

such resulting savings to rent privately developed dwelling units in the neighborhood of the mixed-finance project. Such units shall be made available for occupancy only by low-income families eligible for residency in public housing.

(h) Effect of certain contract terms

If an entity that owns or operates a mixed-finance project, that includes a significant number of units other than public housing units enters into a contract with a public housing agency, the terms of which obligate the entity to operate and maintain a specified number of units in the project as public housing units in accordance with the requirements of this chapter for the period required by law, such contractual terms may provide that, if, as a result of a reduction in appropriations under section 1437g of this title or any other change in applicable law, the public housing agency is unable to fulfill its contractual obligations with respect to those public housing units, that entity may deviate, under procedures and requirements developed through regulations by the Secretary, from otherwise applicable restrictions under this chapter regarding rents, income eligibility, and other areas of public housing management with respect to a portion or all of those public housing units, to the extent necessary to preserve the viability of those units while maintaining the low-income character of the units to the maximum extent practicable.

(Sept. 1, 1937, ch. 896, title I, §35, as added Pub. L. 105-276, title V, §539(a), Oct. 21, 1998, 112 Stat. 2594.)

EFFECTIVE DATE

Section effective and applicable beginning upon Oct. 1, 1999, except as otherwise provided, with provision that Secretary may implement section before such date except to extent otherwise provided, see section 503 of Pub. L. 105-276, set out as an Effective Date of 1998 Amendment note under section 1437 of this title.

REGULATIONS

Pub. L. 105-276, title V, §539(b), Oct. 21, 1998, 112 Stat. 2596, provided that: "The Secretary shall issue such regulations as may be necessary to promote the development of mixed-finance projects, as that term is defined in section 3(b) of the United States Housing Act of 1937 [42 U.S.C. 1437a(b)] (as amended by this Act)."

§ 1437z-8. Collection of information on tenants in tax credit projects

(a) In general

Each State agency administering tax credits under section 42 of title 26 shall furnish to the Secretary of Housing and Urban Development, not less than annually, information concerning the race, ethnicity, family composition, age, income, use of rental assistance under section 1437f(o) of this title or other similar assistance, disability status, and monthly rental payments of households residing in each property receiving such credits through such agency. Such State agencies shall, to the extent feasible, collect such information through existing reporting processes and in a manner that minimizes burdens on property owners. In the case of any household that continues to reside in the same dwelling unit, information provided by the household in a previous year may be used if the

information is of a category that is not subject to change or if information for the current year is not readily available to the owner of the property.

(b) Standards

The Secretary shall establish standards and definitions for the information collected under subsection (a), provide States with technical assistance in establishing systems to compile and submit such information, and, in coordination with other Federal agencies administering housing programs, establish procedures to minimize duplicative reporting requirements for properties assisted under multiple housing programs.

(c) Public availability

The Secretary shall, not less than annually, compile and make publicly available the information submitted to the Secretary pursuant to subsection (a).

(d) Authorization of appropriations

There is authorized to be appropriated for the cost of activities required under subsections (b) and (c) \$2,500,000 for fiscal year 2009 and \$900,000 for each of fiscal years 2010 through 2013.

(Sept. 1, 1937, ch. 896, title I, §36, as added Pub. L. 110-289, div. B, title VIII, §2835(d), July 30, 2008, 122 Stat. 2874.)

SUBCHAPTER II—ASSISTED HOUSING FOR INDIANS AND ALASKA NATIVES

§§ 1437aa to 1437ee. Repealed. Pub. L. 104-330, title V, § 501(a), Oct. 26, 1996, 110 Stat. 4041

Section 1437aa, act Sept. 1, 1937, ch. 896, title II, §201, as added June 29, 1988, Pub. L. 100-358, §2, 102 Stat. 676; amended Nov. 28, 1990, Pub. L. 101-625, title V, §572(2), 104 Stat. 4236; Oct. 28, 1992, Pub. L. 102-550, title I, §122(a), 106 Stat. 3708, related to establishment of separate program of assisted housing for Indians and Alaska Natives.

Section 1437bb, act Sept. 1, 1937, ch. 896, title II, §202, as added June 29, 1988, Pub. L. 100-358, §2, 102 Stat. 676; amended Nov. 28, 1990, Pub. L. 101-625, title V, §516, 572(1), 104 Stat. 4199, 4236; Oct. 28, 1992, Pub. L. 102-550, title I, §122(b), 106 Stat. 3709, related to mutual help homeownership opportunity program.

Section 1437cc, act Sept. 1, 1937, ch. 896, title II, §203, as added June 29, 1988, Pub. L. 100-358, §2, 102 Stat. 679; amended Nov. 28, 1990, Pub. L. 101-625, title V, §572(2), 104 Stat. 4236; Oct. 28, 1992, Pub. L. 102-550, title I, §122(c), 106 Stat. 3709, related to public housing maximum contributions, provision of related facilities and services, and accessibility to physically handicapped persons.

Section 1437dd, act Sept. 1, 1937, ch. 896, title II, §204, as added June 29, 1988, Pub. L. 100-358, §2, 102 Stat. 679; amended Nov. 28, 1990, Pub. L. 101-625, title V, §572(1), 104 Stat. 4236, related to annual report under section 3536 of this title.

Section 1437ee, act Sept. 1, 1937, ch. 896, title II, §205, as added June 29, 1988, Pub. L. 100-358, §2, 102 Stat. 680, related to issuance of regulations to carry out this subchapter.

