

retary and jurisdiction enter into an agreement under this paragraph.

**(4) Performance standards**

**(A) Establishment**

The Secretary and each participating jurisdiction may collectively establish standards for evaluating the performance of the participating jurisdiction in meeting the purposes under section 1437bbb of this title, which may include standards for—

- (i) moving dependent low-income families to economic self-sufficiency;
- (ii) reducing the per-family cost of providing housing assistance;
- (iii) expanding the stock of affordable housing and housing choices for low-income families;
- (iv) improving program management;
- (v) increasing the number of homeownership opportunities for low-income families;
- (vi) reducing homelessness through providing permanent housing resources;
- (vii) reducing geographic concentration of assisted families; and
- (viii) any other performance goals that the Secretary and the participating jurisdiction may establish.

**(B) Failure to comply**

If, at any time during the participation of a jurisdiction in the program under this subchapter, the Secretary determines that the jurisdiction is not sufficiently meeting, or making progress toward meeting, the levels of performance incorporated into the agreement of the jurisdiction pursuant to subparagraph (A), the Secretary shall terminate the participation of the jurisdiction in the program under this subchapter and require the implementation of the procedures included in the application of the jurisdiction pursuant to subsection (a)(10) of this section.

**(5) Troubled agencies**

The Secretary may establish requirements for the approval of applications under this section submitted by public housing agencies designated under section 1437d(j)(2) of this title as troubled, which may include additional or different criteria determined by the Secretary to be more appropriate for such agencies.

**(c) Status of PHAs**

This subchapter may not be construed to require any change in the legal status of any public housing agency or in any legal relationship between a jurisdiction and a public housing agency as a condition of participation in the program under this subchapter.

**(d) PHA plans**

In carrying out this subchapter, the Secretary may provide for a streamlined public housing agency plan and planning process under section 1437c-1 of this title for participating jurisdictions.

(Sept. 1, 1937, ch. 896, title IV, §406, as added Pub. L. 105-276, title V, §561, Oct. 21, 1998, 112 Stat. 2620; amended Pub. L. 106-400, §2, Oct. 30, 2000, 114 Stat. 1675.)

REFERENCES IN TEXT

The McKinney-Vento Homeless Assistance Act, referred to in subsec. (a)(7)(A), is Pub. L. 100-77, July 22,

1987, 101 Stat. 482, as amended, which is classified principally to chapter 119 (§11301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 11301 of this title and Tables.

AMENDMENTS

2000—Subsec. (a)(7)(A). Pub. L. 106-400 substituted “McKinney-Vento Homeless Assistance Act” for “Stewart B. McKinney Homeless Assistance Act”.

**§ 1437bbb-6. Training**

The Secretary, in consultation with representatives of public and assisted housing interests, may provide training and technical assistance relating to providing assistance under this subchapter and may conduct detailed evaluations of up to 30 jurisdictions for the purpose of identifying replicable program models that are successful at carrying out the purposes of this subchapter.

(Sept. 1, 1937, ch. 896, title IV, §407, as added Pub. L. 105-276, title V, §561, Oct. 21, 1998, 112 Stat. 2623.)

**§ 1437bbb-7. Accountability**

**(a) Maintenance of records**

Each participating jurisdiction shall maintain such records as the Secretary may require to—

- (1) document the amounts received by the jurisdiction under this chapter and the disposition of such amounts under the demonstration program under this subchapter;
- (2) ensure compliance by the jurisdiction with this subchapter; and
- (3) evaluate the performance of the jurisdiction under the demonstration program under this subchapter.

**(b) Reports**

Each participating jurisdiction shall annually submit to the Secretary a report in a form and at a time specified by the Secretary, which shall include—

- (1) documentation of the use of amounts made available to the jurisdiction under this subchapter;
- (2) any information as the Secretary may request to assist the Secretary in evaluating the demonstration program under this subchapter; and
- (3) a description and analysis of the effect of assisted activities in addressing the objectives of the demonstration program under this subchapter.

**(c) Access to documents by Secretary and Comptroller General**

The Secretary and the Comptroller General of the United States, or any duly authorized representative of the Secretary or the Comptroller General, shall have access for the purpose of audit and examination to any books, documents, papers, and records maintained by a participating jurisdiction that relate to the demonstration program under this subchapter.

**(d) Performance review and evaluation**

**(1) Performance review**

Based on the performance standards established under section 1437bbb-5(b)(4) of this

title, the Secretary shall monitor the performance of participating jurisdictions in providing assistance under this subchapter.

