

**(b) Termination of restrictions on use of Indian housing**

After September 30, 1997, any housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937 [42 U.S.C. 1437 et seq.] shall not be subject to any provision of such Act or any annual contributions contract or other agreement pursuant to such Act, but shall be considered and maintained as affordable housing for purposes of this chapter.

(Pub. L. 104-330, title V, §502, Oct. 26, 1996, 110 Stat. 4043; Pub. L. 106-568, title X, §1003(k)(3), Dec. 27, 2000, 114 Stat. 2930; Pub. L. 106-569, title V, §503(j)(3), Dec. 27, 2000, 114 Stat. 2966.)

REFERENCES IN TEXT

The United States Housing Act of 1937, referred to in text, is act Sept. 1, 1937, ch. 896, as revised generally by Pub. L. 93-383, title II, §201(a), Aug. 22, 1974, 88 Stat. 653, which is classified generally to chapter 8 (§1437 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1437 of Title 42 and Tables.

This chapter, referred to in subsec. (b), 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.

AMENDMENTS

2000—Subsec. (a). Pub. L. 106-568 and Pub. L. 106-569 amended subsec. (a) identically, inserting at end “Any housing that is the subject of a contract for tenant-based assistance between the Secretary and an Indian housing authority that is terminated under this section shall, for the following fiscal year and each fiscal year thereafter, be considered to be a dwelling unit under section 4152(b)(1) of this title.”

EFFECTIVE DATE

Pub. L. 104-330, title V, §508, Oct. 26, 1996, 110 Stat. 4045, provided that: “Sections 502, 503, and 507 [25 U.S.C. 4181, 4182, 4183] shall take effect on the date of the enactment of this Act [Oct. 26, 1996].”

**§ 4182. Termination of new commitments for rental assistance**

After September 30, 1997, financial assistance for rental housing assistance under the United States Housing Act of 1937 [42 U.S.C. 1437 et seq.] may not be provided to any Indian housing authority or tribally designated housing entity, unless such assistance is provided pursuant to a contract for such assistance entered into by the Secretary and the Indian housing authority before such date. Any such assistance provided pursuant to such a contract shall be governed by the provisions of the United States Housing Act of 1937 (as in effect before the date of the effectiveness of this chapter) and the provisions of such contract.

(Pub. L. 104-330, title V, §503, Oct. 26, 1996, 110 Stat. 4043.)

REFERENCES IN TEXT

The United States Housing Act of 1937, referred to in text, is act Sept. 1, 1937, ch. 896, as revised generally by Pub. L. 93-383, title II, §201(a), Aug. 22, 1974, 88 Stat. 653,

which is classified generally to chapter 8 (§1437 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1437 of Title 42 and Tables.

For the date of the effectiveness of this chapter, referred to in text, as Oct. 1, 1997, except as otherwise expressly provided, see section 107 of Pub. L. 104-330, set out as an Effective Date note under section 4101 of this title.

EFFECTIVE DATE

Section effective Oct. 26, 1996, see section 508 of Pub. L. 104-330, set out as a note under section 4181 of this title.

**§ 4183. Savings provision**

**(a) Existing rights and duties**

Except as provided in sections 4181 and 4182 of this title, this chapter may not be construed to affect the validity of any right, duty, or obligation of the United States or other person arising under or pursuant to any commitment or agreement lawfully entered into before October 1, 1997, under the United States Housing Act of 1937 [42 U.S.C. 1437 et seq.], subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act [42 U.S.C. 12899 et seq.],<sup>1</sup> title II of the Cranston-Gonzalez National Affordable Housing Act [42 U.S.C. 12721 et seq.], title IV of the McKinney-Vento Homeless Assistance Act [42 U.S.C. 11360 et seq.], or section 2 of the HUD Demonstration Act of 1993.

**(b) Obligations under repealed provisions**

Notwithstanding the amendments made by this subchapter, any obligation of the Secretary made under or pursuant to title II of the Cranston-Gonzalez National Affordable Housing Act [42 U.S.C. 12721 et seq.], title IV of the McKinney-Vento Homeless Assistance Act [42 U.S.C. 11360 et seq.], or section 2 of the HUD Demonstration Act of 1993 shall continue to be governed by the provisions of such Acts (as in effect before the date of the effectiveness of the amendments made by this subchapter).

(Pub. L. 104-330, title V, §507, Oct. 26, 1996, 110 Stat. 4045; Pub. L. 106-400, §2, Oct. 30, 2000, 114 Stat. 1675; Pub. L. 109-281, §2(d)(2), Sept. 22, 2006, 120 Stat. 1181.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), 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.

The United States Housing Act of 1937, referred to in subsec. (a), is act Sept. 1, 1937, ch. 896, as revised generally by Pub. L. 93-383, title II, Aug. 22, 1974, 88 Stat. 653, which is classified generally to chapter 8 (§1437 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1437 of Title 42 and Tables.

The Cranston-Gonzalez National Affordable Housing Act, referred to in text, is Pub. L. 101-625, Nov. 28, 1990, 104 Stat. 4079. Title II of the Act, known as the HOME Investment Partnerships Act, is classified principally to subchapter II (§12721 et seq.) of chapter 130 of Title

<sup>1</sup> See References in Text note below.

42, The Public Health and Welfare. Subtitle D of title IV of the Act was classified generally to part C (§12899 et seq.) of subchapter IV of chapter 130 of Title 42 prior to repeal by Pub. L. 109-281, §2(e), Sept. 22, 2006, 120 Stat. 1181. For complete classification of this Act to the Code, see Short Title note set out under section 12701 of Title 42 and Tables.

