

**(3) Location**

All homes constructed or rehabilitated under such program will be located in federally approved or equivalent State-approved enterprise zones.

**(4) Sales contracts**

Sales contracts entered into under such program will contain provisions requiring repayment of any loan made under this section upon the sale or other transfer of the home involved, unless the Secretary approves a transfer of such home without repayment (in which case the second mortgage held by the Secretary on such home shall remain in force until such loan is fully repaid).

**(g) Program selection criteria**

**(1) In general**

In selecting enterprise zone homeownership opportunity programs for assistance under this section from among eligible programs, the Secretary shall make such selection on the basis of the extent to which—

(A) non-Federal public or private entities will contribute land necessary to make each program feasible;

(B) non-Federal public and private financial or other contributions (including tax abatements, waivers of fees related to development, waivers of construction, development, or zoning requirements, and direct financial contributions) will reduce the cost of home<sup>1</sup> constructed or rehabilitated under each program;

(C) each program will produce the greatest number of units for the least amount of assistance provided under this section, taking into consideration the cost differences among different market areas; and

(D) each program provides for the involvement of local residents in the planning, and construction or rehabilitation, of homes.

**(2) Exception**

To the extent that non-Federal public entities are prohibited by the law of any State from making any form of contribution described in subparagraph (A) or (B) of paragraph (1), the Secretary shall not consider such form of contribution in evaluating such program.

**(h) Regulations**

Not later than 180 days after October 28, 1992, the Secretary shall issue final regulations to carry out the provisions of this title.<sup>2</sup> Any such regulations shall be issued in accordance with section 553 of title 5, notwithstanding the provisions of subsection (a)(2) of such section.

**(i) Funding**

There are authorized to be appropriated to carry out this section \$30,000,000 in each of fiscal years 1993 and 1994.

(Pub. L. 102-550, title I, §186, Oct. 28, 1992, 106 Stat. 3748.)

CODIFICATION

Section was enacted as part of the Housing and Community Development Act of 1992, and not as part of sub-

<sup>1</sup> So in original. Probably should be “homes”.

<sup>2</sup> So in original. Probably should be “this section.”

title C (§§441-448) of title IV of Pub. L. 101-625 which comprises this part.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

PART C—HOPE FOR YOUTH: YOUTHBUILD

**§§ 12899 to 12899i. Repealed. Pub. L. 109-281, § 2(e), Sept. 22, 2006, 120 Stat. 1181**

Section 12899, Pub. L. 101-625, title IV, § 451, as added Pub. L. 102-550, title I, § 164, Oct. 28, 1992, 106 Stat. 3723, set forth the statement of purpose of this part.

Section 12899a, Pub. L. 101-625, title IV, § 452, as added Pub. L. 102-550, title I, § 164, Oct. 28, 1992, 106 Stat. 3723, authorized the Secretary to make planning and implementation grants.

Section 12899b, Pub. L. 101-625, title IV, § 453, as added Pub. L. 102-550, title I, § 164, Oct. 28, 1992, 106 Stat. 3723, related to planning grants.

Section 12899c, Pub. L. 101-625, title IV, § 454, as added Pub. L. 102-550, title I, § 164, Oct. 28, 1992, 106 Stat. 3725; amended Pub. L. 105-277, div. A, §101(f) [title VIII, § 405(d)(43)(A), (f)(34)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-428, 2681-434, related to implementation grants.

Section 12899d, Pub. L. 101-625, title IV, § 455, as added Pub. L. 102-550, title I, § 164, Oct. 28, 1992, 106 Stat. 3728; amended Pub. L. 105-276, title V, §514(a)(2)(B), Oct. 21, 1998, 112 Stat. 2547; Pub. L. 106-400, § 2, Oct. 30, 2000, 114 Stat. 1675, set forth Youthbuild program requirements.

Section 12899e, Pub. L. 101-625, title IV, § 456, as added Pub. L. 102-550, title I, § 164, Oct. 28, 1992, 106 Stat. 3730; amended Pub. L. 105-277, div. A, §101(f) [title VIII, § 405(d)(43)(B)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-428, set forth additional program requirements.

Section 12899f, Pub. L. 101-625, title IV, § 457, as added Pub. L. 102-550, title I, § 164, Oct. 28, 1992, 106 Stat. 3731; amended Pub. L. 103-382, title III, § 394(d), Oct. 20, 1994, 108 Stat. 4027; Pub. L. 105-244, title I, §102(a)(13)(M), Oct. 7, 1998, 112 Stat. 1621; Pub. L. 106-400, § 2, Oct. 30, 2000, 114 Stat. 1675; Pub. L. 109-136, § 5, Dec. 22, 2005, 119 Stat. 2644, defined terms.

Section 12899g, Pub. L. 101-625, title IV, § 458, as added Pub. L. 102-550, title I, § 164, Oct. 28, 1992, 106 Stat. 3733, related to management and technical assistance.

Section 12899h, Pub. L. 101-625, title IV, § 459, as added Pub. L. 102-550, title I, § 164, Oct. 28, 1992, 106 Stat. 3733, related to contracts.

