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.[2] 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 subtitle 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 Repealed.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 2918a of Title 29, Labor.

CHAPTER 131—HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

Sec.
12901. Purpose.
12902. Definitions.
12903. General authority.
12904. Eligible activities.
12905. Responsibilities of grantees.
12906. Grants for AIDS housing information and coordination services.
12907. AIDS short-term supported housing and services.
12908. Rental assistance.
12909. Single room occupancy dwellings.
12910. Grants for community residences and services.
12911. Report.
12912. Authorization of appropriations.

§ 12901. Purpose

The purpose of this chapter[1] 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''.

[2] So in original. Probably should be ''this section.''

[1] See References in Text note below.

SHORT TITLE

Section 851 of Pub. L. 101–625 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

Section 606(k) of Pub. L. 102–550 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'' 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 nonprofit 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.[1]

(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;

(C) complies with standards of financial accountability acceptable to the Secretary; and

(D) has among its purposes significant activities related to providing services or housing to persons with acquired immunodeficiency syndrome or related diseases.

(14) The term ''project sponsor'' means a nonprofit organization or a housing agency of a State or unit of general local government that contracts with a grantee to receive assistance under this chapter.

(Pub. L. 101–625, title VIII, § 853, Nov. 28, 1990, 104 Stat. 4375; Pub. L. 102–550, title VI, § 606(c), Oct. 28, 1992, 106 Stat. 3807.)

REFERENCES IN TEXT

This chapter, referred to in par. (7), 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—Par. (2). Pub. L. 102–550, § 606(c)(1), substituted ''organization eligible to receive assistance under this chapter'' for ''sponsor receiving assistance from a grantee''.

Par. (5). Pub. L. 102–550, § 606(c)(2), substituted ''term 'metropolitan statistical area' means'' for ''term 'metropolitan area' means''.

Pars. (11) to (14). Pub. L. 102–550, § 606(c)(3), added pars. (11) to (14).

§ 12903. General authority

(a) Grants authorized

The Secretary shall, to the extent of amounts approved in appropriations Acts under section 12912 of this title, make grants to States, units

[1] See References in Text note below.

of general local government, and nonprofit organizations.

(b) Implementation of eligible activities

A grantee shall carry out eligible activities under section 12904 of this title through project sponsors. Any grantee that is a State that enters into a contract with a nonprofit organization to carry out eligible activities in a locality shall obtain the approval of the unit of general local government for the locality before entering into the contract.

(c) Allocation of resources

(1) Formula allocation

The Secretary shall allocate 90 percent of the amounts approved in appropriation Acts under section 12912 of this title among States and cities whose most recent comprehensive housing affordability strategy (or abbreviated strategy) has been approved by the Secretary under section 12705 of this title. Such amounts shall be allocated as follows:

(A) 75 percent among—

(i) cities that are the most populous unit of general local government in a metropolitan statistical area having a population greater than 500,000 and more than 1,500 cases of acquired immunodeficiency syndrome; and

(ii) States with more than 1,500 cases of acquired immunodeficiency syndrome outside of metropolitan statistical areas described in clause (i); and

(B) 25 percent among cities that (i) are the most populous unit of general local government in a metropolitan statistical area having a population greater than 500,000 and more than 1,500 cases of acquired immunodeficiency syndrome, and (ii) have a higher than average per capita incidence of acquired immunodeficiency syndrome.

A single city may receive assistance allocated under subparagraph (A) and subparagraph (B). For purposes of allocating amounts under this paragraph for any fiscal year, the number of cases of acquired immunodeficiency syndrome shall be the number of such cases reported to and confirmed by the Director of the Centers for Disease Control of the Public Health Service as of March 31 of the fiscal year immediately preceding the fiscal year for which the amounts are appropriated and to be allocated.

(2) Minimum grant

Subject only to the availability of amounts pursuant to appropriations Acts under section 12912 of this title, for each fiscal year each eligible grantee under paragraph (1) shall receive funding according to its proportionate share of the total, except that each entity shall receive a minimum allocation of $200,000 from subparagraphs (A) and (B) of paragraph (1) combined, and any increase this entails from the formula amount will be deducted from all other allocations exceeding $200,000 on a pro rata basis. If allocation under subparagraph (A) of paragraph (1) would allocate less than $200,000 for any State, the allocation for such State shall be $200,000 and the amount of the increase under this sentence shall be deducted on a pro rata basis from the allocations of the other States, except that a reduction under this subparagraph may not reduce the amount allocated to any eligible entity to less than $200,000.

(3) Nonformula allocation

(A) In general

The Secretary shall allocate 10 percent of the amounts appropriated under section 12912 of this title among—

(i) States and units of general local government that do not qualify for allocation of amounts under paragraph (1); and

(ii) States, units of general local government, and nonprofit organizations, to fund special projects of national significance.

(B) Selection

In selecting projects under this paragraph, the Secretary shall consider (i) relative numbers of acquired immunodeficiency syndrome cases and per capita acquired immunodeficiency syndrome incidence; (ii) housing needs of eligible persons in the community; (iii) extent of local planning and coordination of housing programs for eligible persons; and (iv) the likelihood of the continuation of State and local efforts.

