

“(2) public housing projects in many areas suffer from rampant drug-related crime;

“(3) drug dealers are increasingly imposing a reign of terror on public housing tenants;

“(4) the increase in drug-related crime not only leads to murders, muggings, and other forms of violence against tenants, but also to a deterioration of the physical environment that requires substantial government expenditures; and

“(5) local law enforcement authorities often lack the resources to deal with the drug problem in public housing, particularly in light of the recent reductions in Federal aid to cities.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by title V of Pub. L. 105-276 effective and applicable beginning upon Oct. 1, 1999, except as otherwise provided, with provision that Secretary may implement amendment before such date, except to extent that such amendment provides otherwise, and with savings provision, see section 503 of Pub. L. 105-276, set out as a note under section 1437 of this title.

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-276, title V, § 586(a), Oct. 21, 1998, 112 Stat. 2646, provided that: “This section [enacting sections 11906 to 11908 of this title, amending this section and sections 11902, 11903, 11904, and 11905 of this title, and repealing sections 11906 to 11909 of this title] may be cited as the ‘Public and Assisted Housing Drug Elimination Program Amendments of 1998.’”

SHORT TITLE OF 1994 AMENDMENT

Pub. L. 103-227, title X, § 1051, Mar. 31, 1994, 108 Stat. 274, provided that: “This part [part D (§§ 1051-1053) of title X of Pub. L. 103-227, amending section 11903a of this title] may be cited as the ‘Midnight Basketball League Training and Partnership Act.’”

SHORT TITLE

Pub. L. 100-690, title V, § 5121, Nov. 18, 1988, 102 Stat. 4301, as amended by Pub. L. 101-625, title V, § 581(a), Nov. 28, 1990, 104 Stat. 4245, provided that: “This chapter [chapter 2 (§§ 5121-5130) of subtitle C of title V of Pub. L. 100-690, enacting this subchapter] may be cited as the ‘Public and Assisted Housing Drug Elimination Act of 1990.’”

Pub. L. 100-690, title V, § 5141, Nov. 18, 1988, 102 Stat. 4303, provided that: “This chapter [chapter 3 (§§ 5141-5146) of subtitle C of title V of Pub. L. 100-690, enacting subchapter II of this chapter] may be cited as the ‘Drug-Free Public Housing Act of 1988.’”

§ 11902. Authority to make grants

(a) In general

The Secretary of Housing and Urban Development, in accordance with the provisions of this subchapter, may make grants to public housing agencies, public housing resident management corporations that are principally managing, as determined by the Secretary, public housing projects owned by public housing agencies, recipients of assistance under the Native American Housing Assistance and Self-Determination Act of 1996 [25 U.S.C. 4101 et seq.], Indian tribes¹ and private, for-profit and nonprofit owners of federally assisted low-income housing for use in eliminating drug-related and violent crime.

(b) Consortia

Subject to terms and conditions established by the Secretary, public housing agencies may

form consortia for purposes of applying for grants under this subchapter.

(Pub. L. 100-690, title V, § 5123, Nov. 18, 1988, 102 Stat. 4301; Pub. L. 101-625, title V, § 581(a), Nov. 28, 1990, 104 Stat. 4246; Pub. L. 102-550, title I, § 161(d)(1), Oct. 28, 1992, 106 Stat. 3719; Pub. L. 104-330, title VII, § 704(1), Oct. 26, 1996, 110 Stat. 4051; Pub. L. 105-276, title II, § 220(1), title V, § 586(c), Oct. 21, 1998, 112 Stat. 2488, 2647.)

Editorial Notes

REFERENCES IN TEXT

The Native American Housing Assistance and Self-Determination Act of 1996, referred to in subsec. (a), is Pub. L. 104-330, Oct. 26, 1996, 110 Stat. 4016, as amended, which is classified principally to chapter 43 (§ 4101 et seq.) of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of Title 25 and Tables.

