

## AMENDMENTS

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

## 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 shall incur or be under any liability by reason of having made or authorized any such payments.”

**§ 1490i. Repealed. Pub. L. 98-181, title I [title V, §506(b)], Nov. 30, 1983, 97 Stat. 1242**

Section, act July 15, 1949, ch. 338, title V, §529, as added Nov. 9, 1978, Pub. L. 95-619, title II, §252(b), 92 Stat. 3236, required the Secretary of Agriculture to promote the use of energy saving techniques through the establishment of minimum property standards for newly constructed residential housing.

**§ 1490j. Conditions on rent increases in projects receiving assistance under other provisions of law**

The Secretary may not approve any increase in rental payments, with respect to units in which the tenants are paying rentals in excess of 30 per centum of their incomes, in any project which is assisted under section 1484, 1485, or 1487 of this title and under section 1490a(a)(1)(B) of this title unless the project owner is receiving, or has applied for (within the most recent period of 180 days prior to the effective date of such increase), assistance payments with respect to such project under section 1490a(a)(2)(A) or 1490a(a)(5) of this title or section 1437f of this title.

(July 15, 1949, ch. 338, title V, §530, as added Pub. L. 96-399, title V, §509, Oct. 8, 1980, 94 Stat. 1670; amended Pub. L. 98-181, title I [title V, §517(d)], Nov. 30, 1983, 97 Stat. 1248; Pub. L. 105-276, title V, §599C(e)(2)(G), Oct. 21, 1998, 112 Stat. 2663.)

## AMENDMENTS

1998—Pub. L. 105-276 substituted “assistance payments with respect to such project under section 1490a(a)(2)(A) or 1490a(a)(5) of this title” for “rental assistance payments with respect to such project under section 1490a(a)(2)(A) of this title”.

1983—Pub. L. 98-181 substituted “30 per centum” for “25 per centum”.

## EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 98-181 effective six months after Nov. 30, 1983, or upon the earlier promulgation of implementing regulations, see section 517(f) of Pub. L. 98-181, set out as a note under section 1490a of this title.

**§ 1490k. FHA insurance**

The Secretary is authorized to act as an agent of the Secretary of Housing and Urban Development to recommend insurance of any mortgage meeting the requirements of section 1709 of title 12.

(July 15, 1949, ch. 338, title V, §531, as added Pub. L. 98-181, title I [title V, §520], Nov. 30, 1983, 97 Stat. 1249.)

**§ 1490l. Processing of applications****(a) Priority**

Except as otherwise provided in subsection (c) of this section, the Secretary shall, in making assistance available under this subchapter, give a priority to applications submitted by—

(1) persons and families that have the greatest housing assistance needs because of their low income and their residing in inadequate dwellings;

(2) applicants applying for assistance for projects that will serve such persons and families; and

(3) applicants residing in areas which are the most rural in character.

**(b) Preliminary reservation of assistance at time of initial approval of project**

In making available the assistance authorized by section 1483 of this title and section 1490a(a) of this title with respect to projects involving insured and guaranteed loans and interest credits and rental assistance payments, the Secretary shall process and approve requests for such assistance in a manner that provides for a preliminary reservation of assistance at the time of initial approval of the project.

**(c) Prioritization of section 1485 housing assistance****(1) In general**

The Secretary shall make assistance under section 1485 of this title available pursuant to an objective procedure established by the Secretary, under which the Secretary shall identify counties and communities having the greatest need for such assistance and designate such counties and communities to receive such assistance.

**(2) Objective measures**

The Secretary shall use the following objective measures to determine the need for rental housing assistance under paragraph (1):

(A) The incidence of poverty.

(B) The lack of affordable housing and the existence of substandard housing.

(C) The lack of mortgage credit.

(D) The rural characteristics of the location.

(E) Other factors as determined by the Secretary, demonstrating the need for affordable housing.

**(3) Information**

In administering this subsection, the Secretary shall use information from the most recent decennial census of the United States, relevant comprehensive affordable housing strategies under section 12705 of this title, and