

109TH CONGRESS
1ST SESSION

H. R. 3896

AN ACT

To temporarily suspend, for communities affected by Hurricane Katrina or Hurricane Rita, certain requirements under the community development block grant program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Hurricane Katrina
3 Emergency Relief CDBG Flexibility Act of 2005”.

4 **SEC. 2. SUSPENSION OF PUBLIC SERVICES CAP.**

5 (a) UNITS OF GENERAL LOCAL GOVERNMENT AND
6 INDIAN TRIBES.—

7 (1) SUSPENSION FOR DIRECTLY AFFECTED
8 COMMUNITIES.—The percentage limitations under
9 paragraph (8) of section 105(a) of the Housing and
10 Community Development Act of 1974 (42 U.S.C.
11 5305(a)(8)) on the amount of assistance under title
12 I of such Act that may be used for the provision of
13 public services by a unit of general local government
14 or Indian tribe that is, or is within, a directly af-
15 fected community (as such term is defined in section
16 4 of this Act) shall not apply with respect to any of
17 fiscal years 2005 through 2008 for such unit of gen-
18 eral local government or Indian tribe.

19 (2) AUTHORITY TO SUSPEND FOR INDIRECTLY
20 AFFECTED COMMUNITIES.—For any indirectly af-
21 fected community (as such term is defined in section
22 4 of this Act), the Secretary may waive the applica-
23 bility, for such period during the fiscal years re-
24 ferred to in paragraph (1) as the Secretary considers
25 appropriate, of the percentage limitations under
26 paragraph (8) of section 105(a) of the Housing and

1 Community Development Act of 1974 (42 U.S.C.
2 5305(a)(8)) on the amount of assistance under title
3 I of such Act that may be used for the provision of
4 public services by a unit of general local government
5 or Indian tribe that is, or is within, such indirectly
6 affected community. In determining the period for
7 which to waive such limitations, the Secretary shall
8 take into consideration the specific economic cir-
9 cumstances of each such indirectly affected commu-
10 nity.

11 (b) NONENTITLEMENT COMMUNITIES.—Assistance
12 provided under title I of the Housing and Community De-
13 velopment Act of 1974 may be used for the provision of
14 public services in any directly affected community (as such
15 term is defined in section 4 of this Act) without regard
16 to the percentage limitations under paragraph (8) of sec-
17 tion 105(a) of such Act (42 U.S.C. 5305(a)(8)) on the
18 amount of assistance that may be used statewide in non-
19 entitlement communities for such activities and any such
20 amounts so used in any directly affected community shall
21 not be considered for purposes of such statewide limita-
22 tions.

23 **SEC. 3. SUSPENSION OF PUBLIC HEARING REQUIREMENT.**

24 (a) IN GENERAL.—The Secretary shall, with respect
25 to a grant under section 106 of the Housing and Commu-

1 nity Development Act of 1974 (42 U.S.C. 5306) for fiscal
 2 year 2006 for any unit of general local government or In-
 3 dian tribe that is, or is located in, a directly affected com-
 4 munity, waive or specify alternative requirements for the
 5 public hearing requirements specified under subsection
 6 (b).

7 (b) PUBLIC HEARING REQUIREMENTS.—The public
 8 hearing requirements specified under this subsection
 9 are—

10 (1) the requirement under section 104(a)(2)(C)
 11 of the Housing and Community Development Act of
 12 1974 (42 U.S.C. 5304(a)(2)(C)) to hold public hear-
 13 ings;

14 (2) the requirements under subparagraphs (D)
 15 and (F) of section 104(a)(3) of such Act to make
 16 certifications in the detailed citizenship participation
 17 plan regarding public hearings; and

18 (3) any requirement pursuant to section
 19 106(d)(7)(C) of such Act (42 U.S.C. 5306(d)(7)(C))
 20 to hold public hearings.

21 **SEC. 4. DEFINITIONS.**

22 For purposes of this Act, the following definitions
 23 shall apply:

24 (1) DIRECTLY AFFECTED COMMUNITY.—The
 25 term “directly affected community” means a unit of

1 general local government or area for which the
2 President has declared a major disaster under the
3 Robert T. Stafford Disaster Relief and Emergency
4 Assistance Act (42 U.S.C. 5121 et seq.) in connec-
5 tion with Hurricane Katrina or Hurricane Rita.

6 (2) INDIRECTLY AFFECTED COMMUNITY.—The
7 term “indirectly affected community” means a unit
8 of general local government or area that—

9 (A) is a metropolitan city, urban county, or
10 Indian tribe (as such terms are defined in sec-
11 tion 102(a) of the Housing and Community De-
12 velopment Act of 1974 (42 U.S.C. 5304(a));

13 (B) is not, and is not within, a directly af-
14 fected community; and

15 (C) is determined by the Secretary of
16 Housing and Urban Development to have been
17 significantly affected economically by the occur-
18 rence of Hurricane Katrina or Hurricane Rita
19 (including economic effects from the presence of
20 persons evacuated from an area for which the
21 President has declared a major disaster in con-
22 nection with Hurricane Katrina or Hurricane
23 Rita).

1 (3) SECRETARY.—The term “Secretary” means
2 the Secretary of Housing and Urban Development.
 Passed the House of Representatives October 6,
2005.

Attest:

Clerk.

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