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TITLE 42--THE PUBLIC HEALTH AND WELFARE

CHAPTER 130--NATIONAL AFFORDABLE HOUSING

SUBCHAPTER II--INVESTMENT IN AFFORDABLE HOUSING

Part F--General Provisions

Sec. 281. Equal opportunity

a. Solicitation of contracts

Each participating jurisdiction shall prescribe procedures acceptable to the Secretary to establish and oversee a minority outreach program within each such jurisdiction to ensure the inclusion, to the maximum extent possible, of minorities and women, and entities owned by minorities and women, including, without limitation, real estate firms, construction firms, appraisal firms, management firms, financial institutions, investment banking firms, underwriters, accountants, and providers of legal services, in all contracts, entered into by the participating jurisdiction with such persons or entities, public and private, in order to facilitate the activities of the participating jurisdiction to provide affordable housing authorized under this Act or any other Federal housing law applicable to such jurisdiction.

b. Report to Congress

Before the end of the 180-day period beginning on the date the first allocation of funds is made under section 12747 of this title, the Secretary shall submit to the Congress a report containing a description of the actions taken by each participating jurisdiction pursuant to subsection (a) of this section and such recommendations for administrative and legislative action as the Secretary may determine to be appropriate to carry out the purposes of such subsection.

(Pub. L. 101-625, title II, Sec. 281, Nov. 28, 1990, 104 Stat. 4125.)

References in Text

This Act, referred to in subsec. (a), is Pub. L. 101-625, Nov. 28, 1990, 104 Stat. 4079, known as the Cranston-Gonzalez National Affordable Housing Act. For complete classification of this Act to the Code, see Short Title note set out under section 12701 of this title and Tables.

Section Referred to in Other Sections

This section is referred to in section 12834 of this title.

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TITLE 42--THE PUBLIC HEALTH AND WELFARE

CHAPTER 130--NATIONAL AFFORDABLE HOUSING

SUBCHAPTER II--INVESTMENT IN AFFORDABLE HOUSING

Part F--General Provisions

Sec. 282. Nondiscrimination

No person in the United States shall on the grounds of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this subchapter. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 [42 U.S.C. 6101 et seq.] or with respect to an otherwise qualified handicapped individual as provided in section 794 of title 29 shall also apply to any such program or activity. The Secretary may waive this section in connection with the use of funds made available under this subchapter on lands set aside under the Hawaiian Homes Commission Act, 1920 (42 Stat. 108).

(Pub. L. 101-625, title II, Sec. 282, Nov. 28, 1990, 104 Stat. 4125; Pub. L. 104-204, title II, Sec. 213, Sept. 26, 1996, 110 Stat. 2904.)

References in Text

The Age Discrimination Act of 1975, referred to in text, is title III of Pub. L. 94-135, Nov. 28, 1975, 89 Stat. 728, as amended, which is classified generally to chapter 76 (Sec. 6101 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6101 of this title and Tables. The Hawaiian Homes Commission Act, 1920, referred to in text, is act July 9, 1921, ch. 42, 42 Stat. 108, as amended, which was classified generally to sections 691 to 718 of Title 48, Territories and Insular Possessions, and was omitted from the Code.

Amendments

1996--Pub. L. 104-204 inserted at end "The Secretary may waive this section in connection with the use of funds made available under this subchapter on lands set aside under the Hawaiian Homes Commission Act, 1920 (42 Stat. 108)."

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TITLE 42--THE PUBLIC HEALTH AND WELFARE

CHAPTER 130--NATIONAL AFFORDABLE HOUSING

SUBCHAPTER II--INVESTMENT IN AFFORDABLE HOUSING

Part F--General Provisions

Sec. 283. Audits by Comptroller General

- a. Audits of HOME Investment Partnerships program
The Comptroller General, when the Comptroller General deems it to be appropriate or when requested by the Committee on Banking, Housing, and Urban Affairs of the Senate or the Committee on Banking, Finance and Urban Affairs of the House of Representatives, shall conduct a full financial audit of the records of the HOME Investment Partnerships program for any fiscal year. The report of the Comptroller General shall be submitted promptly to the Secretary and the Congress and shall be published.
- b. Audits of recipients
The financial transactions of participating jurisdictions and of other recipients of funds provided under this subchapter may, insofar as they relate to funds provided under this subchapter, be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by such recipients pertaining to such financial transactions and necessary to facilitate the audit.