Section 12899h-1, Pub. L. 101-625, title IV, § 460, as added Pub. L. 104-330, title V, § 504(a)(2), Oct. 26, 1996, 110 Stat. 4044; amended Pub. L. 105-276, title V, §595(e)(15), Oct. 21, 1998, 112 Stat. 2659; Pub. L. 109-136, § 6, Dec. 22, 2005, 119 Stat. 2644, rendered Indian tribes, Indian housing authorities, and other agencies primarily serving Indians or Indian areas ineligible for amounts made available for assistance under this part for fiscal years 1998 through 2005.

Section 12899i, Pub. L. 101-625, title IV, § 461, formerly § 460, as added Pub. L. 102-550, title I, § 164, Oct. 28, 1992, 106 Stat. 3733; renumbered § 461, Pub. L. 104-330, title V, §504(a)(1), Oct. 26, 1996, 110 Stat. 4043, authorized the Secretary to issue any regulations necessary to carry out this part.

TRANSFER OF FUNCTIONS

All functions which the Secretary of Housing and Urban Development exercised before Sept. 22, 2006, relating to subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899 et seq.) transferred to the Department of Labor, see section 3(b) of Pub. L. 109-281, set out as a Transfer of Functions and Savings Provisions note under section 3226 of Title 29, Labor.

**CHAPTER 131—HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS**

Sec. 12901. Purpose.

Sec.	
12902.	Definitions.
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### § 12901. Purpose

The purpose of this chapter<sup>1</sup> is to provide States and localities with the resources and incentives to devise long-term comprehensive strategies for meeting the housing needs of persons with acquired immunodeficiency syndrome and families of such persons.

(Pub. L. 101-625, title VIII, § 852, Nov. 28, 1990, 104 Stat. 4375; Pub. L. 102-550, title VI, § 606(j)(1), Oct. 28, 1992, 106 Stat. 3810.)

#### REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, and was translated as reading “this subtitle”, meaning subtitle D (§§ 851-863) of title VIII of Pub. L. 101-625, to reflect the probable intent of Congress.

#### AMENDMENTS

1992—Pub. L. 102-550 inserted before period at end “and families of such persons”.

#### SHORT TITLE

Pub. L. 101-625, title VIII, § 851, Nov. 28, 1990, 104 Stat. 4375, provided that: “This subtitle [subtitle D (§§ 851-863) of title VIII of Pub. L. 101-625, enacting this chapter] may be cited as the ‘AIDS Housing Opportunity Act’.”

#### REGULATIONS

Pub. L. 102-550, title VI, § 606(k), Oct. 28, 1992, 106 Stat. 3811, provided that:

“(1) INTERIM REGULATIONS.—Not later than the expiration of the 30-day period beginning on the date of the enactment of this Act [Oct. 28, 1992], the Secretary of Housing and Urban Development shall submit to the Congress a copy of proposed interim regulations implementing subtitle D of title VIII of the Cranston-Gonzalez National Affordable Housing Act [42 U.S.C. 12901 et seq.] (as amended by this section). Not later than the expiration of the 45-day period beginning on the date of the enactment of this Act, but not before the expiration of the 15-day period beginning upon the submission of the proposed interim regulations to the Congress, the Secretary shall publish interim regulations implementing such subtitle (as amended), which shall take effect upon publication.

“(2) FINAL REGULATIONS.—Not later than the expiration of the 90-day period beginning upon the publication of interim regulations under paragraph (1), the Secretary shall issue final regulations implementing subtitle D of title VIII of the Cranston-Gonzalez National Affordable Housing Act (as amended by this section) after notice and opportunity for public comment regarding the interim regulations, pursuant to the provisions of section 553 of title 5, United States Code (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section). The duration of the period for public

comment under such section 553 shall be not less than 60 days, and the final regulations shall take effect upon issuance.”

### § 12902. Definitions

For purposes of this chapter:

(1) The term “acquired immunodeficiency syndrome and related diseases” or “AIDS” means the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome.

(2) The term “applicant” means a State, a unit of general local government, or a non-profit organization eligible to receive assistance under this chapter.

(3) The term “low-income individual” means any individual or family whose incomes do not exceed 80 percent of the median income for the area, as determined by the Secretary of Housing and Urban Development, with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 80 percent of the median income for the area if the Secretary finds that such variations are necessary because of prevailing levels of construction costs or unusually high or low family incomes.

(4) The term “grantee” means a State or unit of general local government receiving grants from the Secretary under this chapter.

(5) The term “metropolitan statistical area” means a metropolitan statistical area as established by the Office of Management and Budget. Such term includes the District of Columbia.

(6) The term “locality” means the geographical area within the jurisdiction of a local government.

(7) The term “recipient” means a grantee or other applicant receiving funds under this chapter.<sup>1</sup>

(8) The term “Secretary” means the Secretary of Housing and Urban Development.

(9) The term “State” means a State of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, or any agency or instrumentality thereof that is established pursuant to legislation and designated by the chief executive to act on behalf of the jurisdiction with regard to provisions of this chapter.

(10) The term “unit of general local government” has the same meaning as in section 12704 of this title.

(11) The term “city” has the meaning given the term in section 5302(a) of this title.

(12) The term “eligible person” means a person with acquired immunodeficiency syndrome or a related disease and the family of such person.

(13) The term “nonprofit organization” means any nonprofit organization (including a State or locally chartered, nonprofit organization) that—

(A) is organized under State or local laws;

(B) has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual;

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

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