

Subsec. (k). Pub. L. 95-128, § 108(7), added subsec. (k).

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-120 to be construed to have become effective Oct. 1, 1995, see section 13(a) of Pub. L. 104-120, set out as an Effective and Termination Dates of 1996 Amendments note under section 1437d of this title.

##### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-233 applicable with respect to any amounts made available to carry out subchapter II (§ 12721 et seq.) of chapter 130 of this title after Apr. 11, 1994, and any amounts made available to carry out that subchapter before that date that remain uncommitted on that date, with Secretary to issue any regulations necessary to carry out such amendment not later than end of 45-day period beginning on that date, see section 209 of Pub. L. 103-233, set out as a note under section 5301 of this title.

##### EFFECTIVE DATE OF 1986 AMENDMENT

Pub. L. 99-272, title III, § 3002(b), Apr. 7, 1986, 100 Stat. 102, provided that: "The amendment made by subsection (a) [amending this section] shall take effect on July 1, 1986."

##### EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 98-181 applicable only to funds available for fiscal year 1984 and thereafter, see section 110(b) of Pub. L. 98-181, as amended, set out as a note under section 5316 of this title.

##### EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-35 effective Oct. 1, 1981, see section 371 of Pub. L. 97-35, set out as an Effective Date note under section 3701 of Title 12, Banks and Banking.

##### EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-128 effective Oct. 1, 1977, see section 114 of Pub. L. 95-128, set out as a note under section 5301 of this title.

#### REGULATIONS

Pub. L. 101-625, title IX, § 910(i), Nov. 28, 1990, 104 Stat. 4392, provided that: "To carry out the amendments made by this section [amending this section and section 5313 of this title], the Secretary of Housing and Urban Development shall—

"(1) issue proposed regulations not later than 90 days after the date of the enactment of this Act [Nov. 28, 1990]; and

"(2) issue final regulations not later than 180 days after the date of the enactment of this Act."

#### COMMUNITY DEVELOPMENT LOAN GUARANTEES

Pub. L. 101-625, title IX, § 910(a), Nov. 28, 1990, 104 Stat. 4389, provided that:

"(1) **PURPOSES.**—The purposes of the amendments made by this section [amending this section and section 5313 of this title] are—

"(A) to reaffirm the commitment of the Federal Government to assist local governments in their efforts in stimulating economic and community development activities needed to combat severe economic distress and to help in promoting economic development activities needed to aid in economic recovery; and

"(B) to promote revitalization and development projects undertaken by local governments that principally benefit persons of low and moderate income, the elimination of slums and blight, and to meet urgent community needs, with special priority for projects located in areas designated as enterprise zones by the Federal Government or by any State.

"(2) **OBJECTIVES.**—In order to further the purpose described in paragraph (1), activities undertaken pursu-

ant to the amendments made by this section shall be directed toward meeting the objectives set forth in sections 101(c) and 104(b)(3) of the Housing and Community Development Act of 1974 (42 U.S.C. 5301(c) and 5304(b)(3)) and the additional objectives of—

"(A) encouraging local governments to establish public-private partnerships;

"(B) preserving housing affordable for persons of low and moderate income; and

"(C) creating permanent employment opportunities, primarily for persons of low and moderate income."

#### ADMINISTRATIVE ACTIONS FOR PROVISION OF PRIVATE SECTOR FINANCING OF GUARANTEED LOANS

Pub. L. 99-272, title III, § 3002(c), Apr. 7, 1986, 100 Stat. 102, directed the Secretary of Housing and Urban Development to take necessary administrative actions to provide by July 1, 1986, private sector financing of loans guaranteed under this section.

### § 5309. Nondiscrimination in programs and activities

#### (a) Prohibited conduct

No person in the United States shall on the ground of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this chapter. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 [42 U.S.C. 6101 et seq.] or with respect to an otherwise qualified handicapped individual as provided in section 794 of title 29 shall also apply to any such program or activity.

#### (b) Compliance procedures available to Secretary

Whenever the Secretary determines that a State or unit of general local government which is a recipient of assistance under this chapter has failed to comply with subsection (a) or (e) or an applicable regulation, he shall notify the Governor of such State or the chief executive officer of such unit of local government of the noncompliance and shall request the Governor or the chief executive officer to secure compliance. If within a reasonable period of time, not to exceed sixty days, the Governor or the chief executive officer fails or refuses to secure compliance, the Secretary is authorized to (1) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; (2) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); (3) exercise the powers and functions provided for in section 5311(a) of this title; or (4) take such other action as may be provided by law.

#### (c) Civil action by Attorney General

When a matter is referred to the Attorney General pursuant to subsection (b), or whenever he has reason to believe that a State government or unit of general local government is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

**(d) Waiver of race discrimination prohibitions regarding assistance to Hawaiian Home Lands**

The provisions of this section and section 5304(b)(2) of this title which relate to discrimination on the basis of race shall not apply to the provision of assistance by grantees under this chapter to the Hawaiian Home Lands.

**(e) Equal access**

**(1) Definition**

In this subsection, the term “youth organization” means an organization described under part B of subtitle II of title 36 that is intended to serve individuals under the age of 21 years.

