

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3896

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IN THE SENATE OF THE UNITED STATES

OCTOBER 6, 2005

Received

OCTOBER 25, 2005

Read twice and referred to the Committee on Banking, Housing, and Urban  
Affairs

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## 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:

JEFF TRANDAHL,

*Clerk.*