

---

---

**CITY OF SUSANVILLE**  
**66 North Lassen Street ♦ Susanville CA**  
**Kathie Garnier, Mayor**  
**Joseph Franco, Mayor pro tem**  
**Mendy Schuster \* Kevin Stafford \* Brian R. Wilson**

---

---

SUSANVILLE COMMUNITY DEVELOPMENT AGENCY    SUSANVILLE MUNICIPAL ENERGY CORPORATION    SUSANVILLE  
PUBLIC FINANCING AUTHORITY

**Susanville City Council**  
**Regular Meeting ♦ City Council Chambers**  
**January 17, 2018 – 6:00 p.m.**

*Call meeting to order*

*Roll call of Councilmembers present*

*Next Resolution No. 18-5470*

*Next Ordinance No. 18-1013*

- 1     **APPROVAL OF AGENDA:** (Additions and/or Deletions)
  
- 2     **PUBLIC COMMENT REGARDING CLOSED SESSION ITEMS** (if any): Any person may address the Council at this time upon any subject for discussion during Closed Session.
  
- 3     **CLOSED SESSION:**
  - A     PUBLIC EMPLOYMENT – Pursuant to Government Code Section §54957
    - 1     City Administrator
    - 2     Approved Position List
  - B     CONFERENCE WITH LEGAL COUNCIL – EXISTING LITIGATION – Pursuant to Paragraph (1) of subdivision (d) of Section 54956.9 of the California Government Code regarding two cases:
    - 1     Matthew Wood v City of Susanville
    - 2     Michael Bollinger v City of Susanville
  
- 4     **RETURN TO OPEN SESSION:** (recess if necessary)
  - *Reconvene in open session at 7:00 p.m.*
  - *Pledge of allegiance*
  - *Report any changes to agenda*
  - *Report any action out of Closed Session*
  - *Moment of Silence or Thought for the Day: Chief King*
  - *Proclamations, awards or presentations by the City Council:*
  
- 5     **BUSINESS FROM THE FLOOR:**

Any person may address the Council at this time upon any subject on the agenda or not on the agenda within the jurisdiction of the City Council. However, comments on items on the agenda may be reserved until the item is discussed and any matter not on the agenda that requires action will be referred to staff for a report and action at a subsequent meeting. Presentations are subject to a five-minute limit

**6**     **CONSENT CALENDAR:**

All matters listed under the Consent Calendar are considered to be routine by the City Council. There will be no separate discussion on these items. Any member of the public or the City Council may request removal of an item from the Consent Calendar to be considered separately.

- A     Approve minutes from the City Council’s December 6, 2017 meeting
- B     Approve vendor warrants numbered 200111 through 200278 for a total of \$653,229.60 including \$229,036.66 in payroll warrants
- C     Receive and file Monthly Finance Reports: November and December
- D     Receive and file Quarterly TOT Report: Second-Fourth Quarters FY 2016/2017
- E     Receive and file Golf Course Report Fiscal Year ending 2017

**7**     **PUBLIC HEARINGS:** No business.

**8**     **COUNCIL DISCUSSION/ANNOUNCEMENTS:**

Commission/Committee Reports:

**9**     **NEW BUSINESS:**

- A     Consider agreement for auditing services for fiscal year ending 2018
- B     Consider **Resolution No. 18-5467** approving budget increase in Memorial Park Fund to complete repairs and improvements
- C     Consider **Resolution No. 18-5468** requesting approval of the Susanville Municipal Airport Commission ACIP recommendations
- D     Consider **Resolution No. 18-5469** approving and authorizing Mayor to execute professional services agreement with Lassen County

**10**    **SUSANVILLE COMMUNITY DEVELOPMENT AGENCY:** No business.

**11**    **SUSANVILLE MUNICIPAL ENERGY CORPORATION:** No business.

**12**    **CONTINUING BUSINESS:**

- A     Consider **Resolution No. 18-5436** approving Cooperative Agreement with Susanville Indian Rancheria Housing Authority

**13**    **CITY ADMINISTRATOR’S REPORTS:**

- A     Sales Tax Measure Update
- B     Administrative Services Update
- C     Riverside Park Design Workshop Update

**14**    **COUNCIL ITEMS:**

- A     AB1234 travel reports:

**15**    **ADJOURNMENT:**

- *The next regular City Council meeting will be held on February 7, 2018 at 6:00 p.m.*

***Reports and documents relating to each agenda item are on file in the Office of the City Clerk and are available for public inspection during normal business hours and at the meeting. These reports and documents are also available at the City's website [www.cityofsusanville.org](http://www.cityofsusanville.org), unless there were systems problems posting to the website.***

***Accessibility: An interpreter for the hearing-impaired may be made available upon request to the City Clerk seventy-two hours prior to a meeting. A reader for the vision-impaired for purposes of reviewing the agenda may be made available upon request to the City Clerk. The location of this meeting is wheelchair-accessible.***

I, Gwenna MacDonald, certify that I caused to be posted notice of the regular meeting scheduled for January 17, 2018 in the areas designated on January 12, 2018.



Gwenna MacDonald, City Clerk

Reviewed by: DM Interim City Administrator  
       City Attorney

- Motion Only
- Public Hearing
- Resolution
- Ordinance
- Information

**Submitted By:** Gwenna MacDonald, City Clerk

**Action Date:** January 17, 2018

**CITY COUNCIL AGENDA ITEM**

**SUBJECT:** Minutes of the City Council's December 6, 2017 meeting

**PRESENTED BY:** Gwenna MacDonald, City Clerk

**SUMMARY:** Attached for the Council's review are the minutes of the City Council's December 6, 2017 meeting.

**FISCAL IMPACT:** None.

**ACTION REQUESTED:** Motion to waive oral reading and approve minutes of City Council's December 6, 2017 meeting.

**ATTACHMENTS:** Minutes: December 6, 2017

**SUSANVILLE CITY COUNCIL**  
**Regular Meeting Minutes**  
**December 6, 2017– 6:00 p.m.**

Meeting was called to order at 6:00 p.m. by Mayor Garnier.

Roll call of Councilmembers present: Brian Wilson, Kevin Stafford, Mendy Schuster, Mayor pro tem Franco and Kathie Garnier.

Staff present: Dan Newton, Interim City Administrator; Jessica Ryan, City Attorney and Gwenna MacDonald, City Clerk.

**1      APPROVAL OF AGENDA:**

Mr. Newton noted that an amended Item 9C had been circulated with copies made available to the public.

Motion by Councilmember Stafford, second by Mayor pro tem Franco, to approve the agenda as submitted; motion carried unanimously. Ayes: Stafford, Franco, Wilson, Schuster and Garnier.

**2      PUBLIC COMMENT REGARDING CLOSED SESSION ITEMS: None.**

**3      CLOSED SESSION: At 6:03 p.m. the Council entered into Closed Session to discuss the following:**

- A      PUBLIC EMPLOYMENT – Pursuant to Government Code Section §54957
  - 1      Performance Evaluation: Fire Chief
  - 2      City Administrator
  - 3      Police Officer Trainee
- B      CONFERENCE WITH LEGAL COUNSEL - pursuant to Government Code Section §54956.9:  
Existing litigation (2)
- C      CONFERENCE WITH LABOR NEGOTIATORS - pursuant to Government Code Section §54957.6
  - 1      Agency Negotiator:    Dan Newton  
   Bargaining Unit:        Firefighters
- D      CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant to Government Code Section §54956.9(b): Lewis v City of Susanville

**4      RETURN TO OPEN SESSION:**

At 7:00 the City Council reconvened in Open Session.

Staff present: Dan Newton, Interim City Administrator; Jessica Ryan, City Attorney; James Moore, Fire Chief; Dan Gibbs, Acting Public Works Director; John King, Police Chief; Deborah Savage, Finance Manager and Gwenna MacDonald, City Clerk.

Mr. Newton reported that prior to Closed Session, the City Council approved the agenda with an amended 9C, and the Council would be reconvening in Closed Session at the end of Open Session.

Councilmember Wilson offered the Thought of the Day

**5      BUSINESS FROM THE FLOOR:**

**Darrell MacChambers** read from a prepared statement, describing his participation in the Citizens Academy conducted by the Susanville Police Department. Mr. MacChambers stated that he has had many opportunities to serve the community over the years, and this was one of the best experiences he has had. He described the class details, training simulations, investigation techniques, ride-along opportunities and how overall it demonstrated just how thin the officers in the department are stretched. Throughout the process, he had an opportunity to talk with Chief King, and he appreciates and supports his vision for the community. He talked about Chief King's accomplishments as leader of the department, and the belief that his vision is to see the department succeed and grow. He expressed his support of Chief King and thanked the City Council for the opportunity to participate in the Citizens Academy.

**Chris Cole** disagreed with Mr. MacChambers' and discussed several issues that the Department faces which are creating problems for the community, including bad press, crime problems, and a morale problem. It is a difficult time, and he stated that he continues to be inundated with phone calls from community members and it is critical to move forward with the police department. He commends the City Council for recent actions taken that moves the department in a positive direction.

Councilmember Schuster recused herself from consideration of Item 6B.

**6**      **CONSENT CALENDAR:** Mayor Garnier reviewed the items on the Consent Calendar:

- A      Approve minutes from the City Council's October 18, 30, November 1 and 7, 2017 meetings
- B      Approve vendor warrants numbered 101780 through 101964 for a total of \$758,853.48 including \$200,627.64 in payroll warrants
- C      Receive and file monthly Finance Reports: October 2017

Mayor Garnier noted corrections to the October 18, 2017 minutes under consideration as Item 6A.

**David Teeter**, District 1 Supervisor, requested an amendment to the discussion on November 1, 2017 regarding the County supporting a Sales Tax Measure. He stated that he does not speak on behalf of the County. Mr. Teeter stated that he would not support a different sales tax percentage between the City and the County but he could not make that statement on behalf of the existing Board.

Motion by Councilmember Wilson, second by Councilmember Stafford, to approve Item 6A and 6C; motion carried unanimously. Ayes: Franco, Stafford, Wilson, Schuster and Garnier.

Councilmember Schuster exited the Council Chambers.

Motion by Councilmember Stafford, second by Councilmember Wilson, to approve Item 6B; motion carried. Ayes: Stafford, Wilson, Franco and Garnier. Abstain: Schuster.

Councilmember Schuster returned to the Council Chambers.

**7**      **PUBLIC HEARINGS:** No Business.

**8**      **COUNCIL DISCUSSION/ANNOUNCEMENTS:** Commission/Committee reports: none

**9**      **NEW BUSINESS:**

**9A Consider Resolution No. 17-5457 terminating Airport Hangar Land Lease Agreement Lot 9A with John Appel and authorizing execution of Hangar Land Lease Agreement Lot 9A with Robert Tyndall** Mr. Newton explained that on October 4, 2017, the City Council declined the option to purchase Hangar #9A, and it was subsequently purchased by Robert Tyndall. Mr. Tyndall is required to execute an Airport Ground Lease Agreement with the City for Hangar 9A.

Motion by Councilmember Stafford, second by Mayor pro tem Franco, to approve Resolution No. 17-5457; motion carried unanimously. Ayes: Stafford, Franco, Wilson, Schuster and Garnier.

**9B Consider approval of increase to Pool Manager/Director position from Range 930 to Range 938** Mr. Newton explained that the City has provided Administrative Services for the Honey Lake Valley Recreation Authority since December 2013, and recently the City and HLVRA entered into an agreement for the City to provide Administrative, Managerial and Operational services for the Pool facility. The agreement includes an appendix which identifies the reimbursement rates for services. On November 2017, the HLVRA Board met to discuss the vacant Pool Manager/Director position and the upcoming recruitment. It was the recommendation that the salary be increased to attract qualified individuals from range 930 to 938 which raises the maximum salary from \$20.84 per hour to \$25.39 per hour. The Pool Manager/Director is considered a City employee and costs associated with the position are reimbursed by the HLVRA.

Mayor Garnier clarified that this position also frees up the time dedicated by a City employee to perform the tasks that will be assumed by the Pool Manager/Director.

Mr. Newton confirmed that it would, and that the amendment is to the Appendix only and the terms of the agreement are unchanged.

Motion by Councilmember Wilson, second by Mayor pro tem Franco, to approve the increase the salary range for the Pool Manager/Director position; motion carried unanimously. Ayes: Wilson, Franco, Stafford, Schuster and Garnier.

**9C Consider Resolution Number 17-5459 authorizing the execution of a contract with Dig-It Construction Inc. for the 2017 Water Main Replacement Project No. 17-03 in the amount of \$651,960.00 for the base bid and \$558,836 for the additive portion and authorizing the Interim City Administrative to execute contract change orders up to \$121,079** Mr. Gibbs reviewed the scope of work included in the 2017 Water Main Replacement Project 17-03 which extends along Main Street from Weatherlow to Park Street and from Park to Spring Street. The project includes the installation of new 8-inch PVC water mains, the replacement and relocation of fire hydrants, new services and minor repairs to sidewalks where needed. The City received six bids with Dig-It construction submitting the lowest responsible bid in the amount of \$651,960 for the base bid and \$558,936 for the additive portion. The additive portion bid was considerably higher than estimated and staff will negotiate change orders with the contractor to determine to what extent additional water main can be installed between Park and Spring Street. This additional work would complete the replacement of leaking water main and services plus avoid pavement cuts in the CAP-M project. Once pricing is determined and additional funding amounts are known staff will return to Council with a proposal for additional work.

Mayor pro tem Franco asked when construction is anticipated to begin.

Mr. Gibbs responded that the weather is always the key factor in construction, and the City was working with Caltrans to complete the work ahead of the Cap M project.

Motion by Councilmember Wilson, second by Councilmember Stafford, to approve Resolution No. 17-5459; motion carried unanimously. Ayes: Wilson, Stafford, Franco, Schuster and Garnier.

**9D Consider Resolution No. 17-5460 authorizing the City Administrator to execute agreement with Benchcraft Company** Mr. Newton explained that the firm of Benchcraft Company had an agreement between a previous Golf Course Manager to provide custom designed tee signs, benches, golf ball washers, display boards and scorecards with the understanding that they will be placed at the tees and other locations at the Diamond Mountain Golf Course. There is no charge to the City for this service or the supplies given, however there is some question regarding which items at the golf course are owned by Benchcraft, and which are owned by the City. In addition, there is no copy of a written agreement available.

Councilmember Wilson commented that five years ago when the agreement was automatically renewed, there was discussion to open the opportunity up to a local vendor, and he would prefer to table the matter until additional research could be conducted.

Motion by Councilmember Wilson, second by Councilmember Stafford, to table the item; motion carried unanimously. Ayes: Wilson, Stafford, Franco, Schuster and Garnier.

**9E Consider Resolution No. 17-5461 authorizing the Acting Public Works Director to execute Notice of Completion for 2015 STIP Pavement Rehabilitation Projects SC and SC-1 (Project No. 15-03 and 15-04) and authorize the release of any remaining retention owed to the Contractor** Mr. Gibbs reported that the 2015 Pavement Rehabilitation Projects 'SC' and 'SC-1' have been completed by Dig-It Construction Inc., and the contractor is requesting release of remaining funds for the project. For Project 15-03, 'SC', the construction allocation received from the State was \$963,000. On Project 15-04, 'SC-1', the construction allocation received from the State was \$866,000. The final accounting for project costs including the Contractor's base bid, extra work provided and construction engineering accounted for over 99 percent of the total funding provided in each project, and remaining retention funds in the amount of \$10,014.60 and \$8,860.18 respectively from the two project accounts.

Councilmember Wilson asked if this was the project that the City had experienced paving quality problems with. Mr. Gibbs responded that it was not.

Motion by Mayor pro tem Franco, second by Councilmember Schuster, to approve Resolution No. 17-5461; motion carried unanimously. Ayes: Franco, Schuster, Wilson, Stafford and Garnier.

**9F Consider Ordinance No. 17-1012 an Interim Urgency Ordinance of the City of Susanville regulating Medical and Adult Use Cannabis activities and appoint Cannabis Regulation Development subcommittee** Mr. Newton reported that at the November 1, 2017 City Council meeting, the City Council directed staff to prepare an interim-urgency ordinance to prohibit cannabis activities within the City limits, to the extent to which the City is allowed to prohibit cannabis activities by State law. Interim-Urgency Ordinance 17-1042 has been prepared and if adopted, would be effective immediately and remain in effect for 45 days unless extended. Council is authorized to enact the Interim-Urgency Ordinance by Government Code Section §65858. A four-fifths (4/5) vote of the Council is required to adopt the Interim-Urgency Ordinance.

Absent local regulation, cannabis activities could be permitted within the City limits beginning January 2, 2018 by state-issued licenses and permits related to the medicinal marijuana and recreational marijuana. The Council has also expressed an interest in creating a sub-committee to evaluate potential regulations

and policies due to the complexity of the item and the variety of regulatory options that should be considered.

Mayor Garnier asked for clarification regarding the transportation that is permitted under the new regulations.

Mr. Newton responded that it would be permitted to be transported through town.

Mayor pro tem Franco asked if there was a restriction on the amount.

Chief King responded that a delivery service would not be permitted, but there is nothing the City can do to prevent someone driving through town with marijuana.

**Pat Holley** asked if legal counsel required the enactment of an interim ordinance.

Mr. Newton responded that due to the time frame involved, it was the best option for having something in place by January 2, 2018 when the State would begin to issue permits.

Mr. Holley responded that the legislation requires that a local license would have to be obtained prior to applying to the State for licensing. Absent a local licensing process, it would seem that they would not be eligible to obtain a State license. He stated that he is strongly opposed to any marijuana use.

Mayor Garnier stated that the indoor cultivation would be allowed for up to 6 plants, and according to the information prepared by the League of California Cities, a ban for indoor growing could terminate the City's eligibility for State grant funding, which would have a serious impact. There are many factors involved and it is going to take time to consider all of the information.

Councilmember Wilson referred to Section 4 and asked if the terms utilized were all-inclusive of the varieties of cannabis that would be cultivated or utilized.

Mr. Newton responded that the definition in the Health and Safety Code was utilized, and the phrase "interpreted broadly" was added to include any possible reference to cannabis.

Councilmember Wilson commented that he wanted to avoid any potential loopholes that could be taken advantage of, such as referring to hemp products in lieu of cannabis.

Mr. Newton responded that the logic was to utilize the same language, terminology and descriptions that is contained in the State Health and Safety Code, which is the basis for the State's regulation.

Motion by Councilmember Wilson, second by Councilmember Stafford, to approve Interim-Urgency Ordinance No. 17-1012; motion carried unanimously. Ayes: Wilson, Stafford, Franco, Schuster and Garnier.

Motion by Mayor pro tem Franco, second by Councilmember Schuster to create a sub-committee with the appointment of Councilmember Stafford, Mayor pro tem Franco and Interim City Administrator Newton as committee appointees; motion carried unanimously. Ayes: Franco, Schuster, Stafford, Wilson and Garnier.

Mayor pro tem Franco asked that the City maintain communication with the County regarding the process of developing a permanent ordinance.

Councilmember Wilson commented that he was in favor of making the permanent ordinance as strict as possible within the guidelines allowed by the State.

**10**     **SUSANVILLE COMMUNITY DEVELOPMENT AGENCY:** No business.

**11**     **SUSANVILLE MUNICIPAL ENERGY CORPORATION:** No business.

**12**     **CONTINUING BUSINESS:** No business.

**13**     **CITY ADMINISTRATOR'S REPORTS:**

**13A**    **Citizen's Academy Financial Impact** Chief King reported that the Police Department recently conducted a 12-week Citizen's Academy. The Academy conducted weekly lessons for 18 community members regarding current crime trends and other public safety concerns. The goal of the Academy is meant to educate the public about current crime trends, helping them prevent victimization for themselves, their families and their neighbor. The Academy incurred approximately \$2,014.00 in expenses, but received contributions from the community totaling \$2,108.00. Contributors to the Academy included the CA Department of Corrections, Lassen County District Attorney's Office, Lassen County Sheriff, Walmart, Forest Office Supply, Lassen Community College, Lassen Public Health, Diamond Mountain Casino, Customer Talk, and the students donated snacks and coffee. The Academy was a collaborative effort and he thanked those who contributed to the success of the Program.

Mayor pro tem Franco asked if future Academies were planned.

Chief King responded that he would like to schedule the Academy for at least one per year, and he would be looking at the mid-year budget. The class was full of applicants and they are working on a waiting list for the next Academy.

Mayor Garnier asked if any of the participants were interested in moving on to be a volunteer.

Chief King responded that some of them were, although the program was not utilized specifically as a recruitment tool, some citizens picked up applications for the Volunteer program.

The City Council thanked Chief King for the successful Citizens Academy program.

**13B**    **Department of Justice (DOJ) Audit** Chief King reported that the Department of Justice conducts audits at least every three years, or on a random basis. The Susanville PD was audited in November, and it covered a CORI Audit, FBI III Audit, and a CLETS Policy and Security Audit. The audits review appropriateness in security, need and right to know under the CORI Audit, the FBI III Audit evaluates any items under the PD control, with 8 items being selected for audit purposes this year, and the CLETS Audit reviews every policy and every attempted CLETS access to ensure that it meets policy and procedure. The Department received findings that the Susanville Police Department was found to be in compliance with all three categories of the DOJ Audit. Chief King complimented the performance of Victoria Estrada, Administrative Assistant, who worked to put in extra hours and get up to speed regarding the process of Department record keeping.

**14**     **COUNCIL ITEMS:**

**14A**    **AB1234 travel reports:**

Councilmember Schuster shared information from a breakfast meeting sponsored by Senator Ted Gaines, specifically the impacts of funding loss for communities who were declared a non-sanctuary city.

Mayor pro tem Franco spoke about the Annual Uptown Country Christmas celebration and asked about options to upgrade the street lighting that is utilized along Main Street. It is a very popular event that generates a tremendous amount of community pride, and he would like to see what could be done by the City to participate in putting the best foot forward for the event.

The Council discussed the high level of maintenance involved with installing the decorations each year, and the high expense of replacing the banners that are displayed every year across Main Street.

## **15     ADJOURNMENT:**

At 8:23 p.m. Mayor pro tem Franco called for a five minute recess prior to reconvening in Closed Session.

At 8:30 p.m. the City Council reconvened in Closed Session.

The Council adjourned Closed Session and reconvened in Open Session. Mr. Newton announced the following action:

### Item 3A

- Public Employee Performance Evaluation: Fire Chief.  
Reportable Action -The City Council provided direction to the Interim City Administrator to prepare and provide a written performance evaluation to the Fire Chief based upon the closed session evaluation.
- Public Employment: City Administrator.  
Reportable Action – None. Direction given to Staff.
- Public Employment: Police Officer Trainee.  
Reportable Action - Due to a potential discrepancy in the interview process City Council decided to re-interview all the applicants for the trainee position with a new interview panel.

Item 3B - Conference with legal counsel, existing litigation (2).

Reportable Action – None. Direction given to Staff.

Item 3C Labor negotiations firefighters.

Reportable Action – None. Direction given to Staff.

Item 3D - Conference with legal counsel, anticipated litigation.

Reportable Action – None. Direction given to Staff.

The meeting was adjourned at 10:30 p.m.

---

Kathie Garnier, Mayor

Respectfully submitted by

---

Gwenna MacDonald, City Clerk

*Approved on:* \_\_\_\_\_

Reviewed by:      Interim City Administrator  
     City Attorney

  X   Motion only  
     Public Hearing  
     Resolution  
     Ordinance  
     Information

**Submitted by:** Deborah Savage, Finance Manager

**Action Date:** January 17, 2018

**CITY COUNCIL AGENDA ITEM**

**SUBJECT:** Vendor and Payroll Warrants

**PRESENTED BY:** Deborah Savage, Finance Manager

**SUMMARY:** Warrants dated December 9, 2017 through January 5, 2018 numbered 200111 through 200278.

**FISCAL IMPACT:** Accounts Payable vendor warrants totaling \$ 424,192.94 plus \$ 229,036.66 in payroll warrants, for a total of \$ 653,229.60.

**ACTION REQUESTED:** Motion to receive and file.

**ATTACHMENTS:** Payments by vendor and transmittal check registers.

Report Criteria:  
 Report type: GL detail  
 Check Voided = False

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Description	Invoice Number	Inv Seq	GL Account No	GL Account Title	Seq Amount	Check Amount
12/17	12/14/2017	200111	9176		REFUND GAS DEPOSIT	10311100022	1	7401-2228-000	DEPOSITS-CUSTOMER	28.91	28.91
Total 10311100022:											
12/17	12/14/2017	200112	44	ARAMARK UNIFORM SE	CUSTODIAL SUPPLIES - PW	635722070	1	7620-430-10-44	LINEN SERVICE	27.75	27.75
Total 635722070:											
12/17	12/14/2017	200112	44	ARAMARK UNIFORM SE	UNIFORM SERVICE-GAS	635722071	1	7401-430-62-44	LINEN SERVICES	49.26	49.26
Total 635722071:											
12/17	12/14/2017	200112	44	ARAMARK UNIFORM SE	UNIFORM SERVICE-STREETS	635722072	1	2007-431-20-44	LINEN SERVICE	47.69	47.69
Total 635722072:											
12/17	12/14/2017	200112	44	ARAMARK UNIFORM SE	UNIFORM SERVICE-WATER	635722073	1	7110-430-42-44	LINEN SERVICE	38.47	38.47
Total 635722073:											
12/17	12/14/2017	200114	72	BENOIT, JOHN	LAFCO STAFF SVCS & EXPENS	121117	1	8402-413-30-45	PRINTING AND BINDING	4.00	4.00
12/17	12/14/2017	200114	72	BENOIT, JOHN	LAFCO STAFF SVCS & EXPENS	121117	2	8402-413-30-46	POSTAGE	1.18	1.18
12/17	12/14/2017	200114	72	BENOIT, JOHN	LAFCO STAFF SVCS & EXPENS	121117	3	8402-413-30-45	COMMUNICATIONS	66.33	66.33
12/17	12/14/2017	200114	72	BENOIT, JOHN	LAFCO STAFF SVCS & EXPENS	121117	4	8402-413-30-43	LAFCO EXEC. OFFICE SVC	2,507.50	2,507.50
12/17	12/14/2017	200114	72	BENOIT, JOHN	LAFCO STAFF SVCS & EXPENS	121117	5	8402-413-30-43	MUNICIPAL SVC REVIEW-LAFC	1,700.00	1,700.00
12/17	12/14/2017	200114	72	BENOIT, JOHN	LAFCO STAFF SVCS & EXPENS	121117	6	8402-413-30-43	TECHNICAL SVCS	170.00	170.00
Total 121117:											
12/17	12/14/2017	200114	72	BENOIT, JOHN	LAFCO STAFF SVCS & EXPENS	121117	1	8402-413-30-45	PRINTING AND BINDING	13.70	13.70
12/17	12/14/2017	200114	72	BENOIT, JOHN	LAFCO STAFF SVCS & EXPENS	121117	2	8402-413-30-46	POSTAGE	4.20	4.20
12/17	12/14/2017	200114	72	BENOIT, JOHN	LAFCO STAFF SVCS & EXPENS	121117	3	8402-413-30-45	COMMUNICATIONS	75.34	75.34
12/17	12/14/2017	200114	72	BENOIT, JOHN	LAFCO STAFF SVCS & EXPENS	121117	4	8402-413-30-43	LAFCO EXEC. OFFICE SVC	3,717.50	3,717.50
12/17	12/14/2017	200114	72	BENOIT, JOHN	LAFCO STAFF SVCS & EXPENS	121117	5	8402-413-30-43	LAFCO BROWN ACT COMPLIAN	500.00	500.00
12/17	12/14/2017	200114	72	BENOIT, JOHN	LAFCO STAFF SVCS & EXPENS	121117	6	8402-413-30-43	MUNICIPAL SVC REVIEW-LAFC	1,190.00	1,190.00
Total 121117:											
										4,449.01	4,449.01

Check Issue Dates: 12/12/2017 - 12/14/2017

Jan 10, 2018 09:11AM

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Description	Invoice Number	Inv Seq	GL Account No	GL Account Title	Seq Amount	Check Amount
12/17	12/14/2017	200114	72	BENOIT, JOHN	LAFCO STAFF SVCS & EXPENS	121117	7	8402-413-30-43	TECHNICAL SVCS	127.50	127.50
12/17	12/14/2017	200114	72	BENOIT, JOHN	LAFCO STAFF SVCS & EXPENS	121117	8	8402-413-30-45	TRAVEL	111.37	111.37
	Total 121117:									5,739.61	5,739.61
12/17	12/14/2017	200115	76	BILLINGTON ACE HARD	SUPPLIES-STREETS	390676	1	2007-431-20-46	SUPPLIES-GENERAL	12.14	12.14
	Total 390676:									12.14	12.14
12/17	12/14/2017	200115	76	BILLINGTON ACE HARD	SUPPLIES-FD	391725	1	1000-422-10-44	FACILITY - REPAIR & MAINTEN	17.77	17.77
	Total 391725:									17.77	17.77
12/17	12/14/2017	200115	76	BILLINGTON ACE HARD	SUPPLIES-STREETS	394014	1	2007-431-20-46	SUPPLIES-GENERAL	14.45	14.45
	Total 394014:									14.45	14.45
12/17	12/14/2017	200115	76	BILLINGTON ACE HARD	SUPPLIES-GC	395761	1	7530-451-52-44	REPAIR & MAINTENANCE - MIS	11.67	11.67
	Total 395761:									11.67	11.67
12/17	12/14/2017	200115	76	BILLINGTON ACE HARD	SUPPLIES-PW	396243	1	7620-430-10-46	SUPPLIES-GENERAL	13.50	13.50
	Total 396243:									13.50	13.50
12/17	12/14/2017	200115	76	BILLINGTON ACE HARD	SUPPLIES-GAS	397753	1	7401-430-62-46	SUPPLIES-GENERAL	46.77	46.77
	Total 397753:									46.77	46.77
12/17	12/14/2017	200115	76	BILLINGTON ACE HARD	XMAS SUPPLIES	399529	1	1000-466-30-46	SUPPLIES-GENERAL	9.65	9.65
	Total 399529:									9.65	9.65
12/17	12/14/2017	200115	76	BILLINGTON ACE HARD	XMAS SUPPLIES	400284	1	1000-466-30-46	SUPPLIES-GENERAL	8.68	8.68
	Total 400284:									8.68	8.68
12/17	12/14/2017	200115	76	BILLINGTON ACE HARD	SUPPLIES-FD	400317	1	1000-422-10-44	FACILITY - REPAIR & MAINTEN	13.35	13.35

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Description	Invoice Number	Inv Seq	GL Account No	GL Account Title	Seq Amount	Check Amount	
Total 400317:											13.35	13.35
12/17	12/14/2017	200115	76	BILLINGTON ACE HARD	SUPPLIES-FD	400475	1	1000-422-10-44	FACILITY - REPAIR & MAINTEN	32.81	32.81	
Total 400475:											32.81	32.81
12/17	12/14/2017	200115	76	BILLINGTON ACE HARD	SUPPLIES-GAS	400596	1	7401-430-62-46	SUPPLIES-GENERAL	22.66	22.66	
Total 400596:											22.66	22.66
12/17	12/14/2017	200115	76	BILLINGTON ACE HARD	SUPPLIES-STREETS	400912	1	2007-431-20-46	SUPPLIES-GENERAL	7.12	7.12	
Total 400912:											7.12	7.12
12/17	12/14/2017	200115	76	BILLINGTON ACE HARD	SUPPLIES-FD	400953	1	1000-422-10-44	FACILITY - REPAIR & MAINTEN	16.76	16.76	
Total 400953:											16.76	16.76
12/17	12/14/2017	200115	76	BILLINGTON ACE HARD	SUPPLIES-WATER	400991	1	7110-430-42-46	SUPPLIES-GENERAL	4.80	4.80	
Total 400991:											4.80	4.80
12/17	12/14/2017	200115	76	BILLINGTON ACE HARD	SUPPLIES-GEO	401133	1	7301-430-52-46	SUPPLIES-GENERAL	13.49	13.49	
Total 401133:											13.49	13.49
12/17	12/14/2017	200115	76	BILLINGTON ACE HARD	SUPPLIES-GAS	401141	1	7401-430-62-46	SUPPLIES-GENERAL	59.79	59.79	
Total 401141:											59.79	59.79
12/17	12/14/2017	200115	76	BILLINGTON ACE HARD	SUPPLIES-GAS	401142	1	7401-430-62-46	SUPPLIES-GENERAL	22.80	22.80	
Total 401142:											22.80	22.80
12/17	12/14/2017	200115	76	BILLINGTON ACE HARD	SUPPLIES-GAS	401143	1	7401-430-62-46	SUPPLIES-GENERAL	28.93	28.93	
Total 401143:											28.93	28.93

Check Issue Dates: 12/1/2017 - 12/14/2017

Jan 10, 2018 09:11AM

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Description	Invoice Number	Inv Seq	GL Account No	GL Account Title	Seq Amount	Check Amount	
	12/17	12/14/2017	200115	76	BILLINGTON ACE HARD	SUPPLIES-GEO	401164	1	7301-430-52-46	SUPPLIES-GENERAL	12.72	12.72
	Total 401164:											
	12/17	12/14/2017	200115	76	BILLINGTON ACE HARD	SUPPLIES-FIRE	401190	1	1000-422-10-44	VEHICLE - REPAIR & MAINTEN	19.28	19.28
	Total 401190:											
	12/17	12/14/2017	200115	76	BILLINGTON ACE HARD	SUPPLIES-STREETS	401222	1	2007-431-20-46	SUPPLIES-GENERAL	13.50	13.50
	Total 401222:											
	12/17	12/14/2017	200115	76	BILLINGTON ACE HARD	SUPPLIES-WATER	401258	1	7110-430-42-46	SUPPLIES-SMALL TOOLS	6.75	6.75
	Total 401258:											
	12/17	12/14/2017	200115	76	BILLINGTON ACE HARD	SUPPLIES-GAS	401433	1	7401-430-62-46	SUPPLIES-GENERAL	9.63	9.63
	Total 401433:											
	12/17	12/14/2017	200115	76	BILLINGTON ACE HARD	SUPPLIES-WATER	401458	1	7110-430-42-46	SUPPLIES-SMALL TOOLS	93.60	93.60
	Total 401458:											
	12/17	12/14/2017	200115	76	BILLINGTON ACE HARD	SUPPLIES-STREETS	401493	1	2007-431-20-46	SUPPLIES-GENERAL	7.12	7.12
	Total 401493:											
	12/17	12/14/2017	200116	9184	BUSINESS RADIO LICEN	RADIO LICENSE RENEWAL-AIR	113017	1	7201-430-81-48	TAXES, FEES, PERMITS & CHA	95.00	95.00
	Total 113017:											
	12/17	12/14/2017	200117	1307	C&S WASTE SOLUTIONS	PUBLIC LITTER CANS - 600 MAI	PLC600MAINST 120117	1	2007-431-20-44	DISPOSAL	38.88	38.88
	Total PLC600MAINST 120117:											
	12/17	12/14/2017	200117	1307	C&S WASTE SOLUTIONS	PUBLIC LITTER CANS - B OF A	PLCBOFA 120117	1	2007-431-20-44	DISPOSAL	19.51	19.51