AMENDMENTS

1998—Pub. L. 105-276, § 586(c), designated existing provisions as subsec. (a), inserted heading, substituted “recipients of assistance under the Native American Housing Assistance and Self-Determination Act of 1996” for “tribally designated housing entities”, inserted “and violent” after “drug-related”, and added subsec. (b).

Pub. L. 105-276, § 220(1), inserted “Indian tribes” before “and private”.

1996—Pub. L. 104-330 struck out “(including Indian Housing Authorities)” after “grants to public housing agencies” and inserted “tribally designated housing entities,” before “and private”.

1992—Pub. L. 102-550 inserted “, public housing resident management corporations that are principally managing, as determined by the Secretary, public housing projects owned by public housing agencies,” after “Authorities”.

1990—Pub. L. 101-625 amended section generally. Prior to amendment, section read as follows: “The Secretary of Housing and Urban Development, in accordance with the provisions of this subchapter, may make grants to public housing agencies (including Indian housing authorities) for use in eliminating drug-related crime in public housing projects.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by title V of Pub. L. 105-276 effective and applicable beginning upon Oct. 1, 1999, except as otherwise provided, with provision that Secretary may implement amendment before such date, except to extent that such amendment provides otherwise, and with savings provision, see section 503 of Pub. L. 105-276, set out as a note under section 1437 of this title.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-330 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.

§ 11903. Eligible activities

(a) Public and assisted housing

Grants under this subchapter may be used in public housing or other federally assisted low-income housing projects for—

- (1) the employment of security personnel;
- (2) reimbursement of local law enforcement agencies for additional security and protective services;
- (3) physical improvements which are specifically designed to enhance security;

¹ So in original. Probably should be followed by a comma.

(4) the employment of one or more individuals—

(A) to investigate drug-related or violent crime in and around the real property comprising any public or other federally assisted low-income housing project; and

(B) to provide evidence relating to such crime in any administrative or judicial proceeding;

(5) the provision of training, communications equipment, and other related equipment for use by voluntary tenant patrols acting in cooperation with local law enforcement officials;

(6) programs designed to reduce use of drugs in and around public or other federally assisted low-income housing projects, including drug-abuse prevention, intervention, referral, and treatment programs;

(7) where a public housing agency, an Indian tribe, or recipient of assistance under the Native American Housing Assistance and Self-Determination Act of 1996 [25 U.S.C. 4101 et seq.] receives a grant, providing funding to nonprofit resident management corporations and resident councils to develop security and drug abuse prevention programs involving site residents; and

(8) sports programs and sports activities that serve primarily youths from public or other federally assisted low-income housing projects and are operated in conjunction with, or in furtherance of, an organized program or plan designed to reduce or eliminate drugs and drug-related problems in and around such projects.

(b) Other PHA-owned housing

Notwithstanding any other provision of this subchapter, grants under this subchapter may be used to eliminate drug-related crime in and around housing owned by public housing agencies that is not public housing assisted under the United States Housing Act of 1937 [42 U.S.C. 1437 et seq.] and is not otherwise federally assisted, for the activities described in paragraphs (1) through (7) of subsection (a), but only if—

(1) the housing is located in a high intensity drug trafficking area designated pursuant to section 1504¹ of title 21; and

(2) the public housing agency owning the housing demonstrates, to the satisfaction of the Secretary, that drug-related or violent activity in or around the housing has a detrimental effect on or about the real property comprising any public or other federally assisted low-income housing.

(Pub. L. 100-690, title V, § 5124, Nov. 18, 1988, 102 Stat. 4301; Pub. L. 101-625, title V, § 581(a), Nov. 28, 1990, 104 Stat. 4246; Pub. L. 102-550, title I, § 161(c), (d)(2), Oct. 28, 1992, 106 Stat. 3718, 3719; Pub. L. 104-330, title VII, § 704(2), Oct. 26, 1996, 110 Stat. 4051; Pub. L. 105-276, title II, § 220(2), title V, § 586(d), Oct. 21, 1998, 112 Stat. 2488, 2647.)