(C) National significance projects

For the purpose of subparagraph (A)(ii), in selecting projects of national significance the Secretary shall consider (i) the need to assess the effectiveness of a particular model for providing supportive housing for eligible persons; (ii) the innovative nature of the proposed activity; and (iii) the potential replicability of the proposed activity in other similar localities or nationally.

(d) Applications

Funds made available under this section shall be allocated among applications submitted by applicants and approved by the Secretary. Applications for assistance under this section shall be submitted by an applicant in such form and in accordance with such procedures as the Secretary shall establish. Such applications shall contain—

(1) a description of the proposed activities;

(2) a description of the size and characteristics of the population that would be served by the proposed activities;

(3) a description of the public and private resources that are expected to be made available in connection with the proposed activities;

(4) assurances satisfactory to the Secretary that any property purchased, leased, rehabilitated, renovated, or converted with assistance under this section shall be operated for not less than 10 years for the purpose specified in the application, except as otherwise specified in this chapter;

(5) evidence in a form acceptable to the Secretary that the proposed activities will meet urgent needs that are not being met by available public and private sources; and

(6) such other information or certifications that the Secretary determines to be necessary to achieve the purposes of this section.

(e) Additional requirement for metropolitan areas

In addition to the other requirements of this section, to be eligible for a grant to a metropolitan area under this section, the major city, urban county, and any city with a population of 50,000 or more in that metropolitan area shall establish or designate a governmental agency or organization for receipt and use of amounts received from a grant under this section and shall submit to the Secretary, together with the application under subsection (d) of this section a proposal for the operation of such agency or organization.

(f) Additional requirement for city formula grantees

In addition to the other requirements of this section, to be eligible for a grant pursuant to subsection (c)(1) of this section, a city shall provide such assurances as the Secretary may require that any grant amounts received will be allocated among eligible activities in a manner that addresses the needs within the metropolitan statistical area in which the city is located, including areas not within the jurisdiction of the city. Any such city shall coordinate with other units of general local government located within the metropolitan statistical area to provide such assurances and comply with the assurances.

(Pub. L. 101–625, title VIII, § 854, Nov. 28, 1990, 104 Stat. 4376; Pub. L. 102–550, title VI, § 606(d), (j)(2), Oct. 28, 1992, 106 Stat. 3807, 3810.)

AMENDMENTS

1992—Subsec. (a). Pub. L. 102–550, § 606(d)(1), substituted ", units of general local government, and nonprofit organizations" for "and units of general local government".

Subsec. (b). Pub. L. 102–550, § 606(d)(2), added subsec. (b) and struck out former subsec. (b) which read as follows: "ELIGIBILITY.—A jurisdiction shall be eligible to receive a grant only if it has obtained an approved housing strategy (or an approved abbreviated housing strategy) in accordance with section 12705 of this title. A grantee shall carry out activities authorized under this chapter through contracts with project sponsors, except that a grantee that is a State shall obtain the approval of the unit of general local government for the locality in which a project is to be located prior to entering into such contracts."

Subsec. (c)(1). Pub. L. 102–550, § 606(d)(3), added par. (1) and struck out former par. (1) which read as follows: "IN GENERAL.—90 percent of the amounts approved in appropriations Acts under section 12912 of this title shall be allocated among eligible grantees on the basis of the incidence of acquired immunodeficiency syndrome. Of the amounts made available under the previous sentence, the Secretary shall allocate—

"(A) 75 percent among units of general local government located in metropolitan statistical areas with populations in excess of 500,000 and more than 1,500 cases of acquired immunodeficiency syndrome and States with more than 1,500 cases of acquired immunodeficiency syndrome outside of metropolitan statistical areas described in subparagraph (A), and

"(B) 25 percent among units of general local government in metropolitan statistical areas with populations in excess of 500,000 and more than 1,500 cases of acquired immunodeficiency syndrome, that have a higher than average per capita incidence of acquired immunodeficiency syndrome."

Subsec. (c)(3). Pub. L. 102–550, § 606(d)(4)(A), substituted "Nonformula allocation" for "Noneligible grantees" in heading.

Subsec. (c)(3)(A). Pub. L. 102–550, § 606(d)(4)(B), added subpar. (A) and struck out former subpar. (A) which read as follows: "IN GENERAL.—10 percent of the amounts appropriated under section 12912 of this title shall be distributed to grantees and recipients by the Secretary—

"(i) to meet housing needs in States and localities that do not qualify under paragraph (1), or that do qualify under paragraph (1) but do not have an approved housing strategy under section 12705 of this title, and

"(ii) to fund special projects of national significance."

Subsec. (c)(3)(B), (C). Pub. L. 102–550, § 606(j)(2), substituted "eligible persons" for "persons with acquired immunodeficiency syndrome" wherever appearing.

