

PUBLIC LAW 100-628—NOV. 7, 1988

Appendix 1

**STEWART B. MCKINNEY HOMELESS  
ASSISTANCE AMENDMENTS ACT OF 1988**

Public Law 100-628  
100th Congress

An Act

Nov. 7, 1988  
[H.R. 4352]

Stewart B.  
McKinney  
Homeless  
Assistance  
Amendments  
Act of 1988.  
Disadvantaged  
persons.  
42 USC 11301  
note.

To amend the Stewart B. McKinney Homeless Assistance Act to extend programs providing urgently needed assistance for the homeless, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Stewart B. McKinney Homeless Assistance Amendments Act of 1988".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title and table of contents.

TITLE I—GENERAL PROVISIONS

Sec. 101. Budget compliance.

Sec. 102. Annual program summary by Comptroller General.

TITLE II—INTERAGENCY COUNCIL ON THE HOMELESS

Sec. 201. Preparation of bimonthly bulletin.

Sec. 202. Provision of professional and technical assistance.

Sec. 203. Establishment of program timetables.

Sec. 204. Authorization of appropriations.

Sec. 205. Extension of Interagency Council.

Sec. 206. Encouragement of State involvement.

TITLE III—FEDERAL EMERGENCY MANAGEMENT FOOD AND SHELTER PROGRAM

Sec. 301. Report on emergency food and shelter grant program.

Sec. 302. Authorization of appropriations.

TITLE IV—HOUSING ASSISTANCE.

Subtitle A—Comprehensive Homeless Assistance Plan

Sec. 401. Submission of comprehensive plan.

Sec. 402. Contents of comprehensive plan.

Sec. 403. Performance reviews.

Sec. 404. Coordination.

Subtitle B—Emergency Shelter Grants

Sec. 421. Distribution of assistance by States to private nonprofit organizations.

Sec. 422. Essential services.

Sec. 423. Homelessness prevention as an eligible activity.

Sec. 424. Required use of building as shelter.

Sec. 425. Authorization of appropriations.

Subtitle C—Supportive Housing

Sec. 441. Availability of operating and technical assistance for new structures.

Sec. 442. Project sponsor.

Sec. 443. Maximum period of residence in transitional housing.

Sec. 444. Definition of permanent housing.

Sec. 445. Use of advances to repay debt.

Sec. 446. Limit on grants.

Sec. 447. Eligible activities.

Sec. 448. Employment assistance.

Sec. 449. Limits on advances and grants.

Sec. 450. Site control.

Sec. 451. Flood plain restrictions.

"(g) INTERPRETATION OF SECTION.—This section may not be construed to affect the responsibilities of the Environmental Protection Agency with respect to the protection of the public health from hazards posed by lead-based paint."

**SEC. 1089. INTERSTATE LAND SALES FULL DISCLOSURE.**

(a) CORRECTION OF TYPOGRAPHICAL ERROR.—Section 1402(10) the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1701(10)) is amended by inserting "and" after the semicolon.

(b) CORRECTION OF NUMBERING.—Section 1420 the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1719), is amended by striking "(a)" after the section designation.

**SEC. 1090. DESIGNATION OF ENTERPRISE ZONES.**

(a) CRITERIA FOR RANKING NOMINATED AREAS.—The first sentence of section 701(a)(3)(A) of the Housing and Community Development Act of 1987 (42 U.S.C. 11501(a)(3)(A)) is amended to read as follows: "Except as provided in subparagraph (B), the Secretary shall designate (i) the nominated areas with the highest average ranking with respect to the criteria set forth in subparagraphs (C) and (D) of subsection (c)(3); and the 1 criterion set forth in subparagraph (E)(i) or (E)(ii) of subsection (c)(3) that gives an area a higher ranking; and (ii) for areas described in paragraph (2)(B), the nominated areas with the highest ranking with respect to the 1 criterion set forth in subparagraph (C), (D), (E)(i), or (E)(ii) of subsection (c)(3) that gives an area a higher ranking."

(b) CORRECTION OF CROSS-REFERENCE.—Section 701(a)(2)(B) of the Housing and Community Development Act of 1987 (42 U.S.C. 11501(a)(2)(B)) is amended by striking "under clause (i)" and inserting "under subparagraph (A)".