Editorial Notes

REFERENCES IN TEXT

The Native American Housing Assistance and Self-Determination Act of 1996, referred to in subsec. (a)(7),

¹ See References in Text note below.

is Pub. L. 104-330, Oct. 26, 1996, 110 Stat. 4016, as amended, which is classified principally to chapter 43 (§ 4101 et seq.) of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of Title 25 and Tables.

The United States Housing Act of 1937, referred to in subsec. (b), is act Sept. 1, 1937, ch. 896, as revised generally by Pub. L. 93-383, title II, § 201(a), Aug. 22, 1974, 88 Stat. 653, and amended, which is classified generally to chapter 8 (§ 1437 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1437 of this title and Tables.

Section 1504 of title 21, referred to in subsec. (b)(1), was repealed by Pub. L. 100-690, title I, § 1009, Nov. 18, 1988, 102 Stat. 4188, as amended.

AMENDMENTS

1998—Subsec. (a)(4)(A). Pub. L. 105-276, § 586(d)(1)(A), substituted “drug-related or violent crime in and around” for “drug-related crime on or about”.

Subsec. (a)(7). Pub. L. 105-276, § 586(d)(1)(C)(i), substituted “recipient of assistance under the Native American Housing Assistance and Self-Determination Act of 1996” for “tribally designated housing entity”.

Pub. L. 105-276, § 220(2), inserted “, an Indian tribe,” after “public housing agency”.

Subsec. (a)(8). Pub. L. 105-276, § 586(d)(1)(B), (C)(ii), (8)[(D)], added par. (8).

Subsec. (b). Pub. L. 105-276, § 586(d)(2)(A), substituted “drug-related crime in and around” for “drug-related crime in” in introductory provisions.

Subsec. (b)(2). Pub. L. 105-276, § 586(d)(2)(B), substituted “drug-related or violent activity in or around” for “drug-related activity at”.

1996—Subsec. (a)(7). Pub. L. 104-330 inserted “or tribally designated housing entity” after “public housing agency” and struck out “public housing” after “nonprofit”.

1992—Pub. L. 102-550 designated existing provisions as subsec. (a), inserted heading, inserted “where a public housing agency receives a grant,” in par. (7), and added subsec. (b).

1990—Pub. L. 101-625 amended section generally. Prior to amendment, section read as follows: “A public housing agency may use a grant under this subchapter for—

“(1) the employment of security personnel in public housing projects;

“(2) reimbursement of local law enforcement agencies for additional security and protective services for public housing projects;

“(3) physical improvements in public housing projects which are specifically designed to enhance security;

“(4) the employment of 1 or more individuals—
“(A) to investigate drug-related crime on or about the real property comprising any public housing project; and

“(B) to provide evidence relating to any such crime in any administrative or judicial proceeding;

“(5) the provision of training, communications equipment, and other related equipment for use by voluntary public housing tenant patrols acting in cooperation with local law enforcement officials;

“(6) innovative programs designed to reduce use of drugs in and around public housing projects; and

“(7) providing funding to nonprofit public housing resident management corporation and tenant councils to develop security and drug abuse prevention programs involving site residents.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by title V of Pub. L. 105-276 effective and applicable beginning upon Oct. 1, 1999, except as otherwise provided, with provision that Secretary may implement amendment before such date, except to extent that such amendment provides otherwise, and with savings provision, see section 503 of Pub. L. 105-276, set out as a note under section 1437 of this title.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-330 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.