Subsec. (d). Pub. L. 102–550, § 606(d)(5), substituted "applications submitted by applicants and approved by the Secretary" for "approvable applications submitted by eligible applicants" in first sentence.

Subsec. (e). Pub. L. 102–550, § 606(d)(6), substituted "other requirements of this section" for "requirements of subsection (b) of this section".

Subsec. (f). Pub. L. 102–550, § 606(d)(7), added subsec. (f).

CHANGE OF NAME

Centers for Disease Control changed to Centers for Disease Control and Prevention by Pub. L. 102–531, title III, § 312, Oct. 27, 1992, 106 Stat. 3504.

§ 12904. Eligible activities

Grants allocated under this chapter shall be available only for approved activities to carry out strategies designed to prevent homelessness among eligible persons. Approved activities shall include activities that—

(1) enable public and nonprofit organizations or agencies to provide housing information to such persons and coordinate efforts to expand housing assistance resources for such persons under section 12906 of this title;

(2) facilitate the development and operation of shelter and services for such persons under section 12907 of this title;

(3) provide rental assistance to such persons under section 12908 of this title;

(4) facilitate (through project-based rental assistance or other means) the moderate rehabilitation of single room occupancy dwellings (SROs) that would be made available only to such persons under section 12909 of this title;

(5) facilitate the development of community residences for eligible persons under section 12910 of this title;

(6) carry out other activities that the Secretary develops in cooperation with eligible States and localities, except that activities developed under this paragraph may be assisted only with amounts provided under section 12903(c)(3) of this title.

The Secretary shall establish standards and guidelines for approved activities. The Secretary shall permit grantees to refine and adapt such standards and guidelines for individual projects, where such refinements and adaptations are made necessary by local circumstances.

(Pub. L. 101–625, title VIII, § 855, Nov. 28, 1990, 104 Stat. 4378; Pub. L. 102–550, title VI, § 606(e), (h)(2), (j)(3), Oct. 28, 1992, 106 Stat. 3808, 3810.)

AMENDMENTS

1992—Pub. L. 102–550, § 606(j)(3)(A), in introductory provisions, substituted "eligible persons" for "such persons with acquired immunodeficiency syndrome".

Par. (3). Pub. L. 102–550, § 606(h)(2), struck out ''short-term'' after ''provide''.

Par. (5). Pub. L. 102–550, § 606(j)(3)(B), struck out ''with acquired immunodeficiency syndrome'' after ''persons''.

Par. (6). Pub. L. 102–550, § 606(e), inserted before period at end '', except that activities developed under this paragraph may be assisted only with amounts provided under section 12903(c)(3) of this title''.

§ 12905. Responsibilities of grantees

(a) Prohibition of substitution of funds

Amounts received from grants under this chapter may not be used to replace other amounts made available or designated by State or local governments for use for the purposes under this chapter.

(b) Capability

The recipient shall have, in the determination of the grantee or the Secretary, the capacity and capability to effectively administer a grant under this chapter.

(c) Cooperation

The recipient shall agree to cooperate and coordinate in providing assistance under this chapter with the agencies of the relevant State and local governments responsible for services in the area served by the applicant for eligible persons and other public and private organizations and agencies providing services for such eligible persons.

(d) Prohibition of fees

The recipient shall agree that no fee will be charged to any eligible person for any housing or services provided with amounts from a grant under this chapter.

(e) Confidentiality

The recipient shall agree to ensure the confidentiality of the name of any individual assisted with amounts from a grant under this chapter and any other information regarding individuals receiving such assistance.

(f) Financial records

The recipient shall agree to maintain and provide the grantee or the Secretary with financial records sufficient, in the determination of the Secretary, to ensure proper accounting and disbursing of amounts received from a grant under this chapter.

(g) Administrative expenses

(1) Grantees

Notwithstanding any other provision of this chapter, each grantee may use not more than 3 percent of the grant amount for administrative costs relating to administering grant amounts and allocating such amounts to project sponsors.

(2) Project sponsors

Notwithstanding any other provision of this chapter, each project sponsor receiving amounts from grants made under this chapter[1] may use not more than 7 percent of the amounts received for administrative costs relating to carrying out eligible activities under section 12904 of this title, including the costs of staff necessary to carry out eligible activities.

(h) Environmental review

For purposes of environmental review, a grant under this chapter shall be treated as assistance for a special project that is subject to section 3547 of this title, and shall be subject to the regulations issued by the Secretary to implement such section.

(Pub. L. 101–625, title VIII, § 856, Nov. 28, 1990, 104 Stat. 4378; Pub. L. 102–550, title VI, § 606(f), (j)(4), (11)(A), Oct. 28, 1992, 106 Stat. 3809–3811; Pub. L. 106–377, § 1(a)(1) [title II, § 203(c)], Oct. 27, 2000, 114 Stat. 1441, 1441A–24.)

REFERENCES IN TEXT

Under this chapter, referred to in subsec. (g)(2), was in the original ''under this title'', and was translated as reading ''under this subtitle'', meaning under subtitle D (§§ 851–863) of title VIII of Pub. L. 101–625, to reflect the probable intent of Congress.

