

and other associations approved by him for the necessary expenses, prior to construction, of planning, and obtaining financing for, the rehabilitation or construction of housing for low-income individuals or families under any Federal, State, or local housing program which is or could be used in rural areas. Such loans shall be made without interest and shall be for the reasonable costs expected to be incurred in planning, and in obtaining financing for, such housing prior to the availability of financing, including but not limited to preliminary surveys and analyses of market needs, preliminary site engineering and architectural fees, and construction loan fees and discounts. The Secretary shall require repayment of loans made under this subsection, under such terms and conditions as he may require, upon completion of the housing or sooner.

**(c) Repealed. Pub. L. 98-181, title I [title V, § 518(b)], Nov. 30, 1983, 97 Stat. 1249**

**(d) Deposit of appropriated funds into low-income sponsor fund; availability; administration of fund as revolving fund; deposit of repayments**

All funds appropriated for the purpose of subsection (b) shall be deposited in a fund which shall be known as the low-income sponsor fund, and which shall be available without fiscal year limitation and be administered by the Secretary as a revolving fund for carrying out the purposes of that subsection. Sums received in repayment of loans made under subsection (b) shall be deposited in such fund.

(July 15, 1949, ch. 338, title V, § 525, as added Pub. L. 93-383, title V, § 515, Aug. 22, 1974, 88 Stat. 697; amended Pub. L. 95-557, title V, § 501(i), Oct. 31, 1978, 92 Stat. 2111; Pub. L. 96-399, title V, § 507(g), Oct. 8, 1980, 94 Stat. 1670; Pub. L. 98-181, title I [title V, § 518], Nov. 30, 1983, 97 Stat. 1249.)

#### Editorial Notes

##### AMENDMENTS

1983—Subsec. (b). Pub. L. 98-181, § 518(a), struck out provisions setting forth conditions under which any part or all of the loan is subject to cancellation.

Subsec. (c). Pub. L. 98-181, § 518(b), struck out subsec. (c), which related to authorization of appropriations for fiscal years ending June 30, 1975, June 30, 1976, and Sept. 30, 1979, and availability of amounts.

1980—Subsecs. (a), (b). Pub. L. 96-399 inserted references to Indian tribes.

1978—Subsec. (c). Pub. L. 95-557 inserted “There are also authorized to be appropriated for the fiscal year ending September 30, 1979, not to exceed \$5,000,000 for the purposes of subsection (a) of this section and not to exceed \$5,000,000 for the purposes of subsection (b) of this section.”

#### Statutory Notes and Related Subsidiaries

##### HOUSING ASSISTANCE COUNCIL

Pub. L. 110-234, title VI, subtitle D, May 22, 2008, 122 Stat. 1210, and Pub. L. 110-246, § 4(a), title VI, subtitle D, June 18, 2008, 122 Stat. 1664, 1972, as amended by Pub. L. 113-188, title IX, § 901(f), Nov. 26, 2014, 128 Stat. 2020, provided that:

“SEC. 6301. SHORT TITLE.

“This subtitle may be cited as the ‘Housing Assistance Council Authorization Act of 2008’.

“SEC. 6302. ASSISTANCE TO HOUSING ASSISTANCE COUNCIL.

“(a) USE.—The Secretary of Housing and Urban Development may provide financial assistance to the Housing Assistance Council for use by the Council to develop the ability and capacity of community-based housing development organizations to undertake community development and affordable housing projects and programs in rural areas. Assistance provided by the Secretary under this section may be used by the Housing Assistance Council for—

“(1) technical assistance, training, support, research, and advice to develop the business and administrative capabilities of rural community-based housing development organizations;

“(2) loans, grants, or other financial assistance to rural community-based housing development organizations to carry out community development and affordable housing activities for low- and moderate-income families; and

“(3) such other activities as may be determined by the Secretary of Housing and Urban Development and the Housing Assistance Council.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for financial assistance under this section for the Housing Assistance Council \$10,000,000 for each of fiscal years 2009 through 2011.

“SEC. 6303. AUDITS AND REPORTS.

“(a) AUDIT.—

“(1) IN GENERAL.—The financial transactions and activities of the Housing Assistance Council shall be audited annually by an independent certified public accountant or an independent licensed public accountant certified or licensed by a regulatory authority of a State or other political subdivision of the United States.

“(2) REQUIREMENTS OF AUDITS.—The Comptroller General of the United States may rely on any audit completed under paragraph (1), if the audit complies with—

“(A) the annual programmatic and financial examination requirements established in OMB Circular A-133; and

“(B) generally accepted government auditing standards.

“(b) GAO REPORT.—The Comptroller General of the United States shall conduct a study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the use of any funds appropriated to the Housing Assistance Council over the past 7 years.

“SEC. 6304. PERSONS NOT LAWFULLY PRESENT IN THE UNITED STATES.

“Aliens who are not lawfully present in the United States shall be ineligible for financial assistance under this subtitle, as provided and defined by section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a). Nothing in this subtitle shall be construed to alter the restrictions or definitions in such section 214.

“SEC. 6305. LIMITATION ON USE OF AUTHORIZED AMOUNTS.

“None of the amounts authorized by this subtitle may be used to lobby or retain a lobbyist for the purpose of influencing a Federal, State, or local governmental entity or officer.”

[Pub. L. 110-234 and Pub. L. 110-246 enacted identical provisions. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246, set out as a note under section 8701 of Title 7, Agriculture.]