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Description	Invoice Number	Inv Seq	GL Account No	GL Account Title	Seq Amount	Check Amount	
		Total PLCBOFA 120117:										
12/17	12/14/2017	200117	1307	C&S WASTE SOLUTIONS	PUBLIC LITTER CANS - BUEHL	PLCBUEHLERDNT 12011	1	2007-431-20-44	DISPOSAL	38.88	38.88	
		Total PLCBUEHLERDNT 120117:										
12/17	12/14/2017	200117	1307	C&S WASTE SOLUTIONS	PUBLIC LITTER CANS - DIAMO	PLCDIAMONDMTN 12011	1	2007-431-20-44	DISPOSAL	38.88	38.88	
		Total PLCDIAMONDMTN 120117:										
12/17	12/14/2017	200117	1307	C&S WASTE SOLUTIONS	PUBLIC LITTER CANS - ELKS L	PLCELKSLODGE 120117	1	2007-431-20-44	DISPOSAL	38.88	38.88	
		Total PLCELKSLODGE 120117:										
12/17	12/14/2017	200117	1307	C&S WASTE SOLUTIONS	PUBLIC LITTER CANS - FROST	PLCFROSTYMILL 120117	1	2007-431-20-44	DISPOSAL	19.51	19.51	
		Total PLCFROSTYMILL 120117:										
12/17	12/14/2017	200117	1307	C&S WASTE SOLUTIONS	PUBLIC LITTER CANS - GROCE	PLCGROCERYOUT 12011	1	2007-431-20-44	DISPOSAL	38.88	38.88	
		Total PLCGROCERYOUT 120117:										
12/17	12/14/2017	200117	1307	C&S WASTE SOLUTIONS	PUBLIC LITTER CANS - HAIR H	PLCHAIRHUNTER 120117	1	2007-431-20-44	DISPOSAL	38.88	38.88	
		Total PLCHAIRHUNTER 120117:										
12/17	12/14/2017	200117	1307	C&S WASTE SOLUTIONS	PUBLIC LITTER CANS - HOTEL	PLCHOTELLSN1 120117	1	2007-431-20-44	DISPOSAL	38.88	38.88	
		Total PLCHOTELLSN1 120117:										
12/17	12/14/2017	200117	1307	C&S WASTE SOLUTIONS	PUBLIC LITTER CANS - SIERRA	PLCJWLR 120117	1	2007-431-20-44	DISPOSAL	38.88	38.88	
		Total PLCJWLR 120117:										
12/17	12/14/2017	200117	1307	C&S WASTE SOLUTIONS	PUBLIC LITTER CANS - KNOCH	PLCKNOCHBUILD 120117	1	2007-431-20-44	DISPOSAL	38.88	38.88	
		Total PLCKNOCHBUILD 120117:										

Check Issue Dates: 12/12/2017 - 12/14/2017

Jan 10, 2018 09:11AM

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Description	Invoice Number	Inv Seq	GL Account No	GL Account Title	Seq Amount	Check Amount
12/17	12/14/2017	200117	1307	C&S WASTE SOLUTIONS	PUBLIC LITTER CANS - LITTLE I	PLCLITTLEITAL 120117	1	2007-431-20-44	DISPOSAL	38.88	38.88
Total PLCLITTLEITAL 120117:											
12/17	12/14/2017	200117	1307	C&S WASTE SOLUTIONS	PUBLIC LITTER CANS - LVCHA	PLCLVCHATR 120117	1	2007-431-20-44	DISPOSAL	38.88	38.88
Total PLCLVCHATR 120117:											
12/17	12/14/2017	200117	1307	C&S WASTE SOLUTIONS	PUBLIC LITTER CANS - MT LAS	PLCMTLASSNP 120117	1	2007-431-20-44	DISPOSAL	38.88	38.88
Total PLCMTLASSNP 120117:											
12/17	12/14/2017	200117	1307	C&S WASTE SOLUTIONS	PUBLIC LITTER CANS - PANCE	PLCPANCERPL 120117	1	2007-431-20-44	DISPOSAL	77.76	77.76
Total PLCPANCERPL 120117:											
12/17	12/14/2017	200117	1307	C&S WASTE SOLUTIONS	PUBLIC LITTER CANS - PANCE	PLCPANCERPL 120117	1	2007-431-20-44	DISPOSAL	38.88	38.88
Total PLCPANCERPL 120117:											
12/17	12/14/2017	200117	1307	C&S WASTE SOLUTIONS	PUBLIC LITTER CANS - SIERRA	PLCSIERRATHTR 120117	1	2007-431-20-44	DISPOSAL	38.88	38.88
Total PLCSIERRATHTR 120117:											
12/17	12/14/2017	200117	1307	C&S WASTE SOLUTIONS	PUBLIC LITTER CANS - SVILLE	PLCSVILLEREAL 120117	1	2007-431-20-44	DISPOSAL	38.88	38.88
Total PLCSVILLEREAL 120117:											
12/17	12/14/2017	200117	1307	C&S WASTE SOLUTIONS	PUBLIC LITTER CANS - UPTOW	PLCUPDOWNPARK 120117	1	2007-431-20-44	DISPOSAL	38.88	38.88
Total PLCUPDOWNPARK 120117:											
12/17	12/14/2017	200117	1307	C&S WASTE SOLUTIONS	PUBLIC LITTER CANS - U S PO	PLCUSPOSTAL 120117	1	2007-431-20-44	DISPOSAL	38.88	38.88
Total PLCUSPOSTAL 120117:											
12/17	12/14/2017	200117	1307	C&S WASTE SOLUTIONS	PUBLIC LITTER CANS - VETS M	PLCVETSMEMOR 120117	1	2007-431-20-44	DISPOSAL	38.88	38.88

GL Period	Check Issue Date	Check Number	Check Number	Vendor Number	Payee	Description	Invoice Number	Inv Seq	GL Account No	GL Account Title	Seq Amount	Check Amount
Total PLCVETSMEMOR 120117:												
12/17	12/14/2017	200117	1307	C&S WASTE SOLUTIONS	PUBLIC LITTER CANS - WALMA	PLCWALMARTBUS 12011		1	2007-431-20-44	DISPOSAL	38.88	38.88
Total PLCWALMARTBUS 120117:												
12/17	12/14/2017	200117	1307	C&S WASTE SOLUTIONS	110 NORTH ST	SVL110NORTHST 120117		1	1000-452-20-44	DISPOSAL	241.17	241.17
Total SVL110NORTHST 120117:												
12/17	12/14/2017	200117	1307	C&S WASTE SOLUTIONS	925 SIERRA ST-PW	SVL15 120117		1	7620-430-10-44	DISPOSAL	164.88	164.88
Total SVL15 120117:												
12/17	12/14/2017	200117	1307	C&S WASTE SOLUTIONS	66 N LASSEN ST	SVL2 120117		1	1000-417-10-44	DISPOSAL	164.88	164.88
Total SVL2 120117:												
12/17	12/14/2017	200117	1307	C&S WASTE SOLUTIONS	470-895 CIRCLE DR	SVL470895CIRDR 12011		1	7530-451-52-44	DISPOSAL	198.44	198.44
Total SVL470895CIRDR 12011:												
12/17	12/14/2017	200117	1307	C&S WASTE SOLUTIONS	95 N WEATHERLOW ST	SVL5 120117		1	1000-452-20-44	DISPOSAL	198.44	198.44
Total SVL5 120117:												
12/17	12/14/2017	200117	1307	C&S WASTE SOLUTIONS	1801 MAIN ST-PD	SVL7 120117		1	1000-421-10-44	DISPOSAL	121.65	121.65
Total SVL7 120117:												
12/17	12/14/2017	200117	1307	C&S WASTE SOLUTIONS	720 SOUTH ST SHOP-PW	SVL8 120117		1	7620-430-10-44	DISPOSAL	164.88	164.88
Total SVL8 120117:												
12/17	12/14/2017	200117	1307	C&S WASTE SOLUTIONS	1505 MAIN ST	SVLFD 120117		1	1000-422-10-44	DISPOSAL	164.88	164.88
Total SVLFD 120117:												



Check Issue Dates: 12/12/2017 - 12/14/2017

Jan 10, 2018 09:11AM

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Description	Invoice Number	Inv Seq	GL Account No	GL Account Title	Seq Amount	Check Amount
Total 113017:											
12/17	12/14/2017	200125	9172		REFUND GAS DEPOSIT	10431200022	1	7401-2228-000	DEPOSITS-CUSTOMER	123.06	123.06
Total 10431200022:											
12/17	12/14/2017	200126	194	DIAMOND SAW SHOP IN	TRIMMERS PARTS-WATER	88235	1	7110-430-42-44	REPAIR AND MAINTENANCE-MI	91.79	91.79
Total 88235:											
12/17	12/14/2017	200127	1260	DIRECTV INC	CABLE-PD	32978521157	1	1000-421-10-45	COMMUNICATIONS	90.50	90.50
Total 32978521157:											
12/17	12/14/2017	200128	238	FASTENAL COMPANY	SAFETY SUPPLIES- FIRE	76998	1	1000-422-10-46	SUPPLIES-SAFETY ITEMS	37.96	37.96
Total 76998:											
12/17	12/14/2017	200128	238	FASTENAL COMPANY	SUPPLIES- FIRE	CASUST6407	1	1000-422-10-46	SUPPLIES-SMALL TOOLS	14.59	14.59
Total CASUST6407:											
12/17	12/14/2017	200128	238	FASTENAL COMPANY	SUPPLIES-STREETS	CASUST7033	1	2007-431-20-46	SUPPLIES-GENERAL	6.82	6.82
Total CASUST7033:											
12/17	12/14/2017	200129	241	FEATHER PUBLISHING C	ADVERTISEMENT-GC	1380914	1	7530-451-52-45	ADVERTISING	384.30	384.30
Total 1380914:											
12/17	12/14/2017	200129	241	FEATHER PUBLISHING C	BUS CARDS	41214	1	1000-416-10-46	SUPPLIES-GENERAL	133.53	133.53
Total 41214:											
12/17	12/14/2017	200129	241	FEATHER PUBLISHING C	BUS CARDS- FIRE	41919	1	1000-422-10-45	ADVERTISING	66.55	66.55
Total 41919:											

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Description	Invoice Number	Inv Seq	GL Account No	GL Account Title	Seq Amount	Check Amount
12/17	12/14/2017	200130	1033	FGL ENVIRONMENTAL	WEEKLY WATER SAMPLING	779480A	1	7110-430-42-43	TECHNICAL SVCS	117.00	117.00
Total 779480A: 117.00											
12/17	12/14/2017	200131	257	FOREST OFFICE EQUIP	COPY PAPER	111496	1	1000-416-10-46	SUPPLIES-GENERAL	51.48	51.48
Total 111496: 51.48											
12/17	12/14/2017	200131	257	FOREST OFFICE EQUIP	KYOCERA COPIER -PW	CG9722	1	7620-430-10-43	TECHNICAL SVCS	675.90	675.90
Total CG9722: 675.90											
12/17	12/14/2017	200131	257	FOREST OFFICE EQUIP	MAINT CONTRACT FOLD MACH	CG9731	1	7401-430-62-43	TECHNICAL SVCS	42.00	42.00
12/17	12/14/2017	200131	257	FOREST OFFICE EQUIP	MAINT CONTRACT FOLD MACH	CG9731	2	7110-430-42-43	TECHNICAL SVCS	42.00	42.00
Total CG9731: 84.00											
12/17	12/14/2017	200132	265	FRONTIER	257-1000 DSL SERVICE	1000 120517	1	1000-417-10-45	COMMUNICATIONS	145.00	145.00
12/17	12/14/2017	200132	265	FRONTIER	257-1000 WATER - DEBIT MACH	1000 120517	2	7110-430-42-45	COMMUNICATIONS	24.15	24.15
12/17	12/14/2017	200132	265	FRONTIER	257-1000 GAS - DEBIT MACHIN	1000 120517	3	7401-430-62-45	COMMUNICATIONS	24.15	24.15
12/17	12/14/2017	200132	265	FRONTIER	257-1000 ADMIN FAX	1000 120517	4	1000-413-20-45	COMMUNICATIONS	1.10	1.10
12/17	12/14/2017	200132	265	FRONTIER	257-1000 CITY CLERK FAX	1000 120517	5	1000-411-40-45	COMMUNICATIONS	1.10	1.10
12/17	12/14/2017	200132	265	FRONTIER	257-1000 ADMIN	1000 120517	6	1000-413-20-45	COMMUNICATIONS	3.43	3.43
12/17	12/14/2017	200132	265	FRONTIER	257-1000 CITY CLERK	1000 120517	7	1000-411-40-45	COMMUNICATIONS	2.66	2.66
12/17	12/14/2017	200132	265	FRONTIER	257-1000 COMM DEVELOPMEN	1000 120517	8	1000-419-10-45	COMMUNICATIONS	2.66	2.66
12/17	12/14/2017	200132	265	FRONTIER	257-1000 FINANCE	1000 120517	9	1000-415-10-45	COMMUNICATIONS	2.66	2.66
12/17	12/14/2017	200132	265	FRONTIER	257-1000 CITY HALL	1000 120517	10	1000-417-10-45	COMMUNICATIONS	242.54	242.54
Total 1000 120517: 449.45											
12/17	12/14/2017	200132	265	FRONTIER	257-1033-PARKS	1033 120517	1	1000-452-20-45	COMMUNICATIONS	231.14	231.14
Total 1033 120517: 231.14											
12/17	12/14/2017	200132	265	FRONTIER	257-1041 ADMIN-PW	1041 120517	1	7620-430-10-45	COMMUNICATIONS	308.02	308.02
Total 1041 120517: 308.02											
12/17	12/14/2017	200132	265	FRONTIER	257-1051 PW-STREETS	1051 120517	1	7620-430-10-45	COMMUNICATIONS	40.39	40.39

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Description	Invoice Number	Inv Seq	GL Account No	GL Account Title	Seq Amount	Check Amount
Total 1051 120517:											
12/17	12/14/2017	200132	265	FRONTIER	257-2520 GOLF COURSE	2520 120117	1	7530-451-52-45	COMMUNICATIONS	316.52	316.52
Total 2520 120117:											
12/17	12/14/2017	200132	265	FRONTIER	257-2960 HVAC/ELEVATOR LIN	2960 120517	1	1000-417-10-45	COMMUNICATIONS	66.39	66.39
Total 2960 120517:											
12/17	12/14/2017	200132	265	FRONTIER	257-7098 NATURAL GAS	7098 120117	1	7401-430-62-45	COMMUNICATIONS	81.98	81.98
Total 7098 120117:											
12/17	12/14/2017	200133	8862		REFUND GAS OVERPAYMENT	10299940002	1	9999-1001-001	CASH CLEARING - UTILITIES	93.53	93.53
Total 10299940002:											
12/17	12/14/2017	200134	9181		WOODSTOVE REBATE	120517	1	8404-430-12-48	GRANTS	1,500.00	1,500.00
Total 120517:											
12/17	12/14/2017	200135	8912		TR EX ANAHEIM 12/17-12/22	121117	1	1000-424-20-45	TRAVEL	445.95	445.95
Total 121117:											
12/17	12/14/2017	200136	1075	INDEPENDENT ELECTRI	SUPPLIES-GAS	S103451386.003	1	7401-430-62-46	SUPPLIES-GENERAL	108.14	108.14
Total S103451386.003:											
12/17	12/14/2017	200137	1556	INTERSTATE SALES/T-M	SUPPLIES-STREETS	16417	1	2007-431-20-46	SUPPLIES-GENERAL	618.83	618.83
Total 16417:											
12/17	12/14/2017	200138	1362	IRON MOUNTAIN INFO. M	SHREDDING-PD	PLL6578	1	1000-421-10-43	TECHNICAL SVCS	79.24	79.24
Total PLL6578:											

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Description	Invoice Number	Inv Seq	GL Account No	GL Account Title	Seq Amount	Check Amount
12/17	12/14/2017	200139	9185		REFUND WATER DEPOSIT	10103200016	1	7110-2228-000	DEPOSITS-CUSTOMER	30.59	30.59
12/17	12/14/2017	200139	9185		REFUND GAS DEPOSIT	10103200016	2	7401-2228-000	DEPOSITS-CUSTOMER	200.00	200.00
Total 10103200016:											
12/17	12/14/2017	200140	990		REFUND COMMUNITY CENTER	121117	1	1000-2228-009	DEPOSITS-COMM CENTER RE	50.00	50.00
Total 121117:											
12/17	12/14/2017	200141	411	LASSEN MOTOR PARTS	SUPPLIES-FIRE	2855548	1	1000-422-10-46	SUPPLIES-SMALL TOOLS	58.74	58.74
Total 2855548:											
12/17	12/14/2017	200141	411	LASSEN MOTOR PARTS	OIL #31- SNOW	291815	1	2006-431-25-44	REPAIR & MAINT - VEHICLE	19.25	19.25
Total 291815:											
12/17	12/14/2017	200141	411	LASSEN MOTOR PARTS	SUPPLIES-FIRE	292132	1	1000-422-10-44	VEHICLE - REPAIR & MAINTEN	5.61	5.61
Total 292132:											
12/17	12/14/2017	200141	411	LASSEN MOTOR PARTS	SUPPLIES-FIRE	292133	1	1000-422-10-44	VEHICLE - REPAIR & MAINTEN	5.61	5.61
Total 292133:											
12/17	12/14/2017	200141	411	LASSEN MOTOR PARTS	SUPPLIES-FIRE	292270	1	1000-422-10-44	VEHICLE - REPAIR & MAINTEN	11.22	11.22
Total 292270:											
12/17	12/14/2017	200141	411	LASSEN MOTOR PARTS	SUPPLIES-GAS	292600	1	7401-430-62-44	REPAIR AND MAINT-VEHICLE	153.14	153.14
Total 292600:											
12/17	12/14/2017	200141	411	LASSEN MOTOR PARTS	SUPPLIES-FD	292691	1	1000-422-10-44	VEHICLE - REPAIR & MAINTEN	38.37	38.37
Total 292691:											
12/17	12/14/2017	200141	411	LASSEN MOTOR PARTS	SUPPLIES-WATER	292711	1	7110-430-42-44	REPAIR AND MAINTENANCE-V	9.22	9.22

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Description	Invoice Number	Inv Seq	GL Account No	GL Account Title	Seq Amount	Check Amount
										9.22	9.22
										28.96-	28.96-
										28.96-	28.96-
										198.13	198.13
										8.42	8.42
										268.65	268.65
										621.51	621.51
										77.47	77.47
										300.00	300.00
										300.00	300.00
										300.00	300.00
										321.00	321.00
										321.00	321.00

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Description	Invoice Number	Inv Seq	GL Account No	GL Account Title	Seq Amount	Check Amount
12/17	12/14/2017	200146	437	LMUD	HARRIS DR & HWY 36-WATER	10658 120617	1	7110-430-42-46	ELECTRICITY	171.10	171.10
Total 10658 120617:											
12/17	12/14/2017	200146	437	LMUD	STREET LIGHTS	14039 120617	1	2007-431-60-46	ELECTRICITY	190.13	190.13
Total 14039 120617:											
12/17	12/14/2017	200146	437	LMUD	STREETS LIGHTS	14041 120617	1	2007-431-60-46	ELECTRICITY	3,528.33	3,528.33
Total 14041 120617:											
12/17	12/14/2017	200146	437	LMUD	SOUTH ST - PW OFFICE	14590 113017	1	7620-430-10-46	ELECTRICITY	408.82	408.82
Total 14590 113017:											
12/17	12/14/2017	200146	437	LMUD	S GAY ST-STREETS	24323 120617	1	2007-431-60-46	ELECTRICITY	40.78	40.78
Total 24323 120617:											
12/17	12/14/2017	200146	437	LMUD	66 N LASSEN ST	2466 120617	1	1000-452-20-46	ELECTRICITY	638.10	638.10
Total 2466 120617:											
12/17	12/14/2017	200146	437	LMUD	N WEATHERLOW ST-TENNIS S	24661 120617	1	1000-452-20-46	ELECTRICITY	20.00	20.00
Total 24661 120617:											
12/17	12/14/2017	200146	437	LMUD	STREET LIGHTS	2467 120617	1	2007-431-60-46	ELECTRICITY	1,556.57	1,556.57
Total 2467 120617:											
12/17	12/14/2017	200146	437	LMUD	CADY SPRINGS-WATER	26784 113017	1	7110-430-42-46	ELECTRICITY	33.37	33.37
Total 26784 113017:											
12/17	12/14/2017	200146	437	LMUD	65 N WEATHERLOW ST-PARK	2865 120617	1	1000-452-20-46	ELECTRICITY	41.07	41.07

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Description	Invoice Number	Inv Seq	GL Account No	GL Account Title	Seq Amount	Check Amount
Total 2865 120617:											
12/17	12/14/2017	200146	437	LMUD	65 N WEATHERLOW ST MUSEU	2866 120617	1	1000-451-80-46	ELECTRICITY	22 91	22 91
Total 2866 120617:											
12/17	12/14/2017	200146	437	LMUD	65 N WEATHERLOW ST-COMM	2867 120617	1	1000-452-20-46	ELECTRICITY	42 52	42 52
Total 2867 120617:											
12/17	12/14/2017	200146	437	LMUD	NORTH ST BALL PARK-MEM FI	2873 120617	1	1000-452-20-46	ELECTRICITY	20 73	20 73
Total 2873 120617:											
12/17	12/14/2017	200146	437	LMUD	1505 MAIN ST	2876 112717	1	1000-422-10-46	ELECTRICITY	1,007 97	1,007 97
Total 2876 112717:											
12/17	12/14/2017	200146	437	LMUD	RICHMOND RD BRIDGE	35094 113017	1	2007-431-60-46	ELECTRICITY	244 23	244 23
Total 35094 113017:											
12/17	12/14/2017	200146	437	LMUD	N WEATHERLOW ST SIGNALS-	3651 112717	1	2007-431-60-46	ELECTRICITY	127 71	127 71
Total 3651 112717:											
12/17	12/14/2017	200146	437	LMUD	720 SOUTH EMULSION TANK-P	38646 113017	1	7620-430-10-46	ELECTRICITY	40 92	40 92
Total 38646 113017:											
12/17	12/14/2017	200146	437	LMUD	UPTOWN DECOR LIGHTS-STRE	43511 120617	1	2007-431-60-46	ELECTRICITY	215 07	215 07
Total 43511 120617:											
12/17	12/14/2017	200146	437	LMUD	115 N WEATHERLOW ST-MUSE	43866 120617	1	1000-451-80-46	ELECTRICITY	49 35	49 35
Total 43866 120617:											



GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Description	Invoice Number	Inv Seq	GL Account No	GL Account Title	Seq Amount	Check Amount	
Total 7714 112717:											134.49	134.49
12/17	12/14/2017	200146	437	LMUD	NORTH ST BASEBALL PARK M	9283 120617	1	1000-452-20-46	ELECTRICITY	95.55	95.55	
Total 9283 120617:											95.55	95.55
12/17	12/14/2017	200146	437	LMUD	GEO PUMP #1	9297 120617	1	7301-430-52-46	ELECTRICITY	1,419.88	1,419.88	
Total 9297 120617:											1,419.88	1,419.88
12/17	12/14/2017	200146	437	LMUD	MAIN & PINE CHRISTMAS TREE	94811 120617	1	1000-452-20-46	ELECTRICITY	20.15	20.15	
Total 94811 120617:											20.15	20.15
12/17	12/14/2017	200146	437	LMUD	GEO PUMP #2	9503 112017	1	7301-430-52-46	ELECTRICITY	38.89	38.89	
Total 9503 112017:											38.89	38.89
12/17	12/14/2017	200146	437	LMUD	HOSPITAL LN-GEO	9863 113017	1	7301-430-52-46	ELECTRICITY	21.16	21.16	
Total 9863 113017:											21.16	21.16
12/17	12/14/2017	200147	9175		REFUND GAS DEPOSIT	10126202018	1	7401-2228-000	DEPOSITS-CUSTOMER	152.89	152.89	
Total 10126202018:											152.89	152.89
12/17	12/14/2017	200148	451	MARTIN & CHAPMAN CO	ELECTION MATERIALS	2017359	1	1000-411-40-45	ADVERTISING	143.27	143.27	
Total 2017359:											143.27	143.27
12/17	12/14/2017	200149	1416		24 HOUR SHIFT 12/5-12/6	121217	1	1000-422-10-43	VOLUNTEERS	50.00	50.00	
Total 121217:											50.00	50.00
12/17	12/14/2017	200150	9173		REFUND GAS DEPOSIT	10524500035	1	7401-2228-000	DEPOSITS-CUSTOMER	146.43	146.43	
Total 10524500035:											146.43	146.43

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Description	Invoice Number	Inv Seq	GL Account No	GL Account Title	Seq Amount	Check Amount	
12/17	12/14/2017	200151	1228	ONLINE INFORMATION S	ONLINE UTILITY EXCHANGE R	824714	1	7401-430-62-43	TECHNICAL SVCS	74.60	74.60	
12/17	12/14/2017	200151	1228	ONLINE INFORMATION S	ONLINE UTILITY EXCHANGE R	824714	2	7110-430-42-43	TECHNICAL SVCS	74.60	74.60	
Total 824714:											149.20	149.20
12/17	12/14/2017	200152	546	PAYLESS BUILDING SUP	SUPPLIES-STREETS	2493242	1	2007-431-20-46	SUPPLIES-GENERAL	4.88	4.88	
Total 2493242:											4.88	4.88
12/17	12/14/2017	200153	967	QUALITY CODE PUBLISH	MUNICIPAL CODE UPDATES	2017-424	1	1000-411-40-46	BOOKS AND PERIODICALS	1,712.39	1,712.39	
Total 2017-424:											1,712.39	1,712.39
12/17	12/14/2017	200154	572	QUILL CORPORATION	OFFICE SUPPLIES-BUILDING	2792338	1	1000-419-10-46	SUPPLIES-GENERAL	7.71	7.71	
Total 2792338:											7.71	7.71
12/17	12/14/2017	200154	572	QUILL CORPORATION	OFFICE SUPPLIES	2906054	1	1000-415-10-46	SUPPLIES-GENERAL	45.03	45.03	
Total 2906054:											45.03	45.03
12/17	12/14/2017	200154	572	QUILL CORPORATION	OFFICE SUPPLIES	2911537	1	1000-415-10-46	SUPPLIES-GENERAL	288.41	288.41	
Total 2911537:											288.41	288.41
12/17	12/14/2017	200154	572	QUILL CORPORATION	OFFICE SUPPLIES-PW	386247	1	7620-430-10-46	SUPPLIES-GENERAL	50.40	50.40	
Total 386247:											50.40	50.40
12/17	12/14/2017	200154	572	QUILL CORPORATION	OFFICE SUPPLIES CREDIT	387574	1	1000-415-10-46	SUPPLIES-GENERAL	157.22	157.22	
Total 387574:											157.22	157.22
12/17	12/14/2017	200156	582	RAY MORGAN CO INC	BASE RATE CHARGE	1856496	1	1000-417-10-44	RENT & LEASES EQUIP & VEHI	289.66	289.66	
12/17	12/14/2017	200156	582	RAY MORGAN CO INC	BASE RATE CHARGE-PD	1856496	2	1000-421-10-44	RENT & LEASES EQUIP & VEHI	144.84	144.84	
Total 1856496:											434.50	434.50
12/17	12/14/2017	200157	1296	RENTAL GUYS	AIR COMPRESSOR RENTAL-GA	644677-5	1	7401-430-62-44	RENT & LEASES EQUIP & VEHI	257.04	257.04	

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Description	Invoice Number	Inv Seq	GL Account No	GL Account Title	Seq Amount	Check Amount
Total 644677-5:											
12/17	12/14/2017	200157	1296	RENTAL GUYS	HEATER-GAS	645035	1	7401-430-62-44	RENT & LEASES EQUIP & VEHI	66.84	66.84
Total 645035:											
12/17	12/14/2017	200158	5545		REFUND GAS OVERPAYMENT	10408201502	1	9999-1001-001	CASH CLEARING - UTILITIES	210.52	210.52
Total 10408201502:											
12/17	12/14/2017	200159	9174		REFUND WATER DEPOSIT	10528300016	1	7110-2228-000	DEPOSITS-CUSTOMER	31.77	31.77
Total 10528300016:											
12/17	12/14/2017	200160	9183		REFUND GAS DEPOSIT	10105050222	1	7401-2228-000	DEPOSITS-CUSTOMER	32.32	32.32
Total 10105050222:											
12/17	12/14/2017	200161	1379	SENSIT TECHNOLOGIES	SUPPLIES-GAS	0248701	1	7401-430-62-46	SUPPLIES-GENERAL	354.11	354.11
Total 0248701:											
12/17	12/14/2017	200162	5199		REFUND GAS OVERPAYMENT	10304960017	1	9999-1001-001	CASH CLEARING - UTILITIES	7.36	7.36
Total 10304960017:											
12/17	12/14/2017	200163	1082	SIERRA CASCADE AGGR	SUPPLIES-WATER	6166	1	7110-430-42-46	SUPPLIES-GENERAL	2,545.31	2,545.31
Total 6166:											
12/17	12/14/2017	200164	1076	SIERRA COFFEE AND BE	BOTTLED WATER-PW	48889	1	7620-430-10-46	SUPPLIES-GENERAL	27.40	27.40
Total 48889:											
12/17	12/14/2017	200165	1270	SILVER STATE BARRICA	SUPPLIES-WATER	96499	1	7110-430-42-46	SUPPLIES-GENERAL	139.00	139.00
Total 96499:											

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Description	Invoice Number	Inv Seq	GL Account No	GL Account Title	Seq Amount	Check Amount
12/17	12/14/2017	200166	883	SILVER STATE INTERNA	BRAKE VALVE #623-FIRE	442033	1	1000-422-10-44	VEHICLE - REPAIR & MAINTEN	55.54	55.54
Total 442033:											
12/17	12/14/2017	200167	9177		REFUND GAS DEPOSIT	10327000112	1	7401-2228-000	DEPOSITS-CUSTOMER	141.03	141.03
Total 10327000112:											
12/17	12/14/2017	200168	9180		WOODSTOVE REBATE	120517	1	8404-430-12-48	GRANTS	1,500.00	1,500.00
Total 120517:											
12/17	12/14/2017	200169	917	SUPREME GRAPHICS	BANNER PRINTED-GAS	6478	1	7401-430-62-45	ADVERTISING	143.34	143.34
Total 6478:											
12/17	12/14/2017	200170	806	SUSANVILLE AVIATION	RPR AIRPORT BEACON	3578	1	7201-430-81-44	REPAIR AND MAINTENANCE-F	1,039.83	1,039.83
Total 3578:											
12/17	12/14/2017	200171	1244	TITLEIST	LATE FEES- GC	0100050366	1	7530-451-55-46	SUPPLIES - GENERAL	13.29	13.29
Total 0100050366:											
12/17	12/14/2017	200172	712	TNS TRUCKING CO	SUPPLIES-SNOW	3089	1	2006-431-25-46	SUPPLIE - GENERAL	2,372.91	2,372.91
Total 3089:											
12/17	12/14/2017	200173	530	U.S. BANK EQUIPMENT F	COPIER-FIRE	345560932	1	1000-421-10-43	PROFESSIONAL SVCS	160.96	160.96
Total 345560932:											
12/17	12/14/2017	200174	744	UPTOWN UNIFORMS	UNIFORMS-PD VOLUNTEER	90622	1	1000-421-10-48	POLICE VOLUNTEER PROGRA	73.25	73.25
Total 90622:											
12/17	12/14/2017	200174	744	UPTOWN UNIFORMS	UNIFORMS-PD VOLUNTEER	90819	1	1000-421-10-48	POLICE VOLUNTEER PROGRA	144.98	144.98

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Description	Invoice Number	Inv Seq	GL Account No	GL Account Title	Seq Amount	Check Amount	
Total 90819:											144.98	144.98
12/17	12/14/2017	200175	749	VERIZON WIRELESS	CELLULAR PHONES - AIR POLL	9797227495	1	7620-430-11-45	COMMUNICATIONS	54.20	54.20	
12/17	12/14/2017	200175	749	VERIZON WIRELESS	CELLULAR PHONES - PUBLIC	9797227495	2	7620-430-10-45	COMMUNICATIONS	322.04	322.04	
12/17	12/14/2017	200175	749	VERIZON WIRELESS	CELLULAR PHONES - BUILDIN	9797227495	3	1000-424-20-45	COMMUNICATIONS	54.63	54.63	
12/17	12/14/2017	200175	749	VERIZON WIRELESS	CELLULAR PHONES - PARKS	9797227495	4	1000-452-20-45	COMMUNICATIONS	28.00	28.00	
Total 9797227495:											458.87	458.87
12/17	12/14/2017	200175	749	VERIZON WIRELESS	CELLULAR PHONES - FIRE	9797227844	1	1000-422-10-45	COMMUNICATIONS	266.07	266.07	
Total 9797227844:											266.07	266.07
12/17	12/14/2017	200176	9182		WOODSTOVE REBATE	120517	1	8404-430-12-48	GRANTS	1,461.08	1,461.08	
Total 120517:											1,461.08	1,461.08
12/17	12/14/2017	200177	770	WESTERN NEVADA SUP	SUPPLIES- GEO	16812118	1	7301-430-52-46	SUPPLIES-GENERAL	3,445.89	3,445.89	
Total 16812118:											3,445.89	3,445.89
12/17	12/14/2017	200177	770	WESTERN NEVADA SUP	SUPPLIES- GEO	16812118-1	1	7301-430-52-46	SUPPLIES-GENERAL	765.07	765.07	
Total 16812118-1:											765.07	765.07
12/17	12/14/2017	200177	770	WESTERN NEVADA SUP	SUPPLIES- GAS	17256261	1	7401-430-62-46	SUPPLIES-GENERAL	111.86	111.86	
Total 17256261:											111.86	111.86
12/17	12/14/2017	200177	770	WESTERN NEVADA SUP	SUPPLIES- WATER	67251055	1	7110-430-42-46	SUPPLIES-SMALL TOOLS	102.19	102.19	
Total 67251055:											102.19	102.19
12/17	12/14/2017	200177	770	WESTERN NEVADA SUP	SUPPLIES- WATER	67254468	1	7301-430-52-46	SUPPLIES-GENERAL	412.35	412.35	
Total 67254468:											412.35	412.35
12/17	12/14/2017	200177	770	WESTERN NEVADA SUP	SUPPLIES- GAS	67256414	1	7401-430-62-46	SUPPLIES-GENERAL	33.25	33.25	

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Description	Invoice Number	Inv Seq	GL Account No	GL Account Title	Seq Amount	Check Amount
Total 67256414:											
12/17	12/14/2017	2001777	770	WESTERN NEVADA SUP	SUPPLIES-WATER	67258779	1	7110-430-42-46	SUPPLIES-GENERAL	33.25	33.25
Total 67258779:											
12/17	12/14/2017	2001777	770	WESTERN NEVADA SUP	SUPPLIES-WATER	67258779	1	7110-430-42-46	SUPPLIES-GENERAL	558.71	558.71
Total 672593835:											
12/17	12/14/2017	2001777	770	WESTERN NEVADA SUP	SUPPLIES-WATER	672593835	1	7110-430-42-46	SUPPLIES-GENERAL	175.98	175.98
Total CM672593835:											
										.44	.44
Grand Totals:											
										73,057.17	73,057.17

Report Criteria:  
 Report type: GL detail  
 Check Voided = False

Report Criteria:  
 Report type: GL detail  
 Check Voided = False

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Description	Invoice Number	Inv Seq	GL Account No	GL Account Title	Seq Amount	Check Amount
12/17	12/19/2017	200180	728	U S POSTMASTER	UB BILLING GAS	121817	1	7401-430-62-46	POSTAGE	400.03	400.03
12/17	12/19/2017	200180	728	U S POSTMASTER	UB BILLING WATER	121817	2	7110-430-42-46	POSTAGE	776.55	776.55
Total 121817:										1,176.58	1,176.58
Grand Totals:										1,176.58	1,176.58

Report Criteria:  
 Paid transmittals included  
 Begin Date: ALL  
 End Date: ALL  
 Transmittal Transaction.Check number = 731-737,200189-200199  
 Transmittal Transaction.Check issue/invoice date = 12/01/2017-12/31/2017

Pay Per	Journal Code	Check Issue/	Check	Transmittal	GL	Amount
Date		Invoice Date	Number	Number		

12/01/2017	CDPT	12/20/2017	731	AFLAC	14	343.16
12/01/2017	CDPT	12/20/2017	731	AFLAC	14	52.39
12/15/2017	CDPT	12/20/2017	731	AFLAC	14	343.16
12/15/2017	CDPT	12/20/2017	731	AFLAC	14	52.39
12/15/2017	CDPT	12/20/2017	731	AFLAC	14	03.