AMENDMENTS

2000—Subsec. (h). Pub. L. 106–377 added subsec. (h).

1992—Subsec. (c). Pub. L. 102–550, § 606(j)(4), (11)(A), substituted ''eligible persons'' for ''individuals with acquired immunodeficiency syndrome or related diseases'' and ''services for such eligible persons'' for ''services for such individuals''.

Subsec. (d). Pub. L. 102–550, § 606(f)(1), added subsec. (d) and struck out former subsec. (d) which read as follows: ''NO FEE.—The recipient shall agree that no fee will be charged of any low-income individual for any services provided with amounts from a grant under this chapter and that if fees are charged of any other individuals, the fees will be based on the income and resources of the individual.''

Subsec. (g). Pub. L. 102–550, § 606(f)(2), added subsec. (g).

§ 12906. Grants for AIDS housing information and coordination services

Grants under this section may only be used for the following activities:

(1) Housing information services

To provide (or contract to provide) counseling, information, and referral services to assist eligible persons to locate, acquire, finance, and maintain housing and meet their housing needs.

(2) Resource identification

To identify, coordinate, and develop housing assistance resources (including conducting preliminary research and making expenditures necessary to determine the feasibility of specific housing-related initiatives) for eligible persons.

(Pub. L. 101–625, title VIII, § 857, Nov. 28, 1990, 104 Stat. 4379; Pub. L. 102–550, title VI, § 606(j)(11)(B), Oct. 28, 1992, 106 Stat. 3811.)

AMENDMENTS

1992—Pars. (1), (2). Pub. L. 102–550 substituted ''eligible persons'' for ''individuals with acquired immunodeficiency syndrome or related diseases''.

§ 12907. AIDS short-term supported housing and services

(a) Use of grants

Any amounts received from grants under this section may only be used to carry out a program

[1] See References in Text note below.

to provide (or contract to provide) assistance to eligible persons who are homeless or in need of housing assistance to prevent homelessness, which may include the following activities:

(1) Short-term supported housing

Purchasing, leasing, renovating, repairing, and converting facilities to provide short-term shelter and services.

(2) Short-term housing payments assistance

Providing rent assistance payments for short-term supported housing and rent, mortgage, and utilities payments to prevent homelessness of the tenant or mortgagor of a dwelling.

(3) Supportive services

Providing supportive services, to eligible persons assisted under paragraphs (1) and (2), including health, mental health, assessment, permanent housing placement, drug and alcohol abuse treatment and counseling, day care, and nutritional services (except that health services under this paragraph may only be provided to individuals with acquired immunodeficiency syndrome or related diseases), and providing technical assistance to eligible persons to provide assistance in gaining access to benefits and services for homeless individuals provided by the Federal Government and State and local governments.

(4) Operation

Providing for the operation of short-term supported housing provided under this section, including the costs of security, operation insurance, utilities, furnishings, equipment, supplies, and other incidental costs.

(5) Administration

Providing staff to carry out the program under this section (subject to the provisions of section 12905(g) of this title).

(b) Program requirements

(1) Minimum use period for structures

(A) In general

Any building or structure assisted with amounts from a grant under this section shall be maintained as a facility to provide short-term supported housing or assistance for eligible persons—

(i) in the case of assistance involving substantial rehabilitation or acquisition of the building, for a period of not less than 10 years; and

(ii) in the case of assistance under paragraph (1), (3), or (4) of subsection (a) of this section, for a period of not less than 3 years.

(B) Waiver

The Secretary may waive the requirement under subparagraph (A) with respect to any building or structure if the organization or agency that received the grant under which the building was assisted demonstrates, to the satisfaction of the Secretary, that—

(i) the structure is no longer needed to provide short-term supported housing or assistance or the continued operation of the structure for such purposes is no longer feasible; and

(ii) the structure will be used to benefit individuals or families whose incomes do not exceed 80 percent of the median income for the area, as determined by the Secretary, 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.

(2) Residency and location limitations on short-term supported housing

(A) Residency

A short-term supported housing facility assisted with amounts from a grant under this section may not provide shelter or housing at any single time for more than 50 families or individuals.

(B) Waiver

The Secretary may, as the Secretary determines appropriate, waive the limitation under subparagraph (A) for any program or short-term supported housing facility.

(3) Term of assistance

(A) Supported housing assistance

A program assisted under this section may not provide residence in a short-term housing facility assisted under this section to any individual for a sum of more than 60 days during any 6-month period.

(B) Housing payments assistance

A program assisted under this section may not provide assistance for rent, mortgage, or utilities payments to any individual for rent, mortgage, or utilities costs accruing over a period of more than 21 weeks of any 52-week period.

(C) Waiver

Notwithstanding subparagraphs (A) and (B), the Secretary may waive the applicability of the requirements under such subparagraphs with respect to any individual for which the project sponsor has made a good faith effort to acquire permanent housing (in accordance with paragraph (4)) and has been unable to do so.

