

FINDINGS OF 2005 AMENDMENT

Pub. L. 109-136, § 2, Dec. 22, 2005, 119 Stat. 2643, provided that: “Congress finds that—

- “(1) there exist—
- “(A) a unique relationship between the Government of the United States and the governments of Indian tribes; and
- “(B) a unique Federal trust responsibility to Indian people;
- “(2) Native Americans experience some of the worst housing conditions in the country, with—
- “(A) 32.6 percent of Native homes being overcrowded;
- “(B) 33 percent lacking adequate solid waste management systems;
- “(C) 8 percent lacking a safe indoor water supply; and
- “(D) approximately 90,000 Native families who are homeless or underhoused;
- “(3) the poverty rate for Native Americans is twice that of the rest of the population of the United States;
- “(4) the population growth of Native Americans that began in the latter part of the 20th century increased the need for Federal housing services;
- “(5)(A) under the requirements of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.), members of Indian tribes are given preference for housing programs;
- “(B) a primary purpose of the Act is to allow Indian tribes to leverage funds with other Federal and private funds;
- “(C) the Department of Agriculture has been a significant funding source for housing for Indian tribes;
- “(D) to allow assistance provided under the Act and assistance provided by the Secretary of Agriculture under other law to be combined to meet the severe housing needs of Indian tribes, the Housing Act of 1949 (42 U.S.C. 1471 [1441] et seq.) should be amended to allow for the preference referred to in subparagraph (A) by granting an exemption from 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.); and
- “(E) federally recognized Indian tribes exercising powers of self-government are governed by the Indian Civil Rights Act (25 U.S.C. 1301 et seq.); and
- “(6) section 457 of the Cranston-Gonzales [Cranston-Gonzalez] National Affordable Housing Act (42 U.S.C. 12899f) should be amended to include Indian tribes, tribally designated housing entities, or other agencies that primarily serve Indians as eligible applicants for YouthBuild grants.”

§ 4102. Administration through Office of Native American Programs

The Secretary of Housing and Urban Development shall carry out this chapter through the Office of Native American Programs of the Department of Housing and Urban Development.

(Pub. L. 104-330, § 3, Oct. 26, 1996, 110 Stat. 4018.)

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.

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.

§ 4103. Definitions

For purposes of this chapter, the following definitions shall apply:

(1) Adjusted income

The term “adjusted income” means the annual income that remains after excluding the following amounts:

(A) Youths, students, and persons with disabilities

\$480 for each member of the family residing in the household (other than the head of the household or the spouse of the head of the household)—

- (i) who is under 18 years of age; or
- (ii) who is—
 - (I) 18 years of age or older; and
 - (II) a person with disabilities or a full-time student.

(B) Elderly and disabled families

\$400 for an elderly or disabled family.

(C) Medical and attendant expenses

The amount by which 3 percent of the annual income of the family is exceeded by the aggregate of—

- (i) medical expenses, in the case of an elderly or disabled family; and
- (ii) reasonable attendant care and auxiliary apparatus expenses for each family member who is a person with disabilities, to the extent necessary to enable any member of the family (including a member who is a person with disabilities) to be employed.

(D) Child care expenses

Child care expenses, to the extent necessary to enable another member of the family to be employed or to further his or her education.

(E) Earned income of minors

The amount of any earned income of any member of the family who is less than 18 years of age.

(F) Travel expenses

Excessive travel expenses, not to exceed \$25 per family per week, for employment- or education-related travel.

(G) Other amounts

Such other amounts as may be provided in the Indian housing plan for an Indian tribe.

(2) Affordable housing

The term “affordable housing” means housing that complies with the requirements for affordable housing under subchapter II of this chapter. The term includes permanent housing for homeless persons who are persons with disabilities, transitional housing, and single room occupancy housing.

(3) Drug-related criminal activity

The term “drug-related criminal activity” means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use, of a controlled substance (as such term is defined in section 802 of title 21).

(4) Elderly families and near-elderly families

The terms “elderly family” and “near-elderly family” mean a family whose head (or his