(Pub. L. 101-625, title II, Sec. 283, Nov. 28, 1990, 104 Stat. 4125; Pub. L. 103-233, title II, Sec. 205, Apr. 11, 1994, 108 Stat. 364.)

Amendments

1994--Pub. L. 103-233, Sec. 205(1), substituted "Audits by Comptroller General" for "Annual audits and accountability" in section catchline.

Subsec. (a). Pub. L. 103-233, Sec. 205(4), struck out after first sentence ``The initiation of an audit for a fiscal year under the previous sentence shall obviate the requirement for an audit by an independent accounting firm under paragraph (a) for that fiscal year."`

Pub. L. 103-233, Sec. 205(3)(B), (C), redesignated subsec. (b)(1) as (a) and realigned margins.

Pub. L. 103-233, Sec. 205(2), struck out heading and text of subsec. (a). Text read as follows: "The Secretary, except as provided in paragraph (b)(1), shall contract annually with an independent accounting firm to provide for a full financial audit of the records of the HOME Investment Partnerships program for each fiscal year."

Funds available for departmental administration may be used to provide for such audits. Each audit shall be performed as soon as practicable after the close of the fiscal year and in accordance with generally accepted Government auditing standards approved by the Comptroller General of the United States (hereinafter referred to as the 'Comptroller General'), and shall be consistent with the requirements of sections 9105 and 9106 of title 31. The Secretary shall promptly submit the report of the independent accounting firm to the Congress, consistent with the requirements of section 9106 of title 31, and such report shall be published. The requirement for an audit under this section shall be in lieu of the requirement for an audit by the Comptroller General under section 9105(a) of title 31."

Subsec. (b). Pub. L. 103-233, Sec. 205(3), struck out heading "Audits by the Comptroller General.--", redesignated subsec. (b)(2) as (b), and realigned margins.

Change of Name

Committee on Banking, Finance and Urban Affairs of House of Representatives treated as referring to Committee on Banking and Financial Services of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

Effective Date of 1994 Amendment

Amendment by Pub. L. 103-233 applicable with respect to any amounts made available to carry out this subchapter after Apr. 11, 1994, and any amounts made available to carry out this subchapter before that date that remain uncommitted on that date, with Secretary to issue any regulations necessary to carry out such amendment not later than end of 45-day period beginning on that date, see section 209 of Pub. L. 103-233, set out as a note under section 5301 of this title.

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TITLE 42--THE PUBLIC HEALTH AND WELFARE

CHAPTER 130--NATIONAL AFFORDABLE HOUSING

SUBCHAPTER II--INVESTMENT IN AFFORDABLE HOUSING

Part F--General Provisions

Sec. 284. Uniform recordkeeping and reports to Congress

a. Uniform requirements

The Secretary shall develop and establish uniform recordkeeping, performance reporting, and auditing requirements for use by participating jurisdictions.

b. Report to Congress

Not later than 120 days after the end of each fiscal year, the Secretary shall make an annual report to the Congress that summarizes and assesses the results of reports provided under this section. Such report shall include a description of actions taken by each participating jurisdiction pursuant to section 12831(a) of this title and such recommendations for administrative and legislative action as may be appropriate to carry out the purposes of such section.

(Pub. L. 101-625, title II, Sec. 284, Nov. 28, 1990, 104 Stat. 4126.)

