

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective and applicable beginning upon Oct. 1, 1999, except as otherwise provided, with provision that Secretary may implement section before such date except to extent otherwise provided, see section 503 of Pub. L. 105-276, set out as an Effective Date of 1998 Amendment note under section 1437 of this title.

REGULATIONS

Pub. L. 105-276, title V, § 539(b), Oct. 21, 1998, 112 Stat. 2596, provided that: “The Secretary shall issue such regulations as may be necessary to promote the development of mixed-finance projects, as that term is defined in section 3(b) of the United States Housing Act of 1937 [42 U.S.C. 1437a(b)] (as amended by this Act).”

§ 1437z-8. Collection of information on tenants in tax credit projects**(a) In general**

Each State agency administering tax credits under section 42 of title 26 shall furnish to the Secretary of Housing and Urban Development, not less than annually, information concerning the race, ethnicity, family composition, age, income, use of rental assistance under section 1437f(o) of this title or other similar assistance, disability status, and monthly rental payments of households residing in each property receiving such credits through such agency. Such State agencies shall, to the extent feasible, collect such information through existing reporting processes and in a manner that minimizes burdens on property owners. In the case of any household that continues to reside in the same dwelling unit, information provided by the household in a previous year may be used if the information is of a category that is not subject to change or if information for the current year is not readily available to the owner of the property.

(b) Standards

The Secretary shall establish standards and definitions for the information collected under subsection (a), provide States with technical assistance in establishing systems to compile and submit such information, and, in coordination with other Federal agencies administering housing programs, establish procedures to minimize duplicative reporting requirements for properties assisted under multiple housing programs.

(c) Public availability

The Secretary shall, not less than annually, compile and make publicly available the information submitted to the Secretary pursuant to subsection (a).

(d) Authorization of appropriations

There is authorized to be appropriated for the cost of activities required under subsections (b) and (c) \$2,500,000 for fiscal year 2009 and \$900,000 for each of fiscal years 2010 through 2013.

(Sept. 1, 1937, ch. 896, title I, § 36, as added Pub. L. 110-289, div. B, title VIII, § 2835(d), July 30, 2008, 122 Stat. 2874.)

§ 1437z-9. Data exchange standards for improved interoperability**(a) Designation**

The Secretary shall, in consultation with an interagency work group established by the Of-

fice of Management and Budget, and considering State government perspectives, designate data exchange standards to govern, under this chapter—

(1) necessary categories of information that State agencies operating related programs are required under applicable law to electronically exchange with another State agency; and

(2) Federal reporting and data exchange required under applicable law.

(b) Requirements

The data exchange standards required by subsection (a) shall, to the maximum extent practicable—

(1) incorporate a widely accepted, nonproprietary, searchable, computer-readable format, such as the eXtensible Markup Language;

(2) contain interoperable standards developed and maintained by intergovernmental partnerships, such as the National Information Exchange Model;

(3) incorporate interoperable standards developed and maintained by Federal entities with authority over contracting and financial assistance;

(4) be consistent with and implement applicable accounting principles;

(5) be implemented in a manner that is cost-effective and improves program efficiency and effectiveness; and

(6) be capable of being continually upgraded as necessary.

(c) Rules of construction

Nothing in this section requires a change to existing data exchange standards for Federal reporting found to be effective and efficient.

(Sept. 1, 1937, ch. 896, title I, § 37, as added Pub. L. 114-201, title V, § 503(a), July 29, 2016, 130 Stat. 811.)

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REGULATIONS

Pub. L. 114-201, title V, § 503(b), July 29, 2016, 130 Stat. 812, provided that:

“(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act [July 29, 2016], the Secretary of Housing and Urban Development shall issue a proposed rule to carry out the amendments made by subsection (a) [enacting this section].

“(2) REQUIREMENTS.—The rule shall—

“(A) identify federally required data exchanges;

“(B) include specification and timing of exchanges to be standardized;

“(C) address the factors used in determining whether and when to standardize data exchanges;

“(D) specify State implementation options; and

“(E) describe future milestones.”

§ 1437z-10. Small public housing agencies**(a) Definitions**

In this section:

(1) Housing voucher program

The term “housing voucher program” means a program for tenant-based assistance under section 1437f of this title.

(2) Small public housing agency

The term “small public housing agency” means a public housing agency—

(A) for which the sum of the number of public housing dwelling units administered by the agency and the number of vouchers under section 1437f(o) of this title administered by the agency is 550 or fewer; and

(B) that predominantly operates in a rural area, as described in section 1026.35(b)(2)(iv)(A) of title 12, Code of Federal Regulations.

