B)(i), (C), is the date of enactment of Pub. L. 110-411, which was approved Oct. 14, 2008.

AMENDMENTS

2008—Subsec. (b)(2)(B)(i). Pub. L. 110-411, §105(1), substituted “Not later than 180 days after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2008 and any other Act to reauthorize this chapter, the Secretary” for “The Secretary”.

Subsec. (b)(2)(C), (D). Pub. L. 110-411, §105(2), added subpars. (C) and (D).

2002—Subsec. (b)(2)(A). Pub. L. 107-292 inserted “, including any regulations that may be required pursuant to amendments made to this chapter after October 26, 1996,” after “required under this chapter”.

§ 4117. Authorization of appropriations

There are authorized to be appropriated for grants under this subchapter such sums as may be necessary for each of fiscal years 2009 through 2013. This section shall take effect on October 26, 1996.

(Pub. L. 104-330, title I, §108, Oct. 26, 1996, 110 Stat. 4030; Pub. L. 107-292, §2(a), Nov. 13, 2002, 116 Stat. 2053; Pub. L. 110-411, title VII, §701(a), Oct. 14, 2008, 122 Stat. 4334.)

Editorial Notes

AMENDMENTS

2008—Pub. L. 110-411 substituted “2009 through 2013” for “1998 through 2007”.

2002—Pub. L. 107-292 substituted “1998 through 2007” for “1998, 1999, 2000, and 2001”.

SUBCHAPTER II—AFFORDABLE HOUSING ACTIVITIES

PART A—GENERAL BLOCK GRANT PROGRAM

§ 4131. National objectives and eligible families

(a) Primary objective

The national objectives of this chapter are—

(1) to assist and promote affordable housing activities to develop, maintain, and operate affordable housing in safe and healthy environments on Indian reservations and in other Indian areas for occupancy by low-income Indian families;

(2) to ensure better access to private mortgage markets for Indian tribes and their members and to promote self-sufficiency of Indian tribes and their members;

(3) to coordinate activities to provide housing for Indian tribes and their members with Federal, State, and local activities to further economic and community development for Indian tribes and their members;

(4) to plan for and integrate infrastructure resources for Indian tribes with housing development for tribes; and

(5) to promote the development of private capital markets in Indian country and to

allow such markets to operate and grow, thereby benefiting Indian communities.

(b) Eligible families

(1) In general

Except as provided under paragraphs (2) and (4), and except with respect to loan guarantees under the demonstration program under subchapter VI, assistance under eligible housing activities under this chapter shall be limited to low-income Indian families on Indian reservations and other Indian areas.

(2) Exception to low-income requirement

(A) Exception to requirement

Notwithstanding paragraph (1), a recipient may provide housing or housing assistance through affordable housing activities for which a grant is provided under this chapter to any family that is not a low-income family, to the extent that the Secretary approves the activities due to a need for housing for those families that cannot reasonably be met without that assistance.

(B) Limits

The Secretary shall establish limits on the amount of assistance that may be provided under this chapter for activities for families who are not low-income families.

(3) Essential families

Notwithstanding paragraph (1), a recipient may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this chapter for a family on an Indian reservation or other Indian area if the recipient determines that the presence of the family on the Indian reservation or other Indian area is essential to the well-being of Indian families and the need for housing for the family cannot reasonably be met without such assistance.

(4) Law enforcement officers

A recipient may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this chapter for a law enforcement officer on an Indian reservation or other Indian area, if—

(A) the officer—

(i) is employed on a full-time basis by the Federal Government or a State, county, or other unit of local government, or lawfully recognized tribal government; and

(ii) in implementing such full-time employment, is sworn to uphold, and make arrests for, violations of Federal, State, county, or tribal law; and

(B) the recipient determines that the presence of the law enforcement officer on the Indian reservation or other Indian area may deter crime.

(5) Law enforcement officers

Notwithstanding paragraph (1), a recipient may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this chapter to a law enforcement officer on the reservation or other Indian area, who is employed

full-time by a Federal, State, county or tribal government, and in implementing such full-time employment is sworn to uphold, and make arrests for violations of Federal, State, county or tribal law, if the recipient determines that the presence of the law enforcement officer on the Indian reservation or other Indian area may deter crime.

(6)¹ Preference for tribal members and other Indian families

The Indian housing plan for an Indian tribe may require preference, for housing or housing assistance provided through affordable housing activities assisted with grant amounts provided under this chapter on behalf of such tribe, to be given (to the extent practicable) to Indian families who are members of such tribe, or to other Indian families. In any case in which the applicable Indian housing plan for an Indian tribe provides for preference under this paragraph, the recipient for the tribe shall ensure that housing activities that are assisted with grant amounts under this chapter for such tribe are subject to such preference.