§ 11903a. Repealed. Pub. L. 105-276, title V, § 582(a)(13), Oct. 21, 1998, 112 Stat. 2644

Section, Pub. L. 101-625, title V, § 520, Nov. 28, 1990, 104 Stat. 4202; Pub. L. 102-389, title II, Oct. 6, 1992, 106 Stat. 1587; Pub. L. 102-550, title I, § 126(b), Oct. 28, 1992, 106 Stat. 3710; Pub. L. 103-227, title X, §§ 1052, 1053, Mar. 31, 1994, 108 Stat. 274, 280; Pub. L. 104-330, title V, § 501(d)(2), Oct. 26, 1996, 110 Stat. 4043, authorized grants for public and assisted housing youth sports programs.

Statutory Notes and Related Subsidiaries

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.

§ 11904. Applications

(a) In general

To receive a grant under this subchapter, a public housing agency, a public housing resident management corporation, an Indian tribe¹ a recipient of assistance under the Native American Housing Assistance and Self-Determination Act of 1996 [25 U.S.C. 4101 et seq.], or an owner of federally assisted low-income housing shall submit an application to the Secretary, at such time, in such manner, and accompanied by such additional information as the Secretary may reasonably require. Such application shall include a plan for addressing the problem of drug-related or violent crime in and around of² the housing administered or owned by the applicant for which the application is being submitted, which plan shall be coordinated with and may be included in the public housing agency plan submitted to the Secretary pursuant to section 1437c-1 of this title.

(b) One-year renewable grants

(1) In general

An eligible applicant that is a public housing agency may apply for a 1-year grant under this subchapter that, subject to the availability of appropriated amounts, shall be renewed annually for a period of not more than 4 additional years, except that such renewal shall be contingent upon the Secretary finding, upon an annual or more frequent review, that the grantee agency is performing under the terms of the grant and applicable laws in a satisfactory manner and meets such other requirements as the Secretary may prescribe. The Secretary may adjust the amount of any grant received or renewed under this paragraph to take into account increases or decreases in amounts appropriated for these purposes or such other factors as the Secretary determines to be appropriate.

¹ So in original. Probably should be followed by a comma.

² So in original.

(2) Eligibility and preference

The Secretary may not provide assistance under this subchapter to an applicant that is a public housing agency unless—

(A) the agency will use the grants to continue or expand activities eligible for assistance under this subchapter, as in effect immediately before the effective date under section 503(a) of the Quality Housing and Work Responsibility Act of 1998, in which case the Secretary shall provide preference to such applicant; except that preference under this subparagraph shall not preclude selection by the Secretary of other meritorious applications that address urgent or serious crime problems nor be construed to require continuation of activities determined by the Secretary to be unworthy of continuation; or

(B) the agency is in the class established under paragraph (3).

(3) PHAs having urgent or serious crime problems

The Secretary shall, by regulations issued after notice and opportunity for public comment, set forth criteria for establishing a class of public housing agencies that have urgent or serious crime problems. The Secretary may reserve a portion of the amount appropriated to carry out this subchapter in each fiscal year only for grants for public housing agencies in such class, except that any amounts from such portion reserved that are not obligated to agencies in the class shall be made available only for agencies that are subject to a preference under paragraph (2)(A).

(4) Inapplicability to federally assisted low-income housing

The provisions of this subsection shall not apply to federally assisted low-income housing.

(c) Criteria

The Secretary shall approve applications under subsection (b) that are not subject to a preference under subsection (b)(2)(A) on the basis of thresholds or criteria such as—

(1) the extent of the drug-related or violent crime problem in and around the public or federally assisted low-income housing project or projects proposed for assistance;

(2) the quality of the plan to address the crime problem in the public or federally assisted low-income housing project or projects proposed for assistance, including the extent to which the plan includes initiatives that can be sustained over a period of several years;

(3) the capability of the applicant to carry out the plan; and

(4) the extent to which tenants, the local government and the local community support and participate in the design and implementation of the activities proposed to be funded under the application.

(d) Federally assisted low-income housing

In addition to the selection criteria specified in subsection (c), the Secretary may establish other criteria for the evaluation of applications submitted by owners of federally assisted low-