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TITLE 42--THE PUBLIC HEALTH AND WELFARE

CHAPTER 130--NATIONAL AFFORDABLE HOUSING

SUBCHAPTER II--INVESTMENT IN AFFORDABLE HOUSING

Part F--General Provisions

Sec. 285. Citizen participation

The Secretary shall ensure that each participating jurisdiction, and each jurisdiction seeking to become a participating jurisdiction, complies with the requirements of section 12707 of this title.

(Pub. L. 101-625, title II, Sec. 285, Nov. 28, 1990, 104 Stat. 4126.)

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TITLE 42--THE PUBLIC HEALTH AND WELFARE

CHAPTER 130--NATIONAL AFFORDABLE HOUSING

SUBCHAPTER II--INVESTMENT IN AFFORDABLE HOUSING

Part F--General Provisions

Sec. 286. Labor

a. In general

Any contract for the construction of affordable housing with 12 or more units assisted with funds made available under this part shall contain a provision requiring that not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (40 U.S.C. 276a--276a-5), shall be paid to all laborers and mechanics employed in the development of affordable housing involved, and participating jurisdictions shall require certification as to compliance with the provisions of this section prior to making any payment under such contract.

b. Waiver

Subsection (a) of this section shall not apply if the individual receives no compensation or is paid expenses, reasonable benefits, or a nominal fee to perform the services for which the individual volunteered and such persons are not otherwise employed at any time in the construction work.

(Pub. L. 101-625, title II, Sec. 286, Nov. 28, 1990, 104 Stat. 4126.)

References in Text

The Davis-Bacon Act, referred to in subsec. (a), is act Mar. 3, 1931, ch. 411, 46 Stat. 1494, as amended, which is classified generally to sections 276a to 276a-5 of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note set out under section 276a of Title 40 and Tables.

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TITLE 42--THE PUBLIC HEALTH AND WELFARE

CHAPTER 130--NATIONAL AFFORDABLE HOUSING

SUBCHAPTER II--INVESTMENT IN AFFORDABLE HOUSING

Part F--General Provisions

Sec. 287. Interstate agreements

The consent of the Congress is hereby given to any two or more States to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this subchapter as they pertain to interstate areas and to localities within such States, and to establish such agencies, joint or otherwise, as they may deem desirable for making such agreements and compacts effective.

(Pub. L. 101-625, title II, Sec. 287, Nov. 28, 1990, 104 Stat. 4127.)

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TITLE 42--THE PUBLIC HEALTH AND WELFARE

CHAPTER 130--NATIONAL AFFORDABLE HOUSING

SUBCHAPTER II--INVESTMENT IN AFFORDABLE HOUSING

Part F--General Provisions

Sec. 288. Environmental review

a. In general

In order to assure that the policies of the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.] and other provisions of law which further the purposes of such Act (as specified in regulations issued by the Secretary) are most effectively implemented in connection with the expenditure of funds under this subchapter, and to assure to the public undiminished protection of the environment, the Secretary, in lieu of the environmental protection procedures otherwise applicable, may under regulations provide for the release of funds for particular projects to jurisdictions or insular areas under this subchapter who assume all of the responsibilities for environmental review, decisionmaking, and action pursuant to such Act, and such other provisions of law as the regulations of the Secretary specify, that would apply to the Secretary were he to undertake such projects as Federal projects. The Secretary shall issue regulations to carry out this section only after consultation with the Council on Environmental Quality. The regulations shall provide--

1. for the monitoring of the environmental reviews performed under this section;
2. in the discretion of the Secretary, to facilitate training for the performance of such reviews; and
3. for the suspension or termination of the assumption under this section.

The Secretary's duty under the preceding sentence shall not be construed to limit or reduce any responsibility assumed by a State or unit of general local government with respect to any particular release of funds.

b. Procedure

The Secretary shall approve the release of funds subject to the procedures authorized by this section only if, at least 15 days prior to such approval and prior to any commitment of funds to such projects \1\ the jurisdiction or insular area has submitted to the Secretary a request for such release accompanied by a certification which meets the requirements of subsection

(c) of this section. The Secretary's approval of any such certification shall be deemed to satisfy his responsibilities under the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.] and such other provisions of law as the regulations of the Secretary specify insofar as those responsibilities relate to the releases of funds for projects to be carried out pursuant thereto which are covered by such certification.