Total 731:

791.07

12/15/2017	CDPT	12/20/2017	732	P.E.R.S.	8	2.62
12/15/2017	CDPT	12/20/2017	732	P.E.R.S.	8	2,793.45
12/15/2017	CDPT	12/20/2017	732	P.E.R.S.	8	5,123.83
12/15/2017	CDPT	12/20/2017	732	P.E.R.S.	8	1,224.32
12/15/2017	CDPT	12/20/2017	732	P.E.R.S.	8	2,110.61
12/15/2017	CDPT	12/20/2017	732	P.E.R.S.	8	903.35
12/15/2017	CDPT	12/20/2017	732	P.E.R.S.	8	1,795.01
12/15/2017	CDPT	12/20/2017	732	P.E.R.S.	8	68.84
12/15/2017	CDPT	12/20/2017	732	P.E.R.S.	8	92.63
12/15/2017	CDPT	12/20/2017	732	P.E.R.S.	8	85.45
12/15/2017	CDPT	12/20/2017	732	P.E.R.S.	8	1,750.04
12/15/2017	CDPT	12/20/2017	732	P.E.R.S.	8	1,829.30
12/15/2017	CDPT	12/20/2017	732	P.E.R.S.	8	1,750.66
12/15/2017	CDPT	12/20/2017	732	P.E.R.S.	8	1,825.24
12/15/2017	CDPT	12/20/2017	732	P.E.R.S.	8	779.85
12/15/2017	CDPT	12/20/2017	732	P.E.R.S.	8	813.09
12/15/2017	CDPT	12/20/2017	732	P.E.R.S.	8	14.00
12/15/2017	CDPT	12/20/2017	732	P.E.R.S.	8	332.60
12/15/2017	CDPT	12/20/2017	732	P.E.R.S.	8	1,209.36
12/15/2017	CDPT	12/20/2017	732	P.E.R.S.	8	1,521.80
12/15/2017	CDPT	12/20/2017	732	P.E.R.S.	8	24.00

732

12/15/2017	CDPT	12/20/2017	733	CITY OF SUSANVILLE PA	1	6,864.83
12/15/2017	CDPT	12/20/2017	733	CITY OF SUSANVILLE PA	1	6,864.83
12/15/2017	CDPT	12/20/2017	733	CITY OF SUSANVILLE PA	1	2,163.99
12/15/2017	CDPT	12/20/2017	733	CITY OF SUSANVILLE PA	1	2,163.99
12/15/2017	CDPT	12/20/2017	733	CITY OF SUSANVILLE PA	1	2,163.99
12/15/2017	CDPT	12/20/2017	733	CITY OF SUSANVILLE PA	1	15,896.46

Total 732:

26,044.81

12/01/2017	CDPT	12/20/2017	734	LABORERS TRUST FUND	9	904.50
12/15/2017	CDPT	12/20/2017	734	LABORERS TRUST FUND	9	1,004.50
12/15/2017	CDPT	12/20/2017	734	LABORERS TRUST FUND	9	67,753.00

734

Total 733:

33,954.10

Total 734:

69,662.00

Pay Per	Journal Code	Check Issue/	Check	Name	Transmittal	Account	Amount
Date		Invoice Date	Number		Number	GL	
12/15/2017	CDPT	12/20/2017	735	LINCOLN FINANCIAL LIF	22	7650-2203-114	145.55
12/15/2017	CDPT	12/20/2017	735	LINCOLN FINANCIAL LIF	22	7650-2203-114	143.50
Total 735: 289.05							
12/15/2017	CDPT	12/20/2017	736	EMPLOYMENT DEV. DEP	6	7650-2203-103	4,696.79
Total 736: 4,696.79							
12/15/2017	CDPT	12/20/2017	737	EMPLOYMENT DEV DEP	7	7650-2203-110	1,211.74
Total 737: 1,211.74							
12/15/2017	CDPT	12/20/2017	200189	CA STATE DISBURSEME	37	7650-2203-012	69.23
Total 200189: 69.23							
12/01/2017	CDPT	12/20/2017	200190	GOLDEN ONE CREDIT U	12	7650-2203-005	513.50
12/15/2017	CDPT	12/20/2017	200190	GOLDEN ONE CREDIT U	12	7650-2203-005	513.50
Total 200190: 1,027.00							
12/15/2017	CDPT	12/20/2017	200191	NATIONWIDE RETIREME	5	7650-2203-011	835.00
Total 200191: 835.00							
12/15/2017	CDPT	12/20/2017	200192	NEVADA STATE TREASU	44	7650-2203-012	2.00
Total 200192: 2.00							
12/01/2017	CDPT	12/20/2017	200193	NEW IMAGE RACQUETB	30	7650-2203-008	60.50
12/15/2017	CDPT	12/20/2017	200193	NEW IMAGE RACQUETB	30	7650-2203-008	60.50
Total 200193: 121.00							
12/01/2017	CDPT	12/20/2017	200194	OPERATING ENGINEERS	11	7650-2203-005	701.50
12/15/2017	CDPT	12/20/2017	200194	OPERATING ENGINEERS	11	7650-2203-005	701.50
Total 200194: 1,403.00							
12/01/2017	CDPT	12/20/2017	200195	PRE-PAID LEGAL SERVI	13	7650-2203-007	373.42
12/15/2017	CDPT	12/20/2017	200195	PRE-PAID LEGAL SERVI	13	7650-2203-007	363.91
Total 200195: 737.33							
12/15/2017	CDPT	12/20/2017	200196	STATE COLLECTION & DI	43	7650-2203-012	406.15
Total 200196: 406.15							

Pay Per Journal Code Check Issue/ Invoice Date Check Number Name Transmittal Number GL Account Amount

Total 200196: 406.15

200197 12/15/2017 CDPT 200197 UPEC, LOCAL 792 10 7650-2203-112 2,138.50

Total 200197: 2,138.50

200198 12/15/2017 CDPT 200198 VALIC 4 7650-2203-010 1,578.08

Total 200198: 1,578.08

200199 12/15/2017 CDPT 200199 VANTAGEPOINT TRANS. 3 7650-2203-009 62.00

Total 200199: 62.00

Grand Totals: 145,028.85

Report Criteria:  
Paid transmittals included

Begin Date: ALL

End Date: ALL

Transmittal Transaction, Check number = 731-737,200189-200199

Transmittal Transaction, Check issue/invoice date = 12/01/2017-12/31/2017

Check Issue Dates: 12/21/2017 - 12/21/2017

Dec 21, 2017 03:53PM

Report Criteria:  
 Report type: GL detail  
 Check Voided = False

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Description	Invoice Number	Inv Seq	GL Account No	GL Account Title	Seq Amount	Check Amount	
12/17	12/21/2017	200200	21	AIRGAS USA, LLC	ACETYLENE/ARGON/OXYGEN/	9949843859	1	7401-430-62-46	SUPPLIES-GENERAL	43.80	43.80	
12/17	12/21/2017	200200	21	AIRGAS USA, LLC	ACETYLENE/ARGON/OXYGEN/	9949843859	2	7401-430-62-44	REPAIR AND MAINT-VEHICLE	93.50	93.50	
12/17	12/21/2017	200200	21	AIRGAS USA, LLC	ACETYLENE/ARGON/OXYGEN/	9949843859	3	2007-431-20-44	REPAIR AND MAINTENANCE-V	72.59	72.59	
12/17	12/21/2017	200200	21	AIRGAS USA, LLC	ACETYLENE/ARGON/OXYGEN/	9949843859	4	7110-430-42-46	SUPPLIES-GENERAL	51.00	51.00	
12/17	12/21/2017	200200	21	AIRGAS USA, LLC	ACETYLENE/ARGON/OXYGEN/	9949843859	5	7110-430-42-44	REPAIR AND MAINTENANCE-V	124.28	124.28	
Total 9949843859:											385.17	385.17
12/17	12/21/2017	200201	9196		REFUND GAS OVERPAYMENT	10311050416	1	9999-1001-001	CASH CLEARING - UTILITIES	7.00	7.00	
Total 10311050416:											7.00	7.00
12/17	12/21/2017	200202	9200		REFUND GAS DEPOSIT	10333800115	1	7401-2228-000	DEPOSITS-CUSTOMER	165.03	165.03	
Total 10333800115:											165.03	165.03
12/17	12/21/2017	200203	44	ARAMARK UNIFORM SE	CUSTODIAL SUPPLIES-PW	635736162	1	7620-430-10-44	LINEN SERVICE	27.75	27.75	
Total 635736162:											27.75	27.75
12/17	12/21/2017	200203	44	ARAMARK UNIFORM SE	UNIFORM SERVICE-GAS	635736163	1	7401-430-62-44	LINEN SERVICES	100.88	100.88	
Total 635736163:											100.88	100.88
12/17	12/21/2017	200203	44	ARAMARK UNIFORM SE	UNIFORM SERVICE-STREETS	635736164	1	2007-431-20-44	LINEN SERVICE	57.68	57.68	
Total 635736164:											57.68	57.68
12/17	12/21/2017	200203	44	ARAMARK UNIFORM SE	UNIFORM SERVICE-WATER	635736165	1	7110-430-42-44	LINEN SERVICE	38.47	38.47	
Total 635736165:											38.47	38.47
12/17	12/21/2017	200204	1070	AT&T MOBILITY	WIRELESS PHONES-PD	835956037X12012017	1	1000-421-10-45	COMMUNICATIONS	36.66	36.66	

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Description	Invoice Number	Inv Seq	GL Account No	GL Account Title	Seq Amount	Check Amount
Total 835956037X12012017:											
12/17	12/21/2017	200205	927	BAXTER AUTO PARTS IN	SUPPLES-FD	00320189913	1	1000-422-10-44	VEHICLE - REPAIR & MAINTEN	184.90	184.90
Total 00320189913:											
12/17	12/21/2017	200205	927	BAXTER AUTO PARTS IN	SUPPLES-FD	00320190452	1	1000-422-10-44	VEHICLE - REPAIR & MAINTEN	771.94	771.94
Total 00320190452:											
12/17	12/21/2017	200205	927	BAXTER AUTO PARTS IN	SUPPLES-FD	00320190542	1	1000-422-10-44	VEHICLE - REPAIR & MAINTEN	53.97	53.97
Total 00320190542:											
12/17	12/21/2017	200206	76	BILLINGTON ACE HARD	SUPPLIES-GAS	401633	1	7401-430-62-46	SUPPLIES-GENERAL	5.78	5.78
Total 401633:											
12/17	12/21/2017	200206	76	BILLINGTON ACE HARD	SUPPLIES-GAS	401662	1	7401-430-62-46	SUPPLIES-GENERAL	5.72	5.72
Total 401662:											
12/17	12/21/2017	200206	76	BILLINGTON ACE HARD	SUPPLIES-WATER	401699	1	7110-430-42-46	SUPPLIES-GENERAL	23.14	23.14
Total 401699:											
12/17	12/21/2017	200206	76	BILLINGTON ACE HARD	SUPPLIES-GAS	402021	1	7401-430-62-46	SUPPLIES-GENERAL	22.58	22.58
Total 402021:											
12/17	12/21/2017	200207	9207		RETURN DEPOSIT FOREP 17-1	121917	1	1001-2228-001	DEPOSITS-CURB, GUTTER, SID	2,640.00	2,640.00
Total 121917:											
12/17	12/21/2017	200208	9186		REFUND GAS DEPOSIT	10311800025	1	7401-2228-000	DEPOSITS-CUSTOMER	165.87	165.87
Total 10311800025:											

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Description	Invoice Number	Inv Seq	GL Account No	GL Account Title	Seq Amount	Check Amount	
12/17	12/21/2017	200209	1116	CALIFORNIA BUILDING S	2ND QTR SPEC REV FUND SB 1	070317	1	1000-2205-006	DEPOSIT PAYABLE-SB 1473	158.28	158.28	
Total 070317:											158.28	158.28
12/17	12/21/2017	200210	9198		WOODSTOVE REBATE		1	8404-430-12-48	GRANTS	1,500.00	1,500.00	
Total 121817:											1,500.00	1,500.00
12/17	12/21/2017	200211	115	CASELLE INC.	SOURCE CODE ESCROW 1/1/1	84977	1	1000-1430-105	PREPAID - OTHER	100.00	100.00	
12/17	12/21/2017	200211	115	CASELLE INC.	SOURCE CODE ESCROW 1/1/1	84977	2	1000-417-10-43	TECHNICAL SVCS	100.00	100.00	
Total 84977:											200.00	200.00
12/17	12/21/2017	200212	9201		REFUND WATER OVERPAYME	10106500001	1	9999-1001-001	CASH CLEARING - UTILITIES	69.62	69.62	
Total 10106500001:											69.62	69.62
12/17	12/21/2017	200212	9201		REFUND WATER OVERPAYME	10106500001	1	9999-1001-001	CASH CLEARING - UTILITIES	69.62	69.62	
Total 10106500001.:											69.62	69.62
12/17	12/21/2017	200213	174	DATEMA, STEVEN K.	AIRPORT MANAGER 1/2018	121917	1	7201-430-81-43	TECHNICAL SVCS	1,938.43	1,938.43	
Total 121917:											1,938.43	1,938.43
12/17	12/21/2017	200214	184	DEPARTMENT OF JUSTI	FINGERPRINTS - APPS	271894	1	1000-416-10-45	FINGERPRINTING SERVICES	111.00	111.00	
Total 271894:											111.00	111.00
12/17	12/21/2017	200215	194	DIAMOND SAW SHOP IN	SUPPLIES-STREETS	15960	1	2007-431-20-46	SUPPLIES-GENERAL	6.00	6.00	
Total 15960:											6.00	6.00
12/17	12/21/2017	200216	7293	DIG IT CONSTRUCTION	REHAB SC-1 PROJECT NO 15-0	121917	1	2007-2206-000	RETAINAGE PAYABLE	9,335.25	9,335.25	
Total 121917:											9,335.25	9,335.25
12/17	12/21/2017	200216	7293	DIG IT CONSTRUCTION	REHAB SC PROJECT NO 15-03	121917	1	2007-2206-000	RETAINAGE PAYABLE	11,055.41	11,055.41	

M = Manual Check, V = Void Check

Check Issue Dates: 12/21/2017 - 12/21/2017

Dec 21, 2017 03:53PM

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Description	Invoice Number	Inv Seq	GL Account No	GL Account Title	Seq Amount	Check Amount	
Total 121917:											11,055.41	11,055.41
12/17	12/21/2017	200217	1260	DIRECTV INC	CABLE-GC	33020109303	1	7530-451-52-45	COMMUNICATIONS	121.98	121.98	
Total 33020109303:											121.98	121.98
12/17	12/21/2017	200218	219	ED STAUB & SONS PETR	200.20 GAL DIESEL-GC	S22515	1	7530-451-52-46	GASOLINE	505.31	505.31	
Total S22515:											505.31	505.31
12/17	12/21/2017	200218	219	ED STAUB & SONS PETR	100 GAL GAS-GC	S22516	1	7530-451-52-46	GASOLINE	280.19	280.19	
Total S22516:											280.19	280.19
12/17	12/21/2017	200218	219	ED STAUB & SONS PETR	251.60 GAL PROPANE-GC	S33480	1	7530-451-52-46	GASOLINE	420.96	420.96	
Total S33480:											420.96	420.96
12/17	12/21/2017	200219	1484	EDGES ELECTRICAL GR	SUPPLIES- GAS	S4238018.001	1	7401-430-62-46	SUPPLIES-GENERAL	24.43	24.43	
Total S4238018.001:											24.43	24.43
12/17	12/21/2017	200220	9203		REFUND GAS OVERYMENT	10223650005	1	9999-1001-001	CASH CLEARING - UTILITIES	86.34	86.34	
Total 10223650005:											86.34	86.34
12/17	12/21/2017	200221	241	FEATHER PUBLISHING C	EMPLOYMENT AD CITY ADMINI	13720338	1	1000-416-10-45	ADVERTISING	154.80	154.80	
Total 13720338:											154.80	154.80
12/17	12/21/2017	200221	241	FEATHER PUBLISHING C	EMPLOYMENT AD TEMPORAR	1372339	1	1000-416-10-45	ADVERTISING	86.00	86.00	
Total 1372339:											86.00	86.00
12/17	12/21/2017	200221	241	FEATHER PUBLISHING C	EMPLOYMENT AD CITY ADMINI	1374155	1	1000-416-10-45	ADVERTISING	154.80	154.80	
Total 1374155:											154.80	154.80

Check Issue Dates: 12/21/2017 - 12/21/2017

Dec 21, 2017 03:53PM

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Description	Invoice Number	Inv Seq	GL Account No	GL Account Title	Seq Amount	Check Amount
12/17	12/21/2017	200221	241	FEATHER PUBLISHING C	ADVERTISEMENT-PW	1375475	1	7620-430-10-45	ADVERTISING	117.60	117.60
Total 1375475:											
12/17	12/21/2017	200221	241	FEATHER PUBLISHING C	EMPLOYMENT AD CITY ADMINI	1376112	1	1000-416-10-45	ADVERTISING	154.80	154.80
Total 1376112:											
12/17	12/21/2017	200221	241	FEATHER PUBLISHING C	ADVERTISEMENT-PW	1377271	1	7620-430-10-45	ADVERTISING	117.60	117.60
Total 1377271:											
12/17	12/21/2017	200221	241	FEATHER PUBLISHING C	EMPLOYMENT AD STREET MAI	1378014	1	1000-416-10-45	ADVERTISING	90.30	90.30
Total 1378014:											
12/17	12/21/2017	200221	241	FEATHER PUBLISHING C	ADVERTISEMENT-PW	1379043	1	7620-430-10-45	ADVERTISING	117.60	117.60
Total 1379043:											
12/17	12/21/2017	200221	241	FEATHER PUBLISHING C	EMPLOYMENT AD STREET MAI	1379772	1	1000-416-10-45	ADVERTISING	90.30	90.30
Total 1379772:											
12/17	12/21/2017	200221	241	FEATHER PUBLISHING C	ADVERTISEMENT-PW	1380858	1	7620-430-10-45	ADVERTISING	117.60	117.60
Total 1380858:											
12/17	12/21/2017	200221	241	FEATHER PUBLISHING C	ORDINANCE #17-1012	17-1012	1	1000-411-40-45	ADVERTISING	720.30	720.30
Total 17-1012:											
12/17	12/21/2017	200222	1033	FGL ENVIRONMENTAL	WEEKLY ANALYSIS	779725A	1	7110-430-42-43	TECHNICAL SVCS	117.00	117.00
Total 779725A:											
12/17	12/21/2017	200222	1033	FGL ENVIRONMENTAL	WEEKLY WATER SAMPLING-JO	779858A	1	7112-430-42-43	TECHNICAL SERVICES	28.00	28.00

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Description	Invoice Number	Inv Seq	GL Account No	GL Account Title	Seq Amount	Check Amount
		Total 779858A:								28.00	28.00
12/17	12/21/2017	200222	1033	FGL ENVIRONMENTAL	WEEKLY ANALYSIS	779858A	1	7110-430-42-43	TECHNICAL SVCS	95.00	95.00
		Total 779859A:								95.00	95.00
12/17	12/21/2017	200223	265	FRONTIER	252-1182 SCADA - WATER	1182 121017	1	7110-430-42-45	COMMUNICATIONS	333.57	333.57
		Total 1182 121017:								333.57	333.57
12/17	12/21/2017	200223	265	FRONTIER	257-3292 MUSEUM	3292 121017	1	1000-451-80-45	COMMUNICATION	117.00	117.00
		Total 3292 121017:								117.00	117.00
12/17	12/21/2017	200223	265	FRONTIER	252-4247 LASSEN CO AIR POLL	4247 121017	1	7620-430-11-45	COMMUNICATIONS	171.53	171.53
		Total 4247 121017:								171.53	171.53
12/17	12/21/2017	200223	265	FRONTIER	257-5603 POLICE	5603 121017	1	1000-421-10-45	COMMUNICATIONS	1,804.41	1,804.41
		Total 5603 121017:								1,804.41	1,804.41
12/17	12/21/2017	200223	265	FRONTIER	257-1182 NAT GAS TELEMETRY	7-1182 121017	1	7401-430-62-45	COMMUNICATIONS	38.04	38.04
		Total 7-1182 121017:								38.04	38.04
12/17	12/21/2017	200224	9208	IAN L PRITCHARD, LLC	PSYCHOLOGICAL EVALUATION	20171214JA	1	1000-416-10-43	PROFESSIONAL SVCS	800.00	800.00
		Total 20171214JA:								800.00	800.00
12/17	12/21/2017	200225	1504	JESSICA RYAN	PROFESSIONAL SERVICES	121817	1	1000-412-10-43	PROFESSIONAL SVCS	4,800.00	4,800.00
		Total 121817:								4,800.00	4,800.00
12/17	12/21/2017	200226	911	JOHNSTONE SUPPLY	SUPPLIES-GAS	415-S2254566.001	1	7401-430-62-46	SUPPLIES-GENERAL	122.20	122.20
		Total 415-S2254566.001:								122.20	122.20

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Description	Invoice Number	Inv Seq	GL Account No	GL Account Title	Seq Amount	Check Amount
12/17	12/21/2017	200227	1350	JONES & MAYER	PROFESSIONAL SERVICES	84720	1	1000-412-10-43	PROFESSIONAL SVCS	2,856.00	2,856.00
Total 84720:											
12/17	12/21/2017	200227	1350	JONES & MAYER	PROFESSIONAL SERVICES	85108	1	1000-412-10-43	PROFESSIONAL SVCS	3,136.50	3,136.50
Total 85108:											
12/17	12/21/2017	200227	1350	JONES & MAYER	PROFESSIONAL SERVICES	85109	1	1000-412-10-43	PROFESSIONAL SVCS	510.00	510.00
Total 85109:											
12/17	12/21/2017	200228	1399		REFUND WATER OVERPAYME	10200008500	1	9999-1001-001	CASH CLEARING - UTILITIES	133.98	133.98
Total 10200008500:											
12/17	12/21/2017	200229	9192		REFUND GAS OVERPAYMENT	10100900036	1	9999-1001-001	CASH CLEARING - UTILITIES	56.35	56.35
Total 10100900036:											
12/17	12/21/2017	200230	372	KRONICK, MOSKOVITZ	PROFESSIONAL SERVICES 11/	288923	1	1000-412-10-43	PROFESSIONAL SVCS	6,648.00	6,648.00
Total 288923:											
12/17	12/21/2017	200230	372	KRONICK, MOSKOVITZ	PROFESSIONAL SERVICES 11/	288927	1	1000-412-10-43	PROFESSIONAL SVCS	8,548.08	8,548.08
Total 288927:											
12/17	12/21/2017	200231	374	L N CURTIS & SONS	RESCUE EQUIP.-FIRE	INV142755	1	1000-422-10-46	SUPPLIES-SAFETY ITEMS	74.00	74.00
Total INV142755:											
12/17	12/21/2017	200232	9205		REFUND WATER OVERPAYME	10511900000	1	9999-1001-001	CASH CLEARING - UTILITIES	37.59	37.59
Total 10511900000:											
12/17	12/21/2017	200233	1074	LASSEN AUTO BODY	RPR & MAINT #84- PD	9839	1	1000-421-10-44	VEHICLE - REPAIR & MAINTEN	8,007.89	8,007.89

M = Manual Check, V = Void Check

Check Issue Dates: 12/21/2017 - 12/21/2017

Dec 21, 2017 03:53PM

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Description	Invoice Number	Inv Seq	GL Account No	GL Account Title	Seq Amount	Check Amount
Total 9839:											
12/17	12/21/2017	200234	9206	LASSEN COUNTY RECO	RELEASE OF RECONVEYANCE	120717	1	2016-463-70-48	TAXES, FEES PERMITS & CHAR	128.00	128.00
12/17	12/21/2017	200234	9206	LASSEN COUNTY RECO	RELEASE OF RECONVEYANCE	120717	2	1000-417-10-48	TAXES, FEES, PERMITS & CHA	64.00	64.00
Total 120717:											
12/17	12/21/2017	200235	411	LASSEN MOTOR PARTS	SUPPLIES- GAS	287574	1	7401-430-62-44	REPAIR AND MAINT-VEHICLE	1.88	1.88
12/17	12/21/2017	200235	411	LASSEN MOTOR PARTS	SUPPLIES-WATER	287574	2	7110-430-42-44	REPAIR AND MAINTENANCE-V	2.49	2.49
12/17	12/21/2017	200235	411	LASSEN MOTOR PARTS	SUPPLIES- STREETS	287574	3	2007-431-20-44	REPAIR AND MAINTENANCE-V	1.46	1.46
Total 287574:											
12/17	12/21/2017	200235	411	LASSEN MOTOR PARTS	SUPPLIES-STREETS	292529	1	2007-431-20-44	REPAIR AND MAINTENANCE-V	2.30	2.30
Total 292529:											
12/17	12/21/2017	200235	411	LASSEN MOTOR PARTS	SUPPLIES- GAS	292903	1	7401-430-62-46	SUPPLIES-GENERAL	5.67	5.67
Total 292903:											
12/17	12/21/2017	200235	411	LASSEN MOTOR PARTS	SUPPLIES- WATER	293026	1	7110-430-42-47	MACHINERY AND EQUIPMENT	112.02	112.02
Total 293026:											
12/17	12/21/2017	200236	412	LASSEN REGIONAL SOLI	DUMP FEES-PD	788	1	1000-421-10-44	DISPOSAL	11.00	11.00
Total 788:											
12/17	12/21/2017	200237	9191		REFUND COMMUNITY CENTER	121117	1	1000-2228-009	DEPOSITS-COMM CENTER RE	100.00	100.00
Total 121117:											
12/17	12/21/2017	200238	413	LASSEN TIRE	4 SNOW TIRE MOUNTS #82-PD	49479	1	1000-421-10-44	VEHICLE - REPAIR & MAINTEN	602.70	602.70
Total 49479:											
12/17	12/21/2017	200238	413	LASSEN TIRE	4 SNOW TIRE MOUNTS #80-PD	49480	1	1000-421-10-44	VEHICLE - REPAIR & MAINTEN	602.70	602.70

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Description	Invoice Number	Inv Seq	GL Account No	GL Account Title	Seq Amount	Check Amount
Total 49480:											
12/17	12/21/2017	200238	413	LASSEN TIRE	4 SNOW TIRE MOUNTS #81-PD	49481	1	1000-421-10-44	VEHICLE - REPAIR & MAINTEN	535.53	535.53
Total 49481:											
12/17	12/21/2017	200239	437	LMUD	NORTH ST PARK LITES-MEM FI	2873 120617	1	1000-452-20-46	ELECTRICITY	26.68	26.68
Total 2873 120617:											
12/17	12/21/2017	200239	437	LMUD	SKYLINE DR WELL 4-WATER	29931 121217	1	7110-430-42-46	ELECTRICITY	30.90	30.90
Total 29931 121217:											
12/17	12/21/2017	200239	437	LMUD	GLENN & CHERRY TR - SCADA-	44298 121217	1	7110-430-42-46	ELECTRICITY	27.41	27.41
Total 44298 121217:											
12/17	12/21/2017	200239	437	LMUD	PAUTE LN SCADA-WATER	44316 121217	1	7110-430-42-46	ELECTRICITY	25.09	25.09
Total 44316 121217:											
12/17	12/21/2017	200239	437	LMUD	BAGWELL SPRINGS - SCADA-W	45542 121217	1	7110-430-42-46	ELECTRICITY	57.19	57.19
Total 45542 121217:											
12/17	12/21/2017	200240	1508	MAIN STREET LUBE	OIL & FILTER VOLUNTEER CAR	13008	1	1000-421-10-44	VEHICLE - REPAIR & MAINTEN	52.21	52.21
Total 13008:											
12/17	12/21/2017	200241	451	MARTIN & CHAPMAN CO	ELECTION MATERIALS	2017368	1	1000-411-10-46	SUPPLIES-GENERAL	31.31	31.31
Total 2017368:											
12/17	12/21/2017	200242	9197		WOODSTOVE REBATE	121817	1	8404-430-12-48	GRANTS	1,500.00	1,500.00
Total 121817:											

M = Manual Check, V = Void Check

Check Issue Dates: 12/21/2017 - 12/21/2017

Dec 21, 2017 03:53PM

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Description	Invoice Number	Inv Seq	GL Account No	GL Account Title	Seq Amount	Check Amount
12/17	12/21/2017	200243	5006		REFUND GAS OVERPAYMENT	10527650044	1	9999-1001-001	CASH CLEARING - UTILITIES	8.83	8.83
Total 10527650044:											
12/17	12/21/2017	200244	9204		REFUND GAS OVERPAYMENT	10322500000	1	9999-1001-001	CASH CLEARING - UTILITIES	92.27	92.27
Total 10322500000:											
12/17	12/21/2017	200245	572	QUILL CORPORATION	OFFICE SUPPLIES-BUILDING	3117324	1	1000-419-10-46	SUPPLIES-GENERAL	85.79	85.79
Total 3117324:											
12/17	12/21/2017	200245	572	QUILL CORPORATION	OFFICE SUPPLIES	3156408	1	1000-415-10-46	SUPPLIES-GENERAL	21.44	21.44
Total 3156408:											
12/17	12/21/2017	200245	572	QUILL CORPORATION	OFFICE SUPPLIES	3206944	1	1000-415-10-46	SUPPLIES-GENERAL	123.22	123.22
Total 3206944:											
12/17	12/21/2017	200246	582	RAY MORGAN CO	BASE RATE CHARGE-FIRE	1845031	1	1000-422-10-44	RENT & LEASES EQUIP & VEHI	32.09	32.09
Total 1845031:											
12/17	12/21/2017	200247	6524		REFUND WATER OVERPAYME	10415050009	1	9999-1001-001	CASH CLEARING - UTILITIES	19.00	19.00
Total 10415050009:											
12/17	12/21/2017	200248	9193		REFUND WATER OVERPAYME	10513200005	1	9999-1001-001	CASH CLEARING - UTILITIES	41.50	41.50
Total 10513200005:											
12/17	12/21/2017	200249	9195		REFUND WATER OVERPAYME	10528750003	1	9999-1001-001	CASH CLEARING - UTILITIES	38.65	38.65
Total 10528750003:											
12/17	12/21/2017	200250	9190		REFUND COMMUNITY CENTER	121117	1	1000-2228-009	DEPOSITS-COMM CENTER RE	100.00	100.00

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Description	Invoice Number	Inv Seq	GL Account No	GL Account Title	Seq Amount	Check Amount
Total 121117:											
12/17	12/21/2017	200251	1076	SIERRA COFFEE AND BE	BOTTLED WATER	48852	1	1000-417-10-46	SUPPLIES-GENERAL	13.80	13.80
Total 48852:											
12/17	12/21/2017	200252	9189		REFUND GAS OVERPAYMENT	10221860004	1	9999-1001-001	CASH CLEARING - UTILITIES	10.00	10.00
Total 10221860004:											
12/17	12/21/2017	200253	917	SUPREME GRAPHICS	POSTAGE-WATER	64691	1	7110-430-42-46	POSTAGE	23.81	23.81
12/17	12/21/2017	200253	917	SUPREME GRAPHICS	POSTAGE-GAS	64691	2	7401-430-62-46	POSTAGE	23.80	23.80
Total 64691:											
12/17	12/21/2017	200253	917	SUPREME GRAPHICS	POSTAGE-WATER	64711	1	7110-430-42-46	POSTAGE	81.18	81.18
Total 64711:											
12/17	12/21/2017	200254	8713	SUSANVILLE AUTO CEN	RPR & MAINT # 85-PD	335457	1	1000-421-10-44	VEHICLE - REPAIR & MAINTEN	109.50	109.50
Total 335457:											
12/17	12/21/2017	200255	9188		REFUND WATER OVERPAYME	10222500001	1	9999-1001-001	CASH CLEARING - UTILITIES	52.09	52.09
Total 10222500001:											
12/17	12/21/2017	200256	9178	TRAV COR	DEPOSIT RETURN BEST WEST	121217	1	1001-2228-000	DEPOSITS-CUSTOMERS	35,010.10	35,010.10
Total 121217:											
12/17	12/21/2017	200257	720	TRI-PACIFIC SUPPLY INC	SUPPLIES-GAS	131454	1	7401-430-62-46	SUPPLIES-GENERAL	1,642.52	1,642.52
Total 131454:											
12/17	12/21/2017	200258	728	U S POSTMASTER	BUSINESS LICENSE RENEWAL	122117	1	1000-415-10-46	POSTAGE	341.32	341.32

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Description	Invoice Number	Inv Seq	GL Account No	GL Account Title	Seq Amount	Check Amount	
Total 122117:											341.32	341.32
12/17	12/21/2017	200259	9187		REFUND GAS OVERPAYMENT	103025100013	1	9999-1001-001	CASH CLEARING - UTILITIES	91.46	91.46	
Total 103025100013:											91.46	91.46
12/17	12/21/2017	200260	9194		REFUND GAS OVERPAYMENT	10405500000	1	9999-1001-001	CASH CLEARING - UTILITIES	16.50	16.50	
Total 10405500000:											16.50	16.50
12/17	12/21/2017	200261	9199		WOODSTOVE REBATE	121817	1	8404-430-12-48	GRANTS	1,500.00	1,500.00	
Total 121817:											1,500.00	1,500.00
12/17	12/21/2017	200262	770		WESTERN NEVADA SUP	67258804	1	7110-430-42-46	SUPPLIES-GENERAL	211.54	211.54	
Total 67258804:											211.54	211.54
12/17	12/21/2017	200262	770		WESTERN NEVADA SUP	67268856	1	7401-430-62-46	SUPPLIES-GENERAL	105.64	105.64	
Total 67268856:											105.64	105.64
12/17	12/21/2017	200263	1198		WESTWOOD SANITATIO	PORTABLE TOILET-GOLF COU	A52794	1	7530-451-52-44	RENT & LEASES EQUIP & VEHI	98.66	98.66
Total A52794:											98.66	98.66
12/17	12/21/2017	200263	1198		WESTWOOD SANITATIO	PORTABLE TOILET - SKYLINE	A52801	1	1000-452-20-44	RENT & LEASES EQUIP & VEHI	98.66	98.66
Total A52801:											98.66	98.66
12/17	12/21/2017	200263	1198		WESTWOOD SANITATIO	PORTABLE TOILET-GOLF COU	A52806	1	7530-451-52-44	RENT & LEASES EQUIP & VEHI	98.66	98.66
Total A52806:											98.66	98.66
Grand Totals:											114,944.76	114,944.76

Report Criteria:

Report type: GL detail

Check Voided = False

Report Criteria:  
 Report type: GL detail  
 Check Voided = False

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Description	Invoice Number	Inv Seq	GL Account No	GL Account Title	Seq Amount	Check Amount
12/17	12/29/2017	200264	728	U S POSTMASTER	WATER BILLING POSTAGE	12292017	1	7110-430-42-46	POSTAGE	526.05	526.05
12/17	12/29/2017	200264	728	U S POSTMASTER	GAS BILLING POSTAGE	12292017	2	7401-430-62-46	POSTAGE	270.99	270.99
Total 12292017:										797.04	797.04
Grand Totals:										797.04	797.04

## Report Criteria:

Transmittal checks included  
[Report]. Check Number = 738-200278

Pay Period Date	Journal Code	Check Issue Date	Check Number	Payee	Payee ID	Description	GL Account	Amount
12/29/2017	CDPT	01/04/2018	738	CITY OF SUSANVILLE PAYRL T	1	Social Security Pay Period: 12/29	7650-2203-1	8,979.39-
12/29/2017	CDPT	01/04/2018	738	CITY OF SUSANVILLE PAYRL T	1	Social Security Pay Period: 12/29	7650-2203-1	8,979.39-
12/29/2017	CDPT	01/04/2018	738	CITY OF SUSANVILLE PAYRL T	1	Medicare Pay Period: 12/29/2017	7650-2203-1	2,674.91-
12/29/2017	CDPT	01/04/2018	738	CITY OF SUSANVILLE PAYRL T	1	Medicare Pay Period: 12/29/2017	7650-2203-1	2,674.91-
12/29/2017	CDPT	01/04/2018	738	CITY OF SUSANVILLE PAYRL T	1	Federal Withholding Tax Pay Peri	7650-2203-1	26,916.19-
12/29/2017	CDPT	01/04/2018	739	EMPLOYMENT DEV. DEPT PI	6	State Withholding Tax Pay Period:	7650-2203-1	8,395.49-
12/29/2017	CDPT	01/04/2018	740	EMPLOYMENT DEV DEPT SDI	7	State Disability Tax Pay Period: 1	7650-2203-1	1,544.34-
12/29/2017	CDPT	01/04/2018	741	P.E.R.S.	8	PERS - Municipal Pay Period: 12/	7650-2203-1	2,793.44-
12/29/2017	CDPT	01/04/2018	741	P.E.R.S.	8	PERS - Municipal Pay Period: 12/	7650-2203-1	5,085.75-
12/29/2017	CDPT	01/04/2018	741	P.E.R.S.	8	PERS - Police Pay Period: 12/29/	7650-2203-1	1,235.10-
12/29/2017	CDPT	01/04/2018	741	P.E.R.S.	8	PERS - Police Pay Period: 12/29/	7650-2203-1	2,123.45-
12/29/2017	CDPT	01/04/2018	741	P.E.R.S.	8	PERS - Fire Pay Period: 12/29/20	7650-2203-1	668.10-
12/29/2017	CDPT	01/04/2018	741	P.E.R.S.	8	PERS - Fire Pay Period: 12/29/20	7650-2203-1	1,514.73-
12/29/2017	CDPT	01/04/2018	741	P.E.R.S.	8	PERS Misc Pay and Report Pay	7650-2203-1	68.84-
12/29/2017	CDPT	01/04/2018	741	P.E.R.S.	8	PERS Fire Pay and Report Pay P	7650-2203-1	92.63-
12/29/2017	CDPT	01/04/2018	741	P.E.R.S.	8	PERS Police Pay and Report Pay	7650-2203-1	85.45-
12/29/2017	CDPT	01/04/2018	741	P.E.R.S.	8	PERS - Municipal AB 340 Pay Pe	7650-2203-1	1,734.88-
12/29/2017	CDPT	01/04/2018	741	P.E.R.S.	8	PERS - Municipal AB 340 Pay Pe	7650-2203-1	1,813.46-
12/29/2017	CDPT	01/04/2018	741	P.E.R.S.	8	PERS - POLICE AB 340 Pay Peri	7650-2203-1	1,900.89-
12/29/2017	CDPT	01/04/2018	741	P.E.R.S.	8	PERS - POLICE AB 340 Pay Peri	1000-421-10-	7.32
12/29/2017	CDPT	01/04/2018	741	P.E.R.S.	8	PERS - POLICE AB 340 Pay Peri	7650-2203-1	1,981.89-
12/29/2017	CDPT	01/04/2018	741	P.E.R.S.	8	PERS - Fire AB 340 Pay Period:	7650-2203-1	822.93-
12/29/2017	CDPT	01/04/2018	741	P.E.R.S.	8	PERS - Fire AB 340 Pay Period:	7650-2203-1	858.00-
12/29/2017	CDPT	01/04/2018	741	P.E.R.S.	8	Survivor's Benefits Pay Period: 1	7650-2203-1	14.00-
12/29/2017	CDPT	01/04/2018	741	P.E.R.S.	8	PERS - Municipal Benefit Pay Pe	7650-2203-1	332.60-
12/29/2017	CDPT	01/04/2018	741	P.E.R.S.	8	PERS - Fire Benefit Pay Period:	7650-2203-1	974.11-
12/29/2017	CDPT	01/04/2018	741	P.E.R.S.	8	PERS - Police Benefit Pay Period	7650-2203-1	1,532.58-
12/29/2017	CDPT	01/04/2018	200271	CA STATE DISBURSEMENT UNI	37	HOOVER, MICHAEL Case #2000	7650-2203-0	69.23-
12/29/2017	CDPT	01/04/2018	200272	NATIONWIDE RETIREMENT SO	5	00284077 Pepsco Pay Period: 1	7650-2203-0	835.00-
12/29/2017	CDPT	01/04/2018	200273	NEVADA STATE TREASURER	44	REM ID 876772300A Garnishme	7650-2203-0	2.00-
12/29/2017	CDPT	01/04/2018	200274	STATE COLLECTION & DISBUR	43	REM ID 876772300A Child Supp	7650-2203-0	406.15-
12/29/2017	CDPT	01/04/2018	200275	VALIC	4	Valic Pay Period: 12/29/2017	7650-2203-0	1,578.08-
12/29/2017	CDPT	01/04/2018	200276	VANTAGEPOINT TRANS. AGEN	3	457 DEFERRED COMPENSATIO	7650-2203-0	62.00-
Grand Totals:			33					88,742.59-

Report Criteria:  
 Report type: GL detail  
 Check Voided = False

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Description	Invoice Number	Inv Seq	GL Account No	GL Account Title	Seq Amount	Check Amount
01/18	01/05/2018	200277	8912		TR EX ANAHIEM 1/7-1/12	010418	1	1000-424-20-45	TRAVEL	445.95	445.95
Total 010418:										445.95	445.95
Grand Totals:										445.95	445.95

Reviewed by:  Interim City Administrator  
 City Attorney

Motion only  
 Public Hearing  
 Resolution  
 Ordinance  
 Information

**Submitted By:** Deborah Savage, Finance Manager

**Action Date:** January 17, 2018

**CITY COUNCIL AGENDA ITEM**

**SUBJECT:** Monthly Finance Reports

**PRESENTED BY:** Deborah Savage, Finance Manager

**SUMMARY:** Attached for the Council's review is the cash and investment report and the summary report of revenues, expenditures and projected fund balances for the months of November and December 2017.

