

## CODIFICATION

Section was enacted as the John Heinz Neighborhood Development Act and also as part of the Housing and Urban-Rural Recovery Act of 1983, the Domestic Housing and International Recovery and Financial Stability Act, and the Supplemental Appropriations Act, 1984, and not as part of the Housing and Community Development Act of 1974 which comprises this chapter.

Section was formerly set out as a note under section 5318 of this title.

## AMENDMENTS

1998—Subsecs. (f) to (h). Pub. L. 105-362 redesignated subsecs. (g) and (h) as (f) and (g), respectively, and struck out former subsec. (f) which read as follows: "The Secretary shall submit a report to the Congress, not later than 3 months after the end of each fiscal year in which payments are made under this section, regarding the program under this section. The report shall contain a summary of the activities carried out under this section during such fiscal year and any findings, conclusions, and recommendations for legislation regarding the program."

1992—Pub. L. 102-550, § 832(b)(1), substituted "John Heinz Neighborhood Development Program" for "Neighborhood Development Demonstration" as section catchline.

Subsec. (a)(2). Pub. L. 102-550, § 832(d)(1)-(3), (4), redesignated subpars. (A) to (E) of par. (2) as cls. (i) to (v), respectively, of subpar. (A) of par. (2) and added subpar. (B).

Subsec. (a)(2)(A)(iii). Pub. L. 102-550, § 832(g)(1), substituted "one year" for "three years".

Subsec. (a)(2)(A)(iv). Pub. L. 102-550, § 832(e)(1), added cl. (iv) and struck out former cl. (iv) which read as follows: "an organization that operates within an area that meets the requirements for Federal assistance under section 5318 of this title; and".

Subsec. (a)(3), (4). Pub. L. 102-550, § 832(e)(2), (3), added par. (3) and redesignated former par. (3) as (4).

Subsec. (b)(1). Pub. L. 102-550, § 832(f)(1), inserted ", and from neighborhood development funding organizations," after "neighborhoods".

Pub. L. 102-550, § 832(b)(2), (3), struck out "demonstration" before "program" and substituted "to support eligible" for "to determine the feasibility of supporting eligible".

Subsec. (b)(2). Pub. L. 102-550, § 832(b)(2), (g)(2), struck out "demonstration" before "program." and substituted "For fiscal year 1993 and thereafter, not more than 50 percent" for "Not more than 30 per centum".

Subsec. (b)(3)(B). Pub. L. 102-550, § 832(f)(2)(A), struck out "and" at end.

Subsec. (b)(3)(C). Pub. L. 102-550, § 832(f)(2)(B), substituted ", especially in cooperation with a neighborhood development funding organization, except that an eligible neighborhood development organization shall be deemed to have the full benefit of the cooperation of a neighborhood development funding organization if the eligible neighborhood development organization—" and cls. (i) and (ii) for period at end.

Subsec. (b)(3)(D). Pub. L. 102-550, § 832(f)(2)(C), added subpar. (D).

Subsec. (c)(3). Pub. L. 102-550, § 832(f)(3), inserted before semicolon "and by the extent of participation in the proposed activities by a neighborhood development funding organization that has a branch or office in the neighborhood, except that an eligible neighborhood development organization shall be deemed to have the full benefit of the participation of a neighborhood development funding organization if the eligible neighborhood development organization—" and subpars. (A) and (B).

Subsec. (e)(1). Pub. L. 102-550, § 832(f)(4), inserted ", and from neighborhood development funding organizations," after "neighborhood".

Subsec. (e)(3). Pub. L. 102-550, § 832(b)(4), inserted before period ", except that, if appropriations for this section exceed \$3,000,000, the Secretary may pay not

more than \$75,000 to any participating neighborhood development organization".

Subsec. (e)(5)(A). Pub. L. 102-550, § 832(c), substituted "comprehensive housing affordability strategy of such unit approved under section 12705 of this title or the statement of community development activities and community development plans of the unit submitted under section 5304(m) of this title" for "housing and community development plans of such unit".