**§ 1490f. Loans and insurance of loans for condominium housing in rural areas**

**(a) Individual loans and insurance of loans to low or moderate income persons or families for purchase of units; terms and conditions**

The Secretary is authorized, upon such terms and conditions (substantially identical insofar

as may be feasible with those specified in section 1472 of this title) as he may prescribe, to make loans to persons and families of low or moderate income, and to insure and make commitments to insure loans made to persons and families of low or moderate income, to assist them in purchasing dwelling units in condominiums located in rural areas.

**(b) Scope of individual loans and insurance of loans; condominium requirements**

Any loan made or insured under subsection (a) shall cover a one-family dwelling unit in a condominium, and shall be subject to such provisions as the Secretary determines to be necessary for the maintenance of the common areas and facilities of the condominium project and to such additional requirements as the Secretary deems appropriate for the protection of the consumer.

**(c) Blanket loans and insurance of loans; terms and conditions; certification by borrower of future ownership of multifamily project; maximum amount of principal obligation**

In addition to individual loans made or insured under subsection (a) the Secretary is authorized, upon such terms and conditions (substantially identical insofar as may be feasible with those specified in section 1485 of this title) as he may prescribe, to make or insure blanket loans to a borrower who shall certify to the Secretary, as a condition of obtaining such loan or insurance, that upon completion of the multifamily project the ownership of the project will be committed to a plan of family unit ownership under which (1) each family unit will be eligible for a loan or insurance under subsection (a), and (2) the individual dwelling units in the project will be sold only on a condominium basis and only to purchasers eligible for a loan or insurance under subsection (a). The principal obligation of any blanket loan made or insured under this subsection shall in no case exceed the sum of the individual amounts of the loans which could be made or insured with respect to the individual dwelling units in the project under subsection (a).

**(d) "Condominium" defined**

As used in this section, the term "condominium" means a multi-unit housing project which is subject to a plan of family unit ownership acceptable to the Secretary under which each dwelling unit is individually owned and each such owner holds an undivided interest in the common areas and facilities which serve the project.

(July 15, 1949, ch. 338, title V, § 526, as added Pub. L. 93-383, title V, § 516(a), Aug. 22, 1974, 88 Stat. 698; amended Pub. L. 98-181, title I [title V, § 519(a)], Nov. 30, 1983, 97 Stat. 1249; Pub. L. 100-242, title III, § 316(f), Feb. 5, 1988, 101 Stat. 1898.)

**Editorial Notes**

AMENDMENTS

1988—Subsecs. (a), (c). Pub. L. 100-242 struck out "and" after "is authorized."

1983—Subsecs. (a), (c). Pub. L. 98-181 struck out "in his discretion" after "Secretary is authorized."

**§ 1490g. Repealed. Pub. L. 98-181, title I [title V, § 503(c)], Nov. 30, 1983, 97 Stat. 1241**

Section, act July 15, 1949, ch. 338, title V, § 527, as added Aug. 22, 1974, Pub. L. 93-383, title V, § 518, 88 Stat. 699, defined "housing" as including mobile homes and mobile home sites, and authorized the Secretary to prescribe property standards for mobile homes financed under this subchapter.

**§ 1490h. Taxation of property held by Secretary**

All property subject to a lien held by the United States or the title to which is acquired or held by the Secretary under this subchapter other than property used for administrative purposes shall be subject to taxation by a State, Commonwealth, territory, possession, district, and local political subdivisions in the same manner and to the same extent as other property is taxed: *Provided*, That no tax shall be imposed or collected on or with respect to any instrument if the tax is based on—

(1) the value of any notes or mortgages or other lien instruments held by or transferred to the Secretary;

(2) any notes or lien instruments administered under this subchapter which are made, assigned, or held by a person otherwise liable for such tax; or

(3) the value of any property conveyed or transferred to the Secretary, whether as a tax on the instrument, the privilege of conveying or transferring, or the recordation thereof; nor shall the failure to pay or collect any such tax be a ground for refusal to record or file such instruments, or for failure to impart notice, or prevent the enforcement of its provisions in any State or Federal court.

(July 15, 1949, ch. 338, title V, § 528, as added Pub. L. 95-128, title V, § 512(a), Oct. 12, 1977, 91 Stat. 1142; amended Pub. L. 98-479, title II, § 204(c)(3), Oct. 17, 1984, 98 Stat. 2233.)

**Editorial Notes**

AMENDMENTS

1984—Pub. L. 98-479 substituted "property held by Secretary" for "Farmers Home Administration-held property" in section catchline.

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE

Pub. L. 95-128, title V, § 512(c), Oct. 12, 1977, 91 Stat. 1142, provided that: "The amendment made by subsection (a) [enacting this section] shall become effective as of January 1, 1977."

REFUND OF TAX PAYMENTS PRIOR TO OCTOBER 12, 1977, BARRED; FEDERAL OFFICERS OR EMPLOYEES NOT LIABLE FOR SUCH PAYMENTS

Pub. L. 95-128, title V, § 512(b), Oct. 12, 1977, 91 Stat. 1142, provided that: "Notwithstanding any other provision of law, no State, Commonwealth, territory, possession, district, or local political subdivision which has received, prior to the date of enactment of this Act [Oct. 12, 1977], tax payments from the Department of Agriculture based on property held by the Farmers Home Administration shall be liable for, or be obligated to refund, the amount of any such payment, which, if it had been made after the date of enactment of this Act, would have been authorized by the provisions of section 528 of the Housing Act of 1949 [this section], and no officer or employee of the United States