(c) REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall revise the regulations issued by the Secretary to carry out title VII of the Housing and Community Development Act of 1987 (42 U.S.C. 11501 et seq.) by issuing a final regulation, effective upon the date of publication, that carries out the amendments made by this section.

42 USC 11501  
note.

**SEC. 1091. REPORT ON RECOMMENDED POLICY FOR DEALING WITH RADON IN ASSISTED HOUSING.**

(a) PURPOSES.—The purposes of this section are—

(1) to require the Department of Housing and Urban Development to develop an effective departmental policy for dealing with radon contamination that utilizes any Environmental Protection Agency guidelines and standards to ensure that occupants of housing covered by this section are not exposed to hazardous levels of radon; and

(2) to require the Department of Housing and Urban Development to assist the Environmental Protection Agency in reducing radon contamination.

(b) PROGRAM.—

(1) APPLICABILITY.—The housing covered by this section is—

(A) non-familial housing owned by the Department of Housing and Urban Development;

(B) public housing and Indian housing assisted under the United States Housing Act of 1937;

Public health  
and safety.  
15 USC 2661  
note.

(C) housing receiving project-based assistance under section 8 of the United States Housing Act of 1937;

(D) housing assisted under section 236 of the National Housing Act; and

(E) housing assisted under section 221(d)(3) of the National Housing Act.

(2) **IN GENERAL.**—The Secretary of Housing and Urban Development shall develop and recommend to the Congress a policy for dealing with radon contamination that specifies programs for education, research, testing, and mitigation of radon hazards in housing covered by this section.

(3) **STANDARDS.**—In developing the policy, the Secretary shall utilize any guidelines, information, or standards established by the Environmental Protection Agency for—

(A) testing residential and nonresidential structures for radon;

(B) identifying elevated radon levels;

(C) identifying when remedial actions should be taken;

and

(D) identifying geographical areas that are likely to have elevated levels of radon.

(4) **COORDINATION.**—In developing the policy, the Secretary shall coordinate the efforts of the Department of Housing and Urban Development with the Environmental Protection Agency, and other appropriate Federal agencies, and shall consult with State and local governments, the housing industry, consumer groups, health organizations, appropriate professional organizations, and other appropriate experts.

(5) **REPORT.**—The Secretary shall submit a report to the Congress within 1 year after the date of the enactment of this Act that describes the Secretary's recommended policy for dealing with radon contamination and the Secretary's reasons for recommending such policy. The report shall include an estimate of the housing covered by this section that is likely to have hazardous levels of radon.

(c) **COOPERATION WITH ENVIRONMENTAL PROTECTION AGENCY.**—Within 6 months after the date of the enactment of this Act, the Secretary and the Administrator of the Environmental Protection Agency shall enter into a memorandum of understanding describing the Secretary's plan to assist the Administrator in carrying out the Environmental Protection Agency's authority to assess the extent of radon contamination in the United States and assist in the development of measures to avoid and reduce radon contamination.

(d) **DEFINITIONS.**—For purposes of this section:

(1) **ADMINISTRATOR.**—The term "Administrator" means the Administrator of the Environmental Protection Agency.

State and local  
governments.  
Business and  
industry.  
Health care  
facilities.  
Health care  
professionals.

## Appendix 2

RADON PROGRAM  
INVENTORY OF DWELLING UNITS COVERED BY P.L. 100-628

<u>PROGRAM</u>	<u>PROGRAM DATA</u>		<u>OWNER/BUYER ENTITIES</u>
	<u>PROJECTS</u>	<u>UNITS</u>	
A. HUD owned			
1. Multifamily(a)	44	6,600	40
B. Housing Authorities(b)			
1. Public Housing	12,500	1,307,000	3,250(e)
2. Indian Housing	<u>1,800</u>	<u>67,000</u>	<u>180(f)</u>
Total Hsg. Authorities	14,300	1,374,000	3,430
C. Privately Owned			
1. 221(d)(3)(c)			
with Sect. 8	2,022	197,200	3,600
w/o Sect. 8	<u>1,621</u>	<u>169,000</u>	
2. 236(c)			
with Sect. 8	3,089	346,600	4,200
w/o Sect. 8	<u>1,151</u>	<u>116,800</u>	
3. Sec. 8 Project Based(c)(d)	<u>8,226</u>	<u>651,900</u>	<u>8,100</u>
Total Privately Owned	<u>16,109</u>	<u>1,481,500</u>	<u>15,900</u>
GRAND TOTAL	30,453	2,862,100	19,370

NOTES: (a) Sales packages as of 10/2/89. Includes projects under Sections 207, 221(d)(3), 221(d)(3) BMIR, 221(d)(4), 223(f), 236, and 312.