**FISCAL IMPACT:** None

**ACTION REQUESTED:** Motion to receive and file monthly finance report.

**ATTACHMENTS:** Pooled cash and investments report  
Cash and Investment report  
Receipts and disbursements report  
Revenues, expenses and fund balances report

## POOLED CASH & INVESTMENTS

November 30, 2017

POOLED CASH FUND	
Tri-Counties - Checking	570,177
Bank of America - Checking	64,515
LAIF	11,820,948
Total Cash & Investments	<u>12,455,640</u>

### Pooled Cash Allocation:

General Fund	572,456
General Fund Restricted	1,160,663
Special Revenue	1,028,182
Capital Projects	13,848
Debt Service	476,213
Enterprise	
Airport	(59,007)
Geothermal	262,123
Golf Course	(70,614)
Natural Gas	4,037,192
Water	4,068,943
Internal Service	445,106
Trust & Agency	520,536
Total Cash & Inv. Allocations	<u>12,455,640</u>

## CASH WITH FISCAL AGENTS

November 30, 2017

General	
Special Revenue	
Capital Projects	
Debt Service	0
Enterprise	3,321,178
Internal Service	
Trust & Agency	
Total Cash with Fiscal Agents	<u>3,321,178</u>
GRAND TOTAL	<u>15,776,819</u>

CITY OF SUSANVILLE  
 COMBINED CASH AND INVESTMENTS  
 NOVEMBER 30, 2017

COMBINED ACCOUNTS

9999-1011-001	B OF A # 08038-80200	64,514.87
9999-1011-002	TRI COUNTIES BANK	570,176.96
9999-1030-001	LAIF	11,820,947.85
		<hr/>
	TOTAL COMBINED CASH AND INVESTMENTS	12,455,639.68
9999-1000-000	CLAIM ON CASH	( 12,455,639.68)
		<hr/>
	TOTAL UNALLOCATED CASH	.00
		<hr/> <hr/>

CASH ALLOCATION RECONCILIATION

RESTRICTED FUNDS

1001	ALLOCATION TO GF-DEPOSITS PAYABLE	69,491.76
1002	ALLOCATION TO GF-ECONOMIC DEVELOPMENT	3,466.24
1003	ALLOCATION TO FLOOD/EMERGENCY DECLARATIONS	( 99,608.89)
1004	ALLOCATION TO GF-PANCERA	18,394.61
1005	ALLOCATION TO GF-RESERVE ACCOUNT	1,079,271.93
1006	ALLOCATION TO POLICE FACILITIES & EQUIP FUND	2,346.05
1007	ALLOCATION TO FIRE FACILITIES & EQUIP FUND	53,721.80
1008	ALLOCATION TO ADMIN SVCS FACILITIES & EQUIP	33,579.16
2002	ALLOCATION TO STATE COPS	22,028.05
2006	ALLOCATION TO SNOW REMOVAL	( 2,024.06)
2007	ALLOCATION TO STREETS & HIGHWAYS	( 283,036.44)
2010	ALLOCATION TO STREET MITIGATION	38,491.05
2011	ALLOCATION TO POLICE MITIGATION	23,673.44
2012	ALLOCATION TO FIRE MITIGATION	132,242.08
2013	ALLOCATION TO PARK DEDICATION FUND	163,249.47
2014	ALLOCATION TO STATE OF CA - PROP 30/AB 109	13,808.00
2016	ALLOCATION TO CDBG REVOLVING LOAN FUND	334,070.83
2018	ALLOCATION TO HOME REVOLVING FUND	421,060.33
2030	ALLOCATION TO TRAFFIC SAFETY	61,233.33
2035	ALLOCATION TO TRAFFIC SIGNALS FUND	97,458.96
2037	ALLOCATION TO SKYLINE BICYCLE LANE	7,583.89
2040	ALLOCATION TO CDBG RIVERSIDE GRANT REHAB	( 1,657.28)
4001	ALLOCATION TO MARK ROOS SERIES B/92	30,157.89
4003	ALLOCATION TO CITY HALL	41,075.39
4004	ALLOCATION TO 2013 CALPERS REFUNDING LOAN	445,693.40
4005	ALLOCATION TO COMMUNITY POOL DEBT SERVICE	( 40,713.83)
7111	ALLOCATION TO WATER RATE STABILIZATION FUND	3,000,000.00
7114	ALLOCATION TO WATER CAPITAL IMPROVEMENTS	720,535.82
7402	ALLOCATION TO NATURAL GAS STABILIZATION FUND	1,807,075.00
7610	ALLOCATION TO OPEB	35,070.12
7630	ALLOCATION TO RISK MANAGEMENT FUND	185,259.86
8401	ALLOCATION TO HUSA BUSINESS IMPROVE DIST	9,273.89
8402	ALLOCATION TO LAFCO	72,032.60
8403	ALLOCATION TO SEC 125 & AFLAC	4,033.46
8404	ALLOCATION TO AIR POLLUTION	160,977.14
8405	ALLOCATION TO AIR POLLUTION-CARL MOYER	302,626.21
8406	ALLOCATION TO REGIONAL WATER MANAGEMENT GROU	( 28,407.46)
		<hr/>
	ALLOCATIONS TO RESTRICTED FUNDS	8,933,533.80

CITY OF SUSANVILLE  
COMBINED CASH AND INVESTMENTS  
NOVEMBER 30, 2017

UNRESTRICTED FUNDS

1000	ALLOCATION TO GENERAL FUND	572,455.74
3015	ALLOCATION TO CITY HALL PARKING LOT PROJECT	13,847.97
7110	ALLOCATION TO WATER SYSTEM	330,608.43
7112	ALLOCATION TO JOHNSTONVILLE WATER SYSTEM	17,798.29
7201	ALLOCATION TO AIRPORT	( 59,006.79)
7301	ALLOCATION TO GEOTHERMAL UTILITY	262,122.51
7401	ALLOCATION TO NATURAL GAS	2,230,117.32
7530	ALLOCATION TO GOLF COURSE	( 70,614.00)
7620	ALLOCATION TO PW ADMIN & ENGINEERING FUND	224,776.41
		<hr/>
	ALLOCATIONS TO UNRESTRICTED FUNDS	3,522,105.88
		<hr/>
	TOTAL ALLOCATIONS TO OTHER FUNDS	12,455,639.68
	ALLOCATION FROM COMBINED CASH FUND - 9999-1000-000	( 12,455,639.68)
		<hr/>
	ZERO PROOF IF ALLOCATIONS BALANCE	.00
		<hr/> <hr/>

Tri-Counties Bank

Date	Dep Date	A/P Disbursements	Receipts	Balance
11/1/2017			\$ 0.01	\$100.01
11/1/2017			\$ 0.01	\$100.02
11/1/2017		<b>-\$10.63</b>		\$89.39
11/8/2017			\$ 0.01	\$89.40
11/9/2017			\$ 7,846.10	\$7,935.50
11/9/2017			\$ 4,831.73	\$12,767.23
11/13/2017			\$ 41,604.03	\$54,371.26
11/13/2017			\$ 253.00	\$54,624.26
11/13/2017		-\$253.00		\$54,371.26
11/13/2017			\$ 4,787.13	\$59,158.39
11/14/2017			\$ 42,207.38	\$101,365.77
11/14/2017			\$ 4,700.13	\$106,065.90
11/15/2017			\$ 39,609.53	\$145,675.43
11/15/2017			\$ 5,313.35	\$150,988.78
11/16/2017			\$ 19,681.72	\$170,670.50
11/16/2017			\$ 1,698.22	\$172,368.72
11/17/2017			\$ 12,458.28	\$184,827.00
11/17/2017			\$ 8,391.82	\$193,218.82
11/17/2017			\$ 514.88	\$193,733.70
11/17/2017		<b>-\$45.00</b>	\$ 45.00	\$193,733.70
11/20/2017			\$ 20,095.48	\$213,829.18
11/20/2017		<b>-\$45.65</b>		\$213,783.53
11/20/2017			\$ 5,808.15	\$219,591.68
11/21/2017			\$ 4,411.80	\$224,003.48
11/21/2017			\$ 3,209.59	\$227,213.07
11/22/2017			\$ 8,959.77	\$236,172.84
11/22/2017			\$ 2,860.12	\$239,032.96
11/27/2017			\$ 37,509.28	\$276,542.24
11/27/2017			\$ 5,111.15	\$281,653.39
11/27/2017		-\$50,141.51		\$231,511.88
11/27/2017		-\$6,663.19		\$224,848.69
11/27/2017				\$224,848.69
11/27/2017		-\$1,865.32		\$222,983.37
11/27/2017		-\$559.84		\$222,423.53
11/28/2017			\$ 12,564.40	\$234,987.93
11/28/2017			\$ 4,994.96	\$239,982.89
11/28/2017			\$ 326.50	\$240,309.39
11/28/2017		-\$117.93		\$240,191.46
11/29/2017			\$ 297,170.27	\$537,361.73
11/29/2017			\$ 5,299.67	\$542,661.40
11/30/2017			\$ 759.46	\$543,420.86
11/30/2017			\$ 21,962.73	\$565,383.59
11/30/2017			\$ 248.41	\$565,632.00
11/30/2017			\$ 4,696.59	\$570,328.59
11/30/2017		<b>-\$151.63</b>		\$570,176.96
11/30/2017				\$570,176.96
11/30/2017				\$570,176.96

# BANK OF AMERICA

Date	Dep Date	A/P Disbursements	Receipts	Balance
				\$308,983.47
11/1/2017			<b>\$34,362.80</b>	\$343,346.27
11/1/2017			<b>\$8,317.16</b>	\$351,663.43
11/1/2017			<b>\$303.39</b>	\$351,966.82
11/2/2017			<b>\$195.94</b>	\$352,162.76
11/2/2017			<b>\$150,140.03</b>	\$502,302.79
11/2/2017			<b>\$6,490.03</b>	\$508,792.82
11/2/2017			<b>\$1,883.87</b>	\$510,676.69
11/2/2017			<b>\$1,078.85</b>	\$511,755.54
11/2/2017		<b>-\$95,735.31</b>		\$416,020.23
11/2/2017		<b>-\$149.68</b>		\$415,870.55
11/2/2017		<b>-\$3,951.51</b>		\$411,919.04
11/2/2017		<b>-\$382.36</b>		\$411,536.68
11/2/2017			<b>\$190.00</b>	\$411,726.68
11/3/2017			<b>\$509.86</b>	\$412,236.54
11/3/2017			<b>\$16,728.94</b>	\$428,965.48
11/3/2017			<b>\$6,384.97</b>	\$435,350.45
11/3/2017			<b>\$1,544.17</b>	\$436,894.62
11/6/2017			<b>\$46,404.49</b>	\$483,299.11
11/6/2017			<b>\$4,981.60</b>	\$488,280.71
11/6/2017			<b>\$1,116.45</b>	\$489,397.16
11/6/2017				\$489,397.16
11/7/2017			<b>\$36,396.62</b>	\$525,793.78
11/7/2017			<b>\$2,817.61</b>	\$528,611.39
11/7/2017			<b>\$1,684.31</b>	\$530,295.70
11/8/2017			<b>\$54,607.73</b>	\$584,903.43
11/8/2017			<b>\$4,300.50</b>	\$589,203.93
11/8/2017			<b>\$1,255.39</b>	\$590,459.32
11/8/2017		<b>-\$543.60</b>		\$589,915.72
11/8/2017		<b>-\$116.00</b>		\$589,799.72
11/9/2017				\$589,799.72
11/9/2017		<b>-\$95,970.18</b>		\$493,829.54
11/9/2017		<b>-\$3,461.27</b>		\$490,368.27
11/9/2017		<b>-\$24,445.03</b>		\$465,923.24
11/9/2017		<b>-\$31,709.33</b>		\$434,213.91
11/9/2017		<b>-\$4,125.51</b>		\$430,088.40
11/9/2017		<b>-\$1,168.10</b>		\$428,920.30
11/9/2017		<b>-\$2,544.31</b>		\$426,375.99
11/9/2017		<b>-\$158,890.74</b>		\$267,485.25
11/9/2017			<b>\$547.93</b>	\$268,033.18
11/10/2017				\$268,033.18
11/10/2017		<b>-\$103.87</b>		\$267,929.31
11/10/2017				\$267,929.31
11/13/2017			<b>\$253.00</b>	\$268,182.31
11/13/2017		<b>-\$8,371.42</b>		\$259,810.89
11/13/2017			<b>\$88.00</b>	\$259,898.89
11/14/2017		<b>-\$102.73</b>		\$259,796.16
11/14/2017			<b>\$32.70</b>	\$259,828.86
11/14/2017			<b>\$239.82</b>	\$260,068.68
11/14/2017		<b>-\$11,531.47</b>		\$248,537.21
11/14/2017			<b>\$586.33</b>	\$249,123.54
11/14/2017			<b>\$46.93</b>	\$249,170.47
11/15/2017			<b>\$274,500.00</b>	\$523,670.47
11/15/2017		<b>-\$1,259.14</b>		\$522,411.33
11/15/2017			<b>\$115.30</b>	\$522,526.63
11/16/2017		<b>-\$89,019.25</b>		\$433,507.38
11/16/2017		<b>-\$809.55</b>		\$432,697.83

# BANK OF AMERICA

Date	Dep Date	A/P Disbursements	Receipts	Balance
11/17/2017			\$45.00	\$432,742.83
11/17/2017			\$533.56	\$433,276.39
11/18/2017			\$182.27	\$433,458.66
11/20/2017		-\$54.56		\$433,404.10
11/20/2017		-\$50,426.63		\$382,977.47
11/20/2017			\$872,000.00	\$1,254,977.47
11/22/2017		-\$179,537.50		\$1,075,439.97
11/22/2017		-\$692,225.00		\$383,214.97
11/20/2017		-\$1,176.58		\$382,038.39
11/21/2017		-\$463.03		\$381,575.36
11/21/2017		-\$1,254.22		\$380,321.14
11/22/2017			\$28.61	\$380,349.75
11/22/2017		-\$97,588.83		\$282,760.92
11/22/2017		-\$3,607.36		\$279,153.56
11/22/2017		-\$31,831.12		\$247,322.44
11/22/2017		-\$4,179.41		\$243,143.03
11/22/2017		-\$1,160.38		\$241,982.65
11/22/2017		-\$24,999.36		\$216,983.29
11/22/2017		-\$68,520.00		\$148,463.29
11/22/2017		-\$791.07		\$147,672.22
11/22/2017		-\$289.05		\$147,383.17
11/22/2017		-\$7,715.61		\$139,667.56
11/22/2017		-\$93,588.85		\$46,078.71
11/21/2017			\$3,170.65	\$49,249.36
11/22/2017			\$62.07	\$49,311.43
11/23/2017			\$61.20	\$49,372.63
11/24/2017		-\$11.21		\$49,361.42
11/27/2017			\$178.23	\$49,539.65
11/27/2017		-\$852.42		\$48,687.23
11/27/2017		-12,702.99		\$35,984.24
11/27/2017			\$400.00	\$36,384.24
11/27/2017			\$880.84	\$37,265.08
11/27/2017			\$565.01	\$37,830.09
11/28/2017		-\$123.90		\$37,706.19
11/29/2017			\$1,062.13	\$38,768.32
11/30/2017		-\$3,702.05		\$35,066.27
11/30/2017		-\$798.96		\$34,267.31
11/30/2017		-\$1,547.16		\$32,720.15
11/30/2017			\$5.09	\$32,725.24
11/30/2017			\$31,789.63	\$64,514.87

<i>s:/Debi/fund Balances Report</i>		Audited			Unaudited
		6/30/17	YTD	YTD	November
Fund #	Fund Title	Fund Balance	Revenue	Expenditures	Fund Balance
					11/30/17
100X	General Fund	3,276,659	1,575,307	2,968,801	1,883,166
2002	State COPS	72,815	31	50,820	22,026
2006	Snow Removal	(475)	28	1,577	(2,024)
2007	Streets	172,350	692,706	764,819	100,237
2010	Street Mitigation	28,687	9,805	0	38,492
2011	Police Mitigation	11,088	12,585	0	23,673
2012	Fire Mitigation	120,061	12,182	0	132,243
2013	Park Dedication	163,075	186	0	163,261
2014	State of CA - Prop 30/AB 109	23,668	0	9,860	13,808
2016	State Comm. Dev. Rev.FD	1,302,082	285	18,812	1,283,555
2018	Home Revolving Fund	725,160	22,459	32	747,587
2030	Traffic Safety	59,126	2,111	0	61,237
2035	Traffic Signals Fund	97,330	128	0	97,458
2037	Skyline Bicycle Lane	7,576	9	0	7,585
2040	CDBG Riverside Drive Project	0	0	1,657	(1,657)
3015	City Hall Parking Lot	13,848	0	0	13,848
4001	Miller Fletcher	316,251	(139,676)	146,421	30,154
4003	City Hall Debt Service	52,241	56,540	67,705	41,076
4004	2013 CalPERS Refunding Loan	259,228	186,470	0	445,698
4005	Community Pool Debt Service	631	41,645	82,990	(40,714)
711X	Water Funds	3,101,096	1,231,833	1,024,039	3,308,890
7201	Airport	2,136,218	52,986	117,316	2,071,888
7301	Geothermal	557,729	39,509	35,459	561,780
740X	Natural Gas	(124,128)	823,971	1,501,693	(801,851)
7530	Golf Course	2,361,143	145,136	148,641	2,357,637
7620	PW Admin/Engineering	132,864	91,253	27,962	196,155
7630	Risk Management	332,964	321,669	469,353	185,281
8402	LAFCO	40,712	52,508	16,158	77,063
8404	Air Pollution	260,704	32,383	124,000	169,086
8405	Air Pollution - Carl Moyer	407,411	296	105,000	302,707
8406	IRWM - Management Group	(26,496)	0	1,912	(28,407)
<b>TOTALS</b>		<b>15,908,114</b>	<b>5,264,345</b>	<b>7,685,026</b>	<b>13,489,345</b>

## POOLED CASH & INVESTMENTS

December 31, 2017

POOLED CASH FUND	
Tri-Counties - Checking	334,406
Bank of America - Checking	187,548
LAIF	11,594,948
Total Cash & Investments	<u>12,116,901</u>

### Pooled Cash Allocation:

General	129,302
General Fund Restricted	1,146,209
Special Revenue	887,759
Capital Projects	13,848
Debt Service	340,280
Enterprise	
Airport	(77,607)
Geothermal	256,570
Golf Course	(81,379)
Natural Gas	4,133,902
Water	4,136,915
Internal Service	741,522
Trust & Agency	489,579
Total Cash & Inv. Allocations	<u>12,116,901</u>

## CASH WITH FISCAL AGENTS

December 31, 2017

General	
Special Revenue	
Capital Projects	
Debt Service	0
Enterprise	3,321,178
Internal Service	
Trust & Agency	
Total Cash with Fiscal Agents	<u>3,321,178</u>
GRAND TOTAL	<u>15,438,079</u>

S:/Finance/Debi/Council Cash & Investments Report

1/10/2018 14:14

Totals may not add due to rounding

CITY OF SUSANVILLE  
 COMBINED CASH AND INVESTMENTS  
 DECEMBER 31, 2017

COMBINED ACCOUNTS

9999-1011-001	B OF A # 08038-80200	187,547.68
9999-1011-002	TRI COUNTIES BANK	334,405.76
9999-1030-001	LAIF	11,594,947.85
	TOTAL COMBINED CASH AND INVESTMENTS	12,116,901.29
9999-1000-000	CLAIM ON CASH	( 12,116,901.29)
	TOTAL UNALLOCATED CASH	.00

CASH ALLOCATION RECONCILIATION

RESTRICTED FUNDS

1001	ALLOCATION TO GF-DEPOSITS PAYABLE	20,685.66
1002	ALLOCATION TO GF-ECONOMIC DEVELOPMENT	3,466.24
1003	ALLOCATION TO FLOOD/EMERGENCY DECLARATIONS	( 65,256.34)
1004	ALLOCATION TO GF-PANCERA	18,394.61
1005	ALLOCATION TO GF-RESERVE ACCOUNT	1,079,271.93
1006	ALLOCATION TO POLICE FACILITIES & EQUIP FUND	2,346.05
1007	ALLOCATION TO FIRE FACILITIES & EQUIP FUND	53,721.80
1008	ALLOCATION TO ADMIN SVCS FACILITIES & EQUIP	33,579.16
2002	ALLOCATION TO STATE COPS	8,110.72
2006	ALLOCATION TO SNOW REMOVAL	( 5,837.22)
2007	ALLOCATION TO STREETS & HIGHWAYS	( 344,985.65)
2010	ALLOCATION TO STREET MITIGATION	38,491.05
2011	ALLOCATION TO POLICE MITIGATION	23,673.44
2012	ALLOCATION TO FIRE MITIGATION	132,242.08
2013	ALLOCATION TO PARK DEDICATION FUND	163,249.47
2014	ALLOCATION TO STATE OF CA - PROP 30/AB 109	11,836.00
2016	ALLOCATION TO CDBG REVOLVING LOAN FUND	329,350.28
2018	ALLOCATION TO HOME REVOLVING FUND	421,060.33
2030	ALLOCATION TO TRAFFIC SAFETY	62,072.94
2035	ALLOCATION TO TRAFFIC SIGNALS FUND	79,147.96
2037	ALLOCATION TO SKYLINE BICYCLE LANE	7,583.89
2040	ALLOCATION TO CDBG RIVERSIDE GRANT REHAB	( 5,850.57)
4001	ALLOCATION TO MARK ROOS SERIES B/92	30,157.89
4003	ALLOCATION TO CITY HALL	52,383.39
4004	ALLOCATION TO 2013 CALPERS REFUNDING LOAN	257,738.65
4005	ALLOCATION TO COMMUNITY POOL DEBT SERVICE	( 32,384.83)
7111	ALLOCATION TO WATER RATE STABILIZATION FUND	3,000,000.00
7114	ALLOCATION TO WATER CAPITAL IMPROVEMENTS	771,147.92
7402	ALLOCATION TO NATURAL GAS STABILIZATION FUND	1,807,075.00
7610	ALLOCATION TO OPEB	34,453.59
7630	ALLOCATION TO RISK MANAGEMENT FUND	258,397.09
7650	ALLOCATION TO PAYROLL	214,751.64
8401	ALLOCATION TO HUSA BUSINESS IMPROVE DIST	9,423.89
8402	ALLOCATION TO LAFCO	61,843.98
8403	ALLOCATION TO SEC 125 & AFLAC	5,096.25
8404	ALLOCATION TO AIR POLLUTION	139,136.52
8405	ALLOCATION TO AIR POLLUTION-CARL MOYER	302,626.21
8406	ALLOCATION TO REGIONAL WATER MANAGEMENT GROU	( 28,547.68)



Tri-Counties Bank

			\$570,176.96
12/1/2017	<b>-\$1,178.60</b>		\$568,998.36
12/1/2017	<b>-\$55.75</b>		\$568,942.61
12/1/2017		\$ 32,479.60	\$601,422.21
12/1/2017		\$ 11,358.81	\$612,781.02
12/1/2017		\$ 642.73	\$613,423.75
12/4/2017		\$ 1,185.86	\$614,609.61
12/4/2017		\$ 39,522.33	\$654,131.94
12/4/2017		\$ 8,655.50	\$662,787.44
12/5/2017		\$ 45,711.69	\$708,499.13
12/5/2017		\$ 5,278.75	\$713,777.88
12/5/2017		\$ 1,865.34	\$715,643.22
12/5/2017		\$ 2,474.15	\$718,117.37
12/6/2017		\$ 38,155.68	\$756,273.05
12/6/2017		\$ 4,260.99	\$760,534.04
12/6/2017			\$760,534.04
12/6/2017		\$ 1,335.78	\$761,869.82
12/6/2017			\$761,869.82
12/6/2017			\$761,869.82
12/6/2017			\$761,869.82
12/6/2017	<b>-\$95,860.33</b>		\$666,009.49
12/6/2017	<b>-\$4,633.64</b>		\$661,375.85
12/6/2017	<b>-\$25,568.41</b>		\$635,807.44
12/6/2017	<b>-\$4,411.24</b>		\$631,396.20
12/6/2017	<b>-\$37.78</b>		\$631,358.42
12/6/2017	<b>-\$1,178.16</b>		\$630,180.26
12/6/2017	<b>-\$12.70</b>		\$630,167.56
12/6/2017	<b>-\$2,952.46</b>		\$627,215.10
12/7/2017		\$ 28,699.78	\$655,914.88
12/7/2017		\$ 5,925.05	\$661,839.93
12/7/2017		\$ 648.19	\$662,488.12
12/7/2017	<b>-\$282,790.88</b>		\$379,697.24
12/8/2017		\$ 13,963.83	\$393,661.07
12/8/2017		\$ 4,917.68	\$398,578.75
12/8/2017		\$ 450.58	\$399,029.33
12/11/2017	<b>-\$13,270.61</b>		\$385,758.72
12/11/2017		\$ 60,446.19	\$446,204.91
12/11/2017		\$ 5,968.17	\$452,173.08
12/11/2017		\$ 203.00	\$452,376.08
12/11/2017		\$ 191.36	\$452,567.44
12/12/2017		\$ 48,962.70	\$501,530.14
12/12/2017		\$ 5,599.29	\$507,129.43
12/12/2017		\$ 673.14	\$507,802.57
12/13/2017		\$ 71,519.66	\$579,322.23
12/13/2017		\$ 4,298.11	\$583,620.34
12/13/2017		\$ 2.33	\$583,622.67
12/13/2017		\$ 4.00	\$583,626.67
12/14/2017	<b>-\$73,380.31</b>		\$510,246.36
12/14/2017	<b>-\$543.60</b>		\$509,702.76
12/14/2017	<b>-\$8,419.28</b>		\$501,283.48
12/14/2017		\$ 6,720.31	\$508,003.79
12/14/2017		\$ 1,793.95	\$509,797.74
12/14/2017		\$ 281.00	\$510,078.74
12/15/2017		\$ 291.05	\$510,369.79
12/15/2017		\$ 32.09	\$510,401.88

Tri-Counties Bank

12/15/2017		\$	5,953.10	\$516,354.98
12/15/2017		\$	4,539.46	\$520,894.44
12/15/2017		\$	137.73	\$521,032.17
12/18/2017		\$	26,218.46	\$547,250.63
12/18/2017		\$	10,209.89	\$557,460.52
12/18/2017		\$	97.29	\$557,557.81
12/19/2017		\$	26,705.63	\$584,263.44
12/19/2017		\$	3,602.96	\$587,866.40
12/19/2017		\$	168.60	\$588,035.00
12/20/2017	<b>-\$1,176.58</b>			\$586,858.42
12/20/2017	<b>-\$97,946.07</b>			\$488,912.35
12/20/2017		\$	8,448.76	\$497,361.11
12/20/2017		\$	3,090.79	\$500,451.90
12/20/2017		\$	105.26	\$500,557.16
12/20/2017	<b>-\$101,258.98</b>			\$399,298.18
12/20/2017	<b>-\$4,434.68</b>			\$394,863.50
12/20/2017	<b>-\$33,954.10</b>			\$360,909.40
12/20/2017	<b>-\$4,696.79</b>			\$356,212.61
12/20/2017	<b>-\$1,211.74</b>			\$355,000.87
12/20/2017	<b>-\$26,044.81</b>			\$328,956.06
12/20/2017	<b>-\$69,662.00</b>			\$259,294.06
12/20/2017	<b>-\$791.07</b>			\$258,502.99
12/20/2017	<b>-\$289.05</b>			\$258,213.94
12/20/2017	<b>-\$8,379.29</b>			\$249,834.65
12/21/2017		\$	15,204.97	\$265,039.62
12/21/2017		\$	4,441.66	\$269,481.28
12/21/2017	<b>-\$114,944.76</b>			\$154,536.52
12/21/2017		\$	143.96	\$154,680.48
12/22/2017		\$	44,083.40	\$198,763.88
12/22/2017		\$	4,450.89	\$203,214.77
12/22/2017			568.04	\$203,782.81
12/22/2017		\$	28,190.59	\$231,973.40
12/26/2017		\$	1,483.73	\$233,457.13
12/27/2017		\$	34,058.64	\$267,515.77
12/27/2017		\$	5,421.43	\$272,937.20
12/27/2017		\$	1,341.39	\$274,278.59
12/28/2017		\$	14,738.52	\$289,017.11
12/28/2017		\$	4,108.45	\$293,125.56
12/28/2017		\$	576.47	\$293,702.03
12/29/2017	<b>-\$226.38</b>			\$293,475.65
12/29/2017	<b>-\$72.54</b>			\$293,403.11
12/29/2017	<b>-\$378.10</b>			\$293,025.01
12/29/2017	<b>-\$797.04</b>	\$	31,795.55	\$324,023.52
12/29/2017		\$	9,657.03	\$333,680.55
12/29/2017		\$	725.21	\$334,405.76

---

# BANK OF AMERICA

Date	Dep Date	A/P Disbursements	Receipts	Balance
				\$64,514.87
12/01/2017			\$11.28	\$64,526.15
12/01/2017			\$83.63	\$64,609.78
12/01/2017			\$281.76	\$64,891.54
12/01/2017			\$304.46	\$65,196.00
12/01/2017			\$323.72	\$65,519.72
12/01/2017			\$328.00	\$65,847.72
12/01/2017			\$368.66	\$66,216.38
12/01/2017			\$542.13	\$66,758.51
12/01/2017		-\$20.00		\$66,738.51
12/4/2017		-\$70.98		\$66,667.53
12/4/2017		-\$727.65		\$65,939.88
12/5/2017			\$349.48	\$66,289.36
12/6/2017		-\$25.00		\$66,264.36
12/8/2017				\$66,264.36
12/8/2017			\$12,301.05	\$78,565.41
12/8/2017		-\$32,379.71		\$46,185.70
12/8/2017		-\$225.52		\$45,960.18
12/11/2017			\$26.28	\$45,986.46
12/11/2017			\$50.41	\$46,036.87
12/11/2017			\$108.03	\$46,144.90
12/12/2017			\$523.21	\$46,668.11
12/12/2017		-\$883.76		\$45,784.35
12/15/2017			\$195.59	\$45,979.94
12/15/2017			\$785.50	\$46,765.44
12/15/2017			\$62.79	\$46,828.23
12/15/2017			\$400.00	\$47,228.23
12/15/2017		-\$871.08		\$46,357.15
12/19/2017			\$158.28	\$46,515.43
12/21/2017			\$4,580.55	\$51,095.98
12/22/2017			\$135,812.00	\$186,907.98
12/27/2017			\$226,000.00	\$412,907.98
12/27/2017		-\$111.55		\$412,796.43
12/30/2017		-\$225,248.75		\$187,547.68