EFFECTIVE DATE OF REPEAL

Repeal effective 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 Title 25, Indians.

§ 1437ff. Transferred

CODIFICATION

Section, Pub. L. 101-625, title IX, §959, Nov. 28, 1990, 104 Stat. 4423, which related to waiver of matching

funds requirements in Indian housing programs, was transferred to section 4104 of Title 25, Indians.

SUBCHAPTER II-A—HOPE FOR PUBLIC HOUSING HOMEOWNERSHIP

AMENDMENTS

1996—Pub. L. 104-330, title V, §501(c)(1), Oct. 26, 1996, 110 Stat. 4042, added subchapter heading and struck out former subchapter heading which read as follows: “HOPE FOR PUBLIC AND INDIAN HOUSING HOMEOWNERSHIP”.

§ 1437aaa. Program authority

(a) In general

The Secretary is authorized to make—

- (1) planning grants to help applicants to develop homeownership programs in accordance with this subchapter; and
- (2) implementation grants to carry out homeownership programs in accordance with this subchapter.

(b) Authority to reserve housing assistance

In connection with a grant under this subchapter, the Secretary may reserve authority to provide assistance under section 1437f of this title to the extent necessary to provide replacement housing and rental assistance for a non-purchasing tenant who resides in the project on the date the Secretary approves the application for an implementation grant, for use by the tenant in another project.

(Sept. 1, 1937, ch. 896, title III, §301, as added Pub. L. 101-625, title IV, §411, Nov. 28, 1990, 104 Stat. 4148; amended Pub. L. 102-550, title I, §181(a)(2)(A), Oct. 28, 1992, 106 Stat. 3735.)

AMENDMENTS

1992—Subsec. (c). Pub. L. 102-550 struck out subsec. (c) which read as follows: “There are authorized to be appropriated for grants under this subchapter \$68,000,000 for fiscal year 1991 and \$380,000,000 for fiscal year 1992. Any amount appropriated pursuant to this subsection shall remain available until expended.”

SHORT TITLE

Pub. L. 101-625, title IV, §401, Nov. 28, 1990, 104 Stat. 4148, provided that: “This title [enacting this subchapter and subchapter IV (§12871 et seq.) of chapter 130 of this title, amending sections 1437c, 1437f, 1437i, 1437p, 1437r, and 1437s of this title and section 1709 of Title 12, Banks and Banking, and enacting provisions set out as notes under this section and sections 1437c and 1437aa of this title] may be cited as the ‘Homeownership and Opportunity Through HOPE Act.’”

ESTABLISHMENT AND IMPLEMENTATION OF REQUIREMENTS BY SECRETARY

Pub. L. 101-625, title IV, §418, Nov. 28, 1990, 104 Stat. 4161, provided that: “Not later than the expiration of the 180-day period beginning on the date that funds authorized under title III of the United States Housing Act of 1937 [this subchapter] first become available for obligation, the Secretary shall by notice establish such requirements as may be necessary to carry out the provisions of this subtitle [subtitle A (§§411-419) of title IV of Pub. L. 101-625, enacting this subchapter, amending sections 1437c, 1437f, 1437i, 1437p, 1437r, and 1437s of this title, and enacting provisions set out as notes under sections 1437c and 1437aa of this title]. Such requirements shall be subject to section 553 of title 5, United States Code. The Secretary shall issue regulations based on the initial notice before the expiration of the 8-month period beginning on the date of the notice.”

§ 1437aaa-1. Planning grants

(a) Grants

The Secretary is authorized to make planning grants to applicants for the purpose of developing homeownership programs under this subchapter. The amount of a planning grant under this section may not exceed \$200,000, except that the Secretary may for good cause approve a grant in a higher amount.

(b) Eligible activities

Planning grants may be used for activities to develop homeownership programs (which may include programs for cooperative ownership), including—

- (1) development of resident management corporations and resident councils;
- (2) training and technical assistance for applicants related to development of a specific homeownership program;
- (3) studies of the feasibility of a homeownership program;
- (4) inspection for lead-based paint hazards, as required by section 4822(a) of this title;
- (5) preliminary architectural and engineering work;
- (6) tenant and homebuyer counseling and training;
- (7) planning for economic development, job training, and self-sufficiency activities that promote economic self-sufficiency of homebuyers and homeowners under the homeownership program;
- (8) development of security plans; and
- (9) preparation of an application for an implementation grant under this subchapter.

(c) Application

(1) Form and procedures

An application for a planning grant shall be submitted by an applicant in such form and in accordance with such procedures as the Secretary shall establish.

(2) Minimum requirements

The Secretary shall require that an application contain at a minimum—

- (A) a request for a planning grant, specifying the activities proposed to be carried out, the schedule for completing the activities, the personnel necessary to complete the activities, and the amount of the grant requested;
- (B) a description of the applicant and a statement of its qualifications;
- (C) identification and description of the public housing project or projects involved, and a description of the composition of the tenants, including family size and income;
- (D) a certification by the public official responsible for submitting the comprehensive housing affordability strategy under section 12705 of this title that the proposed activities are consistent with the approved housing strategy of the State or unit of general local government within which the project is located (or, during the first 12 months after November 28, 1990, that the application is consistent with such other existing State or local housing plan or strategy that the Secretary shall determine to be appropriate); and