(3) Troubled small public housing agency

The term “troubled small public housing agency” means a small public housing agency designated by the Secretary as a troubled small public housing agency under subsection (c)(3).

(b) Applicability

Except as otherwise provided in this section, a small public housing agency shall be subject to the same requirements as a public housing agency.

(c) Program inspections and evaluations

(1) Public housing projects

(A) Frequency of inspections by Secretary

The Secretary shall carry out an inspection of the physical condition of a small public housing agency’s public housing projects not more frequently than once every 3 years, unless the agency has been designated by the Secretary as a troubled small public housing agency based on deficiencies in the physical condition of its public housing projects. Nothing contained in this subparagraph relieves the Secretary from conducting lead safety inspections or assessments in accordance with procedures established by the Secretary under section 4822 of this title.

(B) Standards

The Secretary shall apply to small public housing agencies the same standards for the acceptable condition of public housing projects that apply to projects assisted under section 1437f of this title.

(2) Housing voucher program

Except as required by section 1437f(o)(8)(F) of this title, a small public housing agency administering assistance under section 1437f(o) of this title shall make periodic physical inspections of each assisted dwelling unit not less frequently than once every 3 years to determine whether the unit is maintained in accordance with the requirements under section 1437f(o)(8)(A) of this title. Nothing contained in this paragraph relieves a small public housing agency from conducting lead safety inspections or assessments in accordance with procedures established by the Secretary under section 4822 of this title.

(3) Troubled small public housing agencies

(A) Public housing program

Notwithstanding any other provision of law, the Secretary may designate a small public housing agency as a troubled small public housing agency with respect to the public housing program of the small public housing agency if the Secretary determines that the agency has failed to maintain the

public housing units of the small public housing agency in a satisfactory physical condition, based upon an inspection conducted by the Secretary.

(B) Housing voucher program

Notwithstanding any other provision of law, the Secretary may designate a small public housing agency as a troubled small public housing agency with respect to the housing voucher program of the small public housing agency if the Secretary determines that the agency has failed to comply with the inspection requirements under paragraph (2).

(C) Appeals

(i) Establishment

The Secretary shall establish an appeals process under which a small public housing agency may dispute a designation as a troubled small public housing agency.

(ii) Official

The appeals process established under clause (i) shall provide for a decision by an official who has not been involved, and is not subordinate to a person who has been involved, in the original determination to designate a small public housing agency as a troubled small public housing agency.

(D) Corrective action agreement

(i) Agreement required

Not later than 60 days after the date on which a small public housing agency is designated as a troubled public housing agency under subparagraph (A) or (B), the Secretary and the small public housing agency shall enter into a corrective action agreement under which the small public housing agency shall undertake actions to correct the deficiencies upon which the designation is based.

(ii) Terms of agreement

A corrective action agreement entered into under clause (i) shall—

(I) have a term of 1 year, and shall be renewable at the option of the Secretary;

(II) provide, where feasible, for technical assistance to assist the public housing agency in curing its deficiencies;

(III) provide for—

(aa) reconsideration of the designation of the small public housing agency as a troubled small public housing agency not less frequently than annually; and

(bb) termination of the agreement when the Secretary determines that the small public housing agency is no longer a troubled small public housing agency; and

(IV) provide that in the event of substantial noncompliance by the small public housing agency under the agreement, the Secretary may—

(aa) contract with another public housing agency or a private entity to manage the public housing of the troubled small public housing agency;

(bb) withhold funds otherwise distributable to the troubled small public housing agency;

(cc) assume possession of, and direct responsibility for, managing the public housing of the troubled small public housing agency;

(dd) petition for the appointment of a receiver, in accordance with section 1437d(j)(3)(A)(ii) of this title; and

(ee) exercise any other remedy available to the Secretary in the event of default under the public housing annual contributions contract entered into by the small public housing agency under section 1437c of this title.

(E) Emergency actions

Nothing in this paragraph may be construed to prohibit the Secretary from taking any emergency action necessary to protect Federal financial resources or the health or safety of residents of public housing projects.

(d) Reduction of administrative burdens

(1) Exemption

Notwithstanding any other provision of law, a small public housing agency shall be exempt from any environmental review requirements with respect to a development or modernization project having a total cost of not more than \$100,000.

(2) Streamlined procedures

The Secretary shall, by rule, establish streamlined procedures for environmental reviews of small public housing agency development and modernization projects having a total cost of more than \$100,000.