<i>s:/Debi/fund Balances Report</i>		Audited			Unaudited
		6/30/17	YTD	YTD	December
Fund #	Fund Title	Fund Balance	Revenue	Expenditures	Fund Balance
					12/31/2017
100X	General Fund	3,276,659	1,985,332	3,543,470	1,718,521
2002	State COPS	72,815	31	64,738	8,108
2006	Snow Removal	(475)	28	5,390	(5,837)
2007	Streets	172,350	704,330	820,972	55,708
2010	Street Mitigation	28,687	9,805	0	38,492
2011	Police Mitigation	11,088	12,585	0	23,673
2012	Fire Mitigation	120,061	12,182	0	132,243
2013	Park Dedication	163,075	186	0	163,261
2014	State of CA - Prop 30/AB 109	23,668	0	11,832	11,836
2016	State Comm. Dev. Rev.FD	1,302,082	285	23,659	1,278,708
2018	Home Revolving Fund	725,160	22,459	32	747,587
2030	Traffic Safety	59,126	3,720	0	62,846
2035	Traffic Signals Fund	97,330	128	18,311	79,147
2037	Skyline Bicycle Lane	7,576	9	0	7,585
2040	CDBG Riverside Drive Project	0	0	5,851	(5,851)
3015	City Hall Parking Lot	13,848	0	0	13,848
4001	Miller Fletcher	316,251	(139,676)	146,421	30,154
4003	City Hall Debt Service	52,241	67,848	67,705	52,384
4004	2013 CalPERS Refunding Loan	259,228	223,764	225,249	257,744
4005	Community Pool Debt Service	631	49,974	82,990	(32,385)
711X	Water Funds	3,101,096	1,391,925	1,222,624	3,270,396
7201	Airport	2,136,218	198,671	292,779	2,042,110
7301	Geothermal	557,729	46,385	47,519	556,595
740X	Natural Gas	(124,128)	1,350,704	1,891,202	(664,625)
7530	Golf Course	2,361,143	150,050	164,310	2,346,884
7620	PW Admin/Engineering	132,864	109,091	36,657	205,299
7630	Risk Management	332,964	394,806	469,353	258,418
8402	LAFCO	40,712	52,508	26,347	66,874
8404	Air Pollution	260,704	46,139	152,993	153,849
8405	Air Pollution - Carl Moyer	407,411	296	105,000	302,707
8406	IRWM - Management Group	(26,496)	0	2,052	(28,548)
<b>TOTALS</b>		<b>15,908,114</b>	<b>6,693,566</b>	<b>9,427,454</b>	<b>13,176,278</b>

Reviewed by:     Interim City Administrator  
    City Attorney

- Motion only
- Public Hearing
- Resolution
- Ordinance
- X Information

**Submitted By:** Deborah Savage, Finance Manager

**Action Date:** January 17, 2018

**CITY COUNCIL AGENDA ITEM**

**SUBJECT:** Quarterly Report of Transient Occupancy Tax Revenue

**PRESENTED BY:** Deborah Savage, Finance Manager

**SUMMARY:** Attached for Council's review is the report of Transient Occupancy Tax collected

**FISCAL IMPACT:** None

**ACTION REQUESTED:** Motion to receive and file Quarterly Report of Transient Occupancy Tax for 2<sup>nd</sup> through 4<sup>th</sup> Quarters 2016-2017

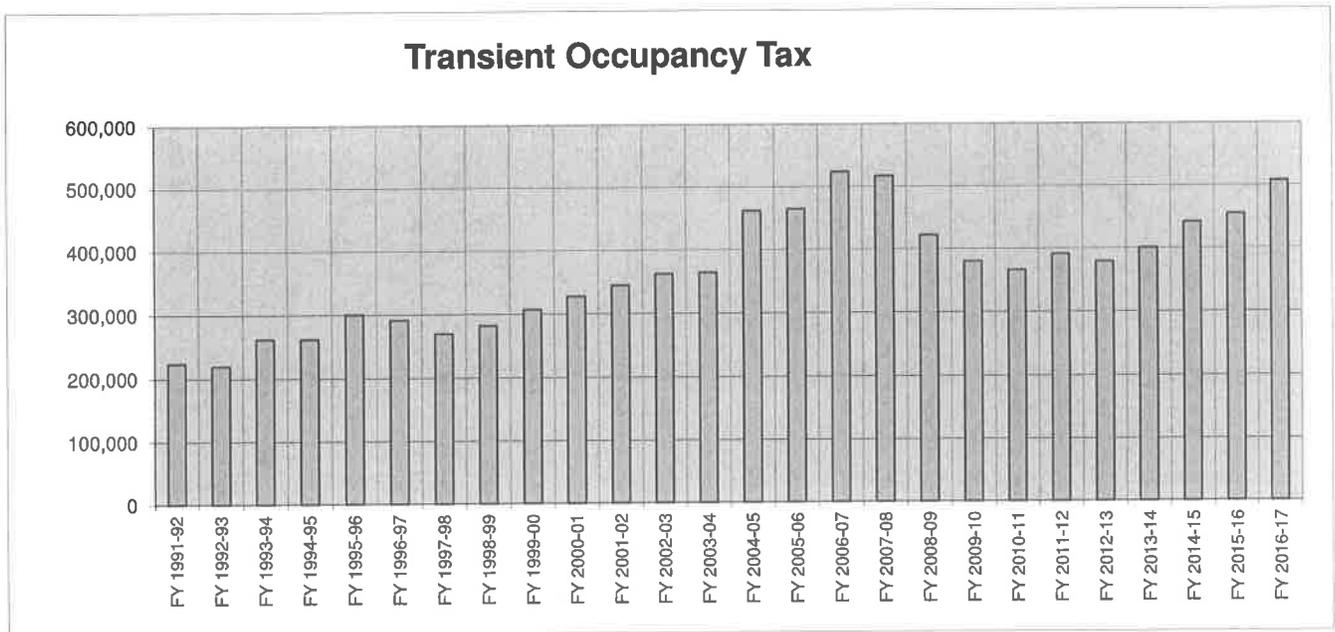
**ATTACHMENTS:** Transient Occupancy Tax report

City of Susanville  
**Transient Occupancy Tax - History**

S:\finance\TOT\TOT

Received in For Qtr.	OCT Jul-Sep 1	JAN Oct-Dec 2	APR Jan-Mar 3	JUL Apr-Jun 4	Total	Percent T.O.T.	
FY 1989-90	59,580	41,273	26,912	56,068	183,833	8 %	Increased by 2%
FY 1990-91	71,958	44,475	31,412	63,190	211,035	8 %	
FY 1991-92	75,998	49,850	34,316	63,726	223,890	8 %	
FY 1992-93	79,525	50,751	27,467	61,719	219,462	8 %	
FY 1993-94	87,369	60,847	40,577	72,788	261,579	8 %	
FY 1994-95	90,841	67,395	57,202	84,656	261,579	8 %	
FY 1995-96	102,529	68,208	46,404	74,206	300,094	8 %	
FY 1996-97	91,922	58,327	44,907	74,470	291,347	8 %	
FY 1997-98	90,355	64,306	38,202	75,377	269,627	8 %	
FY 1998-99	100,039	64,098	40,432	77,769	282,337	8 %	
FY 1999-00	105,195	71,103	43,137	87,850	307,285	8 %	
FY 2000-01	113,786	69,621	49,132	94,789	327,328	8 %	
FY 2001-02	116,569	75,763	51,361	100,941	344,634	8 %	
FY 2002-03	128,918	82,622	57,547	93,372	362,459	8 %	
FY 2003-04	123,730	78,211	59,025	103,348	364,313	8 %	
FY 2004-05	160,926	93,450	73,737	134,133	462,246	10%	Increased by 2%
FY 2005-06	154,676	116,764	70,777	123,152	465,369	10%	
FY 2006-07	187,956	111,977	75,688	148,153	523,774	10%	
FY 2007-08	185,106	111,037	87,103	133,968	517,214	10%	
FY 2008-09	152,756	84,251	52,880	132,397	422,284	10%	
FY 2009-10	129,707	92,460	55,012	103,176	380,354	10%	
FY 2010-11	135,563	73,212	52,476	105,132	366,383	10%	
FY 2011-12	136,085	85,764	58,451	111,247	391,546	10%	
FY 2012-13	144,530	68,374	55,362	110,852	379,119	10%	
FY 2013-14	145,701	79,358	66,924	108,741	400,723	10%	
FY 2014-15	145,712	85,678	77,819	132,615	441,824	10%	
FY 2015-16	153,599	94,103	82,021	125,377	455,099	10%	
FY 2016-17	182,157	105,455	74,428	145,941	507,981	10%	

For actual dollars deflate revenues for INFLATION



Reviewed by:    Interim City Administrator  
   City Attorney

- Motion only
- Public Hearing
- Resolution
- Ordinance
- Information

**Submitted By:** Deborah Savage, Finance Manager

**Action Date:** January 17, 2018

**CITY COUNCIL AGENDA ITEM**

**SUBJECT:** Monthly Golf Course Update

**PRESENTED BY:** Deborah Savage, Finance Manager

**SUMMARY:** Attached for Council's review is the golf course report of revenues, expenses and cash for fiscal year ending 2017.

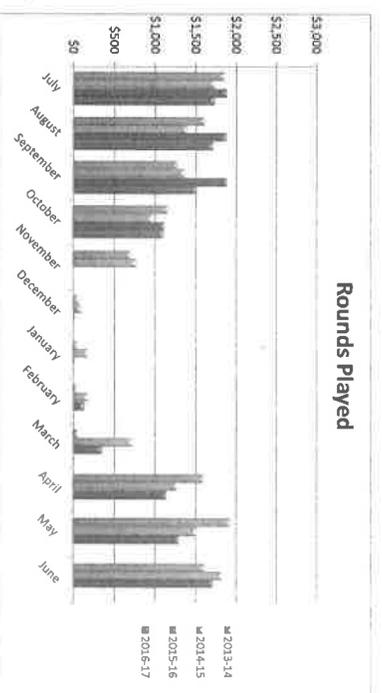
**FISCAL IMPACT:** None

**ACTION REQUESTED:** Information only.

**ATTACHMENTS:** Monthly golf course report

Rounds Played

	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
July	\$2,484	\$2,744	\$2,432	\$2,076	\$2,157	\$1,862	\$1,738	1,888	1,740
August	\$2,322	\$2,435	\$2,400	\$1,740	\$1,636	\$1,609	\$1,398	1,880	1,715
September	\$1,817	\$1,866	\$1,792	\$1,357	\$1,516	\$1,277	\$1,363	1,886	1,516
October	\$1,601	\$1,401	\$1,215	\$1,098	\$1,267	\$1,163	\$965	1,117	1,106
November	\$1,103	\$895	\$741	\$557	\$473	\$697	\$777	0	
December	\$368	\$61	\$0	\$0	\$22	\$66	\$106	15	
January	\$0	\$0	\$0	\$0	\$45	\$48	\$183	20	
February	\$0	\$0	\$0	\$0	\$41	\$41	\$182	134	
March	\$0	\$0	\$0	\$564	\$483	\$56	\$717	349	
April	\$1,840	\$1,270	\$1,122	\$1,672	\$1,412	\$1,599	\$1,275	1,138	
May	\$2,244	\$1,953	\$1,378	\$1,719	\$1,654	\$1,923	\$1,514	1,295	
June	\$2,511	\$2,446	\$1,564	\$1,859	\$1,545	\$1,613	\$1,831	1,714	
	\$16,290	\$15,071	\$12,644	\$12,642	\$12,251	\$11,954	\$12,049	11,436	6,077

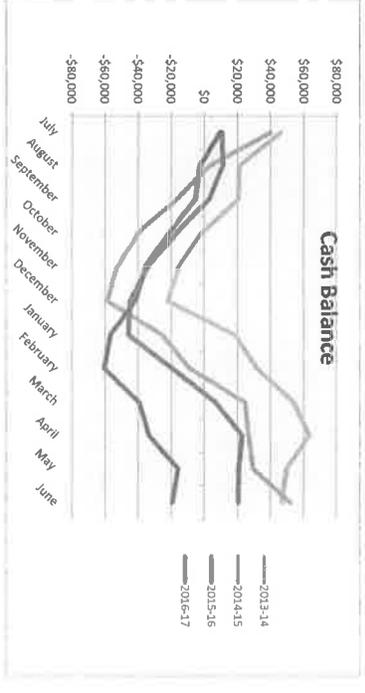


Writer Play does not include rounds played for annual members.

\* Golf Course Manager unable to verify rounds played due to computer software malfunction.

Cash balance (\$)

	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
July	\$4,754	-\$8,769	-\$63,595	-\$164,703	-\$185,431	\$46,316	\$40,244	10,656	9,468
August	\$3,746	-\$35,641	-\$65,521	-\$155,126	-\$193,199	\$21,223	\$3,187	11,290	(2,596)
September	\$2,707	-\$36,478	-\$67,531	-\$183,151	-\$200,453	\$20,658	-\$16,159	2,908	(5,031)
October	\$1,482	-\$37,982	-\$86,305	-\$211,381	-\$210,085	-\$1,610	-\$39,909	(16,416)	(20,889)
November	\$400	-\$39,213	-\$170,911	-\$235,502	-\$219,836	-\$15,142	-\$52,457	(33,946)	(35,325)
December	-\$556	-\$40,450	-\$182,084	-\$251,904	-\$231,686	-\$22,109	-\$58,501	(45,052)	(41,821)
January	-\$1,558	-\$41,603	-\$189,022	-\$260,560	-\$242,035	-\$18,530	-\$25,397	(45,959)	(56,650)
February	-\$2,545	-\$43,794	-\$194,031	-\$265,072	-\$3,943	\$31,973	-\$8,634	(19,234)	(60,401)
March	-\$3,546	-\$45,957	-\$207,205	-\$197,719	\$48,766	\$54,233	\$24,611	6,820	(39,487)
April	-\$4,558	-\$49,075	-\$139,990	-\$188,001	\$74,261	\$63,514	\$26,858	22,910	(33,331)
May	-\$5,844	-\$53,577	-\$163,433	-\$185,079	\$59,882	\$49,830	\$29,518	20,845	(15,976)
June	-\$6,265	-\$61,696	-\$174,529	-\$184,109	\$46,510	\$47,143	\$52,336	20,526	(19,382)

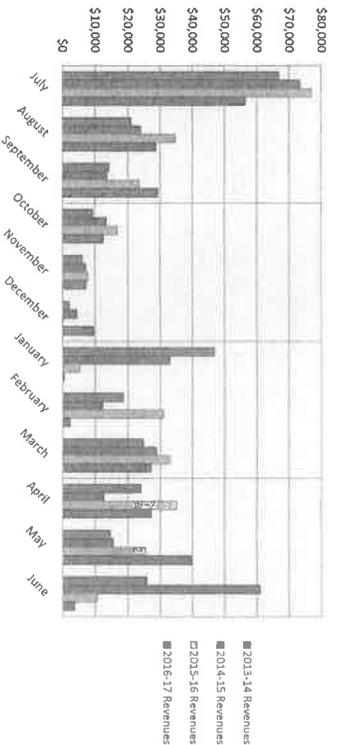


(1) - General Fund transferred \$244,866 to remove negative cash

GOLF COURSE  
Revenue (\$)

	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
July	Revenues \$2,284	Revenues \$55,333	Revenues \$78,704	Revenues \$66,861	Revenues \$73,478	Revenues \$76,998	Revenues \$66,462
August	\$2,286	\$40,342	\$28,151	\$20,948	\$23,906	\$34,678	\$28,757
September	\$2,286	\$22,355	\$16,907	\$14,243	\$13,563	\$23,559	\$29,301
October	\$13,147	\$14,270	\$18,531	\$9,291	\$13,443	\$16,780	\$12,538
November	\$10,151	\$11,739	\$9,340	\$6,097	\$7,190	\$7,772	\$7,274
December	\$445	\$1,315	\$2,541	\$2,031	\$4,372	\$5	\$9,569
January	\$175	\$0	\$627	\$46,874	\$32,962	\$5,290	\$387
February	\$1,504	\$771	\$8,479	\$18,544	\$30,997	\$30,997	\$2,207
March	\$7,256	\$71,957	\$52,973	\$24,741	\$28,803	\$32,949	\$27,148
April	\$89,414	\$27,191	\$34,671	\$24,241	\$12,655	\$35,048	\$27,502
May	\$38,039	\$30,147	\$17,400	\$14,632	\$15,488	\$25,647	\$39,797
June	\$21,516	\$45,843	\$25,172	\$25,829	\$60,973	\$10,525	\$3,607
	\$188,503	\$321,262	\$293,494	\$274,322	\$299,048	\$300,247	\$244,548

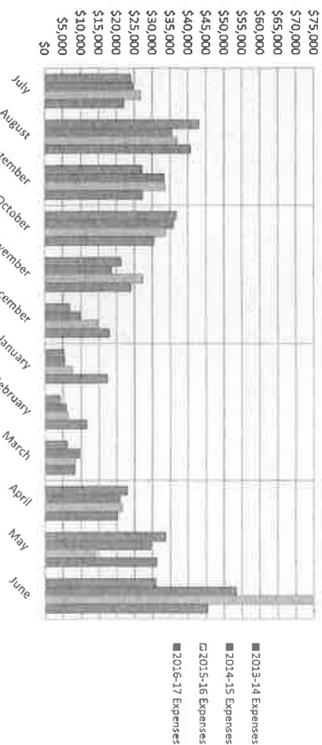
Golfing Revenues



Expenses (\$)

	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
July	Expenses \$8,495	Expenses \$33,627	Expenses \$36,737	Expenses \$24,054	Expenses \$24,593	Expenses \$26,790	Expenses \$22,204
August	\$3,970	\$71,919	\$58,916	\$42,984	\$35,518	\$36,961	\$40,668
September	\$11,204	\$51,818	\$31,511	\$27,049	\$33,330	\$33,660	\$27,251
October	\$47,590	\$47,451	\$35,092	\$36,693	\$35,939	\$33,758	\$30,455
November	\$34,276	\$54,972	\$29,001	\$21,353	\$18,556	\$27,341	\$24,076
December	\$19,451	\$22,233	\$17,629	\$6,914	\$9,723	\$14,683	\$17,947
January	-\$3,769	\$14,766	\$15,224	\$5,311	\$5,484	\$7,588	\$17,425
February	\$5,222	\$15,038	\$25,556	\$4,144	\$5,861	\$6,376	\$11,556
March	\$24,881	\$25,361	\$12,940	\$6,208	\$9,580	\$8,322	\$8,249
April	\$29,967	\$35,536	\$22,179	\$22,989	\$20,917	\$21,600	\$20,289
May	\$31,809	\$39,833	\$46,152	\$33,666	\$29,452	\$14,145	\$31,225
June	\$87,589	\$33,799	\$60,118	\$30,895	\$53,327	\$79,409	\$45,280
	\$310,685	\$442,570	\$391,057	\$262,280	\$282,280	\$310,633	\$296,626
Net Profit(loss)	-\$122,182	-\$121,308	-\$97,563	\$12,042	\$16,768	-\$10,386	-\$52,077

Golfing Expenses



\* Expense higher due to pump maintenance.  
 (1) Revenue numbers changed for annual amounts due in this fiscal year  
 (2) Revenue numbers lower for accing annual revenues into correct period (\$30,828)  
 (3) Revenue higher for transfer in of \$18,000 from General Fund

GOLF COURSE RESTAURANT

	2012-13			2013-14			2014-15		
	Revenues	Expenses	Net Profit(Loss)	Revenues	Expenses	Net Profit(Loss)	Revenues	Expenses	Net Profit(Loss)
July				\$8,783	\$9,078	(295)	\$ 9,328	\$ 10,493	(1,165)
August				\$5,594	\$13,999	(8,406)	\$ 10,671	\$ 19,642	(8,971)
September				\$7,767	\$5,924	1,843	\$ 10,204	\$ 18,853	(8,649)
October				\$4,097	\$7,101	(3,005)	\$ 8,645	\$ 11,004	(2,359)
November				\$2,411	\$3,261	(851)	\$ 3,512	\$ 5,218	(1,706)
December									
January									
February									
March		\$9,478	-\$9,478	\$600	(600)				
April	\$5,200	\$7,298	-\$2,098	\$8,264	(3,082)	\$ 3,757	\$ 4,730	(972)	
May	\$7,047	\$5,928	\$1,118	\$13,272	(4,819)	\$ 10,754	\$ 13,156	\$(2,402)	
June	\$8,632	\$16,138	-\$7,506	\$26,694	(8,987)	\$ 16,253	\$ 20,809	(4,555)	
	<u>\$20,878</u>	<u>\$38,842</u>	<u>-\$17,964</u>	<u>\$59,994</u>	<u>\$88,194</u>	<u>(28,200)</u>	<u>\$ 73,125</u>	<u>\$ 103,904</u>	<u>(30,779)</u>

	2015-16		
	Revenues	Expenses	Net Profit(Loss)
July	\$10,644	\$10,935	-\$291
August	\$16,198	\$17,875	-\$1,677
September	\$7,628	\$11,322	-\$3,694
October	\$126	\$3,268	-\$3,142
November	\$0	\$241	-\$241
December			
January			
February			
March			
April			
May			
June			
	<u>\$34,595</u>	<u>\$43,641</u>	<u>-\$9,046</u>

CLOSED

Reviewed by:  Interim City Administrator  
 City Attorney

- Motion only
- Public Hearing
- Resolution
- Ordinance
- Information

**Submitted By:** Deborah Savage, Finance Manager

**Action Date:** January 17, 2018

**CITY COUNCIL AGENDA ITEM**

**SUBJECT:** Auditing Services for Fiscal Year Ending 2018

**PRESENTED BY:** Deborah Savage, Finance Manager

**SUMMARY:** In April 2016, staff presented the City Council with the results of the Request for Proposal (RFP) for auditing services and requested direction on their choice of auditing firms. The City Council chose the auditing firm of Badawi & Associates. The signed agreement was for one year with an option to renew for an additional two years. The City has one remaining year on the contract and pricing for the final year remains the same \$28,840. The single audit is included in the pricing proposals and will only be necessary if the City reaches the \$750,000 annual threshold for federal spending. Staff is requesting direction from the City Council to bring back letters of engagement with Badawi and Associates for the final year of the contract or to release a new RFP for auditing services.

**FISCAL IMPACT:** None at this time

**ACTION REQUESTED:** Direction to staff

**ATTACHMENTS:** Agreement for auditing services with Badawi & Associates, CPA's

**AGREEMENT FOR AUDITING SERVICES  
BETWEEN THE CITY OF SUSANVILLE AND  
BADAWI & ASSOCIATES**

**THIS CONSULTANT SERVICES AGREEMENT** is made and effective as of April 20, 2016 between the City of Susanville, a municipal corporation ("City") and Badawi & Associates, Certified Public Accountants. ("Consultant"). In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

1. **TERM**

This Agreement shall commence on April 20, 2016, and shall remain in effect for one year with a renewal option for two additional years, unless sooner terminated pursuant to the provisions of this Agreement.

2. **SERVICES**

Consultant shall perform the tasks described and set forth in the Request for Proposal, attached hereto and incorporated herein as though set forth in full as part of its services. Consultant may be asked to provide additional services if necessary during the term of this Agreement.

3. **PERFORMANCE**

Consultant shall at all times faithfully, competently and to the best of his/her ability, experience, and talent, perform all tasks described herein. Consultant shall employ, at a minimum, generally accepted standards and practices utilized by persons engaged in providing similar services as are required of Consultant hereunder in meeting its obligations under this Agreement.

4. **PAYMENT**

(a) The City agrees to pay Consultant in accordance with the payment rates and terms and the schedule of payment as set forth in Appendix B in the Request for Proposal, attached hereto and incorporated herein by this reference as though set forth in full, based upon actual time spent on the tasks outlined in the RFP, attached hereto and incorporated herein by this reference. This amount shall not exceed dollars \$28,000 (FY 2015-16), \$28,840 (FY 2016-17) and \$28,840 (FY 2017-18) for the services of this Agreement unless additional payment is approved as provided in this Agreement.

(b) Consultant shall not be compensated for any services rendered in connection with its performance of this Agreement which are in addition to those set forth herein, unless such additional services are authorized in advance and in writing by the City Administrator. Consultant shall be compensated for any additional services in the amounts and in the manner as agreed to by the City Administrator and at the time the City's written authorization is given to Consultant for the performance of said services.

(c) Consultant will submit invoices for actual services performed. Payment shall be made no sooner than thirty (30) days of receipt of each invoice as to all non-disputed fees. If the City disputes any of Consultant's fees it shall give written notice to Consultant within thirty (30) days of receipt of an invoice of any disputed fees set forth on the invoice.

5. **KEY PERSONNEL CLAUSE** Consultant will provide the City with a list of the key personnel to be assigned to perform the audit. Key personnel will include the Engagement Partner, Audit Manager and Senior Auditor. Consultant agrees that any changes in key personnel must be approved by the City in writing prior to any changes. Any change in key personnel will allow the City to renegotiate the current contract.

6. **SUSPENSION OR TERMINATION OF AGREEMENT WITHOUT CAUSE**

(a) The City may at any time, for any reason, with or without cause, suspend or terminate this Agreement, or any portion hereof, by serving upon the consultant at least ten (10) days prior written notice. Upon receipt of said notice, the Consultant shall immediately cease all work under this Agreement, unless the notice provides otherwise. If the City suspends or terminates a portion of this Agreement such suspension or termination shall not make void or invalidate the remainder of this Agreement.

(b) In the event this Agreement is terminated pursuant to this Section, the City shall pay to Consultant the actual value of the work performed up to the time of termination, provided that the work performed is of value to the City. Upon termination of the Agreement pursuant to this Section, the Consultant will submit an invoice to the City.

7. **DEFAULT OF CONSULTANT**

(a) The Consultant's failure to comply with the provisions of this Agreement shall constitute a default. In the event that Consultant is in default for cause under the terms of this Agreement, City shall have no obligation or duty to continue compensating Consultant for any work performed after the date of default and can terminate this Agreement immediately by written notice to the Consultant. If such failure by the Consultant to make progress in the performance of work hereunder arises out of causes beyond the Consultant's control, and without fault or negligence of the Consultant, it shall not be considered a default.

(b) If the City Administrator determines that the Consultant is in default in the performance of any of the terms or conditions of this Agreement, he/she shall cause to be served upon the Consultant a written notice of the default. The Consultant shall have ten (10) days after service upon it of said notice in which to cure the default by rendering a satisfactory performance. In the event that the Consultant fails to cure its default within such period of time, the City shall have the right, notwithstanding any other provision of this Agreement, to terminate this Agreement without further notice and without prejudice to any other remedy to which it may be entitled at law, in equity or under this Agreement.

8. **OWNERSHIP OF DOCUMENTS**

(a) Consultant shall maintain complete and accurate records with respect to sales, costs, expenses, receipts, and other such information required by City that relate to the performance of services under this Agreement. Consultant shall maintain adequate records of services provided in sufficient detail to permit an evaluation of services. All such records shall be maintained in accordance with generally accepted accounting principles and shall be clearly identified and readily accessible. Consultant shall provide free access to the representatives of City or its designees at reasonable times to such books and records; shall give City the right to examine and audit said books and records; shall permit City to make transcripts there from as necessary; and shall allow inspection of all work, data, documents, proceedings, and activities related to this Agreement. Such records, together with supporting documents, shall be maintained for a period of three (3) years after receipt of final payment.

(b) Upon completion of, or in the event of termination or suspension of this Agreement, all original documents, designs, drawings, maps, models, computer files, surveys, notes, and other documents prepared in the course of providing the services to be performed pursuant to this Agreement shall become the sole property of the City and may be used, reused, or otherwise disposed of by the City without the permission of the Consultant.

9. **INDEMNIFICATION**

When the law establishes a professional standard of care for Consultant's Services, to the fullest extent permitted by law, Consultant shall indemnify, protect, defend and hold harmless City and any and all of its officials, employees and agents ("Indemnified Parties") from and against any and all losses, liabilities, damages, costs and expenses, including attorney's fees and costs to the extent same are caused in whole or in part by any negligent or wrongful act, error or omission of Consultant, its officers, agents, employees or subconsultants (or any entity or individual that Consultant shall bear the legal liability thereof) in the performance of professional services under this Agreement.

10. **INSURANCE**

A) Consultant shall maintain in-force: Public Liability and Professional Liability Insurance. During the term of this Agreement, Consultant shall maintain in full force and effect a policy of public liability insurance with minimum coverage of \$1,000,000 in accordance with the requirements provided by CITY to Consultant. Consultant shall also maintain in-force; Professional Liability Insurance (and/or Errors & Omissions Insurance) with minimum limits of liability of \$1,000,000 combined single limit coverage against an injury, death, loss or damages because of wrongful or negligent acts or omissions by the named insured.

B) Contractor shall maintain in-force Workers' Compensation and Employer's Liability Insurance as required by the California Labor Code. Evidence of coverage shall take the form of a Certificate of Insurance or a California Certificate to Self-Insure. Acceptable minimum limits for this

coverage are: Workers' Compensation; Statutory in California; Employer's Liability: \$1,000,000.

- C) Certificates of Insurance. Contractor shall furnish to Customer evidence of any insurance required by this Agreement. A Certificate of Insurance from an insurer admitted to do business in the State of California will be provided, indicating that the respective policy(s) meets the following requirements: (1) The City, its officers, employees, and agents shall be named as additional insured on the General Liability Insurance; (2) Insurance shall not be canceled or terminated without 30 days written notice to City; (3) General Liability shall be primary and any insurance held by City for its own protection shall be excess and shall be effective only upon exhaustion of Contractor's insurance; (4) Insurance shall be maintained for the duration of the Agreement, including any period extended beyond the expiration date of this Agreement required to complete performance as stipulated in this Agreement and all amendments thereto.

#### 11. INDEPENDENT CONSULTANT

(a) Consultant is and shall at all times remain as to the City a wholly independent Consultant. The personnel performing the services under this Agreement on behalf of Consultant shall at all times be under Consultant's exclusive direction and control. Neither City nor any of its officers, employees, or agents shall have control over the conduct of Consultant or any of Consultant's officers, employees, or agents, except as set forth in this Agreement. Consultant shall not at any time or in any manner represent that it or any of its officers, employees, or agents are in any manner officers, employees, or agents of the City. Consultant shall not incur or have the power to incur any debt, obligation, or liability whatever against City, or bind City in any manner.

(b) No employee benefits shall be available to Consultant in connection with the performance of this Agreement. Except for the fees paid to Consultant as provided in the Agreement, City shall not pay salaries, wages, or other compensation to Consultant for performing services hereunder for City. City shall not be liable for compensation or indemnification to Consultant for injury or sickness arising out of performing services hereunder.

#### 12. LEGAL RESPONSIBILITIES

The Consultant shall keep itself informed of State and Federal laws and regulations which in any manner affect those employed by it or in any way affect the performance of its service pursuant to this Agreement. The Consultant shall at all times observe and comply with all such laws and regulations. The City, and its officers and employees, shall not be liable at law or in equity occasioned by failure of the Consultant to comply with this Section.

13. **UNDUE INFLUENCE**

Consultant declares and warrants that no undue influence or pressure is used against or in concert with any officer or employee of the City of Susanville in connection with the award, terms or implementation of this Agreement, including any method of coercion, confidential financial arrangement, or financial incentive. No officer or employee of the City of Susanville will receive compensation, directly or indirectly, from Consultant, or from any officer, employee or agent of Consultant, in connection with the award of this Agreement or any work to be conducted as a result of this Agreement. Violation of this Section shall be a material breach of this Agreement entitling the City to any and all remedies at law or in equity.

14. **NO BENEFIT TO ARISE TO LOCAL EMPLOYEES**

No member, officer, or employee of City, or their designees or agents, and no public official who exercises authority over or responsibilities with respect to the Project during his/her tenure or for one year thereafter, shall have any interest, direct or indirect, in any agreement or sub-agreement, or the proceeds thereof, for work to be performed in connection with the Project performed under this Agreement.

15. **RELEASE OF INFORMATION/CONFLICTS OF INTEREST**

(a) All information gained by Consultant in performance of this Agreement shall be considered confidential and shall not be released by Consultant without City's prior written authorization. Consultant, its officers, employees, agents, or subconsultants, shall not without written authorization from the City Administrator or unless requested by the City Attorney, voluntarily provide declarations, letters of support, testimony at depositions, response to interrogatories, or other information concerning the work performed under this Agreement or relating to any project or property located within the City. Response to a subpoena or court order shall not be considered "voluntary" provided Consultant gives City notice of such court order or subpoena.

(b) Consultant shall promptly notify City should Consultant, its officers, employees, agents, or subconsultants be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions, or other discovery request, court order, or subpoena from any person or party regarding this Agreement and the work performed there under or with respect to any project or property located within the City. City retains the right, but has no obligation, to represent Consultant and/or be present at any deposition, hearing, or similar proceeding. Consultant agrees to cooperate fully with City and to provide the opportunity to review any response to discovery requests provided by Consultant. However, City's right to review any such response does not imply or mean the right by City to control, direct, or rewrite said response.

16. **ASSIGNMENT**

The Consultant shall not assign the performance of this Agreement, nor any part thereof, nor any monies due hereunder, without prior written consent of the City because of the personal nature of the services to be rendered pursuant to this Agreement.

17. **LICENSES**

At all times during the term of this Agreement, Consultant shall have in full force and effect, all licenses required of it by law for the performance of the services described in this Agreement including a city business license as required by City of Susanville Municipal Code.

18. **GOVERNING LAW**

The City and Consultant understand and agree that the laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement and also govern the interpretation of this Agreement. Any litigation concerning this Agreement shall take place in the municipal, superior, or federal district court with jurisdiction over the City of Susanville.

19. **ENTIRE AGREEMENT**

This Agreement contains the entire understanding between the parties relating to the obligations of the parties described in this Agreement. All prior or contemporaneous agreements, understandings, representations, and statements, oral or written, are merged into this Agreement and shall be of no further force or effect. Each party is entering into this Agreement based solely upon the representations set forth herein and upon each party's own independent investigation of any and all facts such party deems material.

20. **AUTHORITY TO EXECUTE THIS AGREEMENT**

The person or persons executing this Agreement on behalf of Consultant warrants and represents that he/she has the authority to execute this Agreement on behalf of the Consultant and has the authority to bind Consultant to the performance of its obligations hereunder.

**IN WITNESS WHEREOF**, the parties hereto have caused this Agreement to be executed the day and year first above written.

**CITY OF SUSANVILLE:**

**CONSULTANT**



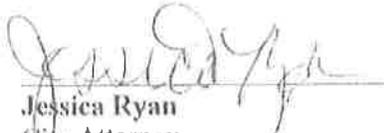
**Brian Wilson**  
Mayor  
City of Susanville

By: 

**Ahmed Badawi**  
Partner  
Badawi & Associates  
Certified Public Accountants

**APPROVED AS TO FORM:**

**ATTEST:**



**Jessica Ryan**  
City Attorney  
City of Susanville



**Gwenna MacDonald**  
City Clerk  
City of Susanville

Reviewed by:    Interim City Administrator  
   City Attorney

   Motion only  
   Public Hearing  
  X   Resolution  
   Ordinance  
   Information

**Submitted by:** Quincy McCourt, Project Manager

**Action Date:** January 17, 2018

**CITY COUNCIL AGENDA ITEM**

**SUBJECT:** **Resolution No. 18-5467** approving the scope of work for improvements to Memorial Ball Park.

**PRESENTED BY:** Quincy McCourt, Project Manager

**SUMMARY:** Lassen College has requested repair and improvements at the Memorial Ball Park. The items requested include:

- 1) Repair of flood damaged berm along Paiute Creek
- 2) Tree trimming near score board (completed)
- 3) New storage structures near ball field
- 4) New fencing for ball field bullpen area
- 5) Infield grading

Currently, the Memorial Park fund, which is partially funded through a cell tower lease agreement, has adequate cash available (51,000) to complete the work. The work is estimated at \$31,000. Some of the work items, about \$13,500, are expected to be reimbursable through FEMA.

The requested work is much in part due to the flooding last winter and partially years of wind and natural events and ball playing use, as well as the additional water contribution from the breach of the adjacent berm; parts of the infield and outfield have eroded. City Staff has met with the Athletic Director and Baseball Coach for the college, and reviewed the items of concern. Staff has prepared a scope of work as well as a cost estimate.

Staff is requesting approval to proceed with the attached scope of work and to increase the budget in not to exceed \$31,000, from the Memorial Park fund. Upon approval, construction will take place immediately weather pending.

**FISCAL IMPACT:** Expenditure of cash from Memorial Park fund.

**ACTION REQUESTED:** Motion to approve Resolution No. 18-5467 approving budget increase in Memorial Park Fund to complete repairs and improvements as identified in attached scope of work. .

**ATTACHMENTS:** Resolution No. 18-5467  
 Letter from Lassen Community College  
 Memorial Ball Park Scope and Cost Estimate

**RESOLUTION NO. 18-5467**  
**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUSANVILLE**  
**APPROVING \$31,000 BUDGET INCREASE TO COMPLETE VARIOUS PROJECTS**  
**AT MEMORIAL PARK AS PROVIDED IN THE ATTACHED SCOPE OF WORK.**

**WHEREAS,** Several projects to repair damage and make improvements to the Memorial Park Baseball Field have been identified by Lassen College and City of Susanville; and

**WHEREAS,** Resolution No. 08-4428 sets aside revenue from the cell tower lease at Memorial Park to make improvements to the baseball field; and

**WHEREAS,** Revenue and interest in the amount of approximately \$51,000 has accumulated in the City's Memorial Park Fund; however, the expenditures from the fund have not been budgeted; and

**WHEREAS,** Staff has prepared a scope of work and a cost estimate in the amount of \$31,000 to complete the repairs and improvements identified in the attached scope of work; and

**WHEREAS,** Completion of some of the work items may be possible with City's forces; however, some may require agreements with various contractors, vendors, and material suppliers; and

**WHEREAS,** The City is desirous of completing the various work items as cost effectively and expeditiously as possible.

