

(A) by a public housing agency or by an entity affiliated with a public housing agency;

(B) by a partnership, a limited liability company, or other entity in which the public housing agency (or an entity affiliated with a public housing agency) is a general partner, managing member, or otherwise participates in the activities of that entity;

(C) by any entity that grants to the public housing agency the right of first refusal and first option to purchase, after the close of the compliance period, of the qualified low-income building in which the public housing units exist in accordance with section 42(i)(7) of title 26; or

(D) in accordance with such other terms and conditions as the Secretary may prescribe by regulation.

**(e) Structure of projects**

Each mixed-finance project shall be developed—

(1) in a manner that ensures that public housing units are made available in the project, by regulatory and operating agreement, master contract, individual lease, condominium or cooperative agreement, or equity interest;

(2) in a manner that ensures that the number of public housing units bears approximately the same proportion to the total number of units in the mixed-finance project as the value of the total financial commitment provided by the public housing agency bears to the value of the total financial commitment in the project, or shall not be less than the number of units that could have been developed under the conventional public housing program with the assistance, or as may otherwise be approved by the Secretary; and

(3) in accordance with such other requirements as the Secretary may prescribe by regulation.

**(f) Taxation**

**(1) In general**

A public housing agency may elect to exempt all public housing units in a mixed-finance project—

(A) from the provisions of section 1437d(d) of this title, and instead subject such units to local real estate taxes; and

(B) from the finding of need and cooperative agreement provisions under section 1437c(e)(1)(ii) and 1437c(e)(2) of this title, but only if the development of the units is not inconsistent with the jurisdiction's comprehensive housing affordability strategy.

**(2) Low-income housing tax credit**

With respect to any unit in a mixed-finance project that is assisted pursuant to the low-income housing tax credit under section 42 of title 26, the rents charged to the residents may be set at levels not to exceed the amounts allowable under that section, provided that such levels for public housing residents do not exceed the amounts allowable under section 1437a of this title.

**(g) Use of savings**

Notwithstanding any other provision of this chapter, to the extent deemed appropriate by

the Secretary, to facilitate the establishment of socioeconomically mixed communities, a public housing agency that uses assistance from the Capital Fund for a mixed-finance project, to the extent that income from such a project reduces the amount of assistance used for operating or other costs relating to public housing, may use 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.)

**§ 1437z-9. Data exchange standards for improved interoperability**

**(a) Designation**

The Secretary shall, in consultation with an interagency work group established by the Office of Management and Budget, and considering State government perspectives, designate data exchange standards to govern, under this chapter—

- (1) necessary categories of information that State agencies operating related programs are required under applicable law to electronically exchange with another State agency; and
- (2) Federal reporting and data exchange required under applicable law.

**(b) Requirements**

The data exchange standards required by subsection (a) shall, to the maximum extent practicable—

- (1) incorporate a widely accepted, nonproprietary, searchable, computer-readable format, such as the eXtensible Markup Language;
- (2) contain interoperable standards developed and maintained by intergovernmental partnerships, such as the National Information Exchange Model;
- (3) incorporate interoperable standards developed and maintained by Federal entities with authority over contracting and financial assistance;
- (4) be consistent with and implement applicable accounting principles;

(5) be implemented in a manner that is cost-effective and improves program efficiency and effectiveness; and

(6) be capable of being continually upgraded as necessary.

**(c) Rules of construction**

Nothing in this section requires a change to existing data exchange standards for Federal reporting found to be effective and efficient.

(Sept. 1, 1937, ch. 896, title I, §37, as added Pub. L. 114-201, title V, §503(a), July 29, 2016, 130 Stat. 811.)

REGULATIONS

Pub. L. 114-201, title V, §503(b), July 29, 2016, 130 Stat. provided that:

“(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act [July 29, 2016], the Secretary of Housing and Urban Development shall issue a proposed rule to carry out the amendments made by subsection (a) [enacting this section].

“(2) REQUIREMENTS.—The rule shall—

- “(A) identify federally required data exchanges;
- “(B) include specification and timing of exchanges to be standardized;
- “(C) address the factors used in determining whether and when to standardize data exchanges;
- “(D) specify State implementation options; and
- “(E) describe future milestones.”

**§ 1437z-10. Small public housing agencies**

**(a) Definitions**

In this section:

**(1) Housing voucher program**

The term “housing voucher program” means a program for tenant-based assistance under section 1437f of this title.

**(2) Small public housing agency**

The term “small public housing agency” means a public housing agency—

- (A) for which the sum of the number of public housing dwelling units administered by the agency and the number of vouchers under section 1437f(o) of this title administered by the agency is 550 or fewer; and
- (B) that predominantly operates in a rural area, as described in section 1026.35(b)(2)(iv)(A) of title 12, Code of Federal Regulations.

**(3) Troubled small public housing agency**

The term “troubled small public housing agency” means a small public housing agency designated by the Secretary as a troubled small public housing agency under subsection (c)(3).

**(b) Applicability**

Except as otherwise provided in this section, a small public housing agency shall be subject to the same requirements as a public housing agency.

**(c) Program inspections and evaluations**

**(1) Public housing projects**

**(A) Frequency of inspections by Secretary**

The Secretary shall carry out an inspection of the physical condition of a small public housing agency’s public housing projects not more frequently than once every 3 years,