The McKinney-Vento Homeless Assistance Act, referred to in text, is Pub. L. 100-77, July 22, 1987, 101 Stat. 482. Title IV of the Act is classified principally to subchapter IV (§11360 et seq.) of chapter 119 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 11301 of Title 42 and Tables.

Section 2 of the HUD Demonstration Act of 1993, referred to in text, is section 2 of Pub. L. 103-120, Oct. 27, 1993, 107 Stat. 1144, which was set out as a note under section 11301 of Title 42, The Public Health and Welfare, prior to repeal by Pub. L. 103-120, §2(g).

This subchapter, referred to in subsec. (b), was in the original “this title”, meaning title V of Pub. L. 104-330, which enacted this subchapter and section 12899h-1 of Title 42, The Public Health and Welfare, amended sections 1437a, 1437c to 1437e, 1437g, 1437i, 1437n, 1437u to 1437x, 1437aaa-5, 1437aaa-6, 1439, 11371 to 11376, 11382, 11401, 11403g, 11408, 11903a, 12747, and 12838 of Title 42, repealed sections 1437aa to 1437ee of Title 42, enacted provisions set out as notes under sections 11371, 12747, and 12899h-1 of Title 42, amended provisions set out as a note under section 11301 of Title 42, and repealed provisions set out as a note under section 1701z-6 of Title 12, Banks and Banking. For complete classification of title V to the Code, see Tables.

The date of the effectiveness of the amendments made by this subchapter, referred to in subsec. (b), means the effective date of the amendments made by title V of Pub. L. 104-330, which is Oct. 1, 1997, except as otherwise expressly provided. See section 107 of Pub. L. 104-330, set out as an Effective Date note under section 4101 of this title.

#### AMENDMENTS

2006—Subsec. (b). Pub. L. 109-281 struck out “subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act,” after “pursuant to”.

2000—Pub. L. 106-400 substituted “McKinney-Vento Homeless Assistance Act” for “Stewart B. McKinney Homeless Assistance Act” in subsections. (a) and (b).

#### EFFECTIVE DATE

Section effective Oct. 26, 1996, see section 508 of Pub. L. 104-330, set out as a note under section 4181 of this title.

### § 4184. Effect on HOME Investment Partnerships Act

Nothing in this chapter or an amendment made by this chapter prohibits or prevents any participating jurisdiction (within the meaning of the HOME Investment Partnerships Act (42 U.S.C. 12721 et seq.)) from providing any amounts made available to the participating jurisdiction under that Act (42 U.S.C. 12721 et seq.) to an Indian tribe or a tribally designated housing entity for use in accordance with that Act (42 U.S.C. 12721 et seq.).

(Pub. L. 104-330, title V, §509, as added Pub. L. 110-411, title V, §501(a), Oct. 14, 2008, 122 Stat. 4331.)

#### 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.

The HOME Investment Partnerships Act, referred to in text, is title II of Pub. L. 101-625, Nov. 28, 1990, 104 Stat. 4094, which enacted subchapter II of chapter 130 of Title 42, The Public Health and Welfare, amended section 1437f of Title 42, and repealed section 1706e of Title 12, Banks and Banking, sections 1437o and 1452b of Title 42, and provisions set out as a note under section 1715f of Title 12. For complete classification of this Act to the Code, see Short Title note set out under section 12701 of Title 42 and Tables.

## SUBCHAPTER VI—FEDERAL GUARANTEES FOR FINANCING FOR TRIBAL HOUSING ACTIVITIES

### § 4191. Authority and requirements

#### (a) Authority

To such extent or in such amounts as provided in appropriations Acts, the Secretary may, subject to the limitations of this subchapter (including limitations designed to protect and maintain the viability of rental housing units owned or operated by the recipient that were developed under a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937 [42 U.S.C. 1437 et seq.]), and upon such terms and conditions as the Secretary may prescribe, guarantee and make commitments to guarantee, the notes or other obligations issued by Indian tribes or tribally designated housing entities with tribal approval, for the purposes of financing affordable housing activities described in section 4132 of this title and housing related community development activity as consistent with the purposes of this chapter.

#### (b) Terms of loans

Notes or other obligations guaranteed pursuant to this subchapter shall be in such form and denominations, have such maturities, and be subject to such conditions as may be prescribed by regulations issued by the Secretary. The Secretary may not deny a guarantee under this subchapter on the basis of the proposed repayment period for the note or other obligation, unless the period is more than 20 years or the Secretary determines that the period causes the guarantee to constitute an unacceptable financial risk.

#### (c) Limitation on outstanding guarantees

No guarantee or commitment to guarantee shall be made with respect to any note or other obligation if the total outstanding notes or obligations of the issuer guaranteed under this subchapter (excluding any amount defeased under the contract entered into under section 4192(a)(1) of this title) would thereby exceed an amount equal to 5 times the amount of the grant approval for the issuer pursuant to subchapter III of this chapter.

#### (d) Limitation on percentage

A guarantee made under this subchapter shall guarantee repayment of 95 percent of the unpaid principal and interest due on the notes or other obligations guaranteed.

(Pub. L. 104-330, title VI, §601, Oct. 26, 1996, 110 Stat. 4046; Pub. L. 107-292, §7, Nov. 13, 2002, 116