**NOW THEREFORE, BE IT RESOLVED** that the City Council of the City of Susanville approves a budget increase in the amount of \$31,000 from the Memorial Park Fund and authorizes the Interim City Administrator to execute all related contracts to complete the scope of work.

APPROVED: \_\_\_\_\_  
Kathie Garnier, Mayor

ATTEST: \_\_\_\_\_  
Gwenna MacDonald, City Clerk

The foregoing Resolution No. 18-5467 was adopted at a regular meeting of the City Council of the City of Susanville, held on the 17th day of January, 2018 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAINING:

\_\_\_\_\_  
Gwenna MacDonald, City Clerk

APPROVED AS TO FORM: \_\_\_\_\_  
Jessica Ryan, City Attorney

## Memorial Ball Park

Scope of work: - Total Cost Estimate - Not to exceed \$31,000.

### I. Infield Dirt

- A. Bring in DG fill, grade and compact to make for a smooth transition between sod edges.
  - 1. Stockpile three transfer loads of DG (approximately 57 cubic yards) behind the right field dugout.
  - 2. Line edges and paths of travel with plywood so as to avoid tire ruts in the field.
  - 3. Grade and compact DG in infield.
- B. Estimated Cost
  - 1. DG Material - \$1,000.00
  - 2. Rental Skidsteer - \$1,150.19
  - 3. Roller Compactor from Public Works - \$250.00
  - 4. 4 Days - Parks Superintendent - \$2,000.00
  - 5. Total - \$4,400.19

### II. Storage Containers

- A. Estimated Cost
  - 1. \$3,056.63 per used 20' container. X 3
  - 2. \$800.00 to paint each container.
  - 3. Total - \$12,000.00

### III. Lights – Complete

### IV. Dead Trees by Scoreboard - Complete

- A. Cut down four dead trees near scoreboard.
  - 1. Limb and chip and remove branches.
  - 2. Volunteer to remove trees.
  - 3. Trunks to remain.
- B. Cost - \$1,000.00
- C. Subcontractor
  - 1. Dan's Tree Service
- D. Complete - Due to immediate safety concerns, the trees were removed.

### V. Berm repair

- A. Efforts from the Alliance Work Force supervised by the City's Parks Superintendent and Public Works.
- B. The Alliance Work Force crew is preparing the levee for assessment and earthwork.
  - 1. Clear slope vegetation for first 50' and prune any willows less than 3" in diameter and or looms over walking path over 10' high.
  - 2. Lighter clearing the following 100' beyond.
  - 3. Collect willow twigs for replanting at end of project to provide shade for the water.
  - 4. Water is not to be disturbed.
- C. Public Works team to rebuild weakened section and bring grade up at part of levee where elevation is lower than majority of the levee. Plan to be assessed and designed by City Engineer Daniel Gibbs when vegetation is cleared.
- D. Cost - \$7,000.00

### VI. Bullpen Fence

- A. Refer to Drawings
  - 1. 96' of 6' chain-link fence running West to East.
  - 2. 24' of 44" chain-link fence running North to South.
    - a) Section to tie in 6' fence to existing field fence nearly 44" at field's edge.

- b) To be an angled transition.
- B. Cost - \$4,800.00
- C. Red Cinder on the outfield.
  - 1. One transfer load - \$1,006.50
  - 2. City of Susanville Parks Department to spread material. - \$375.00

Reviewed by: Dan Interim City Administrator  
           City Attorney

- Motion only
- Public Hearing
- Resolution
- Ordinance
- Information

**Submitted by:** Quincy McCourt, Project Manager

**Action Date:** January 17, 2018

**CITY COUNCIL AGENDA ITEM**

**SUBJECT:** **Resolution No. 18-5468** requesting approval of the Susanville Municipal Airport Commission ACIP recommendations.

**PRESENTED BY:** Dan Newton, Interim City Administrator

**SUMMARY:** Each year the Susanville Airport is entitled to \$150,000 in funding with a requirement for 10 percent in matching funds. The City budgets \$15,000 annually to provide the local match to fund airport improvements. Every year the Federal Aviation Administration (FAA) requires the submittal of a project priorities list in a form called the Airport Capital Improvement Plan (ACIP). The Susanville Municipal Airport Commission considered the 2018-2023 ACIP at its January 11, 2018 meeting and is recommending that the City Council approve the updated ACIP.

**FISCAL IMPACT:** None.

**ACTION REQUESTED:** Motion to approve Resolution No. 18-5468 approving the 2018-2023 Airport Capital Improvement Plan

**ATTACHMENTS:** Resolution No. 18-5468  
2018-2023 ACIP

**RESOLUTION NO. 18-5468**  
**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUSANVILLE**  
**APPROVING THE ATTACHED AIRPORT CAPITAL IMPROVEMENT PLAN FOR**  
**2018 - 2023**

**WHEREAS,** each year the Susanville Airport is entitled to \$150,000 if met with a 10 percent contribution; and

**WHEREAS,** \$15,000 is budgeted yearly to account for the local match in order to contribute to airport improvements; and

**WHEREAS,** every year the updated project priorities are required to be submitted to the FAA in a form called the Airport Capital Improvement Plan (ACIP); and

**WHEREAS,** The City of Susanville approves the attached ACIP 2018-2023; and

**WHEREAS,** The City of Susanville wishes to Authorize the Interim City Administrator/City Administrator and designee to sign any and all related contractual documents and or amendments.

**NOW THEREFORE, BE IT RESOLVED** that the City Council of the City of Susanville approves the attached ACIP 2018-2023 and authorizes the City/Interim Administrator or designee to execute all related contracts.

APPROVED: \_\_\_\_\_  
Kathie Garnier, Mayor

ATTEST: \_\_\_\_\_  
Gwenna MacDonald, City Clerk

The foregoing Resolution No. 18-5468 was adopted at a regular meeting of the City Council of the City of Susanville, held on the 17th day of January, 2018 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAINING:

\_\_\_\_\_  
Gwenna MacDonald, City Clerk

APPROVED AS TO FORM: \_\_\_\_\_  
Jessica Ryan, City Attorney



**SUSANVILLE MUNICIPAL AIRPORT**

**AIRPORT CAPITAL IMPROVEMENT PROGRAM**

**FY 2018 - 2023**

DATE: 12/6/2017

LOCID SVE

State: California

NPIAS# 06-0251

Project Description & Year	Federal Funds	State Funds	PFC	Local	Total	Environmental	NPIAS Rating	Start Date	Comp. Date	FED/ STATE
2018										
1 - Carryover	\$ -	\$ -		\$ -						
2019										
1 - Carryover	\$ -	\$ -		\$ -						
2020										
1 - Construct Apron Reconstruction, Phase II	\$ 855,000	\$ 42,750		\$ 52,250	\$ 950,000		60	May 2020	March 2021	
2021										
1 - Carryover	\$ -	\$ -		\$ -						
2022										
1 - Carryover	\$ -	\$ -		\$ -						
2023										
1 - Taxi-way	\$ 765,000	\$ 38,250		\$ 46,750	\$ 850,000		40	May 2023	August 2024	
<b>TOTALS</b>	<b>\$ 1,620,000</b>	<b>\$ 81,000</b>		<b>\$ 99,000</b>	<b>\$ 1,800,000</b>					



## SUSANVILLE MUNICIPAL AIRPORT

### FUTURE PROJECTS

Airport: Susanville Municipal Airport

State: California

NPIAS# 06-0251

DATE: 12/6/2017  
 LOCID SVE

Project Description & Year	Federal Funds	State Funds	PFC	Local	Total	Environmental	NPIAS Rating	Start Date	Comp. Date	FED/ STATE
	ESTIMATED*	ESTIMATED*		EST*						
ALP Narrative with AGIS survey	\$ 202,500	\$ 10,125		\$ 12,375	\$ 225,000	N/A	66	TBD	TBD	
Land Acquisition and Fencing Relocation Near Runway 29 run-up	\$ 81,000	\$ 4,050		\$ 4,950	\$ 90,000	CATEX	40	TBD	TBD	
Design Airfield Perimeter Fencing Improvements	\$ 112,500	\$ 5,625		\$ 6,875	\$ 125,000	CATEX	83	TBD	TBD	
Construct Airfield Perimeter Fencing Improvements	\$ 495,000	\$ 24,750		\$ 30,250	\$ 550,000	CATEX	83	TBD	TBD	
Design Runway Pavement Preservation	\$ 63,000	\$ 3,150		\$ 3,850	\$ 70,000	CATEX	70	TBD	TBD	
<b>TOTALS</b>	<b>\$ 954,000</b>	<b>\$ 47,700</b>		<b>\$ 58,300</b>	<b>\$ 1,050,000</b>					



**SUSANVILLE MUNICIPAL AIRPORT  
AIRPORT CAPITAL IMPROVEMENT PROGRAM  
FY 2018 - 2022**

Airport: Susanville Municipal Airport      State: California      NPIAS# 06-0251      LOCID SVE

DATE: 11/7/16

Project Description & Year	Federal Funds	State Funds	Local	Total	Environmental	NPIAS Rating	Start Date	Comp. Date
2018								
1 - Construct Apron Reconstruction, Phase II	\$ 855,000	\$ 42,750	\$ 52,250	\$ 950,000	Re-certify 2016	60	May 2018	March 2019
2019								
1 - ALP Narrative with AGIS survey	\$ 202,500	\$ 10,125	\$ 12,375	\$ 225,000	N/A	66	May 2019	June 2020
2 - Land Acquisition and Fencing Relocation near Runway 29 run-up	\$ 81,000	\$ 4,050	\$ 4,950	\$ 90,000	CATEX 2018	40	May 2019	August 2020
2020								
1 - Design Airfield Perimeter Fencing Improvements	\$ 112,500	\$ 5,625	\$ 6,875	\$ 125,000	CATEX 2019	83	May 2020	July 2021
2021								
1 - Construct Taxiway Reconstruction	\$ 1,350,000	\$ 67,500	\$ 82,500	\$ 1,500,000	CATEX 2019	66	May 2021	March 2022
2022								
1 - Construct Airfield Perimeter Fencing Improvements	\$ 495,000	\$ 24,750	\$ 30,250	\$ 550,000	CATEX 2019	83	May 2022	March 2023
2 - Design Runway Pavement Preservation	\$ 63,000	\$ 3,150	\$ 3,850	\$ 70,000	CATEX 2021	70	May 2022	July 2023
TOTALS	\$ 3,159,000	\$ 157,950	\$ 193,050	\$ 3,510,000				

From: Jasmine.Evains@faa.gov

Subject: Follow Up to Meeting

Date: November 22, 2017 at 1:30 PM

To: qmccourt@cityofsusanville.org

Cc: Barry.Franklin@faa.gov, Douglas.Pomeroy@faa.gov

Quincy,

It was nice to meet you today and we look forward to working with you.

As we discussed in our meeting I have attached the AIP handbook for your

use.

Per my information from our Regional office Susanville should have a total of **\$360,607** of Entitlements available to use for any FY2018 grants. Here is the break down by fiscal year:

Fiscal Year	Amount	Comments
FY2015	\$1,649	This amount is expiring. If the Airport decides to not have any grants in FY2018 we would ask you to consider transferring this amount to another Sponsor so that the funds are not Lost from our Region.
FY2016	\$58,958	
FY2017	\$150,000	
FY2018	\$150,000	

Also, here is the contact information for the FAA staff assigned to your

airport:

Planner	Jasmine	Evains	650-827-7617	Jasmine.Evains@faa.gov
Engineer	Barry	Franklin	650-827-7614	Barry.Franklin@faa.gov
Environmental	Doug	Pomeroy	650-827-7612	Douglas.Pomeroy@faa.gov
Spec.				

Have a great day.

Jasmine Evains  
 Community Planner, SFO-ADO  
 1000 Marina Blvd, Suite 220  
 Brisbane, CA 94005-1835  
 (650) 827-7617



Reviewed by: D Interim City Administrator  
       City Attorney

- Motion Only
- Public Hearing
- Resolution
- Ordinance
- Information

**Submitted By:** Gwenna MacDonald, City Clerk

**Action Date:** January 17, 2018

**CITY COUNCIL AGENDA ITEM**

**SUBJECT:** Resolution No. 18-5469 approving and authorizing Mayor to execute professional services agreement with Lassen County

**PRESENTED BY:** Dan Newton, Interim City Administrator

**SUMMARY:** The City of Susanville conducts recruitments for employees and makes appointments for temporary and permanent positions. In an effort to make the best possible hiring decisions, it is staff's recommendation to utilize the services of the County of Lassen to conduct the background investigation portion of the pre-employment process. The County has personnel on staff who are formally trained to conduct background investigations and have the ability to provide these services. The attached professional agreement provides the terms and conditions, scope and payment information to provide this service.

**FISCAL IMPACT:** Hourly rate of \$30.00.

**ACTION REQUESTED:** Motion to approve Resolution No. 18-5469 approving and authorizing Mayor to execute professional services agreement with Lassen County

**ATTACHMENTS:** Resolution No. 18-5469  
Professional Services Agreement

**RESOLUTION NO. 18-5469**  
**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUSANVILLE**  
**APPROVING AND AUTHORIZING MAYOR TO EXECUTE PROFESSIONAL**  
**SERVICES AGREEMENT WITH LASSEN COUNTY**

**WHEREAS,** the City of Susanville occasionally needs specialized and professional investigative background services; and

**WHEREAS,** Lassen County has personnel formally trained to perform pre-employment background investigations and the ability to provide such services.

**NOW, THEREFORE,** be it resolved that the City Council of the City of Susanville does hereby authorize the Mayor to execute a professional services agreement with Lassen County and attached hereto as Exhibit A.

Date: January 17, 2018

APPROVED: \_\_\_\_\_  
Kathie Garnier, Mayor

ATTEST: \_\_\_\_\_  
Gwenna MacDonald, City Clerk

The foregoing **Resolution No. 18-5469** was adopted at a regular adjourned meeting of the City Council of the City of Susanville held on the 17<sup>th</sup> day of January, 2018 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAINING:

\_\_\_\_\_  
Gwenna MacDonald, City Clerk

APPROVED AS TO FORM: \_\_\_\_\_  
Jessica Ryan, City Attorney

EXHIBIT A

AGREEMENT BETWEEN LASSEN COUNTY  
AND  
CITY OF SUSANVILLE

**THIS AGREEMENT** is made between the COUNTY OF LASSEN, a political subdivision of the State of California (hereinafter "COUNTY"), and The City of Susanville, (CITY OF SUSANVILLE).

This Agreement is made with reference to the following facts and circumstances:

**WHEREAS** CITY OF SUSANVILLE has a need for pre-employment background investigation(s) on potential employees,

**WHEREAS** COUNTY has personnel formally trained to perform pre-employment background investigations and ability to provide such services.

In consideration of the services to be rendered, the sums to be paid, and each and every covenant and condition contained herein, the parties hereto agree as follows:

**1. SERVICES.**

The COUNTY shall provide those services described in Attachment "A". COUNTY shall provide said services at the time, place and in the manner specified in Attachment "A".

**2. TERM.**

The term of the agreement shall be for the period of January 12, 2018 through October 31, 2018.

**3. PAYMENT.**

CITY OF SUSANVILLE shall pay COUNTY for services rendered pursuant to this Agreement at the time and in the amount set forth in Attachment "B". The payment specified in Attachment "B" shall be the only payment made to CITY OF SUSANVILLE for services rendered pursuant to this Agreement. COUNTY shall submit all billing for said services to CITY OF SUSANVILLE in the manner specified in Attachment "B".

**4. FACILITIES, EQUIPMENT AND OTHER MATERIALS AND OBLIGATIONS OF COUNTY.**

COUNTY shall, furnish all facilities, equipment, and other materials which may be required for furnishing services pursuant to this Agreement.

COUNTY shall:

4.1 Provide a pre-employment background investigation, narrative synopsis, supporting documents with notification of any potential disqualifying information.

4.2 Not be responsible for retention of any documents received, created or disseminated in accordance with background investigation.

4.4 Include cost of materials, phone charges, credit report(s), mileage/fuel (if needed), into hourly rate of compensation.

CITY OF SUSANVILLE shall:

5.1 Provide a POST Peace Officer Personal History Statement, indicating what fields they are requested to be contacted.

5.2 Arrange for applicant to meet with COUNTY background investigator(s) at designated time and place.

**5. ADDITIONAL PROVISIONS.**

Those additional provisions unique to this Agreement are set forth in Attachment "C".

**6. GENERAL PROVISIONS.**

The general provisions set forth in Attachment "D" are part of this Agreement. Any inconsistency between said general provisions and any other terms or conditions of this Agreement shall be controlled by the other terms or conditions insofar as the latter are inconsistent with the general provisions.

**7. DESIGNATED REPRESENTATIVES.**

Capt. Kevin Jones, Lassen County Sheriff Office, is the designated representative of the COUNTY and will administer this Agreement for the COUNTY. The City Administrator is the authorized representative for CITY OF SUSANVILLE. Changes in the designated representatives shall occur only by advance written notice to the other party.

**8. ATTACHMENTS.**

All attachments referred to herein are attached hereto and by this reference incorporated herein. Attachments include:

Attachment A - Services  
Attachment B – Payment

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the dates shown opposite their respective signatures.

CITY OF SUSANVILLE  
City of Susanville

Dated: \_\_\_\_\_

By: \_\_\_\_\_

COUNTY  
County of Lassen

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Capt. Kevin Jones, Lassen Co. SO

Approved as to form:

\_\_\_\_\_  
County Counsel

[H:\MyFiles\CONTRACT\1Contract Standard Professional Services Master.doc]

**ATTACHMENT A**  
**AGREEMENT BETWEEN LASSEN COUNTY**  
**AND**  
**CITY OF SUSANVILLE**  
**SCOPE OF SERVICES**

A.1 **SCOPE OF SERVICES AND DUTIES.** The services to be provided by COUNTY and the scope of COUNTY's duties include the following:

A.1.1 Delivery of a pre-employment applicant background investigation.

A.1.2 The COUNTY will meet and provide documents to the applicant to provide a history to conduct a pre-employment background investigation.

A.1.3 The CITY OF SUSANVILLE will take possession and assume all liability of any documents, written reports, background information questionnaire's and any other documentation once submitted by the COUNTY. The CITY OF SUSANVILLE will assume full responsibility for the proper / appropriate disposition of any documents delivered by the COUNTY.

A.1.4 CITY OF SUSANVILLE acknowledges all information gathered in the pre-employment background investigation shall be based on statements or written comments from references, no opinions will be provided or documented by investigator.

A.1.5 CITY OF SUSANVILLE shall provide the COUNTY with a blank POST personal history statement, indicating what fields will be filled out by applicant and investigated by COUNTY.

A.1.6 COUNTY shall not provide any DMV, CLETS, CORI, CJIS, information to CITY OF SUSANVILLE nor use any resources that would not be available to an independent, non-law enforcement agency.

A.1.7 COUNTY shall provide a RELEASE OF CONFIDENTIALITY/HOLD HARMLESS waiver with CITY OF SUSANVILLE title, upon approval from CITY OF SUSANVILLE, to all prior employment or organization affiliates of pre-employment applicant.

A.1.8. COUNTY shall provide a credit history statement from one of three recognized credit reporting agencies as part of pre-employment background investigation.

A.1.9. COUNTY is not responsible for people/business/organization non-compliance or unresponsiveness with reference or employment checks.

A.2 **BEGINNING OF WORK.** The COUNTY shall begin the pre-employment background investigation once in receipt of a completed personal history statement on each applicant.

A.3 **TIME OF COMPLETION.** The CITY OF SUSANVILLE shall maintain the working relationship with the county throughout the duration of this agreement.

**END OF ATTACHMENT "A"**

**ATTACHMENT B**  
**AGREEMENT BETWEEN LASSEN COUNTY**  
**AND**  
**CITY OF SUSANVILLE**  
**PAYMENT**

**B.1 PAYMENT.** CITY OF SUSANVILLE shall pay COUNTY as follows:

B.1.1 Compensation shall consist of:

B.1.2 Thirty Dollars and no/100 (\$30.00) for every hour of work towards the pre-employment background investigation. Hour(s) shall be billed at 1.0 (full hour) or .5 (half hour) increments

B.1.2 Any driving/mileage that is accumulated during the investigation shall be billed at .5 (half hour) and 1.0 (full hour) basis. All travel will begin from 1415 Sheriff Cady Ln., Susanville, CA.

B.1.3 All copies, printing, binders, long distance calls are included in the hourly rate.

B.1.4 CITY OF SUSANVILLE shall provide payment to COUNTY within (30) days of receipt of pre-employment background investigation.

B.1.4 CITY OF SUSANVILLE agrees the total cost of this Agreement shall not exceed \$2,000.00 (Two-Thousand and no/100 dollars) paid to COUNTY unless written authorization is issued by the CITY OF SUSANVILLE.

**END OF ATTACHMENT "B"**

Reviewed by:      Interim City Administrator  
     City Administrator

- Motion Only
- Public Hearing
- Resolution
- Ordinance
- Information

**Submitted by:** Jessica Ryan, City Attorney

**Action Date:** January 17, 2018

**CITY COUNCIL AGENDA ITEM**

**SUBJECT:** Resolution No. 18-5436 Approving Cooperative Agreement with Susanville Indian Rancheria Housing Authority

**PRESENTED BY:** Dan Newton, Interim City Administrator

**SUMMARY:** At the November 11, 2017 City Council meeting the City Council considered entering into a payment in lieu of tax agreement with the Susanville Indian Rancheria Housing Authority (SIRHA). The SIRHA needed to discuss the language that the City Attorney for the City of Susanville proposed for certain sections of the agreement before City Council could consider the agreement. Attached is a new draft of the agreement that the City of Susanville received from the attorney for the SIRHA.

**FISCAL IMPACT:** \$150 per dwelling unit annually

**ACTION REQUESTED:** Motion to approve Resolution No. 18-5436 approving the cooperative agreement between the City of Susanville and SIRHA

**ATTACHMENTS:** Resolution No. 18-5436  
Cooperative Agreement  
Staff Report from 11/15/17 City Council Meeting

**RESOLUTION NO. 18-5436**  
**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUSANVILLE**  
**APPROVING AND DIRECTING THE MAYOR TO SIGN COOPERATIVE**  
**AGREEMENT BETWEEN THE CITY AND THE SUSANVILLE INDIAN**  
**RANCHERIA HOUSING AUTHORITY (SIRHA)**

**WHEREAS**, the Susanville Indian Rancheria Housing Authority has received parcels from the Susanville Indian Rancheria for the purpose of low income housing; and

**WHEREAS**, as a condition of receiving grants from the Native American Housing Assistance and Self-Determination Act of 1996, an agreement must exist between the local government and SIRHA to address property taxes with tax exempt agencies; and

**WHEREAS**, as part of this agreement, the City shall receive \$150 for each dwelling unit annually as stated in the agreement.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Susanville hereby approves the Cooperation Agreement with the Susanville Indian Rancheria Housing Authority and authorizes the Mayor to sign said agreement.

Dated: January 17, 2018

\_\_\_\_\_  
Kathie Garnier, Mayor

ATTEST:

\_\_\_\_\_  
Gwenna MacDonald, City Clerk

The foregoing Resolution No. 18-5436 was adopted at a regular meeting of the City Council of the City of Susanville, held on the 17th day of January, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

\_\_\_\_\_  
Gwenna MacDonald, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Jessica Ryan, City Attorney

## LOCAL COOPERATION AGREEMENT

This Agreement is made and entered on \_\_\_\_\_, 2017, between the Susanville Indian Rancheria Housing Authority (“SIRHA”), a political subdivision of the Susanville Indian Rancheria, a federally recognized Indian Tribe, and the City of Susanville (“City”), a political subdivision of the State of California. The SIRHA and City may be referred to herein a “Party” or together as the “Parties.”

### RECITALS:

1. The Susanville Indian Rancheria (“Tribe”) has acquired three (3) parcels of property (“the Parcels,” APN #'s: 103-061-19-11, 103-061-20-11 and 107-090-06-11) upon which SIRHA is constructing an affordable low income residential development. The Parcels are located in the city limits of Susanville, Lassen County, California. The Tribe has leased the Parcels to SIRHA for a 50-year term to be used exclusively as rental or lease-purchase housing for low income families. In the future, the Tribe or SIRHA may acquire additional parcels within the City to develop “affordable housing” under the Native American Housing Assistance and Self-Determination Act of 1996. (“NAHASDA,” 25 U.S.C. §4101 et seq.)

2. NAHASDA provides block grants to federally recognized Indian Tribes and “Tribally Designated Housing Entities” or “TDHE’s” (“recipient” or “recipients”) to undertake affordable housing activities.

3. NAHASDA prohibits a recipient from using NAHASDA block grants for rental or lease-purchase housing for low income tribal members which is owned by a TDHE, unless the local government with jurisdiction over the proposed housing site or sites enters an agreement with the recipient for local cooperation.

5. Where the property is exempt from real and personal property taxes, NAHASDA requires the recipient to agree in the cooperation agreement to make payments to the City in lieu of taxes.

6. The purpose of this Agreement is to satisfy these requirements of NAHASDA.

**AGREEMENT:** In reliance upon these recitals and the contents of this Agreement, the parties agree as follows:

1. This agreement applies to any real property in the City of Susanville owned by the Tribe or SIRHA in fee and on which SIRHA has or will construct, own or administer housing units for rent to low income households as defined in NAHASDA (the “Property”).

2. For each dwelling unit on the Property as to which the County Tax Assessor has approved an exemption from taxation under Revenue and Taxation Code Section 237, NAHASDA at 25 U.S.C. §4111(d)(2) requires the SIRHA to pay an amount equal to the greater of \$150 per dwelling unit or 10 percent of the difference between the shelter rent and the utility

cost (“In Lieu Payment”) to the City Tax Collector each year on or before April 10 in lieu of such taxes or other amounts as prescribed therein. On or before April 10 each year, for each dwelling unit on the Property, SIRHA shall determine the difference between the shelter rent and the utility cost and shall pay the City the greater of 10% of that amount or \$150 for each such dwelling unit. SIRHA shall provide the City with such information and documents as the City may request to verify that payments comply with this Section 2. If there is a change in the law that allows the City to collect a larger payment in lieu of taxes or that reduces or eliminates the City’s right to collect payments in lieu of taxes as provided herein, the Parties shall negotiate in good faith a different in lieu payment that is allowed or required by any such change in the applicable law. If they fail to reach agreement within a period of 90 days from the date either party gives written notice of the change in law to the other party, this Agreement may be terminated by either party upon giving written notice of such termination to the other party.

3. Payments by SIRHA under paragraph 2 shall not exceed the amount of taxes which would have been paid on the Property for such year if the Property were not exempt from taxes.

4. Even if the Property is exempted from real and personal property taxes under Revenue and Taxation Code Section 237 and without regard to its ownership by a federally recognized Indian tribe or the SIRHA, the City shall provide the same services to the Property as it provides to other similarly situated property in the City. The Property shall not receive different or less services or on different terms solely as a result of the provisions of this agreement or because the Property is exempt from real or personal property taxes or because it is owned by a federally recognized Indian tribe or the SIRHA. In order to receive City services for which fees are normally charged, the SIRHA shall pay all such fees and charges.

5. Except as provided in Section 2, above, this Agreement shall remain in effect as long as the Property is owned in fee by the Tribe and is leased to SIRHA. This agreement shall terminate as to any portion of the Property which is accepted by the United States into trust for a federally recognized Indian tribe.

6. Any amounts owed to SIRHA or City under the terms of this Agreement shall be enforceable as an ordinary, unsecured debt.

7. Any disputes between the parties concerning the terms of this Agreement shall be resolved by binding arbitration under Part 3, Title 9 of the California Code of Civil Procedure, commencing with Section 1280. The SIRHA hereby waives any sovereign immunity from unconsented suit it may enjoy for the limited purpose of enforcing the provision of this agreement requiring the arbitration of disputes or for confirming the award of an arbitrator. The SIRHA does not waive its sovereign immunity or consent to suit as to any party other than the City or for any claim other than a claim for breach of this agreement or as to any claim for consequential or punitive damages. The SIRHA does not waive its immunity from suit or consent to suit as to any claim as to which the City has not served the SIRHA with a written request for arbitration within 90 days after the cause of action accrues or as to which it has not filed an action to confirm an arbitrator’s award within 90 days after the arbitrator has served the parties with his or her written decision. SIRHA does not waive the sovereign immunity of the

Susanville Indian Rancheria or any other entity or person.

8. This Agreement constitutes the entire agreement between the Susanville Indian Rancheria Housing Authority (“SIRHA”) and the City of Susanville concerning the development by SIRHA of rental housing for low income families on land in the City of Susanville which is located outside the boundaries of the Susanville Indian Rancheria and payments in lieu of taxes. It supersedes and replaces any prior agreements or understandings between the parties concerning this same subject matter.

9. This Agreement is the product of negotiation and preparation by and among each party hereto and its attorneys. Therefore, the parties acknowledge and agree that this Agreement shall not be deemed to have been prepared or drafted by one party or another, and that it shall be construed accordingly.

10. No supplement, modification, waiver or amendment with respect to this Agreement shall be binding unless executed in writing by the party against whom enforcement of such supplement, modification, waiver, or amendment is sought.

11. This Agreement may be executed in more than one counterpart, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument. Facsimile or other electronically transmitted signatures on this Agreement shall constitute originals signatures of the parties.

12. The signatories to this Agreement warrant and represent that they have authority to execute this Agreement and to bind the parties on whose behalf they execute this Agreement.

13. The parties hereto shall reasonably cooperate with each other, including executing all necessary further documents, if any, to carry out the purpose and intent of this Agreement.

14. Whenever notice, payment or other communication is required or permitted under this Agreement it shall be deemed to have been given when personally delivered, telefaxed or deposited in the United States mail with proper first class postage affixed thereto and addressed as follows:

**CITY OF SUSANVILLE:**

City Administrator  
City Attorney  
66 North Lassen Street  
Susanville, CA 96130  
530.257.1000

[info@cityofsusanville.org](mailto:info@cityofsusanville.org)

**SIRHA:**

Wanda Brown, Chairperson  
807 Joaquin Street, Suite G

Susanville, CA 96137  
(530.257.5033)

Either party may change the address to which notices must be sent by providing notice of

that change as provided in this paragraph.

**WHEREFORE, this agreement is effective on the date first written above.**

**SUSANVILLE INDIAN RANCHERIA  
HOUSING AUTHORITY**

**CITY OF SUSANVILLE**

By: \_\_\_\_\_  
Wanda Brown, Chairperson

By: \_\_\_\_\_  
Kathie Garnier, Mayor

ATTEST:

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Gwenna MacDonald, City Clerk

Approved as to form:

Approved as to form:

\_\_\_\_\_  
David J. Rapport, SIRHA Attorney

\_\_\_\_\_  
Jessica Ryan, City Attorney

Reviewed by:     Interim City Administrator  
    City Attorney

    Motion only  
    Public Hearing  
  X   Resolution  
    Ordinance  
    Information

**Submitted by:** Heidi Whitlock, Assistant to the City Administrator

**Action Date:** November 15, 2017

**CITY COUNCIL AGENDA ITEM**

**SUBJECT:** **Resolution No. 17-5436** Approving Cooperative Agreement with Susanville Indian Rancheria Housing Authority

**PRESENTED BY:** Dan Newton, Interim City Administrator

**SUMMARY:** The Susanville Indian Rancheria (SIR) is acquiring three parcels located within the City's municipal boundaries, which are intended for affordable, low income housing. SIR has leased the parcels to the Susanville Indian Rancheria Housing Authority (SIRHA) and the parcels must be used as rental or lease purchasing housing for low income families. However, the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) prohibits a recipient from using grant funds for rental of lease-purchase housing for low income members unless the local government, to address property taxes with tax exempt agencies with City jurisdiction over the proposed housing site, enters into a cooperative agreement. At this time, the City is being requested to enter into the attached local cooperative agreement.

**FISCAL IMPACT:** \$150 per dwelling unit annually

**ACTION REQUESTED:** Motion to approve Resolution No. 17-5436 approving the cooperative agreement between the City of Susanville and SIRHA.

**ATTACHMENTS:** Resolution No. 17-5436  
Cooperative Agreement

**25 USC Ch. 43: NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION**  
**From Title 25—INDIANS**

**CHAPTER 43—NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION**

- |       |   |
|-------|---|
| Sec.  |   |
| 4101. | Congressional findings.   |
| 4102. | Administration through Office of Native American Programs.        |
| 4103. | Definitions.  |
| 4104. | Waiver of matching funds requirements in Indian housing programs. |

SUBCHAPTER I—BLOCK GRANTS AND GRANT REQUIREMENTS

- |       |  |
|-------|--|
| 4111. | Block grants.                                    |
| 4112. | Indian housing plans.                            |
| 4113. | Review of plans.                                 |
| 4114. | Treatment of program income and labor standards. |
| 4115. | Environmental review.                            |
| 4116. | Regulations.                                     |
| 4117. | Authorization of appropriations.                 |

SUBCHAPTER II—AFFORDABLE HOUSING ACTIVITIES

**PART A—GENERAL BLOCK GRANT PROGRAM**

- |       |  |
|-------|--|
| 4131. | National objectives and eligible families.         |
| 4132. | Eligible affordable housing activities.            |
| 4133. | Program requirements.                              |
| 4134. | Types of investments.                              |
| 4135. | Low-income requirement and income targeting.       |
| 4136. | Repealed.  |
| 4137. | Lease requirements and tenant selection.           |
| 4138. | Availability of records.                           |
| 4139. | Noncompliance with affordable housing requirement. |
| 4140. | Continued use of amounts for affordable housing.   |

**PART B—SELF-DETERMINED HOUSING ACTIVITIES FOR TRIBAL COMMUNITIES**

- |        |  |
|--------|--|
| 4145.  | Purpose.                               |
| 4145a. | Program authority.                     |
| 4145b. | Use of amounts for housing activities. |
| 4145c. | Inapplicability of other provisions.   |
| 4145d. | Review and report.                     |

SUBCHAPTER III—ALLOCATION OF GRANT AMOUNTS

- |       |                     |
|-------|---------------------|
| 4151. | Annual allocation.  |
| 4152. | Allocation formula. |

SUBCHAPTER IV—COMPLIANCE, AUDITS, AND REPORTS

- |       |                                     |
|-------|-------------------------------------|
| 4161. | Remedies for noncompliance.         |
| 4162. | Replacement of recipient.           |
| 4163. | Monitoring of compliance.           |
| 4164. | Performance reports.                |
| 4165. | Review and audit by Secretary.      |
| 4166. | GAO audits.                         |
| 4167. | Reports to Congress.                |
| 4168. | Public availability of information. |

## SUBCHAPTER V—TERMINATION OF ASSISTANCE FOR INDIAN TRIBES UNDER INCORPORATED PROGRAMS

- 4181. Termination of Indian housing assistance under United States Housing Act of 1937.
- 4182. Termination of new commitments for rental assistance.
- 4183. Savings provision.
- 4184. Effect on HOME Investment Partnerships Act.

## SUBCHAPTER VI—FEDERAL GUARANTEES FOR FINANCING FOR TRIBAL HOUSING ACTIVITIES

- 4191. Authority and requirements.
- 4192. Security and repayment.
- 4193. Payment of interest.
- 4194. Training and information.
- 4195. Limitations on amount of guarantees.
- 4196. Demonstration program for guaranteed loans to finance tribal community and economic development activities.

## SUBCHAPTER VII—OTHER HOUSING ASSISTANCE FOR NATIVE AMERICANS

- 4211. 50-year leasehold interest in trust or restricted lands for housing purposes.
- 4212. Training and technical assistance.

