

**Pt. 791**

**24 CFR Ch. VII (4-1-00 Edition)**

EFFECTIVE DATE NOTE: At 64 FR 50227, Sept. 15, 1999, §761.40 was amended by revising paragraph (c), effective Sept. 15, 2000. For the convenience of the user, the superseded text is set forth as follows:

- 791.403 Allocation of housing assistance.
- 791.404 Field Office allocation planning.
- 791.405 Reallocations of budget authority.
- 791.406 Competition.
- 791.407 Headquarters Reserve.

**§ 761.40 Other Federal requirements.**

AUTHORITY: 42 U.S.C. 1439 and 3535(d).

SOURCE: 61 FR 10849, Mar. 15, 1996, unless otherwise noted.

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(c) *Lead-based paint.* The provisions of section 302 of the Lead-Based Paint Poisoning Prevention Act, 42 U.S.C. 4821-4846, and implementing regulations in 24 CFR part 965, subpart H apply to activities under these programs as set out in this paragraph (c). Paragraph (c) of this section is promulgated pursuant to the authority granted in 24 CFR 35.24(b)(4) and supersedes, with respect to all housing to which it applies, the requirements (not including definitions) prescribed by subpart C of 24 CFR part 35.

(1) *Applicability.* The provisions of paragraph (c) of this section shall apply to all developments constructed or substantially rehabilitated before January 1, 1978, and for which assistance under this part is being used for physical improvements to enhance security under §761.15(b)(3).

(2) *Definitions.* The term *applicable surfaces* means all intact and nonintact interior and exterior painted surfaces of a residential structure.

(3) *Exceptions.* The following activities are not covered by this section:

- (i) Installation of security devices;
- (ii) Other similar types of single-purpose programs that do not involve physical repairs or remodeling of applicable surfaces of residential structures; or
- (iii) Any non-single-purpose rehabilitation that does not involve applicable surfaces and that does not exceed \$3,000 per unit.

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**PARTS 762-790 [RESERVED]**

**PART 791—ALLOCATIONS OF HOUSING ASSISTANCE FUNDS**

**Subpart A—General Provisions**

- Sec.
- 791.101 Applicability and scope.
- 791.102 Definitions.

**Subparts B-C [Reserved]**

**Subpart D—Allocation of Budget Authority for Housing Assistance**

- 791.401 General.
- 791.402 Determination of low-income housing needs.

**Subpart A—General Provisions**

**§ 791.101 Applicability and scope.**

This part describes the role and responsibility of HUD in allocation of budget authority (pursuant to section 213 of the Housing and Community Development Act of 1974 (42 U.S.C. 1439)) for housing assistance under the United States Housing Act of 1937 (Section 8 and public housing) and under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s), and of budget authority for housing assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1710q). This part does not apply to budget authority for the public housing operating fund or capital fund.

[64 FR 26639, May 14, 1999]

**§ 791.102 Definitions.**

*Act.* The Housing and Community Development Act of 1974 (42 U.S.D. 1437), as amended.

*Allocation area.* A municipality, county, or group of municipalities or counties identified by the HUD field office for the purpose of allocating housing assistance.

*Assistant Secretary.* The Assistant Secretary for Housing or the Assistant Secretary for Public and Indian Housing, as appropriate to the housing assistance under consideration.

*Budget authority.* The maximum amount authorized by the Congress for payments over the term of assistance contracts.

*Fiscal year.* The official operating period of the Federal government, beginning on October 1 and ending on September 30.

*Metropolitan area.* See MSA.

*MSA.* A metropolitan statistical area established by the Office of Management and Budget. The term also includes primary metropolitan statistical areas (PMSAs), which are the