(b) Data as of 9/15/89.

(c) Data from the Multifamily Insured and Direct Loan Information System (F90 MIDLIS) as of 9/28/89.

(d) Includes Section 202 and 221(d)(4), but not Sections 221(d)(3) or 236.

(e) Total number of Public Housing Agencies (PHA's).

(f) Total number of Indian Housing Authorities (IHA's).

Appendix 3

MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
AND  
THE ENVIRONMENTAL PROTECTION AGENCY  
CONCERNING RADON

PURPOSE:

It is the purpose of this Memorandum of Understanding (MOU) to establish a mechanism for coordinating the efforts of the Department of Housing and Urban Development (HUD) and the Environmental Protection Agency (EPA) to prevent and reduce human exposure to radon in housing and other places of occupancy in accordance with the mandates set forth in Section 403 of the Radon Gas and Indoor Air Quality Research Act of 1986 (P.L. 99-499); the 1983 Amendment to the Toxic Substances Control Act adding Title III, Indoor Radon Abatement (P.L. 100-551); and Title X of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (P.L. 100-628).

HUD ACTIVITIES:

1. HUD will provide its staff and client groups information developed or made available by EPA on: (a) the effectiveness of radon measurement devices and methodologies; (b) information on the Radon Measurement Proficiency Program and the Radon Contractor Proficiency Program; and (c) data on radon health risks and methods of mitigation.
2. HUD will make available to EPA any data, research, findings or other information on radon contamination or mitigation or the location and amounts of radon by State that is collected under HUD programs.
3. HUD will work with EPA in designing and implementing training seminars for State and local officials and the private sector in dealing with radon and addressing topics such as monitoring, analysis, mitigation, health effects, public information, and local program implementation.
4. HUD will work with EPA in identifying research and other cooperative projects for evaluating and demonstrating mitigation methods in housing units occupied by or to be constructed for low and moderate income persons or families funded through HUD programs.

5. HUD will work with EPA to identify building types and occupancies which could be used by EPA to conduct a demonstration of radon mitigation methods in various types of structures and in various geographic settings.

#### EPA ACTIVITIES:

1. EPA will coordinate its responsibilities with HUD in areas of mutual concern, responsibilities and authorities relating to radon policy, statutes, guidelines, standards and publications.
2. EPA will coordinate with HUD regarding the development of model construction standards and techniques for controlling radon levels within new housing.
3. EPA will provide to HUD information on public education, health risks, risk communication programs, and the national data base for dissemination to HUD staff and clients.
4. EPA will exchange with HUD the results of any technical studies undertaken for assessing methods to determine the potential of radon contamination in new and existing residential construction, including consideration of the moisture content of soil, porosity of soil and radon content of soil.
5. EPA and HUD will share any information that is developed. Such information will be included, as appropriate, in any HUD and EPA information and/or training programs.

#### DURATION:


This MOU shall become effective immediately upon signature of both parties and shall continue in effect until 30 days after either party provides written notice of intent to terminate.

#### REPORTS:

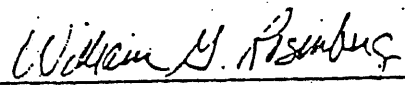
No routine reports are required.

LIAISON:

HUD and EPA shall assign Senior staff to serve as contact for maintaining communications regarding technical procedures and activities of each agency. These activities would include specific matters relating to radon matters covered by this MOU. Decisions affecting HUD and EPA radon policy shall be the responsibility of the designated policy officials to whom the assigned staff report.

  
\_\_\_\_\_  
Jack R. Stokvis  
Assistant Secretary for Community  
Planning and Development, HUD

3/25/89  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
William G. Rosenberg  
Assistant Administrator  
for Air and Radiation, EPA

JUL 06 1989  
\_\_\_\_\_  
Date