## SUBCHAPTER VIII—HOUSING ASSISTANCE FOR NATIVE HAWAIIANS

- 4221. Definitions.
- 4222. Block grants for affordable housing activities.
- 4223. Housing plan.
- 4224. Review of plans.
- 4225. Treatment of program income and labor standards.
- 4226. Environmental review.
- 4227. Regulations.
- 4228. Affordable housing activities.
- 4229. Eligible affordable housing activities.
- 4230. Program requirements.
- 4231. Types of investments.
- 4232. Low-income requirement and income targeting.
- 4233. Lease requirements and tenant selection.
- 4234. Repayment.
- 4235. Annual allocation.
- 4236. Allocation formula.
- 4237. Remedies for noncompliance.
- 4238. Monitoring of compliance.
- 4239. Performance reports.
- 4240. Review and audit by Secretary.
- 4241. Government Accountability Office audits.
- 4242. Reports to Congress.
- 4243. Authorization of appropriations.

**§4101. Congressional findings**

The Congress finds that—

(1) the Federal Government has a responsibility to promote the general welfare of the Nation—

(A) by using Federal resources to aid families and individuals seeking affordable homes in safe and healthy environments and, in particular, assisting responsible, deserving citizens who cannot provide fully for themselves because of temporary circumstances or factors beyond their control;

(B) by working to ensure a thriving national economy and a strong private housing market; and

(C) by developing effective partnerships among the Federal Government, State, tribal, and local governments, and private entities that allow government to accept responsibility for fostering the development of a healthy marketplace and allow families to prosper without government involvement in their day-to-day activities;

(2) there exists a unique relationship between the Government of the United States and the governments of Indian tribes and a unique Federal responsibility to Indian people;

(3) the Constitution of the United States invests the Congress with plenary power over the field of Indian affairs, and through treaties, statutes, and historical relations with Indian tribes, the United States has undertaken a unique trust responsibility to protect and support Indian tribes and Indian people;

(4) the Congress, through treaties, statutes, and the general course of dealing with Indian tribes, has assumed a trust responsibility for the protection and preservation of Indian tribes and for working with tribes and their members to improve their housing conditions and socioeconomic status so that they are able to take greater responsibility for their own economic condition;

(5) providing affordable homes in safe and healthy environments is an essential element in the special role of the United States in helping tribes and their members to improve their housing conditions and socioeconomic status;

(6) the need for affordable homes in safe and healthy environments on Indian reservations, in Indian communities, and in Native Alaskan villages is acute and the Federal Government shall work not only to provide housing assistance, but also, to the extent practicable, to assist in the development of private housing finance mechanisms on Indian lands to achieve the goals of economic self-sufficiency and self-determination for tribes and their members; and

(7) Federal assistance to meet these responsibilities shall be provided in a manner that recognizes the right of Indian self-determination and tribal self-governance by making such assistance available directly to the Indian tribes or tribally designated entities under authorities similar to those accorded Indian tribes in Public Law 93–638 (25 U.S.C. 450 et seq.).<sup>1</sup>

(Pub. L. 104–330, §2, Oct. 26, 1996, 110 Stat. 4017; Pub. L. 110–411, §2, Oct. 14, 2008, 122 Stat. 4320.)

### REFERENCES IN TEXT

Public Law 93–638 (25 U.S.C. 450 et seq.), referred to in par. (7), is Pub. L. 93–638, Jan. 4, 1975, 88 Stat. 2203, known as the Indian Self-Determination and Education Assistance Act, which was classified principally to subchapter II (§450 et seq.) of chapter 14 of this title prior to editorial reclassification as chapter 46 (§5301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of this title and Tables.

### AMENDMENTS

**2008**—Pars. (6), (7). Pub. L. 110–411 substituted "shall" for "should".

### EFFECTIVE DATE

Pub. L. 104–330, title I, §107, Oct. 26, 1996, 110 Stat. 4030, provided that: "Except as otherwise expressly provided in this Act [see Short Title note below], this Act and the amendments made by this Act shall take effect on October 1, 1997."

### SHORT TITLE OF 2010 AMENDMENT

Pub. L. 111–269, §1, Oct. 12, 2010, 124 Stat. 2850, provided that: "This Act [amending section 4103 of this title] may be cited as the 'Indian Veterans Housing Opportunity Act of 2010'."

### SHORT TITLE OF 2008 AMENDMENT

Pub. L. 110–411, §1(a), Oct. 14, 2008, 122 Stat. 4319, provided that: "This Act [enacting part B of subchapter II and sections 4184 and 4196 of this title and amending this section and sections 4103, 4111 to 4114, 4116, 4117, 4131 to 4133, 4135, 4138, 4152, 4161, 4163, 4164, 4195, and 4212 of this title] may be cited as the 'Native American Housing Assistance and Self-Determination Reauthorization Act of 2008'."

### SHORT TITLE OF 2005 AMENDMENT

Pub. L. 109–136, §1, Dec. 22, 2005, 119 Stat. 2643, provided that: "This Act [enacting section 1490t of Title 42, The Public Health and Welfare, amending section 4114 of this title and sections 12899f and 12899h–1 of Title 42, and enacting provisions set out as a note under this section] may be cited as the 'Native American Housing Enhancement Act of 2005'."

### SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108–393, §1, Oct. 30, 2004, 118 Stat. 2246, provided that: "This Act [amending section 4191 of this title] may be cited as the 'Homeownership Opportunities for Native Americans Act of 2004'."

### SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107–292, §1, Nov. 13, 2002, 116 Stat. 2053, provided that: "This Act [amending sections 4103, 4111, 4114, 4116, 4117, 4132, 4191, 4195, and 4212 of this title and section 1715z–13a of Title 12, Banks and Banking] may be cited as the 'Native American Housing Assistance and Self-Determination Reauthorization Act of 2002'."

## SHORT TITLE OF 2000 AMENDMENTS

Pub. L. 106–569, title V, §511, Dec. 27, 2000, 114 Stat. 2966, provided that: "This subtitle [subtitle B (§§511–514) of title V of Pub. L. 106–569, enacting subchapter VIII of this chapter, section 1715z–13b of Title 12, Banks and Banking, and provisions set out as notes under section 4221 of this title] may be cited as the 'Hawaiian Homelands Homeownership Act of 2000'."

Pub. L. 106–568, §1, Dec. 27, 2000, 114 Stat. 2868, provided that: "This Act [see Tables for classification] may be cited as the 'Omnibus Indian Advancement Act'."

Pub. L. 106–568, title II, §201, Dec. 27, 2000, 114 Stat. 2872, provided that: "This title [enacting subchapter VIII of this chapter, section 1715z–13b of Title 12, Banks and Banking, and provisions set out as notes under section 4221 of this title] may be cited as the 'Hawaiian Homelands Homeownership Act of 2000'."

## SHORT TITLE

Pub. L. 104–330, §1(a), Oct. 26, 1996, 110 Stat. 4016, provided that: "This Act [enacting this chapter and section 12899h–1 of Title 42, The Public Health and Welfare, amending sections 1715z–13a and 1721 of Title 12, Banks and Banking, and sections 1437a, 1437c to 1437e, 1437g, 1437l, 1437n, 1437u to 1437x, 1437aaa–5, 1437aaa–6, 1439, 11371 to 11376, 11382, 11401, 11403g, 11408, 11902 to 11905, 12747, and 12838 of Title 42, repealing sections 1437aa to 1437ee of Title 42, enacting provisions set out as notes under this section and sections 4181 and 4211 of this title and sections 11371, 12747, and 12899h–1 of Title 42, amending provisions set out as a note under section 11301 of Title 42, and repealing provisions set out as a note under section 1701z–6 of Title 12] may be cited as the 'Native American Housing Assistance and Self-Determination Act of 1996'."

## FINDINGS OF 2005 AMENDMENT

Pub. L. 109–136, §2, Dec. 22, 2005, 119 Stat. 2643, provided that: "Congress finds that—

"(1) there exist—

"(A) a unique relationship between the Government of the United States and the governments of Indian tribes; and

"(B) a unique Federal trust responsibility to Indian people;

"(2) Native Americans experience some of the worst housing conditions in the country, with—

"(A) 32.6 percent of Native homes being overcrowded;

"(B) 33 percent lacking adequate solid waste management systems;

"(C) 8 percent lacking a safe indoor water supply; and

"(D) approximately 90,000 Native families who are homeless or underhoused;

"(3) the poverty rate for Native Americans is twice that of the rest of the population of the United States;

"(4) the population growth of Native Americans that began in the latter part of the 20th century increased the need for Federal housing services;

"(5)(A) under the requirements of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.), members of Indian tribes are given preference for housing programs;

"(B) a primary purpose of the Act is to allow Indian tribes to leverage funds with other Federal and private funds;

"(C) the Department of Agriculture has been a significant funding source for housing for Indian tribes;

"(D) to allow assistance provided under the Act and assistance provided by the Secretary of Agriculture under other law to be combined to meet the severe housing needs of Indian tribes, the Housing Act of 1949 (42 U.S.C. 1471 [1441] et seq.) should be amended to allow for the preference referred to in subparagraph (A) by granting an exemption from title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.); and

"(E) federally recognized Indian tribes exercising powers of self-government are governed by the Indian Civil Rights Act (25 U.S.C. 1301 et seq.); and

"(6) section 457 of the Cranston-Gonzales [Cranston-Gonzalez] National Affordable Housing Act (42 U.S.C. 12899f) should be amended to include Indian tribes, tribally designated housing entities, or other agencies that primarily serve Indians as eligible applicants for YouthBuild grants."

<sup>1</sup> See References in Text note below.

## §4102. Administration through Office of Native American Programs

The Secretary of Housing and Urban Development shall carry out this chapter through the Office of Native American Programs of the Department of Housing and Urban Development.

(Pub. L. 104–330, §3, Oct. 26, 1996, 110 Stat. 4018.)

### REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 104–330, Oct. 26, 1996, 110 Stat. 4016, known as the Native American Housing Assistance and Self-Determination Act of 1996. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of this title and Tables.

### EFFECTIVE DATE

Section effective Oct. 1, 1997, except as otherwise expressly provided, see section 107 of Pub. L. 104–330, set out as a note under section 4101 of this title.

## §4103. Definitions

For purposes of this chapter, the following definitions shall apply:

### (1) Adjusted income

The term "adjusted income" means the annual income that remains after excluding the following amounts:

#### (A) Youths, students, and persons with disabilities

\$480 for each member of the family residing in the household (other than the head of the household or the spouse of the head of the household)—

- (i) who is under 18 years of age; or
- (ii) who is—
  - (I) 18 years of age or older; and
  - (II) a person with disabilities or a full-time student.

#### (B) Elderly and disabled families

\$400 for an elderly or disabled family.

#### (C) Medical and attendant expenses

The amount by which 3 percent of the annual income of the family is exceeded by the aggregate of—

- (i) medical expenses, in the case of an elderly or disabled family; and
- (ii) reasonable attendant care and auxiliary apparatus expenses for each family member who is a person with disabilities, to the extent necessary to enable any member of the family (including a member who is a person with disabilities) to be employed.

#### (D) Child care expenses

Child care expenses, to the extent necessary to enable another member of the family to be employed or to further his or her education.

#### (E) Earned income of minors

The amount of any earned income of any member of the family who is less than 18 years of age.

#### (F) Travel expenses

Excessive travel expenses, not to exceed \$25 per family per week, for employment- or education-related travel.

#### (G) Other amounts

Such other amounts as may be provided in the Indian housing plan for an Indian tribe.

### (2) Affordable housing

The term "affordable housing" means housing that complies with the requirements for affordable housing under subchapter II. The term includes permanent housing for homeless persons who are persons with disabilities, transitional housing, and single room occupancy housing.

### (3) Drug-related criminal activity

The term "drug-related criminal activity" means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use, of a controlled substance (as such term is defined in section 802 of title 21).

### (4) Elderly families and near-elderly families

The terms "elderly family" and "near-elderly family" mean a family whose head (or his or her spouse), or whose sole member, is an elderly person or a near-elderly person, respectively. Such terms include 2 or more elderly persons or near-elderly persons living together, and 1 or more such persons living with 1 or more persons determined under the Indian housing plan for the agency to be essential to their care or well-being.

**(5) Elderly person**

The term "elderly person" means a person who is at least 62 years of age.

**(6) Family**

The term "family" includes a family with or without children, an elderly family, a near-elderly family, a disabled family, and a single person.

**(7) Grant beneficiary**

The term "grant beneficiary" means the Indian tribe or tribes on behalf of which a grant is made under this chapter to a recipient.

**(8) Housing related community development**

**(A) In general**

The term "housing related community development" means any facility, community building, business, activity, or infrastructure that—

- (i) is owned by an Indian tribe or a tribally designated housing entity;
- (ii) is necessary to the provision of housing in an Indian area; and
- (iii)(I) would help an Indian tribe or tribally designated housing entity to reduce the cost of construction of Indian housing;
- (II) would make housing more affordable, accessible, or practicable in an Indian area; or
- (III) would otherwise advance the purposes of this chapter.

**(B) Exclusion**

The term "housing and community development" does not include any activity conducted by any Indian tribe under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

**(9) Income**

The term "income" means income from all sources of each member of the household, as determined in accordance with criteria prescribed by the Secretary, except that the following amounts may not be considered as income under this paragraph:

- (A) Any amounts not actually received by the family.
- (B) Any amounts that would be eligible for exclusion under section 1382b(a)(7) of title 42.
- (C) Any amounts received by any member of the family as disability compensation under chapter 11 of title 38 or dependency and indemnity compensation under chapter 13 of such title.

**(10) Indian**

The term "Indian" means any person who is a member of an Indian tribe.

**(11) Indian area**

The term "Indian area" means the area within which an Indian tribe or a tribally designated housing entity, as authorized by 1 or more Indian tribes, provides assistance under this chapter for affordable housing.

**(12) Indian housing plan**

The term "Indian housing plan" means a plan under section 4112 of this title.

**(13) Indian tribe**

**(A) In general**

The term "Indian tribe" means a tribe that is a federally recognized tribe or a State recognized tribe.

**(B) Federally recognized tribe**

The term "federally recognized tribe" means any Indian tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.], that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).<sup>1</sup>

**(C) State recognized tribe**

**(i) In general**

The term "State recognized tribe" means any tribe, band, nation, pueblo, village, or community—

- (I) that has been recognized as an Indian tribe by any State; and
- (II) for which an Indian Housing Authority has, before the effective date under section 705, entered into a contract with the Secretary pursuant to the United States Housing Act of 1937 [42 U.S.C. 1437 et seq.] for

housing for Indian families and has received funding pursuant to such contract within the 5-year period ending upon such effective date.

**(ii) Conditions**

Notwithstanding clause (i)—

(I) the allocation formula under section 4152 of this title shall be determined for a State recognized tribe under tribal membership eligibility criteria in existence on October 26, 1996; and

(II) nothing in this paragraph shall be construed to confer upon a State recognized tribe any rights, privileges, responsibilities, or obligations otherwise accorded groups recognized as Indian tribes by the United States for other purposes.

**(14) Low-income family**

The term "low-income family" means a family whose income does 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, for purposes of this paragraph, establish income ceilings higher or lower than 80 percent of the median for the area on the basis of the findings of the Secretary or the agency that such variations are necessary because of prevailing levels of construction costs or unusually high or low family incomes.

**(15) Median income**

The term "median income" means, with respect to an area that is an Indian area, the greater of—

- (A) the median income for the Indian area, which the Secretary shall determine; or
- (B) the median income for the United States.

**(16) Near-elderly person**

The term "near-elderly person" means a person who is at least 55 years of age and less than 62 years of age.

**(17) Nonprofit**

The term "nonprofit" means, with respect to an organization, association, corporation, or other entity, that no part of the net earnings of the entity inures to the benefit of any member, founder, contributor, or individual.

**(18) Person with disabilities**

The term "person with disabilities" means a person who—

- (A) has a disability as defined in section 423 of title 42;
- (B) is determined, pursuant to regulations issued by the Secretary, to have a physical, mental, or emotional impairment which—
  - (i) is expected to be of long-continued and indefinite duration;
  - (ii) substantially impedes his or her ability to live independently; and
  - (iii) is of such a nature that such ability could be improved by more suitable housing conditions; or
- (C) has a developmental disability as defined in section 15002 of title 42.

Such term shall not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome. Notwithstanding any other provision of law, no individual shall be considered a person with disabilities, for purposes of eligibility for housing assisted under this chapter, solely on the basis of any drug or alcohol dependence. The Secretary shall consult with other appropriate Federal agencies to implement the preceding sentence.

**(19) Recipient**

The term "recipient" means an Indian tribe or the entity for one or more Indian tribes that is authorized to receive grant amounts under this chapter on behalf of the tribe or tribes.

**(20) Secretary**

Except as otherwise specifically provided in this chapter, the term "Secretary" means the Secretary of Housing and Urban Development.

**(21) State**

The term "State" means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, and any other territory or possession of the United States and Indian tribes.

**(22) Tribally designated housing entity**

The terms "tribally designated housing entity" and "housing entity" have the following meaning:

**(A) Existing IHA's**

With respect to any Indian tribe that has not taken action under subparagraph (B), and for which an Indian housing authority—

- (i) was established for purposes of the United States Housing Act of 1937 [42 U.S.C. 1437 et seq.] before October 26, 1996, that meets the requirements under the United States Housing Act of 1937,

- (ii) is acting on October 26, 1996, as the Indian housing authority for the tribe, and
- (iii) is not an Indian tribe for purposes of this chapter,

the terms mean such Indian housing authority.

#### **(B) Other entities**

With respect to any Indian tribe that, pursuant to this chapter, authorizes an entity other than the tribal government to receive grant amounts and provide assistance under this chapter for affordable housing for Indians, which entity is established—

- (i) by exercise of the power of self-government of one or more Indian tribes independent of State law, or
- (ii) by operation of State law providing specifically for housing authorities or housing entities for Indians, including regional housing authorities in the State of Alaska,

the terms mean such entity.

#### **(C) Establishment**

A tribally designated housing entity may be authorized or established by one or more Indian tribes to act on behalf of each such tribe authorizing or establishing the housing entity.

(Pub. L. 104–330, §4, Oct. 26, 1996, 110 Stat. 4018; Pub. L. 105–256, §13(b), Oct. 14, 1998, 112 Stat. 1900; Pub. L. 105–276, title V, §595(e)(1), (2), Oct. 21, 1998, 112 Stat. 2656; Pub. L. 106–402, title IV, §401(b)(2), Oct. 30, 2000, 114 Stat. 1737; Pub. L. 107–292, §3, Nov. 13, 2002, 116 Stat. 2053; Pub. L. 110–411, §3, Oct. 14, 2008, 122 Stat. 4320; Pub. L. 111–269, §2, Oct. 12, 2010, 124 Stat. 2850.)

### **REFERENCES IN TEXT**

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 104–330, Oct. 26, 1996, 110 Stat. 4016, known as the Native American Housing Assistance and Self-Determination Act of 1996. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of this title and Tables.

The Indian Gaming Regulatory Act, referred to in par. (8)(B), is Pub. L. 100–497, Oct. 17, 1988, 102 Stat. 2467, which is classified principally to chapter 29 (§2701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of this title and Tables.

The Alaska Native Claims Settlement Act, referred to in par. (13)(B), is Pub. L. 92–203, Dec. 18, 1971, 85 Stat. 688, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), referred to in par. (13)(B), is Pub. L. 93–638, Jan. 4, 1975, 88 Stat. 2203, which was classified principally to subchapter II (§450 et seq.) of chapter 14 of this title prior to editorial reclassification as chapter 46 (§5301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of this title and Tables.

For the effective date under section 705, referred to in par. (13)(C)(i)(II), as Oct. 26, 1996, see section 705 of Pub. L. 104–330, set out as an Effective Date note under section 4211 of this title.

The United States Housing Act of 1937, referred to in pars. (13)(C)(i)(II) and (22)(A)(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, which is classified generally to chapter 8 (§1437 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1437 of Title 42 and Tables.

### **AMENDMENTS**

**2010**—Par. (9)(C). Pub. L. 111–269 added subpar. (C).

**2008**—Pars. (8) to (22). Pub. L. 110–411 added par. (8), redesignated former pars. (8) to (21) as (9) to (22), respectively, and struck out former par. (22) which defined "housing related community development".

**2002**—Par. (22). Pub. L. 107–292 added par. (22).

**2000**—Par. (17)(C). Pub. L. 106–402 substituted "as defined in section 15002 of title 42" for "as defined in section 6001 of title 42".

**1998**—Par. (10). Pub. L. 105–276, §595(e)(1), amended heading and text of par. (10) generally. Prior to amendment, text read as follows: "The term 'Indian area' means the area within which a tribally designated housing entity is authorized by one or more Indian tribes to provide assistance under this chapter for affordable housing."

Par. (12)(B). Pub. L. 105–256 substituted "Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)" for "Indian Self-Determination and Education Assistance Act of 1975".

Par. (12)(C)(i)(II). Pub. L. 105–276, §595(e)(2), substituted "705" for "107".

## EFFECTIVE DATE

Section effective Oct. 1, 1997, except as otherwise expressly provided, see section 107 of Pub. L. 104-330, set out as a note under section 4101 of this title.

<sup>1</sup> See References in Text note below.

## §4104. Waiver of matching funds requirements in Indian housing programs

### (a) Authorization of waiver

For any housing program that provides assistance through any Indian housing authority, the Secretary of Housing and Urban Development may provide assistance under such program in any fiscal year notwithstanding any other provision of law that requires the Indian housing authority to provide amounts to match or supplement the amounts provided under such program, if the Indian housing authority has not received amounts for such fiscal year under title I of the Housing and Community Development Act of 1974 [42 U.S.C. 5301 et seq.].

### (b) Extent of waiver

The authority under subsection (a) to provide assistance notwithstanding requirements regarding matching or supplemental amounts shall be effective only to the extent provided by the Secretary, which shall not extend beyond the fiscal year in which the waiver is made or beyond the receipt of any amounts by an Indian housing authority under title I of the Housing and Community Development Act of 1974 [42 U.S.C. 5301 et seq.].

### (c) Definition of housing program

For purposes of this section, the term "housing program" means a program under the administration of the Secretary of Housing and Urban Development or the Secretary of Agriculture (through the Administrator of the Farmers Home Administration) that provides assistance in the form of contracts, grants, loans, cooperative agreements, or any other form of assistance (including the insurance or guarantee of a loan, mortgage, or pool of mortgages) for housing. (Pub. L. 101-625, title IX, §959, Nov. 28, 1990, 104 Stat. 4423.)

## REFERENCES IN TEXT

The Housing and Community Development Act of 1974, referred to in subsecs. (a) and (b), is Pub. L. 93-383, Aug. 22, 1974, 88 Stat. 633, as amended. Title I of the Act is classified principally to chapter 69 (§5301 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of Title 42 and Tables.

## CODIFICATION

Section was enacted as part of the Cranston-Gonzalez National Affordable Housing Act, and not as part of the Native American Housing Assistance and Self-Determination Act of 1996 which comprises this chapter.

Section was formerly classified to section 1437ff of Title 42, The Public Health and Welfare.

## SUBCHAPTER I—BLOCK GRANTS AND GRANT REQUIREMENTS

## §4111. Block grants

### (a) Authority

#### (1) In general

For each fiscal year, the Secretary shall (to the extent amounts are made available to carry out this chapter) make grants under this section on behalf of Indian tribes—

(A) to carry out affordable housing activities under part A of subchapter II; and

(B) to carry out self-determined housing activities for tribal communities programs under part B of that subchapter.

#### (2) Provision of amounts

Under such a grant on behalf of an Indian tribe, the Secretary shall provide the grant amounts for the tribe directly to the recipient for the tribe.

### (b) Plan requirement

#### (1) In general

The Secretary may make a grant under this chapter on behalf of an Indian tribe for a fiscal year only if—

- (A) the Indian tribe has submitted to the Secretary an Indian housing plan for such fiscal year under section 4112 of this title; and
- (B) the plan has been determined under section 4113 of this title to comply with the requirements of section 4112 of this title.

**(2) Waiver**

The Secretary may waive the applicability of the requirements under paragraph (1), in whole or in part, for a period of not more than 90 days, if the Secretary determines that an Indian tribe has not complied with, or is unable to comply with, those requirements due to exigent circumstances beyond the control of the Indian tribe.

**(c) Local cooperation agreement**

Notwithstanding any other provision of this chapter, grant amounts provided under this chapter on behalf of an Indian tribe may not be used for rental or lease-purchase homeownership units that are owned by the recipient for the tribe unless the governing body of the locality within which the property subject to the development activities to be assisted with the grant amounts is or will be situated has entered into an agreement with the recipient for the tribe providing for local cooperation required by the Secretary pursuant to this chapter. The Secretary may waive the requirements of this subsection and subsection (d) if the recipient has made a good faith effort to fulfill the requirements of this subsection and subsection (d) and agrees to make payments in lieu of taxes to the appropriate taxing authority in an amount consistent with the requirements of subsection (d)(2) until such time as the matter of making such payments has been resolved in accordance with subsection (d).

**(d) Exemption from taxation**

Notwithstanding any other provision of this chapter, grant amounts provided under this chapter on behalf of an Indian tribe may not be used for affordable housing activities under this chapter for rental or lease-purchase dwelling units developed under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) or with amounts provided under this chapter that are owned by the recipient for the tribe unless—

(1) such dwelling units (which, in the case of units in a multi-unit project, shall be exclusive of any portions of the project not developed under the United States Housing Act of 1937 [42 U.S.C. 1437 et seq.] or with amounts provided under this chapter) are exempt from all real and personal property taxes levied or imposed by any State, tribe, city, county, or other political subdivision; and

(2) the recipient for the tribe makes annual payments of user fees to compensate such governments for the costs of providing governmental services, including police and fire protection, roads, water and sewerage systems, utilities systems and related facilities, or payments in lieu of taxes to such taxing authority, in an amount equal to the greater of \$150 per dwelling unit or 10 percent of the difference between the shelter rent and the utility cost, or such lesser amount as—

(A) is prescribed by State, tribal, or local law;

(B) is agreed to by the local governing body in the agreement under subsection (c); or

(C) the recipient and the local governing body agree that such user fees or payments in lieu of taxes shall not be made.

**(e) Effect of failure to exempt from taxation**

Notwithstanding subsection (d), a grant recipient that does not comply with the requirements under such subsection may receive a block grant under this chapter, but only if the tribe, State, city, county, or other political subdivision in which the affordable housing development is located contributes, in the form of cash or tax remission, the amount by which the taxes paid with respect to the development exceed the amounts prescribed in subsection (d)(2).

**(f) Amount**

Except as otherwise provided under this chapter, the amount of a grant under this section to a recipient for a fiscal year shall be—

(1) in the case of a recipient whose grant beneficiary is a single Indian tribe, the amount of the allocation under section 4151 of this title for the Indian tribe; and

(2) in the case of a recipient whose grant beneficiary is more than 1 Indian tribe, the sum of the amounts of the allocations under section 4151 of this title for each such Indian tribe.

**(g) Use for affordable housing activities under plan**

Except as provided in subsection (h) of this section and part B of subchapter II, amounts provided under a grant under this section may be used only for affordable housing activities under subchapter II that are consistent with an Indian housing plan approved under section 4113 of this title.

**(h) Administrative and planning expenses**

The Secretary shall, by regulation, authorize each recipient to use a percentage of any grant amounts received under this chapter for comprehensive housing and community development planning activities and for any reasonable administrative and planning expenses of the recipient relating to carrying out this chapter and activities assisted with such amounts, which may include costs for salaries of individuals engaged in administering and managing affordable housing activities assisted with grant amounts provided under this chapter and expenses of preparing an Indian housing plan under section 4112 of this title.

**(i) Public-private partnerships**

Each recipient shall make all reasonable efforts, consistent with the purposes of this chapter, to maximize participation by the private sector, including nonprofit organizations and for-profit entities, in implementing the approved Indian housing plan.

**(j) Federal supply sources**

For purposes of section 501 of title 40, on election by the applicable Indian tribe—

(1) each Indian tribe or tribally designated housing entity shall be considered to be an Executive agency in carrying out any program, service, or other activity under this chapter; and

(2) each Indian tribe or tribally designated housing entity and each employee of the Indian tribe or tribally designated housing entity shall have access to sources of supply on the same basis as employees of an Executive agency.

**(k) Tribal preference in employment and contracting**

Notwithstanding any other provision of law, with respect to any grant (or portion of a grant) made on behalf of an Indian tribe under this chapter that is intended to benefit 1 Indian tribe, the tribal employment and contract preference laws (including regulations and tribal ordinances) adopted by the Indian tribe that receives the benefit shall apply with respect to the administration of the grant (or portion of a grant).

(Pub. L. 104–330, title I, §101, Oct. 26, 1996, 110 Stat. 4022; Pub. L. 105–276, title V, §595(e)(3), (4), Oct. 21, 1998, 112 Stat. 2656, 2657; Pub. L. 106–568, title X, §1003(a), Dec. 27, 2000, 114 Stat. 2925; Pub. L. 106–569, title V, §503(a), Dec. 27, 2000, 114 Stat. 2961; Pub. L. 107–292, §4, Nov. 13, 2002, 116 Stat. 2054; Pub. L. 110–411, title I, §101, Oct. 14, 2008, 122 Stat. 4320.)

**REFERENCES IN TEXT**

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 104–330, Oct. 26, 1996, 110 Stat. 4016, known as the Native American Housing Assistance and Self-Determination Act of 1996. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of this title and Tables.

The United States Housing Act of 1937, referred to in subsec. (d), 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, which is classified generally to chapter 8 (§1437 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1437 of Title 42 and Tables.

**AMENDMENTS**

**2008**—Subsec. (a). Pub. L. 110–411, §101(1), designated first sentence as par. (1) and inserted heading, substituted "tribes—" for "tribes to carry out affordable housing activities.", added subpars. (A) and (B), and designated second sentence as par. (2) and inserted heading.

Subsec. (g). Pub. L. 110–411, §101(2), inserted "of this section and part B of subchapter II" after "subsection (h)".

Subsecs. (j), (k). Pub. L. 110–411, §101(3), added subsecs. (j) and (k).

**2002**—Subsec. (h). Pub. L. 107–292 inserted "and planning" after "Administrative" in heading and "for comprehensive housing and community development planning activities and" after "received under this chapter" in text.

**2000**—Subsec. (b)(2). Pub. L. 106–568, §1003(a)(1), and Pub. L. 106–569, §503(a)(1), amended par. (2) identically, substituting "for a period of not more than 90 days, if the Secretary determines that an Indian tribe has not complied with, or is unable to comply with, those requirements due to exigent circumstances beyond the control of the Indian tribe." for "if the Secretary finds that an Indian tribe has not complied or cannot comply with such requirements due to circumstances beyond the control of the tribe."

Subsec. (c). Pub. L. 106–568, §1003(a)(2), and Pub. L. 106–569, §503(a)(2), amended subsec. (c) identically, inserting at end "The Secretary may waive the requirements of this subsection and subsection (d) if the recipient has made a good faith effort to fulfill the requirements of this subsection and subsection (d) and agrees to make payments in lieu of taxes to the appropriate taxing authority in an amount consistent with the requirements of subsection (d)(2) until such time as the matter of making such payments has been resolved in accordance with subsection (d)."

**1998**—Subsec. (c). Pub. L. 105–276, §595(e)(3), reenacted heading without change and amended text generally. Prior to amendment, text read as follows: "The Secretary may not make any grant under this chapter on behalf of an Indian tribe unless the governing body of the locality within which any affordable housing to be assisted with the grant amounts will be situated has entered into an agreement with the recipient for the tribe providing for local cooperation required by the Secretary pursuant to this chapter."

Subsec. (d). Pub. L. 105–276, §595(e)(4)(A), added subsec. (d) heading, introductory provisions, and par. (1), and struck out former subsec. (d) heading, introductory provisions, and par. (1). Text read as follows: "A grant recipient for an Indian tribe may receive a block grant under this chapter only if—

"(1) the affordable housing assisted with grant amounts received by the recipient (exclusive of any portions not assisted with amounts provided under this chapter) is exempt from all real and personal property taxes levied or imposed by any State, tribe, city, county, or other political subdivision; and". Subsec. (d)(2). Pub. L. 105-276, §595(e)(4)(B), inserted "for the tribe" after "the recipient" in introductory provisions.

## **EFFECTIVE DATE**

Section effective Oct. 1, 1997, except as otherwise expressly provided, see section 107 of Pub. L. 104-330, set out as a note under section 4101 of this title.

## **§4112. Indian housing plans**

### **(a) Plan submission**

The Secretary shall provide—

(1)(A) for an Indian tribe to submit to the Secretary, by not later than 75 days before the beginning of each tribal program year, a 1-year housing plan for the Indian tribe; or

(B) for the tribally designated housing entity for the tribe to submit the plan as provided in subsection (c) for the tribe; and

(2) for the review of such plans.

### **(b) 1-year plan requirement**

#### **(1) In general**

A housing plan of an Indian tribe under this section shall—

(A) be in such form as the Secretary may prescribe; and

(B) contain the information described in paragraph (2).

#### **(2) Required information**

A housing plan shall include the following information with respect to the tribal program year for which assistance under this chapter is made available:

##### **(A) Description of planned activities**

A statement of planned activities, including—

(i) the types of household to receive assistance;

(ii) the types and levels of assistance to be provided;

(iii) the number of units planned to be produced;

(iv)(I) a description of any housing to be demolished or disposed of;

(II) a timetable for the demolition or disposition; and

(III) any other information required by the Secretary with respect to the demolition or disposition;

(v) a description of the manner in which the recipient will protect and maintain the viability of housing owned and operated by the recipient that was developed under a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.); and

(vi) outcomes anticipated to be achieved by the recipient.

##### **(B) Statement of needs**

A statement of the housing needs of the low-income Indian families residing in the jurisdiction of the Indian tribe, and the means by which those needs will be addressed during the applicable period, including—

(i) a description of the estimated housing needs and the need for assistance for the low-income Indian families in the jurisdiction, including a description of the manner in which the geographical distribution of assistance is consistent with the geographical needs and needs for various categories of housing assistance; and

(ii) a description of the estimated housing needs for all Indian families in the jurisdiction.

##### **(C) Financial resources**

An operating budget for the recipient, in such form as the Secretary may prescribe, that includes—

(i) an identification and description of the financial resources reasonably available to the recipient to carry out the purposes of this chapter, including an explanation of the manner in which amounts made available will leverage additional resources; and

(ii) the uses to which those resources will be committed, including eligible and required affordable housing activities under subchapter II and administrative expenses.

##### **(D) Certification of compliance**

Evidence of compliance with the requirements of this chapter, including, as appropriate—

(i) a certification that, in carrying out this chapter, the recipient will comply with the applicable provisions of title II of the Civil Rights Act of 1968 (25 U.S.C. 1301 et seq.) and other applicable Federal laws and regulations;

(ii) a certification that the recipient will maintain adequate insurance coverage for housing units that are owned and operated or assisted with grant amounts provided under this chapter, in compliance with such requirements as the Secretary may establish;

(iii) a certification that policies are in effect and are available for review by the Secretary and the public governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this chapter;

(iv) a certification that policies are in effect and are available for review by the Secretary and the public governing rents and homebuyer payments charged, including the methods by which the rents or homebuyer payments are determined, for housing assisted with grant amounts provided under this chapter;

(v) a certification that policies are in effect and are available for review by the Secretary and the public governing the management and maintenance of housing assisted with grant amounts provided under this chapter; and

(vi) a certification that the recipient will comply with section 4114(b) of this title.

#### **(c) Participation of tribally designated housing entity**

A plan under this section for an Indian tribe may be prepared and submitted on behalf of the tribe by the tribally designated housing entity for the tribe, but only if such plan contains a certification by the recognized tribal government of the grant beneficiary that such tribe—

(1) has had an opportunity to review the plan and has authorized the submission of the plan by the housing entity; or

(2) has delegated to such tribally designated housing entity the authority to submit a plan on behalf of the tribe without prior review by the tribe.

#### **(d) Coordination of plans**

A plan under this section may cover more than 1 Indian tribe, but only if the certification requirements under subsection (c) are complied with by each such grant beneficiary covered.

#### **(e) Regulations**

The requirements relating to the contents of plans under this section shall be established by regulation, pursuant to section 4116 of this title.

(Pub. L. 104–330, title I, §102, Oct. 26, 1996, 110 Stat. 4023; Pub. L. 105–276, title V, §595(e)(5), Oct. 21, 1998, 112 Stat. 2657; Pub. L. 106–568, title X, §1003(b), (c), Dec. 27, 2000, 114 Stat. 2926; Pub. L. 106–569, title V, §503(b), (c), Dec. 27, 2000, 114 Stat. 2962; Pub. L. 110–411, title I, §102, Oct. 14, 2008, 122 Stat. 4321.)