Subsec. (e)(6)(C). Pub. L. 102-550, § 832(b)(5)(A), inserted "and" after "programs;".

Subsec. (e)(6)(D), (E). Pub. L. 102-550, § 832(b)(5)(B)-(D), redesignated subpar. (E) as (D), substituted "program" for "demonstration", and struck out former subpar. (D) which read as follows: "shall undertake any other activity the Secretary deems necessary to carry out this section, which shall include an evaluation and report to Congress on the demonstration and may include the performance of research, planning, and administration, either directly, or when in the Secretary's judgment such activity will be carried out more effectively, more rapidly, or at less cost, by contract or grant; and".

Subsec. (f). Pub. L. 102-550, § 832(b)(6), added subsec. (f) and struck out former subsec. (f) which read as follows: "The Secretary shall submit to the Congress—

"(1) not later than three months after the end of each fiscal year in which payments are made under this section, an interim report containing a summary of the activities carried out under this section during such fiscal year and any preliminary findings or conclusions drawn from the demonstration program; and

"(2) not later than March 15 of the year after the end of the last fiscal year in which such payments are made, a final report containing a summary of all activities carried out under this section, the evaluation required in subsection (e)(6)(D) of this section and any findings, conclusions, or recommendations for legislation drawn from the demonstration program."

Subsec. (g). Pub. L. 102-550, § 832(a), amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows: "To the extent provided in appropriations Acts, of the amounts made available for assistance under section 5303 of this title, \$2,000,000 for fiscal year 1991 and \$2,000,000 for fiscal year 1992 shall be available to carry out this section."

Subsec. (h). Pub. L. 102-550, § 832(b)(7), added subsec. (h).

1990—Subsec. (g). Pub. L. 101-625 amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows: "There are authorized to be appropriated to carry out this section \$2,000,000 for fiscal year 1988, and \$2,000,000 for fiscal year 1989."

1988—Subsec. (e)(3). Pub. L. 100-242, § 525, substituted "under this section" for "under this Act".

Subsec. (g). Pub. L. 100-242, § 521, amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows: "For purposes of carrying out this section, there are authorized to be appropriated not to exceed \$2,000,000 for each of the fiscal years 1984 and 1985."

1984—Subsec. (b)(3)(A), (B). Pub. L. 98-479, § 101(b)(2), substituted "subsection (a)(1)" for "subsection (a)(4)" wherever appearing.

Subsec. (c). Pub. L. 98-479, § 101(b)(3), struck out "(1)" before "The Secretary shall award" and redesignated subpars. (A) to (D) as pars. (1) to (4), respectively.

**§ 5319. Community participation in programs**

No community shall be barred from participating in any program authorized under this chapter solely on the basis of population, except as expressly authorized by statute.

(Pub. L. 93-383, title I, § 120, as added Pub. L. 95-557, title I, § 103(i), Oct. 31, 1978, 92 Stat. 2084.)

## REFERENCES IN TEXT

This chapter, referred to in text, 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.

EFFECTIVE DATE

Section effective Oct. 1, 1978, see section 104 of Pub. L. 95-557, set out as an Effective Date of 1978 Amendment note under section 1709 of Title 12, Banks and Banking.

**§ 5320. Historic preservation requirements**

**(a) Regulations**

With respect to applications for assistance under section 5318 of this title, the Secretary of the Interior, after consulting with the Secretary, shall prescribe and implement regulations concerning projects funded under section 5318 of this title and their relationship with—

(1) “An Act to establish a program for the preservation of additional historic properties throughout the Nation, and for other purposes”, approved October 14, 1966, as amended [16 U.S.C. 470 et seq.]; and

(2) “An Act to provide for the preservation of historical and archaeological data (including relics and specimens) which might otherwise be lost as a result of the construction of a dam”, approved June 27, 1960, as amended [16 U.S.C. 469 to 469c-1].