(4) Placement

A program assisted under this section shall provide for any individual who has remained in short-term supported housing assisted under the demonstration program, to the maximum extent practicable, the opportunity for placement in permanent housing or an environment appropriate to the health and social needs of the individual.

(5) Presumption for independent living

In providing assistance under this section in any case in which the residence of an individual is appropriate to the needs of the individual, a program assisted under this section shall, when reasonable, provide for assistance in a manner appropriate to maintain the individual in such residence.

(6) Case management services

A program assisted under this section shall provide each individual assisted under the pro-

gram with an opportunity, if eligible, to receive case management services available from the appropriate social service agencies.

(Pub. L. 101–625, title VIII, § 858, Nov. 28, 1990, 104 Stat. 4379; Pub. L. 102–550, title VI, § 606(g), (j)(5), (11)(C), Oct. 28, 1992, 106 Stat. 3809–3811.)

AMENDMENTS

1992—Subsec. (a). Pub. L. 102–550, § 606(j)(11)(C)(i), substituted ''eligible persons'' for ''individuals with acquired immunodeficiency syndrome or related diseases'' in introductory provisions.

Subsec. (a)(3). Pub. L. 102–550, § 606(g)(1)(A), (j)(5), substituted ''to eligible persons assisted under'' for ''to individuals assisted under'' and inserted before period at end ''(except that health services under this paragraph may only be provided to individuals with acquired immunodeficiency syndrome or related diseases), and providing technical assistance to eligible persons to provide assistance in gaining access to benefits and services for homeless individuals provided by the Federal Government and State and local governments''.

Subsec. (a)(4), (5). Pub. L. 102–550, § 606(g)(1)(B), (C), added pars. (4) and (5) and struck out former pars. (4) and (5) which read as follows:

''(4) MAINTENANCE AND ADMINISTRATION.—Providing for maintenance, administration, security, operation, insurance, utilities, furnishings, equipment, supplies, and other incidental costs relating to any short-term supported housing provided under the demonstration program under this section.

''(5) TECHNICAL ASSISTANCE.—Providing technical assistance to such individuals to provide assistance in gaining access to benefits and services for homeless individuals provided by the Federal Government and State and local governments.''

Subsec. (b)(1)(A). Pub. L. 102–550, § 606(j)(11)(C)(ii), substituted ''eligible persons'' for ''individuals with acquired immunodeficiency syndrome or related diseases'' in introductory provisions.

Subsec. (b)(2)(B). Pub. L. 102–550, § 606(g)(2)(A)(i), (iii), redesignated subpar. (C) as (B) and struck out former subpar. (B) which read as follows: ''LOCATION.—A facility for short-term supported housing assisted with amounts from a grant under this section may not be located in or contiguous to any other facility for emergency or short-term housing that is not limited to use by individuals with acquired immunodeficiency syndrome or related diseases.''

Subsec. (b)(2)(C). Pub. L. 102–550, § 606(g)(2)(A)(ii), (iii), substituted ''limitation under subparagraph (A)'' for ''limitations under subparagraphs (A) and (B)'' and redesignated subpar. (C) as (B).

Subsec. (b)(3)(C). Pub. L. 102–550, § 606(g)(2)(B), added subpar. (C).

§ 12908. Rental assistance

(a) Use of funds

(1) In general

Grants under this section may be used only for assistance to provide rental assistance for low-income eligible persons. Such assistance may be project based or tenant based and shall be provided to the extent practicable in the manner provided for under section 1437f of this title. Grantees shall ensure that the housing provided is decent, safe, and sanitary.

(2) Shared housing arrangements

Grants under this section may be used to assist individuals who elect to reside in shared housing arrangements in the manner provided under section 1437f(p) of this title, except that, notwithstanding such section, assistance under this section may be made available to nonelderly individuals. The Secretary shall issue any standards for shared housing under this paragraph that vary from standards issued under section 1437f(p) of this title only to the extent necessary to provide for circumstances of shared housing arrangements under this paragraph that differ from circumstances of shared housing arrangements for elderly families under section 1437f(p) of this title.

(b) Limitations

A recipient under this section shall comply with the following requirements:

(1) Services

The recipient shall provide for qualified service providers in the area to provide appropriate services to the eligible persons assisted under this section.

(2) Intensive assistance

For any individual with acquired immunodeficiency syndrome or related diseases who requires more care than can be provided in housing assisted under this section, the recipient shall provide for the locating of a care provider who can appropriately care for the individual and referral of the individual to the care provider.

(c) Administrative costs

A project sponsor providing rental assistance under this section may use amounts from any grant received under this section for administrative expenses involved in providing such assistance, subject to the provisions of 12905(g)(2)[1] of this title.

(Pub. L. 101–625, title VIII, § 859, Nov. 28, 1990, 104 Stat. 4381; Pub. L. 102–550, title VI, § 606(h)(1), (j)(6), (7), (11)(D), Oct. 28, 1992, 106 Stat. 3810, 3811.)