**(2) Status report**

Not later than 60 days after the conclusion of the second year of the demonstration program under this subchapter, the Secretary shall submit to Congress an interim report on the status of the demonstration program and the progress each participating jurisdiction in achieving the purposes of the demonstration program under section 1437bbb of this title.

(Sept. 1, 1937, ch. 896, title IV, §408, as added Pub. L. 105-276, title V, §561, Oct. 21, 1998, 112 Stat. 2623.)

**§ 1437bbb-8. Definitions**

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

**(1) Jurisdiction**

The term “jurisdiction” means—

(A) a unit of general local government (as such term is defined in section 12704 of this title) that has boundaries, for purposes of carrying out this subchapter, that—

- (i) wholly contain the area within which a public housing agency is authorized to operate; and
- (ii) do not contain any areas contained within the boundaries of any other participating jurisdiction; and

(B) a consortia of such units of general local government, organized for purposes of this subchapter.

**(2) Participating jurisdiction**

The term “participating jurisdiction” means, with respect to a period for which such an agreement is made, a jurisdiction that has entered into an agreement under section 1437bbb-5(b)(3) of this title to receive assistance pursuant to this subchapter for such fiscal year.

(Sept. 1, 1937, ch. 896, title IV, §409, as added Pub. L. 105-276, title V, §561, Oct. 21, 1998, 112 Stat. 2624.)

**§ 1437bbb-9. Termination and evaluation**

**(a) Termination**

The demonstration program under this subchapter shall terminate not less than 2 and not more than 5 years after the date on which the demonstration program is commenced.

**(b) Evaluation**

Not later than 6 months after the termination of the demonstration program under this subchapter, the Secretary shall submit to the Congress a final report, which shall include—

- (1) an evaluation<sup>1</sup> the effectiveness of the activities carried out under the demonstration program; and
- (2) any findings and recommendations of the Secretary for any appropriate legislative action.

(Sept. 1, 1937, ch. 896, title IV, §410, as added Pub. L. 105-276, title V, §561, Oct. 21, 1998, 112 Stat. 2624.)

<sup>1</sup> So in original. Probably should be followed by “of”.

SUBCHAPTER III—MISCELLANEOUS PROVISIONS

**§ 1438. Repealed. Pub. L. 105-276, title V, § 582(a)(15), Oct. 21, 1998, 112 Stat. 2644**

Section, Pub. L. 93-383, title II, §209, Aug. 22, 1974, 88 Stat. 669; Pub. L. 98-479, title II, §201(g), Oct. 17, 1984, 98 Stat. 2228; Pub. L. 102-550, title VI, §625(b), Oct. 28, 1992, 106 Stat. 3820, related to special low-income housing projects for elderly or disabled families.

EFFECTIVE DATE OF REPEAL

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

**§ 1439. Local housing assistance plan**

**(a) Applicability of approved plan to housing assistance application; procedure upon receipt of application by Secretary of Housing and Urban Development; definitions**

(1) The Secretary of Housing and Urban Development, upon receiving an application for housing assistance under the United States Housing Act of 1937 [42 U.S.C. 1437 et seq.],<sup>1</sup> section 101 of the Housing and Urban Development Act of 1965 [12 U.S.C. 1701s], or,<sup>2</sup> if the unit of general local government in which the proposed assistance is to be provided has an approved housing assistance plan, shall—

(A) not later than ten days after receipt of the application, notify the chief executive officer of such unit of general local government that such application is under consideration; and

(B) afford such unit of general local government the opportunity, during the thirty-day period beginning on the date of such notification, to object to the approval of the application on the grounds that the application is inconsistent with its housing assistance plan.

Upon receiving an application for such housing assistance, the Secretary shall assure that funds made available under this section shall be utilized to the maximum extent practicable to meet the needs and goals identified in the unit of local government’s housing assistance plan.

(2) If the unit of general local government objects to the application on the grounds that it is inconsistent with its housing assistance plan, the Secretary may not approve the application unless he determines that the application is consistent with such housing assistance plan. If the Secretary determines, that such application is consistent with the housing assistance plan, he shall notify the chief executive officer of the unit of general local government of his determination and the reasons therefor in writing. If the Secretary concurs with the objection of the unit of local government, he shall notify the applicant stating the reasons therefor in writing.

(3) If the Secretary does not receive an objection by the close of the period referred to in paragraph (1)(B), he may approve the applica-

<sup>1</sup> So in original. The comma probably should be “or”.

<sup>2</sup> So in original. The word “or” and the comma probably should not appear.