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

c. Certification

A certification under the procedures authorized by this section shall--

1. be in a form acceptable to the Secretary,
2. be executed by the chief executive officer or other officer of the recipient of assistance under this subchapter qualified under regulations of the Secretary,
3. specify that the recipient of assistance under this subchapter has fully carried out its responsibilities as described under subsection (a) of this section, and
4. specify that the certifying officer
 - A. consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.] and each provision of law specified in regulations issued by the Secretary insofar as the provisions of such Act or other such provision of law apply pursuant to subsection (a) of this section, and
 - B. is authorized and consents on behalf of the jurisdiction or insular area and himself to accept the jurisdiction of the Federal courts for the purpose of enforcement of his responsibilities as such an official.

d. Assistance to units of general local government from a State

In the case of assistance to units of general local government from a State, the State shall perform those actions of the Secretary described in subsection (b) of this section and the performance of such actions shall be deemed to satisfy the Secretary's responsibilities referred to in the second sentence of such subsection.

(Pub. L. 101-625, title II, Sec. 288, Nov. 28, 1990, 104 Stat. 4127; Pub. L. 103-233, title II, Sec. 206, Apr. 11, 1994, 108 Stat. 365; Pub. L. 104-330, title V, Sec. 505(a)(2), Oct. 26, 1996, 110 Stat. 4044.)

References in Text

The National Environmental Policy Act of 1969, referred to in subsecs. (a), (b), and (c)(4), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (Sec. 4321 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of this title and Tables.

Amendments

1996--Subsec. (a). Pub. L. 104-330, Sec. 505(a)(2)(A), struck out ", Indian tribes," after "projects to jurisdictions" in introductory provisions. Subsecs. (b), (c)(4). Pub. L. 104-330, Sec. 505(a)(2)(B), (C), struck out ", Indian tribe," after "the jurisdiction".

1994--Subsec. (a). Pub. L. 103-233, Sec. 206(1), substituted "jurisdictions, Indian tribes, or insular areas" for "participating jurisdictions" and inserted before period at end "The regulations shall provide--
"(1) for the monitoring of the environmental reviews performed under this section;
"(2) in the discretion of the Secretary, to facilitate training for the performance of such reviews; and
"(3) for the suspension or termination of the assumption under this section.
The Secretary's duty under the preceding sentence shall not be construed to limit or reduce any responsibility assumed by a State or unit of general local government with respect to any particular release of funds."

Subsec. (b). Pub. L. 103-233, Sec. 206(2), substituted "jurisdiction, Indian tribe, or insular area" for "participating jurisdiction".

Subsec. (c)(4)(B). Pub. L. 103-233, Sec. 206(3), substituted "jurisdiction, Indian tribe, or insular area" for "participating jurisdiction".

Subsec. (d). Pub. L. 103-233, Sec. 206(4), substituted "Assistance to units of general local government from a State" for "Assistance to a State" in heading and "In the case of assistance to units of general local government from a State" for "In the case of assistance to States" in text.

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. Amendment by Pub. L. 104-330 applicable with respect to amounts made available for assistance under this subchapter for fiscal year 1998 and fiscal years thereafter, see section 505(b) of Pub. L. 104-330, set out as a note under section 12747 of this title.

Effective Date of 1994 Amendment

Amendment by Pub. L. 103-233 applicable with respect to any amounts made available to carry out this subchapter after Apr. 11, 1994, and any amounts made available to carry out this subchapter before that date that remain uncommitted on that date, with Secretary to issue any regulations necessary to carry out such

amendment not later than end of 45-day period beginning on that date, see section 209 of Pub. L. 103-233, set out as a note under section 5301 of this title.