AMENDMENTS

1992—Pub. L. 102–550, § 606(h)(1)(A), substituted ''Rental assistance'' for ''Short-term rental assistance'' in section catchline.

Subsec. (a)(1). Pub. L. 102–550, § 606(h)(1)(B), (j)(11)(D), struck out ''short-term'' before ''rental assistance'' and substituted ''eligible persons'' for ''individuals with acquired immunodeficiency syndrome or related diseases''.

Subsec. (b)(1). Pub. L. 102–550, § 606(j)(6), substituted ''eligible persons'' for ''individuals''.

Subsec. (b)(2). Pub. L. 102–550, § 606(j)(7), inserted ''with acquired immunodeficiency syndrome or related diseases'' after ''any individual''.

Subsec. (c). Pub. L. 102–550, § 606(h)(1)(C), added subsec. (c).

§ 12909. Single room occupancy dwellings

(a) Use of grants

Grants under this section may be used to provide project-based rental assistance or grants to facilitate the development of single room occupancy dwellings. To the extent practicable, a program under this section shall be carried out in the manner provided for under section 1437f(n)[1] of this title.

(b) Limitation

Recipients under this section shall require the provision to individuals assisted under this section of the following assistance:

---

[1] So in original. Probably should be preceded by ''section''.

[1] See References in Text note below.

(1) Services

Appropriate services provided by qualified service providers in the area.

(2) Intensive assistance

For any individual with acquired immunodeficiency syndrome or related diseases who requires more care than can be provided in housing assisted under this section, locating a care provider who can appropriately care for the individual and referral of the individual to the care provider.

(Pub. L. 101–625, title VIII, § 860, Nov. 28, 1990, 104 Stat. 4381; Pub. L. 102–550, title VI, § 606(j)(7), Oct. 28, 1992, 106 Stat. 3810.)

REFERENCES IN TEXT

Section 1437f(n) of this title, referred to in subsec. (a), was repealed by Pub. L. 105–276, title V, § 550(a)(7), Oct. 21, 1998, 112 Stat. 2609.

AMENDMENTS

1992—Subsec. (b)(2). Pub. L. 102–550 inserted ''with acquired immunodeficiency syndrome or related diseases'' after ''any individual''.

§ 12910. Grants for community residences and services

(a) Grant authority

The Secretary of Housing and Urban Development may make grants to States and metropolitan areas to develop and operate community residences and provide services for eligible persons.

(b) Community residences and services

(1) Community residences

(A) In general

A community residence under this section shall be a multiunit residence designed for eligible persons for the following purposes:

(i) To provide a lower cost residential alternative to institutional care and to prevent or delay the need for institutional care.

(ii) To provide a permanent or transitional residential setting with appropriate services that enhances the quality of life for individuals who are unable to live independently.

(iii) To prevent homelessness among eligible persons by increasing available suitable housing resources.

(iv) To integrate eligible persons into local communities and provide services to maintain the abilities of such eligible persons to participate as fully as possible in community life.

(B) Rent

Except to the extent that the costs of providing residence are reimbursed or provided by any other assistance from Federal or non-Federal public sources, each resident in a community residence shall pay as rent for a dwelling unit an amount equal to the following:

(i) For low-income individuals, the amount of rent paid under section 3(a) of the United States Housing Act of 1937 (42 U.S.C. 1437a(a)) by a low-income family (as the term is defined in section 3(b)(2) of such Act (42 U.S.C. 1437a(b)(2))) for a dwelling unit assisted under such Act [42 U.S.C. 1437 et seq.].

(ii) For any resident that is not a low-income resident, an amount based on a formula, which shall be determined by the Secretary, under which rent is determined by the income and resources of the resident.

(C) Fees

Fees may be charged for any services provided under subsection (c)(2) of this section to residents of a community residence, except that any fees charged shall be based on the income and resources of the resident and the provision of services to any resident of a community residence may not be withheld because of an inability of the resident to pay such fee.

(D) Section 1437f assistance

Assistance made available under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) may be used in conjunction with a community residence under this subsection for tenant-based assistance.

(2) Services

Services provided with a grant under this section shall consist of services appropriate in assisting eligible persons to enhance their quality of life, enable such individuals to more fully participate in community life, and delay or prevent the placement of such individuals in hospitals or other institutions.

(c) Use of grants

Any amounts received from a grant under this section may be used only as follows:

(1) Community residences

For providing assistance in connection with community residences under subsection (b)(1) of this section for the following activities:

(A) Physical improvements

Construction, acquisition, rehabilitation, conversion, retrofitting, and other physical improvements necessary to make a structure suitable for use as a community residence.

(B) Operating costs

Operating costs for a community residence.

(C) Technical assistance

Technical assistance in establishing and operating a community residence, which may include planning and other predevelopment or preconstruction expenses, and expenses relating to community outreach and educational activities regarding acquired immunodeficiency syndrome and related diseases provided for individuals residing in proximity of eligible persons assisted under this chapter.

(D) In-house services

Services appropriate for individuals residing in a community residence, which may include staff training and recruitment.

