

tribally or individually owned, may be leased by the Indian owners, subject to the approval of the affected Indian tribe and the Secretary of the Interior, for housing development and residential purposes.

(b) Term

Each lease pursuant to subsection (a) of this section shall be for a term not exceeding 50 years.

(c) Rule of construction

This section may not be construed to repeal, limit, or affect any authority to lease any trust or restricted Indian lands that—

(1) is conferred by or pursuant to any other provision of law; or

(2) provides for leases for any period exceeding 50 years.

(d) Self-implementation

This section is intended to be self-implementing and shall not require the issuance of any rule, regulation, or order to take effect as provided in section 705.

(Pub. L. 104-330, title VII, § 702, Oct. 26, 1996, 110 Stat. 4050.)

REFERENCES IN TEXT

Section 705, referred to in subsec. (d), is section 705 of Pub. L. 104-330, which is set out as an Effective Date note below.

EFFECTIVE DATE

Pub. L. 104-330, title VII, § 705, Oct. 26, 1996, 110 Stat. 4052, provided that: “This title [enacting this subchapter and amending sections 1715z-13a and 1721 of Title 12, Banks and Banking, and sections 11902 to 11905 of Title 42, The Public Health and Welfare] and the amendments made by this title (but not including the amendments made by section 704 [amending sections 11902 to 11905 of Title 42]) shall take effect on the date of the enactment of this Act [Oct. 26, 1996].”

§ 4212. Training and technical assistance

There are authorized to be appropriated for assistance for a national organization representing Native American housing interests for providing training and technical assistance to Indian housing authorities and tribally designated housing entities such sums as may be necessary for each of fiscal years 2009 through 2013.

(Pub. L. 104-330, title VII, § 703, Oct. 26, 1996, 110 Stat. 4051; Pub. L. 107-292, § 2(c), Nov. 13, 2002, 116 Stat. 2053; Pub. L. 110-411, title VII, § 701(c), Oct. 14, 2008, 122 Stat. 4334.)

AMENDMENTS

2008—Pub. L. 110-411 substituted “2009 through 2013” for “1997 through 2007”.

2002—Pub. L. 107-292 substituted “1997 through 2007” for “1997, 1998, 1999, 2000, and 2001”.

EFFECTIVE DATE

Section effective Oct. 26, 1996, see section 705 of Pub. L. 104-330, set out as a note under section 4211 of this title.

SUBCHAPTER VIII—HOUSING ASSISTANCE
FOR NATIVE HAWAIIANS

§ 4221. Definitions

In this subchapter:

(1) Department of Hawaiian Home Lands; Department

The term “Department of Hawaiian Home Lands” or “Department” means the agency or department of the government of the State of Hawaii that is responsible for the administration of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.).

(2) Director

The term “Director” means the Director of the Department of Hawaiian Home Lands.

(3) Elderly families; near-elderly families

(A) In general

The term “elderly family” or “near-elderly family” means a family whose head (or his or her spouse), or whose sole member, is—

(i) for an elderly family, an elderly person; or

(ii) for a near-elderly family, a near-elderly person.

(B) Certain families included

The term “elderly family” or “near-elderly family” includes—

(i) two or more elderly persons or near-elderly persons, as the case may be, living together; and

(ii) one or more persons described in clause (i) living with one or more persons determined under the housing plan to be essential to their care or well-being.

(4) Hawaiian Home Lands

The term “Hawaiian Home Lands” means lands that—

(A) have the status as Hawaiian home lands under section 204 of the Hawaiian Homes Commission Act, 1920 (42 Stat. 110); or

(B) are acquired pursuant to that Act.

(5) Housing area

The term “housing area” means an area of Hawaiian Home Lands with respect to which the Department of Hawaiian Home Lands is authorized to provide assistance for affordable housing under this chapter.

(6) Housing entity

The term “housing entity” means the Department of Hawaiian Home Lands.

(7) Housing plan

The term “housing plan” means a plan developed by the Department of Hawaiian Home Lands.

(8) Median income

The term “median income” means, with respect to an area that is a Hawaiian housing area, the greater of—

(A) the median income for the Hawaiian housing area, which shall be determined by the Secretary; or

(B) the median income for the State of Hawaii.

(9) Native Hawaiian

The term “Native Hawaiian” means any individual who is—