(6)¹ Exemption

Title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.] and title VIII of the Civil Rights Act of 1968 [42 U.S.C. 3601 et seq.] shall not apply to actions by federally recognized tribes and the tribally designated housing entities of those tribes under this chapter.

(Pub. L. 104-330, title II, §201, Oct. 26, 1996, 110 Stat. 4031; Pub. L. 105-276, title V, §595(e)(7), Oct. 21, 1998, 112 Stat. 2657; Pub. L. 106-377, §1(a)(1) [title II, §210], Oct. 27, 2000, 114 Stat. 1441, 1441A-26; Pub. L. 106-568, title X, §1003(e), Dec. 27, 2000, 114 Stat. 2926; Pub. L. 110-411, title II, §201, Oct. 14, 2008, 122 Stat. 4324.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 104-330, Oct. 26, 1996, 110 Stat. 4016, known as the Native American Housing Assistance and Self-Determination Act of 1996. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of this title and Tables.

The Civil Rights Act of 1964, referred to in subsec. (b)(6), is Pub. L. 88-352, July 2, 1964, 78 Stat. 241, as amended. Title VI of the Act is classified generally to subchapter V (§2000d et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

The Civil Rights Act of 1968, referred to in subsec. (b)(6), is Pub. L. 90-284, Apr. 11, 1968, 82 Stat. 73. Title VIII of the Act, known as the Fair Housing Act, is classified principally to subchapter I (§3601 et seq.) of chapter 45 of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 3601 of Title 42 and Tables.

AMENDMENTS

2008—Subsec. (b)(1). Pub. L. 110-411, §201(1), inserted "and except with respect to loan guarantees under the demonstration program under subchapter VI," after "paragraphs (2) and (4),".

¹ So in original. Two pars. (6) have been enacted.

Subsec. (b)(2). Pub. L. 110-411, §201(2), added subpar. (A), designated second sentence as subpar. (B) and inserted heading, and struck out former first sentence which read as follows: "A recipient may provide assistance for homeownership activities under section 4132(2) of this title, model activities under section 4132(6) of this title, or loan guarantee activities under subchapter VI of this chapter to Indian families who are not low-income families, to the extent that the Secretary approves the activities pursuant to such section or subchapter because there is a need for housing for such families that cannot reasonably be met without such assistance."

Subsec. (b)(3). Pub. L. 110-411, §201(3), substituted "Essential" for "Non-Indian" in heading and "for a family" for "for a non-Indian family" in text.

Subsec. (b)(4)(A)(i). Pub. L. 110-411, §201(4), inserted "or other unit of local government," after "county,".

2000—Subsec. (b)(1). Pub. L. 106-568, §1003(e)(1), substituted "paragraphs (2) and (4)" for "paragraph (2)".

Subsec. (b)(4). Pub. L. 106-568, §1003(e)(3), added par. (4). Former par. (4) redesignated (5).

Pub. L. 106-377, §1(a)(1) [title II, §210(2)], added par. (4). Former par. (4) redesignated (5).

Subsec. (b)(5). Pub. L. 106-568, §1003(e)(2), redesignated par. (4) as (5). Former par. (5) redesignated (6).

Pub. L. 106-377, §1(a)(1) [title II, §210(1)], redesignated par. (4) as (5). Former par. (5) redesignated (6).

Subsec. (b)(6). Pub. L. 106-568, §1003(e)(2), redesignated par. (5), relating to preference for tribal members and other Indian families, as (6).

Pub. L. 106-377, §1(a)(1) [title II, §210(1)], redesignated par. (5), relating to exemption, as (6).

1998—Subsec. (b)(5). Pub. L. 105-276 substituted "federally recognized tribes and the tribally designated housing entities of those tribes" for "Indian tribes" and "chapter" for "subsection".

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Oct. 1, 1997, except as otherwise expressly provided, see section 107 of Pub. L. 104-330, set out as a note under section 4101 of this title.

§ 4132. Eligible affordable housing activities

Affordable housing activities under this subchapter are activities, in accordance with the requirements of this subchapter, to develop, operate, maintain, or support affordable housing for rental or homeownership, or to provide housing services with respect to affordable housing, through the following activities:

(1) Indian housing assistance

The provision of modernization or operating assistance for housing previously developed or operated pursuant to a contract between the Secretary and an Indian housing authority.

(2) Development

The acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of affordable housing, which may include real property acquisition, site improvement, development and rehabilitation of utilities, necessary infrastructure, and utility services, conversion, demolition, financing, administration and planning, improvement to achieve greater energy efficiency, mold remediation, and other related activities.

(3) Housing services

The provision of housing-related services for affordable housing, such as housing counseling in connection with rental or homeownership