**(2) In general**

No State or unit of general local government that has a designated open forum, limited public forum, or nonpublic forum and that is a recipient of assistance under this chapter shall deny equal access or a fair opportunity to meet to, or discriminate against, any youth organization, including the Boy Scouts of America or any group officially affiliated with the Boy Scouts of America, that wishes to conduct a meeting or otherwise participate in that designated open forum, limited public forum, or nonpublic forum.

(Pub. L. 93-383, title I, §109, Aug. 22, 1974, 88 Stat. 649; Pub. L. 97-35, title III, §306, Aug. 13, 1981, 95 Stat. 392; Pub. L. 101-625, title IX, §911, 912(a), Nov. 28, 1990, 104 Stat. 4392; Pub. L. 109-148, div. A, title VIII, §8126(d), Dec. 30, 2005, 119 Stat. 2730; Pub. L. 109-163, div. A, title X, §1058(d), Jan. 6, 2006, 119 Stat. 3443.)

**Editorial Notes**

**REFERENCES IN TEXT**

This chapter, referred to in subssecs. (a), (b), (d), and (e)(2), was in the original “this title”, meaning title I of Pub. L. 93-383, Aug. 22, 1974, 88 Stat. 633, which is classified principally to this chapter. For complete classification of title I to the Code, see Tables.

The Age Discrimination Act of 1975, referred to in subsec. (a), is title III of Pub. L. 94-135, Nov. 28, 1975, 89 Stat. 728, which is classified generally to chapter 76 (§6101 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6101 of this title and Tables.

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

**AMENDMENTS**

2006—Subsec. (b). Pub. L. 109-163, §1058(d)(1), inserted “or (e)” after “subsection (a)” in first sentence.

Subsec. (e). Pub. L. 109-163, §1058(d)(2), added subsec. (e).

2005—Subsec. (b). Pub. L. 109-148, §8126(d)(1), which directed amendment identical to amendment by Pub. L. 109-163, §1058(d)(1), was not executed. See 2006 Amendment note above and Reconciliation of Duplicate Enactments note below.

Subsec. (e). Pub. L. 109-148, §8126(d)(2), which directed addition of subsec. (e) substantially identical to subsec. (e) added by Pub. L. 109-163, §1058(d)(2), was not executed. See 2006 Amendment note above and Reconciliation of Duplicate Enactments note below.

1990—Subsec. (a). Pub. L. 101-625, §912(a), inserted “religion,” after “national origin.”

Subsec. (d). Pub. L. 101-625, §911, added subsec. (d).

1981—Subsec. (a). Pub. L. 97-35 inserted provisions respecting age discrimination.

**Statutory Notes and Related Subsidiaries**

**EFFECTIVE DATE OF 1990 AMENDMENT**

Pub. L. 101-625, title IX, §912(b), Nov. 28, 1990, 104 Stat. 4392, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to conduct relating to discrimination occurring after the date of the enactment of this Act [Nov. 28, 1990].”

**EFFECTIVE DATE OF 1981 AMENDMENT**

Amendment by Pub. L. 97-35 effective Oct. 1, 1981, see section 371 of Pub. L. 97-35, set out as an Effective Date note under section 3701 of Title 12, Banks and Banking.

**RECONCILIATION OF DUPLICATE ENACTMENTS**

Pub. L. 109-364, div. A, title X, §1071(f)(2), Oct. 17, 2006, 120 Stat. 2402, as amended by Pub. L. 110-181, div. A, title X, §1063(c)(10), Jan. 28, 2008, 122 Stat. 323, provided that: “In executing to section 109 of the Housing and Community Development Act of 1974 [42 U.S.C. 5309] the amendments made by section 8126(d) of Public Law 109-148 (119 Stat. 2730) and section 1058(d) of Public Law 109-163 (119 Stat. 3443), such amendments shall be executed so as to appear only once in the law as amended.”

[Pub. L. 110-181, div. A, title X, §1063(c), Jan. 28, 2008, 122 Stat. 322, provided that the amendment made by section 1063(c)(10) to Pub. L. 109-364, §1071(f)(2), set out above, is effective as of Oct. 17, 2006, and as if included in Pub. L. 109-364, as enacted.]

**§ 5310. Labor standards; rate of wages; exceptions; enforcement powers**

(a) All laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed in whole or in part with assistance received under this chapter shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with sections 3141-3144, 3146, and 3147 of title 40: *Provided*, That this section shall apply to the rehabilitation of residential property only if such property contains not less than 8 units. The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 3145 of title 40.

(b) Subsection (a) shall not apply to any individual that—

(1) performs services for which the individual volunteered;

(2)(A) does not receive compensation for such services; or

(B) is paid expenses, reasonable benefits, or a nominal fee for such services; and

(3) is not otherwise employed at any time in the construction work.

(Pub. L. 93-383, title I, §110, Aug. 22, 1974, 88 Stat. 649; Pub. L. 97-35, title III, §309(j), Aug. 13, 1981, 95 Stat. 397; Pub. L. 100-242, title V, §523, Feb. 5, 1988, 101 Stat. 1939; Pub. L. 101-625, title IX, §955(a), Nov. 28, 1990, 104 Stat. 4420.)

**Editorial Notes**

**REFERENCES IN TEXT**

This chapter, referred to in subsec. (a), was in the original “this title”, meaning title I of Pub. L. 93-383,