**(b) Actions by State historic preservation officer and Secretary of the Interior**

In prescribing and implementing such regulations with respect to applications submitted under section 5318 of this title which identify any property pursuant to subsection (c)(4)(B) of such section, the Secretary of the Interior shall provide at least that—

(1) the appropriate State historic preservation officer (as determined in accordance with regulations prescribed by the Secretary of the Interior) shall, not later than 45 days after receiving information from the applicant relating to the identification of properties which will be affected by the project for which the application is made and which may meet the criteria established by the Secretary of the Interior for inclusion on the National Register of Historic Places (together with documentation relating to such inclusion), submit his or her comments, together with such other information considered necessary by the officer, to the applicant concerning such properties; and

(2) the Secretary of the Interior shall, not later than 45 days after receiving from the applicant the information described in paragraph (1) and the comments submitted to the applicant in accordance with paragraph (1), make a determination as to whether any of the properties affected by the project for which the application is made is eligible for inclusion on the National Register of Historic Places.

**(c) Regulations by Advisory Council on Historic Preservation providing for expeditious action**

The Advisory Council on Historic Preservation shall prescribe regulations providing for expeditious action by the Council in making its comments under section 106 of the Act [16 U.S.C. 470f] referred to in subsection (a)(1) in the case of properties which are included on, or eligible

for inclusion on, the National Register of Historic Places and which are affected by a project for which an application is made under section 5318 of this title.

(Pub. L. 93-383, title I, §121, as added Pub. L. 96-399, title I, §110(c), Oct. 8, 1980, 94 Stat. 1620; amended Pub. L. 97-35, title III, §308(b), Aug. 13, 1981, 95 Stat. 396.)

REFERENCES IN TEXT

“An Act to establish a program for the preservation of additional historic properties throughout the Nation, and for other purposes”, approved October 14, 1966, as amended, referred to in subsec. (a)(1), probably means Pub. L. 89-665, Oct. 15, 1966, 80 Stat. 915, as amended, known as the National Historic Preservation Act, which is classified generally to subchapter II (§470 et seq.) of chapter 1A of Title 16, Conservation. For complete classification of this Act to the Code see section 470(a) of Title 16 and Tables.

“An Act to provide for the preservation of historical and archaeological data (including relics and specimens) which might otherwise be lost as a result of the construction of a dam”, approved June 27, 1960, as amended, referred to in subsec. (a)(2), is Pub. L. 86-523, June 27, 1960, 74 Stat. 220, as amended, which enacted sections 469 to 469c-1 of Title 16. For complete classification of this Act, see Tables.

AMENDMENTS

1981—Subsec. (b). Pub. L. 97-35 substituted “subsection (c)(4)(B)” for “subsection (c)(7)(B)”.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-35 effective on effective date of regulations implementing such amendments, see section 308(c) of Pub. L. 97-35, set out as a note under section 5318 of this title.

**§ 5321. Suspension of requirements for disaster areas**

For funds designated under this chapter by a recipient to address the damage in an area for which the President has declared a disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act [42 U.S.C. 5170 et seq.], the Secretary may suspend all requirements for purposes of assistance under section 5306 of this title for that area, except for those related to public notice of funding availability, nondiscrimination, fair housing, labor standards, environmental standards, and requirements that activities benefit persons of low- and moderate-income.

(Pub. L. 93-383, title I, §122, as added Pub. L. 103-233, title II, §234, Apr. 11, 1994, 108 Stat. 369.)

REFERENCES IN TEXT

This chapter, referred to in text, 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 Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in text, is Pub. L. 93-288, May 22, 1974, 88 Stat. 143, as amended. Title IV of the Act is classified generally to subchapter IV (§5170 et seq.) of chapter 68 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of this title and Tables.

EFFECTIVE DATE

Section applicable with respect to any amounts made available to carry out subchapter II (§12721 et seq.) of