

may be necessary to meet the requirements of subsection (a)(1), subject to limits previously approved in appropriations Acts.

(July 15, 1949, ch. 338, title V, § 541, as added Pub. L. 101-625, title IX, § 934, Nov. 28, 1990, 104 Stat. 4404; amended Pub. L. 102-550, title VII, § 713, Oct. 28, 1992, 106 Stat. 3842.)

#### REFERENCES IN TEXT

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in subsec. (a)(1), is Pub. L. 93-288, May 22, 1974, 88 Stat. 143, as amended, which is classified principally to chapter 68 (§ 5121 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of this title and Tables.

#### AMENDMENTS

1992—Subsec. (a)(1). Pub. L. 102-550 substituted “amounts made available to the Secretary by an appropriations Act for such purpose” for “amounts available under this subchapter”.

### § 1490r. Rural housing voucher program

#### (a) In general

To such extent or in such amounts as are approved in appropriation Acts, the Secretary shall carry out a rural housing voucher program to assist very low-income families and persons to reside in rental housing in rural areas. For such purposes, the Secretary may provide assistance using a payment standard based on the fair market rental rate established by the Secretary for the area. The monthly assistance payment for any family shall be the amount by which the payment standard for the area exceeds 30 per centum of the family's monthly adjusted income, except that such monthly assistance payment shall not exceed the amount which the rent for the dwelling unit (including the amount allowed for utilities in the case of a unit with separate utility metering) exceeds 10 per centum of the family's monthly gross income.

#### (b) Coordination and limitation

In carrying out the rural housing voucher program under this section, the Secretary shall—

- (1) coordinate activities under this section with activities assisted under sections 1485 and 1490m of this title; and
- (2) enter into contracts for assistance for not more than 5000 units in any fiscal year.

(July 15, 1949, ch. 338, title V, § 542, as added Pub. L. 102-550, title VII, § 706(2), Oct. 28, 1992, 106 Stat. 3835.)

### § 1490s. Enforcement provisions

#### (a) Equity skimming

##### (1) Criminal penalty

Whoever, as an owner, agent, employee, or manager, or is otherwise in custody, control, or possession of property that is security for a loan made or guaranteed under this subchapter, willfully uses, or authorizes the use, of any part of the rents, assets, proceeds, income, or other funds derived from such property, for any purpose other than to meet actual, reasonable, and necessary expenses of the property, or for any other purpose not authorized by this subchapter or the regulations

adopted pursuant to this subchapter, shall be fined under title 18 or imprisoned not more than 5 years, or both.

#### (2) Civil sanctions

An entity or individual who as an owner, operator, employee, or manager, or who acts as an agent for a property that is security for a loan made or guaranteed under this subchapter where any part of the rents, assets, proceeds, income, or other funds derived from such property are used for any purpose other than to meet actual, reasonable, and necessary expenses of the property, or for any other purpose not authorized by this subchapter or the regulations adopted pursuant to this subchapter, shall be subject to a fine of not more than \$25,000 per violation. The sanctions provided in this paragraph may be imposed in addition to any other civil sanctions or civil monetary penalties authorized by law.

#### (b) Civil monetary penalties

##### (1) In general

The Secretary may, after notice and opportunity for a hearing, impose a civil monetary penalty in accordance with this subsection against any individual or entity, including its owners, officers, directors, general partners, limited partners, or employees, who knowingly and materially violate, or participate in the violation of, the provisions of this subchapter, the regulations issued by the Secretary pursuant to this subchapter, or agreements made in accordance with this subchapter, by—

- (A) submitting information to the Secretary that is false;
- (B) providing the Secretary with false certifications;
- (C) failing to submit information requested by the Secretary in a timely manner;
- (D) failing to maintain the property subject to loans made or guaranteed under this subchapter in good repair and condition, as determined by the Secretary;
- (E) failing to provide management for a project which received a loan made or guaranteed under this subchapter that is acceptable to the Secretary; or
- (F) failing to comply with the provisions of applicable civil rights statutes and regulations.

##### (2) Conditions for renewal or extension

The Secretary may require that expiring loan or assistance agreements entered into under this subchapter shall not be renewed or extended unless the owner executes an agreement to comply with additional conditions prescribed by the Secretary, or executes a new loan or assistance agreement in the form prescribed by the Secretary.

#### (3) Amount

##### (A) In general

The amount of a civil monetary penalty imposed under this subsection shall not exceed the greater of—

- (i) twice the damages the Department of Agriculture, the guaranteed lender, or the