(2) Services

For providing services under subsection (b)(2) of this section to any individuals assisted under this chapter.

(3) Administrative expenses

For administrative expenses related to the planning and carrying out activities under this section (subject to the provisions of section 12905(g) of this title).

(d) Limitations on use of grants

(1) Community residences

Any jurisdiction that receives a grant under this section may not use any amounts received under the grant for the purposes under subsection (c)(1) of this section, except for planning and other expenses preliminary to construction or other physical improvement under subsection (c)(1)(A) of this section, unless the jurisdiction certifies to the Secretary, as the Secretary shall require, the following:

(A) Service agreement

That the jurisdiction has entered into a written agreement with service providers qualified to deliver any services included in the proposal under subsection (c) of this section to provide such services to eligible persons assisted by the community residence.

(B) Funding and capability

That the jurisdiction will have sufficient funding for such services and the service providers are qualified to assist eligible persons.

(C) Zoning and building codes

That any construction or physical improvements carried out with amounts received from the grant will comply with any applicable State and local housing codes and licensing requirements in the jurisdiction in which the building or structure is located.

(D) Intensive assistance

That, for any individual with acquired immunodeficiency syndrome or related diseases who resides in a community residence assisted under the grant and who requires more intensive care than can be provided by the community residence, the jurisdiction will locate for and refer the individual to a service provider who can appropriately care for the individual.

(2) Services

Any jurisdiction that receives a grant under this section may use any amounts received under the grant for the purposes under subsection (c)(2) of this section only for the provision of services by service providers qualified to provide such services to eligible persons.

(Pub. L. 101–625, title VIII, § 861, Nov. 28, 1990, 104 Stat. 4382; Pub. L. 102–550, title VI, § 606(i), (j)(8)–(10), (11)(E), Oct. 28, 1992, 106 Stat. 3810, 3811; Pub. L. 105–276, title V, § 550(b), Oct. 21, 1998, 112 Stat. 2609.)

REFERENCES IN TEXT

The United States Housing Act of 1937, referred to in subsec. (b)(1)(B)(i), 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.

AMENDMENTS

1998—Subsec. (b)(1)(D). Pub. L. 105–276 substituted ''assistance'' for ''certificates or vouchers''.

1992—Subsec. (a). Pub. L. 102–550, § 606(j)(8), substituted ''eligible persons'' for ''persons with acquired immunodeficiency syndrome or related diseases''.

Subsec. (b)(1)(A). Pub. L. 102–550, § 606(j)(11)(E)(i), substituted ''eligible persons'' for ''individuals with acquired immunodeficiency syndrome or related diseases'' in introductory provisions and cl. (iii).

Subsec. (b)(1)(A)(iv). Pub. L. 102–550, § 606(j)(9), (11)(E)(i), substituted ''eligible persons'' for ''individuals with acquired immunodeficiency syndrome or related diseases'' and ''such eligible persons'' for ''such individuals''.

Subsec. (b)(2). Pub. L. 102–550, § 606(j)(11)(E)(i), which directed the substitution of ''eligible persons'' for ''individuals with acquired immunodeficiency syndrome or related diseases'' wherever appearing in subsec. (b), was executed by making the substitution for ''individuals with acquired immunodeficiency syndrome and related diseases'' in par. (2) to reflect the probable intent of Congress.

Subsec. (c)(1)(C). Pub. L. 102–550, § 606(i)(1), inserted before period at end '', and expenses relating to community outreach and educational activities regarding acquired immunodeficiency syndrome and related diseases provided for individuals residing in proximity of eligible persons assisted under this chapter''.

Subsec. (c)(3). Pub. L. 102–550, § 606(i)(2), added par. (3) and struck out former par. (3) which read as follows: ''For administrative expenses related to the planning and execution of activities under this section, except that a jurisdiction that receives a grant under this section may expend not more than 10 percent of the amount received under the grant for such administrative expenses. Administrative expenses under this paragraph may include expenses relating to community outreach and educational activities regarding acquired immunodeficiency syndrome and related diseases, for staff carrying out activities assisted with a grant under this section and for individuals who reside in proximity of individuals assisted under this chapter.''

Subsec. (d). Pub. L. 102–550, § 606(j)(11)(E)(ii), which directed the substitution of ''eligible persons'' for ''individuals with acquired immunodeficiency syndrome or related diseases'' wherever appearing in subsec. (d), was executed by making the substitution for ''individuals with acquired immunodeficiency syndrome and related diseases'' in pars. (1)(B) and (2) to reflect the probable intent of Congress.

Subsec. (d)(1)(A). Pub. L. 102–550, § 606(j)(10)(A), substituted ''eligible persons'' for ''individuals''.

Subsec. (d)(1)(D). Pub. L. 102–550, § 606(j)(10)(B), inserted ''with acquired immunodeficiency syndrome or related diseases'' after ''any individual''.

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.

§ 12911. Report

Any organization or agency that receives a grant under this chapter shall submit to the Secretary, for any fiscal year in which the organization or agency receives a grant under this

chapter, a report describing the use of the amounts received, which shall include the number of individuals assisted, the types of assistance provided, and any other information that the Secretary determines to be appropriate.