Section Referred to in Other Sections

This section is referred to in section 4852 of this title.

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TITLE 42--THE PUBLIC HEALTH AND WELFARE

CHAPTER 130--NATIONAL AFFORDABLE HOUSING

SUBCHAPTER II--INVESTMENT IN AFFORDABLE HOUSING

Part F--General Provisions

Sec. 289. Termination of existing housing programs

a. In general

Except with respect to projects and programs for which binding commitments have been entered into prior to October 1, 1991, no new grants or loans shall be made after October 1, 1991, under--

1. section 17 of the United States Housing Act of 1937 [42 U.S.C. 1437o];
2. section 312 of the Housing Act of 1964 [42 U.S.C. 1452b];
3. title VI of the Housing and Community Development Act of 1987;
4. section 8(e)(2) of the United States Housing Act of 1937 [42 U.S.C. 1437f(e)(2)], except for funds allocated under such section for single room occupancy dwellings as authorized by title IV of the Stewart B. McKinney Homeless Assistance Act [42 U.S.C. 11361 et seq.]; and
5. section 810 of the Housing and Community Development Act of 1974 [12 U.S.C. 1706e].

b. Repeals

1. In general

Except as provided in paragraph (2), effective on October 1, 1991, the provisions of law referred to in subsection (a) of this section are repealed.

2. No effect on SRO program

The provision of law referred to in subsection (a)(4) of this section shall remain in effect with respect to single room occupancy dwellings as authorized by title IV of the Stewart B. McKinney Homeless Assistance Act [42 U.S.C. 11361 et seq.].

c. Disposition of repayments

Any amounts received on or after October 1, 1991, as repayments or recaptures in connection with the programs referred to in subsection (a) of this section and any other amounts for such programs that remain or become unobligated on or after such date, shall be paid into the general fund of the Treasury.

(Pub. L. 101-625, title II, Sec. 289, Nov. 28, 1990, 104 Stat. 4128.)

References in Text

Title VI of the Housing and Community Development Act of 1987 [Pub. L. 100-242], referred to in subsec. (a)(3), is set out as a note under section 1715I of Title 12, Banks and Banking.

The Stewart B. McKinney Homeless Assistance Act, referred to in subsecs. (a)(4), (b)(2), is Pub. L. 100-77, July 22, 1987, 101 Stat. 482, as amended. Title IV of the Act is classified principally to subchapter IV (Sec. 11361 et seq.) of chapter 119 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.

Section Referred to in Other Sections

This section is referred to in title 12 section 3752.

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TITLE 42--THE PUBLIC HEALTH AND WELFARE

CHAPTER 130--NATIONAL AFFORDABLE HOUSING

SUBCHAPTER II--INVESTMENT IN AFFORDABLE HOUSING

Part F--General Provisions

Sec. 290. Suspension of requirements for disaster areas

For funds designated under this subchapter by a recipient to address the damage in an area for which the President has declared a disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act [42 U.S.C. 5170 et seq.], the Secretary may suspend all statutory requirements for purposes of assistance under this subchapter for that area, except for those related to public notice of funding availability, nondiscrimination, fair housing, labor standards, environmental standards, and low-income housing affordability.

(Pub. L. 101-625, title II, Sec. 290, as added Pub. L. 103-233, title II, Sec. 208, Apr. 11, 1994, 108 Stat. 366.)

References in Text

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in text, is Pub. L. 93-288, May 22, 1974, 88 Stat. 143, as amended. Title IV of the Act is classified generally to subchapter IV (Sec. 5170 et seq.) of chapter 68 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.

Effective Date

Section applicable with respect to any amounts made available to carry out this subchapter after Apr. 11, 1994, and any amounts made available to carry out this subchapter before that date that remain uncommitted on that date, with Secretary to issue any regulations necessary to carry out this section not later than end of 45-day period beginning on that date, see section 209 of Pub. L. 103-233, set out as an Effective Date of 1994 Amendment note under section 5301 of this title.