(Sept. 1, 1937, ch. 896, title I, § 38, as added Pub. L. 115-174, title II, § 209(a), May 24, 2018, 132 Stat. 1313.)

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EFFECTIVE DATE

Section effective 60 days after May 24, 2018, see section 209(d) of Pub. L. 115-174, set out as an Effective Date of 2018 Amendment note under section 1437g of this title.

SUBCHAPTER II—ASSISTED HOUSING FOR INDIANS AND ALASKA NATIVES

§§ 1437aa to 1437ee. Repealed. Pub. L. 104-330, title V, § 501(a), Oct. 26, 1996, 110 Stat. 4041

Section 1437aa, act Sept. 1, 1937, ch. 896, title II, § 201, as added June 29, 1988, Pub. L. 100-358, § 2, 102 Stat. 676; amended Nov. 28, 1990, Pub. L. 101-625, title V, § 572(2), 104 Stat. 4236; Oct. 28, 1992, Pub. L. 102-550, title I, § 122(a), 106 Stat. 3708, related to establishment of separate program of assisted housing for Indians and Alaska Natives.

Section 1437bb, act Sept. 1, 1937, ch. 896, title II, § 202, as added June 29, 1988, Pub. L. 100-358, § 2, 102 Stat. 676; amended Nov. 28, 1990, Pub. L. 101-625, title V, §§ 516, 572(1), 104 Stat. 4199, 4236; Oct. 28, 1992, Pub. L. 102-550, title I, § 122(b), 106 Stat. 3709, related to mutual help homeownership opportunity program.

Section 1437cc, act Sept. 1, 1937, ch. 896, title II, § 203, as added June 29, 1988, Pub. L. 100-358, § 2, 102 Stat. 679; amended Nov. 28, 1990, Pub. L. 101-625, title V, § 572(2),

104 Stat. 4236; Oct. 28, 1992, Pub. L. 102-550, title I, § 122(c), 106 Stat. 3709, related to public housing maximum contributions, provision of related facilities and services, and accessibility to physically handicapped persons.

Section 1437dd, act Sept. 1, 1937, ch. 896, title II, § 204, as added June 29, 1988, Pub. L. 100-358, § 2, 102 Stat. 679; amended Nov. 28, 1990, Pub. L. 101-625, title V, § 572(1), 104 Stat. 4236, related to annual report under section 3536 of this title.

Section 1437ee, act Sept. 1, 1937, ch. 896, title II, § 205, as added June 29, 1988, Pub. L. 100-358, § 2, 102 Stat. 680, related to issuance of regulations to carry out this subchapter.

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EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1997, except as otherwise expressly provided, see section 107 of Pub. L. 104-330, set out as an Effective Date note under section 4101 of Title 25, Indians.

§ 1437ff. Transferred

Editorial Notes

CODIFICATION

Section, Pub. L. 101-625, title IX, § 959, Nov. 28, 1990, 104 Stat. 4423, which related to waiver of matching funds requirements in Indian housing programs, was transferred to section 4104 of Title 25, Indians.

SUBCHAPTER II—A—HOPE FOR PUBLIC HOUSING HOMEOWNERSHIP

Editorial Notes

CODIFICATION

Pub. L. 104-330, title V, § 501(c)(1), Oct. 26, 1996, 110 Stat. 4042, added subchapter heading and struck out former subchapter heading which read as follows: “HOPE FOR PUBLIC AND INDIAN HOUSING HOMEOWNERSHIP”.

§ 1437aaa. Program authority

(a) In general

The Secretary is authorized to make—

(1) planning grants to help applicants to develop homeownership programs in accordance with this subchapter; and

(2) implementation grants to carry out homeownership programs in accordance with this subchapter.

(b) Authority to reserve housing assistance

In connection with a grant under this subchapter, the Secretary may reserve authority to provide assistance under section 1437f of this title to the extent necessary to provide replacement housing and rental assistance for a non-purchasing tenant who resides in the project on the date the Secretary approves the application for an implementation grant, for use by the tenant in another project.

(Sept. 1, 1937, ch. 896, title III, § 301, as added Pub. L. 101-625, title IV, § 411, Nov. 28, 1990, 104 Stat. 4148; amended Pub. L. 102-550, title I, § 181(a)(2)(A), Oct. 28, 1992, 106 Stat. 3735.)

Editorial Notes

AMENDMENTS

1992—Subsec. (c). Pub. L. 102-550 struck out subsec. (c) which read as follows: “There are authorized to be