(Pub. L. 101–625, title VIII, § 862, Nov. 28, 1990, 104 Stat. 4384.)

§ 12912. Authorization of appropriations

There are authorized to be appropriated to carry out this chapter $150,000,000 for fiscal year 1993 and $156,300,000 for fiscal year 1994.

(Pub. L. 101–625, title VIII, § 863, Nov. 28, 1990, 104 Stat. 4384; Pub. L. 102–550, title VI, § 606(b), Oct. 28, 1992, 106 Stat. 3806.)

AMENDMENTS

1992—Pub. L. 102–550 amended section generally. Prior to amendment, section read as follows: ''There are authorized to be appropriated to carry out this chapter $75,000,000 for fiscal year 1991, and $156,500,000 for fiscal year 1992.''

CHAPTER 132—VICTIMS OF CHILD ABUSE

SUBCHAPTER I—IMPROVING INVESTIGATION AND PROSECUTION OF CHILD ABUSE CASES

Sec.
13001. Findings.
13001a. Definitions.
13001b. Regional children's advocacy centers.
13002. Local children's advocacy centers.
13003. Grants for specialized technical assistance and training programs.
13004. Authorization of appropriations.

SUBCHAPTER II—COURT-APPOINTED SPECIAL ADVOCATE PROGRAM

13011. Findings.
13012. Purpose.
13013. Strengthening of court-appointed special advocate program.
13013a. Report.
13014. Authorization of appropriations.

SUBCHAPTER III—CHILD ABUSE TRAINING PROGRAMS FOR JUDICIAL PERSONNEL AND PRACTITIONERS

13021. Findings and purpose.
13022. Grants for juvenile and family court personnel.
13023. Specialized technical assistance and training programs.
13024. Authorization of appropriations.

SUBCHAPTER IV—REPORTING REQUIREMENTS

13031. Child abuse reporting.
13032. Repealed.

SUBCHAPTER V—CHILD CARE WORKER EMPLOYEE BACKGROUND CHECKS

13041. Requirement for background checks.

SUBCHAPTER VI—TREATMENT FOR JUVENILE OFFENDERS WHO ARE VICTIMS OF CHILD ABUSE OR NEGLECT

13051 to 13055. Repealed.

SUBCHAPTER I—IMPROVING INVESTIGATION AND PROSECUTION OF CHILD ABUSE CASES

§ 13001. Findings

The Congress finds that—

(1) over 2,000,000 reports of suspected child abuse and neglect are made each year, and drug abuse is associated with a significant portion of these;

(2) the investigation and prosecution of child abuse cases is extremely complex, involving numerous agencies and dozens of personnel;

(3) traditionally, community agencies and professionals have different roles in the prevention, investigation, and intervention process;

(4) in such cases, too often the system does not pay sufficient attention to the needs and welfare of the child victim, aggravating the trauma that the child victim has already experienced;

(5) there is a national need to enhance coordination among community agencies and professionals involved in the intervention system;

(6) multidisciplinary child abuse investigation and prosecution programs have been developed that increase the reporting of child abuse cases, reduce the trauma to the child victim, and increase the successful prosecution of child abuse offenders; and

(7) such programs have proven effective, and with targeted Federal assistance, could be duplicated in many jurisdictions throughout the country.

(Pub. L. 101–647, title II, § 211, Nov. 29, 1990, 104 Stat. 4792; Pub. L. 102–586, § 6(a), Nov. 4, 1992, 106 Stat. 5029.)

AMENDMENTS

1992—Pars. (3) to (7). Pub. L. 102–586 added pars. (3) and (5) and redesignated former pars. (3), (4), and (5) as (4), (6), and (7), respectively.

SHORT TITLE

Section 201 of title II of Pub. L. 101–647 provided that: ''This title [enacting this chapter, sections 3796aa to 3796aa–8 of this title, and sections 403, 2258, and 3509 of Title 18, Crimes and Criminal Procedure, and amending sections 3742, 3782, 3783, 3789, 3793, and 3797 of this title] may be cited as the 'Victims of Child Abuse Act of 1990'.''

§ 13001a. Definitions

For purposes of this subchapter—

(1) the term ''Administrator'' means the agency head designated under section 5611(b) of this title;

(2) the term ''applicant'' means a child protective service, law enforcement, legal, medical and mental health agency or other agency that responds to child abuse cases;

(3) the term ''board'' means the Children's Advocacy Advisory Board established under section 13001b(e) of this title;

(4) the term ''census region'' means 1 of the 4 census regions (northeast, south, midwest, and west) that are designated as census regions by the Bureau of the Census as of November 4, 1992;

(5) the term ''child abuse'' means physical or sexual abuse or neglect of a child;

(6) the term ''Director'' means the Director of the National Center on Child Abuse and Neglect;

(7) the term ''multidisciplinary response to child abuse'' means a response to child abuse that is based on mutually agreed upon proce-