

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

assistance, establishment and support of resident organizations and resident management corporations, energy auditing, activities related to the provision of self-sufficiency and other services, and other services related to assisting owners, tenants, contractors, and other entities, participating or seeking to participate in other housing activities assisted pursuant to this section.

(4) Housing management services

The provision of management services for affordable housing, including preparation of work specifications, loan processing, inspections, tenant selection, management of tenant-based rental assistance, the costs of operation and maintenance of units developed with funds provided under this chapter, and management of affordable housing projects.

(5) Crime prevention and safety activities

The provision of safety, security, and law enforcement measures and activities appropriate to protect residents of affordable housing from crime.

(6) Model activities

Housing activities under model programs that are designed to carry out the purposes of this chapter and are specifically approved by the Secretary as appropriate for such purpose.

(7) Community development demonstration project

(A) In general

Consistent with principles of Indian self-determination and the findings of this chapter, the Secretary shall conduct and submit to Congress a study of the feasibility of establishing a demonstration project in which Indian tribes, tribal organizations, or tribal consortia are authorized to expend amounts received pursuant to the Native American Housing Assistance and Self-Determination Reauthorization Act of 2002 in order to design, implement, and operate community development demonstration projects.

(B) Study

Not later than 1 year after November 13, 2002, the Secretary shall submit the study conducted under subparagraph (A) to the Committee on Banking, Housing, and Urban Affairs and the Committee on Indian Affairs of the Senate, and the Committee on Financial Services and the Committee on Resources of the House of Representatives.

(8) Self-Determination Act demonstration project

(A) In general

Consistent with the provisions of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.),¹ the Secretary shall conduct and submit to Congress a study of the feasibility of establishing a demonstration project in which Indian tribes and tribal organizations are authorized to receive assistance in a manner that maximizes tribal authority and decision-making

in the design and implementation of Federal housing and related activity funding.

(B) Study

Not later than 1 year after November 13, 2002, the Secretary shall submit the study conducted under subparagraph (A) to the Committee on Banking, Housing, and Urban Affairs and the Committee on Indian Affairs of the Senate, and the Committee on Financial Services and the Committee on Resources of the House of Representatives.

(9) Reserve accounts

(A) In general

Subject to subparagraph (B), the deposit of amounts, including grant amounts under section 4111 of this title, in a reserve account established for an Indian tribe only for the purpose of accumulating amounts for administration and planning relating to affordable housing activities under this section, in accordance with the Indian housing plan of the Indian tribe.

(B) Maximum amount

A reserve account established under subparagraph (A) shall consist of not more than an amount equal to $\frac{1}{4}$ of the 5-year average of the annual amount used by a recipient for administration and planning under paragraph (2).

(Pub. L. 104-330, title II, §202, Oct. 26, 1996, 110 Stat. 4032; Pub. L. 107-292, §8, Nov. 13, 2002, 116 Stat. 2055; Pub. L. 109-58, title V, §506(b), Aug. 8, 2005, 119 Stat. 779; Pub. L. 110-411, title II, §202, Oct. 14, 2008, 122 Stat. 4325.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in pars. (4), (6), and (7)(A), 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 Native American Housing Assistance and Self-Determination Reauthorization Act of 2002, referred to in par. (7)(A), is Pub. L. 107-292, Nov. 13, 2002, 116 Stat. 2053. For complete classification of this Act to the Code, see Short Title of 2002 Amendment note set out under section 4101 of this title and Tables.

The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), referred to in par. (8)(A), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, which was classified principally to subchapter II (§450 et seq.) of chapter 14 of this title prior to editorial reclassification as chapter 46 (§5301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of this title and Tables.

AMENDMENTS

2008—Pub. L. 110-411, §202(1), substituted “to develop, operate, maintain, or support” for “to develop or to support” in introductory provisions.

Par. (2). Pub. L. 110-411, §202(2), substituted “development and rehabilitation of utilities, necessary infrastructure,” for “development of utilities” and inserted “mold remediation,” after “energy efficiency.”

Par. (4). Pub. L. 110-411, §202(3), inserted “the costs of operation and maintenance of units developed with funds provided under this chapter,” after “rental assistance.”

¹ See References in Text note below.

Par. (9). Pub. L. 110-411, §202(4), added par. (9).

2005—Par. (2). Pub. L. 109-58, which directed amendment of section 202 of the Native American Housing and Self-Determination Act of 1996 by inserting “improvement to achieve greater energy efficiency,” after “planning,” in par. (2), was executed by making the insertion in par. (2) of this section, which is section 202 of the Native American Housing Assistance and Self-Determination Act of 1996, to reflect the probable intent of Congress.

2002—Pars. (7), (8). Pub. L. 107-292 added pars. (7) and (8).

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

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.

§ 4133. Program requirements

(a) Rents

(1) Establishment

Subject to paragraph (2), each recipient shall develop written policies governing rents and homebuyer payments charged for dwelling units assisted under this chapter, including the methods by which such rents and homebuyer payments are determined.

(2) Maximum rent

In the case of any low-income family residing in a dwelling unit assisted with grant amounts under this chapter, the monthly rent or homebuyer payment (as applicable) for such dwelling unit may not exceed 30 percent of the monthly adjusted income of such family.

(b) Maintenance and efficient operation

Each recipient who owns or operates (or is responsible for funding any entity that owns or operates) housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937 [42 U.S.C. 1437 et seq.] shall, using amounts of any grants received under this chapter, reserve and use for operating assistance under section 4132(1) of this title such amounts as may be necessary to provide for the continued maintenance and efficient operation of such housing. This subsection may not be construed to prevent any recipient (or entity funded by a recipient) from demolishing or disposing of Indian housing referred to in this subsection, pursuant to regulations established by the Secretary.

(c) Insurance coverage

Each recipient shall maintain adequate insurance coverage for housing units that are owned or operated or assisted with grant amounts provided under this chapter.

(d) Eligibility for admission

Each recipient shall develop written policies governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this chapter.

(e) Management and maintenance

Each recipient shall develop policies governing the management and maintenance of housing assisted with grant amounts under this chapter.

(f) Use of grant amounts over extended periods

(1) In general

To the extent that the Indian housing plan for an Indian tribe provides for the use of amounts of a grant under section 4111 of this title for a period of more than 1 fiscal year, or for affordable housing activities for which the amounts will be committed for use or expended during a subsequent fiscal year, the Secretary shall not require those amounts to be used or committed for use at any time earlier than otherwise provided for in the Indian housing plan.

(2) Carryover

Any amount of a grant provided to an Indian tribe under section 4111 of this title for a fiscal year that is not used by the Indian tribe during that fiscal year may be used by the Indian tribe during any subsequent fiscal year.

(g) De minimis exemption for procurement of goods and services

Notwithstanding any other provision of law, a recipient shall not be required to act in accordance with any otherwise applicable competitive procurement rule or procedure with respect to the procurement, using a grant provided under this chapter, of goods and services the value of which is less than \$5,000.

(Pub. L. 104-330, title II, §203, Oct. 26, 1996, 110 Stat. 4032; Pub. L. 110-411, title II, §203, Oct. 14, 2008, 122 Stat. 4325.)

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 United States Housing Act of 1937, referred to in subsec. (b), is act Sept. 1, 1937, ch. 896, as revised generally 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.

AMENDMENTS

2008—Subsecs. (f), (g). Pub. L. 110-411 added subsecs. (f) and (g).

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.

§ 4134. Types of investments

(a) In general

Subject to section 4133 of this title and the Indian housing plan for an Indian tribe, the recipient for that tribe shall have—