### **REFERENCES IN TEXT**

This chapter, referred to in subsec. (b)(2), was in the original "this Act", meaning Pub. L. 104–330, Oct. 26, 1996, 110 Stat. 4016, known as the Native American Housing Assistance and Self-Determination Act of 1996. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of this title and Tables.

The United States Housing Act of 1937, referred to in subsec. (b)(2)(A)(v), 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, which is classified generally to chapter 8 (§1437 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1437 of Title 42 and Tables.

The Civil Rights Act of 1968, referred to in subsec. (b)(2)(D)(i), is Pub. L. 90–284, Apr. 11, 1968, 82 Stat. 73. Title II of the Act, popularly known as the Indian Civil Rights Act of 1968, is classified generally to subchapter I (§1301 et seq.) of chapter 15 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3601 of Title 42, The Public Health and Welfare, and Tables.

### **AMENDMENTS**

**2008**—Subsec. (a)(1)(A). Pub. L. 110–411, §102(1)(A), added subpar. (A) and struck out former subpar. (A) which read as follows: "for an Indian tribe to submit to the Secretary, for each fiscal year, a housing plan under this section for the tribe; or".

Subsec. (a)(1)(B). Pub. L. 110–411, §102(1)(B), substituted "subsection (c)" for "subsection (d)".

Subsecs. (b), (c). Pub. L. 110–411, §102(2), (3), added subsec. (b), redesignated subsec. (d) as (c), and struck out former subsecs. (b) and (c) which required housing plans to contain certain information relating to a 5-year period and a 1-year period, respectively.

Subsec. (d). Pub. L. 110–411, §102(3), (4), redesignated subsec. (e) as (d) and substituted "subsection (c)" for "subsection (d)". Former subsec. (d) redesignated (c).

Subsecs. (e), (f). Pub. L. 110–411, §102(3), redesignated subsecs. (e) and (f) as (d) and (e), respectively.

**2000**—Subsec. (c)(6). Pub. L. 106–568, §1003(b), and Pub. L. 106–569, §503(b), amended subsec. (c) identically, adding par. (6).

Subsecs. (f), (g). Pub. L. 106–568, §1003(c), and Pub. L. 106–569, §503(c), amended section identically, redesignating subsec. (g) as (f) and striking out heading and text of former subsec. (f). Text read as

follows:

"(1) SEPARATE REQUIREMENTS.—The Secretary may—

"(A) establish requirements for submission of plans under this section and the information to be included in such plans applicable to small Indian tribes and small tribally designated housing entities; and

"(B) waive any requirements under this section that the Secretary determines are burdensome or unnecessary for such tribes and housing entities.

"(2) SMALL TRIBES.—The Secretary may define small Indian tribes and small tribally designated housing entities based on the number of dwelling units assisted under this subchapter by the tribe or housing entity or owned or operated pursuant to a contract under the United States Housing Act of 1937 between the Secretary and the Indian housing authority for the tribe."

1998—Subsec. (a). Pub. L. 105–276 redesignated par. (1) as (1)(A), par. (2) as (1)(B), and par. (3) as (2), and inserted "or" at end of par. (1)(A).

### EFFECTIVE DATE

Section effective on the date provided by the Secretary of Housing and Urban Development pursuant to section 4116(a) of this title to provide for timely submission and review of Indian housing plans as necessary for the provision of assistance under this chapter in fiscal year 1998, see section 4113(e) of this title.

## §4113. Review of plans

### (a) Review and notice

#### (1) Review

The Secretary shall conduct a limited review of each Indian housing plan submitted to the Secretary to ensure that the plan complies with the requirements of section 4112 of this title. The Secretary shall have the discretion to review a plan only to the extent that the Secretary considers review is necessary.

#### (2) Notice

The Secretary shall notify each Indian tribe for which a plan is submitted and any tribally designated housing entity for the tribe whether the plan complies with such requirements not later than 60 days after receiving the plan. If the Secretary does not notify the Indian tribe, as required under this subsection and subsection (b), the plan shall be considered, for purposes of this chapter, to have been determined to comply with the requirements under section 4112 of this title and the tribe shall be considered to have been notified of compliance upon the expiration of such 60-day period.

### (b) Notice of reasons for determination of noncompliance

If the Secretary determines that a plan, as submitted, does not comply with the requirements under section 4112 of this title, the Secretary shall specify in the notice under subsection (a) the reasons for the noncompliance and any modifications necessary for the plan to meet the requirements under section 4112 of this title.

### (c) Review

After submission of the Indian housing plan or any amendment or modification to the plan to the Secretary, to the extent that the Secretary considers such action to be necessary to make determinations under this subsection, the Secretary shall review the plan (including any amendments or modifications thereto) to determine whether the contents of the plan—

- (1) set forth the information required by section 4112 of this title to be contained in an Indian housing plan;
- (2) are consistent with information and data available to the Secretary; and
- (3) are not prohibited by or inconsistent with any provision of this chapter or other applicable law.

If the Secretary determines that any of the appropriate certifications required under section 4112(c)(5)<sup>1</sup> of this title are not included in the plan, the plan shall be deemed to be incomplete.

### (d) Updates to plan

After a plan under section 4112 of this title has been submitted for an Indian tribe for any tribal program year, the tribe may comply with the provisions of such section for any succeeding tribal program year by submitting only such information regarding such changes as may be necessary to update the plan previously submitted.

### (e) Self-determined activities program

Notwithstanding any other provision of this section, the Secretary—

- (1) shall review the information included in an Indian housing plan pursuant to subsections (b)(4)<sup>2</sup> and (c)(7)<sup>3</sup> only to determine whether the information is included for purposes of compliance with the requirement under section

4145a(b)(2)<sup>4</sup> of this title; and

(2) may not approve or disapprove an Indian housing plan based on the content of the particular benefits, activities, or results included pursuant to subsections (b)(4)<sup>2</sup> and (c)(7).<sup>3</sup>

(Pub. L. 104–330, title I, §103, Oct. 26, 1996, 110 Stat. 4026; Pub. L. 105–276, title V, §595(e)(6), Oct. 21, 1998, 112 Stat. 2657; Pub. L. 110–411, title I, §103, Oct. 14, 2008, 122 Stat. 4323.)

## REFERENCES IN TEXT

This chapter, referred to in subsecs. (a)(2) and (c)(3), was in the original "this Act", meaning Pub. L. 104–330, Oct. 26, 1996, 110 Stat. 4016, known as the Native American Housing Assistance and Self-Determination Act of 1996. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of this title and Tables.

Section 4112(c)(5) of this title, referred to in subsec. (c), was repealed by Pub. L. 110–411, title I, §102(2), Oct. 14, 2008, 122 Stat. 4321.

## AMENDMENTS

**2008**—Subsec. (d). Pub. L. 110–411, §103(1), substituted "tribal program" for "fiscal" in two places, struck out "(with respect to information included for the 5-year period under section 4112(b) of this title or the 1-year period under section 4112(c) of this title)" before "by submitting only such information", and struck out at end "Not less than once every 5 years, the tribe shall submit a complete plan."

Subsec. (e). Pub. L. 110–411, §103(2), added subsec. (e) and struck out former subsec. (e). Prior to amendment, text read as follows: "This section and section 4112 of this title shall take effect on the date provided by the Secretary pursuant to section 4116(a) of this title to provide for timely submission and review of Indian housing plans as necessary for the provision of assistance under this chapter in fiscal year 1998."

**1998**—Subsec. (c)(3). Pub. L. 105–276 inserted "not" before "prohibited".

<sup>1</sup> See References in Text note below.

<sup>2</sup> So in original. Subsec. (b) does not contain a par. (4).

<sup>3</sup> So in original. Subsec. (c) does not contain a par. (7).

<sup>4</sup> So in original. Section 4145a(b) of this title does not contain a par. (2).

## §4114. Treatment of program income and labor standards

### (a) Program income

#### (1) Authority to retain

Notwithstanding any other provision of this chapter, a recipient may retain any program income that is realized from any grant amounts under this chapter if—

- (A) such income was realized after the initial disbursement of the grant amounts received by the recipient; and
- (B) the recipient has agreed that it will utilize such income for housing related activities in accordance with this chapter.

#### (2) Prohibition of restricted access or reduction of grant

The Secretary may not restrict access to or reduce the grant amount for any Indian tribe based solely on—

- (A) whether the recipient for the tribe retains program income under paragraph (1);
- (B) the amount of any such program income retained;
- (C) whether the recipient retains reserve amounts described in section 4140 of this title; or
- (D) whether the recipient has expended retained program income for housing-related activities.

#### (3) Exclusion of amounts

The Secretary may, by regulation, exclude from consideration as program income any amounts determined to be so small that compliance with the requirements of this subsection would create an unreasonable administrative burden on the recipient.

#### (4) Exclusion from program income of regular developer's fees for low-income housing tax credit projects

Notwithstanding any other provision of this chapter, any income derived from a regular and customary developer's fee for any project that receives a low-income housing tax credit under section 42 of title 26, and that is initially

funded using a grant provided under this chapter, shall not be considered to be program income if the developer's fee is approved by the State housing credit agency.

**(b) Labor standards**

**(1) In general**

Any contract or agreement for assistance, sale, or lease pursuant to this chapter shall contain a provision requiring that not less than the wages prevailing in the locality, as determined or adopted (subsequent to a determination under applicable State, tribal, or local law) by the Secretary, shall be paid to all architects, technical engineers, draftsmen, and technicians employed in the development, and all maintenance laborers and mechanics employed in the operation, of the affordable housing project involved; and shall also contain a provision that not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to sections 3141–3144, 3146, and 3147 of title 40, shall be paid to all laborers and mechanics employed in the development of the affordable housing involved, and the Secretary shall require certification as to compliance with the provisions of this paragraph before making any payment under such contract or agreement.

**(2) Exceptions**

Paragraph (1) and the provisions relating to wages (pursuant to paragraph (1)) in any contract or agreement for assistance, sale, or lease pursuant to this chapter, shall not apply to any individual who receives no compensation or is paid expenses, reasonable benefits, or a nominal fee to perform the services for which the individual volunteered and who is not otherwise employed at any time in the construction work.

**(3) Application of tribal laws**

Paragraph (1) shall not apply to any contract or agreement for assistance, sale, or lease pursuant to this chapter, if such contract or agreement is otherwise covered by one or more laws or regulations adopted by an Indian tribe that requires the payment of not less than prevailing wages, as determined by the Indian tribe.

(Pub. L. 104–330, title I, §104, Oct. 26, 1996, 110 Stat. 4027; Pub. L. 106–568, title X, §1003(j), Dec. 27, 2000, 114 Stat. 2930; Pub. L. 106–569, title V, §503(i), Dec. 27, 2000, 114 Stat. 2965; Pub. L. 107–292, §5, Nov. 13, 2002, 116 Stat. 2054; Pub. L. 109–136, §3, Dec. 22, 2005, 119 Stat. 2644; Pub. L. 110–411, title I, §104, Oct. 14, 2008, 122 Stat. 4323.)

**REFERENCES IN TEXT**

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 104–330, Oct. 26, 1996, 110 Stat. 4016, known as the Native American Housing Assistance and Self-Determination Act of 1996. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of this title and Tables.

**CODIFICATION**

"Sections 3141–3144, 3146, and 3147 of title 40" substituted in subsec. (b)(1) for "the Act of March 3, 1931 (commonly known as the Davis-Bacon Act; chapter 411; 46 Stat. 1494; 40 U.S.C. 276a et seq.)" on authority of Pub. L. 107–217, §5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

**AMENDMENTS**

**2008**—Subsec. (a)(4). Pub. L. 110–411 added par. (4).

**2005**—Subsec. (a)(2). Pub. L. 109–136 inserted "restrict access to or" after "not" in introductory provisions.

**2002**—Subsec. (a)(1). Pub. L. 107–292, §5(1)(A), substituted "Notwithstanding any other provision of this chapter, a recipient" for "A recipient" in introductory provisions.

Subsec. (a)(1)(B). Pub. L. 107–292, §5(1)(B), added subpar. (B) and struck out former subpar. (B) which read as follows: "the recipient has agreed that it will utilize the program income for affordable housing activities in accordance with the provisions of this chapter."

Subsec. (a)(2). Pub. L. 107–292, §5(2)(A), inserted "restricted access or" before "reduction" in heading.

Subsec. (a)(2)(D). Pub. L. 107–292, §5(2)(B)–(D), added subpar. (D).

**2000**—Subsec. (b)(1). Pub. L. 106–568, §1003(j)(1), and Pub. L. 106–569, §503(i)(1), amended par. (1) identically, substituting "Act of March 3, 1931 (commonly known as the Davis-Bacon Act; chapter 411; 46 Stat. 1494; 40 U.S.C. 276a et seq.)" for "Davis-Bacon Act (40 U.S.C. 276a–276a–5)".

Subsec. (b)(3). Pub. L. 106–568, §1003(j)(2), and Pub. L. 106–569, §503(i)(2), amended subsec. (b) identically, adding par. (3).

**EFFECTIVE DATE**

Section effective Oct. 1, 1997, except as otherwise expressly provided, see section 107 of Pub. L. 104–330, set out as a note under section 4101 of this title.

## §4115. Environmental review

### (a) In general

#### (1) Release of funds

In order to ensure that the policies of the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.] and other provisions of law that further the purposes of such Act (as specified in regulations issued by the Secretary) are most effectively implemented in connection with the expenditure of grant amounts provided under this chapter, and to ensure to the public undiminished protection of the environment, the Secretary, in lieu of the environmental protection procedures otherwise applicable, may by regulation provide for the release of amounts for particular projects to tribes which assume all of the responsibilities for environmental review, decisionmaking, and action pursuant to such Act, and such other provisions of law as the regulations of the Secretary specify, that would apply to the Secretary were the Secretary to undertake such projects as Federal projects.

#### (2) Regulations

##### (A) In general

The Secretary shall issue regulations to carry out this section only after consultation with the Council on Environmental Quality.

##### (B) Contents

The regulations issued under this paragraph shall—

- (i) provide for the monitoring of the environmental reviews performed under this section;
- (ii) in the discretion of the Secretary, facilitate training for the performance of such reviews; and
- (iii) provide for the suspension or termination of the assumption of responsibilities under this section.

#### (3) Effect on assumed responsibility

The duty of the Secretary under paragraph (2)(B) shall not be construed to limit or reduce any responsibility assumed by a recipient of grant amounts with respect to any particular release of funds.

### (b) Procedure

The Secretary shall approve the release of funds subject to the procedures authorized by this section only if, not less than 15 days prior to such approval and prior to any commitment of funds to such projects, the tribe has submitted to the Secretary a request for such release accompanied by a certification that meets the requirements of subsection (c). The approval of the Secretary of any such certification shall be deemed to satisfy the responsibilities of the Secretary under the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.] and such other provisions of law as the regulations of the Secretary specify insofar as those responsibilities relate to the releases of funds for projects to be carried out pursuant thereto that are covered by such certification.

### (c) Certification

A certification under the procedures authorized by this section shall—

- (1) be in a form acceptable to the Secretary;
- (2) be executed by the chief executive officer or other officer of the tribe under this chapter qualified under regulations of the Secretary;
- (3) specify that the tribe has fully carried out its responsibilities as described under subsection (a); and
- (4) specify that the certifying officer—
  - (A) consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.] and each provision of law specified in regulations issued by the Secretary insofar as the provisions of such Act or such other provisions of law apply pursuant to subsection (a); and
  - (B) is authorized and consents on behalf of the tribe and such officer to accept the jurisdiction of the Federal courts for the purpose of enforcement of the responsibilities of the certifying officer as such an official.

### (d) Environmental compliance

The Secretary may waive the requirements under this section if the Secretary determines that a failure on the part of a recipient to comply with provisions of this section—

- (1) will not frustrate the goals of the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.] or any other provision of law that furthers the goals of that Act;
- (2) does not threaten the health or safety of the community involved by posing an immediate or long-term hazard to residents of that community;
- (3) is a result of inadvertent error, including an incorrect or incomplete certification provided under subsection (c) (1); and
- (4) may be corrected through the sole action of the recipient.

(Pub. L. 104–330, title I, §105, Oct. 26, 1996, 110 Stat. 4028; Pub. L. 106–568, title X, §1003(d), Dec. 27, 2000, 114 Stat. 2926; Pub. L. 106–569, title V, §503(d), Dec. 27, 2000, 114 Stat. 2962.)

## REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in text, is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

This chapter, referred to in subsecs. (a)(1) and (c)(2), was in the original "this Act", meaning Pub. L. 104–330, Oct. 26, 1996, 110 Stat. 4016, known as the Native American Housing Assistance and Self-Determination Act of 1996. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of this title and Tables.

## **AMENDMENTS**

**2000**—Subsec. (d). Pub. L. 106–568 and Pub. L. 106–569 amended section identically, adding subsec. (d).

## **EFFECTIVE DATE**

Section effective Oct. 1, 1997, except as otherwise expressly provided, see section 107 of Pub. L. 104–330, set out as a note under section 4101 of this title.

## **§4116. Regulations**

### **(a) Transition requirements**

#### **(1) In general**

Not later than 90 days after October 26, 1996, the Secretary shall, by notice issued in the Federal Register, establish any requirements necessary to provide for the transition (upon the effectiveness of this chapter and the amendments made by this chapter) from the provision of assistance for Indian tribes and Indian housing authorities under the United States Housing Act of 1937 [42 U.S.C. 1437 et seq.] and other related provisions of law to the provision of assistance in accordance with this chapter and the amendments made by this chapter.

#### **(2) Public comments; general notice of proposed rulemaking**

The notice issued under paragraph (1) shall—

- (A) invite public comments regarding such transition requirements and final regulations to carry out this chapter; and
- (B) include a general notice of proposed rulemaking (for purposes of section 564(a) of title 5) of the final regulations under subsection (b).

### **(b) Final regulations**

#### **(1) Timing**

The Secretary shall issue final regulations necessary to carry out this chapter not later than September 1, 1997, and such regulations shall take effect not later than the effective date of this chapter.

#### **(2) Negotiated rulemaking procedure**

##### **(A) In general**

Notwithstanding sections 563(a) and 565(a) of title 5, all regulations required under this chapter, including any regulations that may be required pursuant to amendments made to this chapter after October 26, 1996, shall be issued according to a negotiated rulemaking procedure under subchapter III of chapter 5 of title 5.

##### **(B) Committee**

###### **(i) In general**

Not later than 180 days after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2008 and any other Act to reauthorize this chapter, the Secretary shall establish a negotiated rulemaking committee, in accordance with the procedures under that subchapter, for the development of proposed regulations under subparagraph (A).

###### **(ii) Adaptation**

In establishing the negotiated rulemaking committee, the Secretary shall—

- (I) adapt the procedures under the subchapter described in clause (i) to the unique government-to-government relationship between the Indian tribes and the United States, and shall ensure that the membership of the committee include only representatives of the Federal Government and of geographically diverse small, medium, and large Indian tribes; and
- (II) shall not preclude the participation of tribally designated housing entities should tribes elect to be represented by such entities.

##### **(C) Subsequent negotiated rulemaking**

The Secretary shall—

(i) initiate a negotiated rulemaking in accordance with this section by not later than 90 days after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2008 and any other Act to reauthorize this chapter; and

(ii) promulgate regulations pursuant to this section by not later than 2 years after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2008 and any other Act to reauthorize this chapter.

**(D) Review**

Not less frequently than once every 7 years, the Secretary, in consultation with Indian tribes, shall review the regulations promulgated pursuant to this section in effect on the date on which the review is conducted.

**(c) Effective date**

This section shall take effect on October 26, 1996.

(Pub. L. 104–330, title I, §106, Oct. 26, 1996, 110 Stat. 4029; Pub. L. 107–292, §6, Nov. 13, 2002, 116 Stat. 2054; Pub. L. 110–411, title I, §105, Oct. 14, 2008, 122 Stat. 4324.)

**REFERENCES IN TEXT**

This chapter, referred to in subsecs. (a) and (b), was in the original "this Act", meaning Pub. L. 104–330, Oct. 26, 1996, 110 Stat. 4016, known as the Native American Housing Assistance and Self-Determination Act of 1996. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of this title and Tables.

For the effective date of this chapter, referred to in subsecs. (a)(1) and (b)(1), as Oct. 1, 1997, except as otherwise expressly provided, see section 107 of Pub. L. 104–330, set out as an Effective Date note under section 4101 of this title.

The United States Housing Act of 1937, referred to in subsec. (a)(1), 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, which is classified generally to chapter 8 (§1437 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1437 of Title 42 and Tables.

The date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2008, referred to in subsec. (b)(2)(B)(i), (C), is the date of enactment of Pub. L. 110–411, which was approved Oct. 14, 2008.

**AMENDMENTS**

**2008**—Subsec. (b)(2)(B)(i). Pub. L. 110–411, §105(1), substituted "Not later than 180 days after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2008 and any other Act to reauthorize this chapter, the Secretary" for "The Secretary".

Subsec. (b)(2)(C), (D). Pub. L. 110–411, §105(2), added subpars. (C) and (D).

**2002**—Subsec. (b)(2)(A). Pub. L. 107–292 inserted ", including any regulations that may be required pursuant to amendments made to this chapter after October 26, 1996," after "required under this chapter".

**§4117. Authorization of appropriations**

There are authorized to be appropriated for grants under this subchapter such sums as may be necessary for each of fiscal years 2009 through 2013. This section shall take effect on October 26, 1996.

(Pub. L. 104–330, title I, §108, Oct. 26, 1996, 110 Stat. 4030; Pub. L. 107–292, §2(a), Nov. 13, 2002, 116 Stat. 2053; Pub. L. 110–411, title VII, §701(a), Oct. 14, 2008, 122 Stat. 4334.)

**AMENDMENTS**

**2008**—Pub. L. 110–411 substituted "2009 through 2013" for "1998 through 2007".

**2002**—Pub. L. 107–292 substituted "1998 through 2007" for "1998, 1999, 2000, and 2001".

**SUBCHAPTER II—AFFORDABLE HOUSING ACTIVITIES**

**PART A—GENERAL BLOCK GRANT PROGRAM**

## §4131. National objectives and eligible families

### (a) Primary objective

The national objectives of this chapter are—

- (1) to assist and promote affordable housing activities to develop, maintain, and operate affordable housing in safe and healthy environments on Indian reservations and in other Indian areas for occupancy by low-income Indian families;
- (2) to ensure better access to private mortgage markets for Indian tribes and their members and to promote self-sufficiency of Indian tribes and their members;
- (3) to coordinate activities to provide housing for Indian tribes and their members with Federal, State, and local activities to further economic and community development for Indian tribes and their members;
- (4) to plan for and integrate infrastructure resources for Indian tribes with housing development for tribes; and
- (5) to promote the development of private capital markets in Indian country and to allow such markets to operate and grow, thereby benefiting Indian communities.

### (b) Eligible families

#### (1) In general

Except as provided under paragraphs (2) and (4), and except with respect to loan guarantees under the demonstration program under subchapter VI, assistance under eligible housing activities under this chapter shall be limited to low-income Indian families on Indian reservations and other Indian areas.

#### (2) Exception to low-income requirement

##### (A) Exception to requirement

Notwithstanding paragraph (1), a recipient may provide housing or housing assistance through affordable housing activities for which a grant is provided under this chapter to any family that is not a low-income family, to the extent that the Secretary approves the activities due to a need for housing for those families that cannot reasonably be met without that assistance.

##### (B) Limits

The Secretary shall establish limits on the amount of assistance that may be provided under this chapter for activities for families who are not low-income families.

#### (3) Essential families

Notwithstanding paragraph (1), a recipient may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this chapter for a family on an Indian reservation or other Indian area if the recipient determines that the presence of the family on the Indian reservation or other Indian area is essential to the well-being of Indian families and the need for housing for the family cannot reasonably be met without such assistance.

#### (4) Law enforcement officers

A recipient may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this chapter for a law enforcement officer on an Indian reservation or other Indian area, if—

##### (A) the officer—

- (i) is employed on a full-time basis by the Federal Government or a State, county, or other unit of local government, or lawfully recognized tribal government; and
- (ii) in implementing such full-time employment, is sworn to uphold, and make arrests for, violations of Federal, State, county, or tribal law; and

(B) the recipient determines that the presence of the law enforcement officer on the Indian reservation or other Indian area may deter crime.

#### (5) Law enforcement officers

Notwithstanding paragraph (1), a recipient may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this chapter to a law enforcement officer on the reservation or other Indian area, who is employed full-time by a Federal, State, county or tribal government, and in implementing such full-time employment is sworn to uphold, and make arrests for violations of Federal, State, county or tribal law, if the recipient determines that the presence of the law enforcement officer on the Indian reservation or other Indian area may deter crime.

#### (6) <sup>1</sup> Preference for tribal members and other Indian families

The Indian housing plan for an Indian tribe may require preference, for housing or housing assistance provided through affordable housing activities assisted with grant amounts provided under this chapter on behalf of such tribe, to be given (to the extent practicable) to Indian families who are members of such tribe, or to other Indian families. In any case in which the applicable Indian housing plan for an Indian tribe provides for preference under this

paragraph, the recipient for the tribe shall ensure that housing activities that are assisted with grant amounts under this chapter for such tribe are subject to such preference.

#### **(6)<sup>1</sup> Exemption**

Title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.] and title VIII of the Civil Rights Act of 1968 [42 U.S.C. 3601 et seq.] shall not apply to actions by federally recognized tribes and the tribally designated housing entities of those tribes under this chapter.

(Pub. L. 104–330, title II, §201, Oct. 26, 1996, 110 Stat. 4031; Pub. L. 105–276, title V, §595(e)(7), Oct. 21, 1998, 112 Stat. 2657; Pub. L. 106–377, §1(a)(1) [title II, §210], Oct. 27, 2000, 114 Stat. 1441, 1441A-26; Pub. L. 106–568, title X, §1003(e), Dec. 27, 2000, 114 Stat. 2926; Pub. L. 110–411, title II, §201, Oct. 14, 2008, 122 Stat. 4324.)

### **REFERENCES IN TEXT**

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 104–330, Oct. 26, 1996, 110 Stat. 4016, known as the Native American Housing Assistance and Self-Determination Act of 1996. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of this title and Tables.

The Civil Rights Act of 1964, referred to in subsec. (b)(6), is Pub. L. 88–352, July 2, 1964, 78 Stat. 241, as amended. Title VI of the Act is classified generally to subchapter V (§2000d et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

The Civil Rights Act of 1968, referred to in subsec. (b)(6), is Pub. L. 90–284, Apr. 11, 1968, 82 Stat. 73, as amended. Title VIII of the Act, known as the Fair Housing Act, is classified principally to subchapter I (§3601 et seq.) of chapter 45 of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 3601 of Title 42 and Tables.

### **AMENDMENTS**

**2008**—Subsec. (b)(1). Pub. L. 110–411, §201(1), inserted "and except with respect to loan guarantees under the demonstration program under subchapter VI," after "paragraphs (2) and (4),".

Subsec. (b)(2). Pub. L. 110–411, §201(2), added subpar. (A), designated second sentence as subpar. (B) and inserted heading, and struck out former first sentence which read as follows: "A recipient may provide assistance for homeownership activities under section 4132(2) of this title, model activities under section 4132(6) of this title, or loan guarantee activities under subchapter VI of this chapter to Indian families who are not low-income families, to the extent that the Secretary approves the activities pursuant to such section or subchapter because there is a need for housing for such families that cannot reasonably be met without such assistance."

Subsec. (b)(3). Pub. L. 110–411, §201(3), substituted "Essential" for "Non-Indian" in heading and "for a family" for "for a non-Indian family" in text.

Subsec. (b)(4)(A)(i). Pub. L. 110–411, §201(4), inserted "or other unit of local government," after "county,".

**2000**—Subsec. (b)(1). Pub. L. 106–568, §1003(e)(1), substituted "paragraphs (2) and (4)" for "paragraph (2)".

Subsec. (b)(4). Pub. L. 106–568, §1003(e)(3), added par. (4). Former par. (4) redesignated (5).

Pub. L. 106–377, §1(a)(1) [title II, §210(2)], added par. (4). Former par. (4) redesignated (5).

Subsec. (b)(5). Pub. L. 106–568, §1003(e)(2), redesignated par. (4) as (5). Former par. (5) redesignated (6).

Pub. L. 106–377, §1(a)(1) [title II, §210(1)], redesignated par. (4) as (5). Former par. (5) redesignated (6).

Subsec. (b)(6). Pub. L. 106–568, §1003(e)(2), redesignated par. (5), relating to preference for tribal members and other Indian families, as (6).

Pub. L. 106–377, §1(a)(1) [title II, §210(1)], redesignated par. (5), relating to exemption, as (6).

**1998**—Subsec. (b)(5). Pub. L. 105–276 substituted "federally recognized tribes and the tribally designated housing entities of those tribes" for "Indian tribes" and "chapter" for "subsection".

### **EFFECTIVE DATE**

Section effective Oct. 1, 1997, except as otherwise expressly provided, see section 107 of Pub. L. 104–330, set out as a note under section 4101 of this title.

<sup>1</sup> *So in original. Two pars. (6) have been enacted.*

## **§4132. Eligible affordable housing activities**

Affordable housing activities under this subchapter are activities, in accordance with the requirements of this subchapter, to develop, operate, maintain, or support affordable housing for rental or homeownership, or to provide housing services with respect to affordable housing, through the following activities:

**(1) Indian housing assistance**

The provision of modernization or operating assistance for housing previously developed or operated pursuant to a contract between the Secretary and an Indian housing authority.

**(2) Development**

The acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of affordable housing, which may include real property acquisition, site improvement, development and rehabilitation of utilities, necessary infrastructure, and utility services, conversion, demolition, financing, administration and planning, improvement to achieve greater energy efficiency, mold remediation, and other related activities.

**(3) Housing services**

The provision of housing-related services for affordable housing, such as housing counseling in connection with rental or homeownership assistance, establishment and support of resident organizations and resident management corporations, energy auditing, activities related to the provision of self-sufficiency and other services, and other services related to assisting owners, tenants, contractors, and other entities, participating or seeking to participate in other housing activities assisted pursuant to this section.

**(4) Housing management services**

The provision of management services for affordable housing, including preparation of work specifications, loan processing, inspections, tenant selection, management of tenant-based rental assistance, the costs of operation and maintenance of units developed with funds provided under this chapter, and management of affordable housing projects.

**(5) Crime prevention and safety activities**

The provision of safety, security, and law enforcement measures and activities appropriate to protect residents of affordable housing from crime.

**(6) Model activities**

Housing activities under model programs that are designed to carry out the purposes of this chapter and are specifically approved by the Secretary as appropriate for such purpose.

**(7) Community development demonstration project**

**(A) In general**

Consistent with principles of Indian self-determination and the findings of this chapter, the Secretary shall conduct and submit to Congress a study of the feasibility of establishing a demonstration project in which Indian tribes, tribal organizations, or tribal consortia are authorized to expend amounts received pursuant to the Native American Housing Assistance and Self-Determination Reauthorization Act of 2002 in order to design, implement, and operate community development demonstration projects.

**(B) Study**

Not later than 1 year after November 13, 2002, the Secretary shall submit the study conducted under subparagraph (A) to the Committee on Banking, Housing, and Urban Affairs and the Committee on Indian Affairs of the Senate, and the Committee on Financial Services and the Committee on Resources of the House of Representatives.

**(8) Self-Determination Act demonstration project**

**(A) In general**

Consistent with the provisions of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.),<sup>1</sup> the Secretary shall conduct and submit to Congress a study of the feasibility of establishing a demonstration project in which Indian tribes and tribal organizations are authorized to receive assistance in a manner that maximizes tribal authority and decision-making in the design and implementation of Federal housing and related activity funding.

**(B) Study**

Not later than 1 year after November 13, 2002, the Secretary shall submit the study conducted under subparagraph (A) to the Committee on Banking, Housing, and Urban Affairs and the Committee on Indian Affairs of the Senate, and the Committee on Financial Services and the Committee on Resources of the House of Representatives.

**(9) Reserve accounts**

**(A) In general**

Subject to subparagraph (B), the deposit of amounts, including grant amounts under section 4111 of this title, in a reserve account established for an Indian tribe only for the purpose of accumulating amounts for administration

and planning relating to affordable housing activities under this section, in accordance with the Indian housing plan of the Indian tribe.

**(B) Maximum amount**

A reserve account established under subparagraph (A) shall consist of not more than an amount equal to  $\frac{1}{4}$  of the 5-year average of the annual amount used by a recipient for administration and planning under paragraph (2). (Pub. L. 104–330, title II, §202, Oct. 26, 1996, 110 Stat. 4032; Pub. L. 107–292, §8, Nov. 13, 2002, 116 Stat. 2055; Pub. L. 109–58, title V, §506(b), Aug. 8, 2005, 119 Stat. 779; Pub. L. 110–411, title II, §202, Oct. 14, 2008, 122 Stat. 4325.)

**REFERENCES IN TEXT**

This chapter, referred to in pars. (4), (6), and (7)(A), was in the original "this Act", meaning Pub. L. 104–330, Oct. 26, 1996, 110 Stat. 4016, known as the Native American Housing Assistance and Self-Determination Act of 1996. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of this title and Tables.

The Native American Housing Assistance and Self-Determination Reauthorization Act of 2002, referred to in par. (7)(A), is Pub. L. 107–292, Nov. 13, 2002, 116 Stat. 2053. For complete classification of this Act to the Code, see Short Title of 2002 Amendment note set out under section 4101 of this title and Tables.

The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), referred to in par. (8)(A), is Pub. L. 93–638, Jan. 4, 1975, 88 Stat. 2203, which was classified principally to subchapter II (§450 et seq.) of chapter 14 of this title prior to editorial reclassification as chapter 46 (§5301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of this title and Tables.

**AMENDMENTS**

**2008**—Pub. L. 110–411, §202(1), substituted "to develop, operate, maintain, or support" for "to develop or to support" in introductory provisions.

Par. (2). Pub. L. 110–411, §202(2), substituted "development and rehabilitation of utilities, necessary infrastructure," for "development of utilities" and inserted "mold remediation," after "energy efficiency,".

Par. (4). Pub. L. 110–411, §202(3), inserted "the costs of operation and maintenance of units developed with funds provided under this chapter," after "rental assistance,".

Par. (9). Pub. L. 110–411, §202(4), added par. (9).

**2005**—Par. (2). Pub. L. 109–58, which directed amendment of section 202 of the Native American Housing and Self-Determination Act of 1996 by inserting "improvement to achieve greater energy efficiency," after "planning," in par. (2), was executed by making the insertion in par. (2) of this section, which is section 202 of the Native American Housing Assistance and Self-Determination Act of 1996, to reflect the probable intent of Congress.

**2002**—Pars. (7), (8). Pub. L. 107–292 added pars. (7) and (8).

**CHANGE OF NAME**

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

**EFFECTIVE DATE**

Section effective Oct. 1, 1997, except as otherwise expressly provided, see section 107 of Pub. L. 104–330, set out as a note under section 4101 of this title.

<sup>1</sup> See References in Text note below.

**§4133. Program requirements**

**(a) Rents**

**(1) Establishment**

Subject to paragraph (2), each recipient shall develop written policies governing rents and homebuyer payments charged for dwelling units assisted under this chapter, including the methods by which such rents and homebuyer payments are determined.

**(2) Maximum rent**

In the case of any low-income family residing in a dwelling unit assisted with grant amounts under this chapter, the monthly rent or homebuyer payment (as applicable) for such dwelling unit may not exceed 30 percent of the monthly

adjusted income of such family.

**(b) Maintenance and efficient operation**

Each recipient who owns or operates (or is responsible for funding any entity that owns or operates) housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937 [42 U.S.C. 1437 et seq.] shall, using amounts of any grants received under this chapter, reserve and use for operating assistance under section 4132(1) of this title such amounts as may be necessary to provide for the continued maintenance and efficient operation of such housing. This subsection may not be construed to prevent any recipient (or entity funded by a recipient) from demolishing or disposing of Indian housing referred to in this subsection, pursuant to regulations established by the Secretary.

**(c) Insurance coverage**

Each recipient shall maintain adequate insurance coverage for housing units that are owned or operated or assisted with grant amounts provided under this chapter.

**(d) Eligibility for admission**

Each recipient shall develop written policies governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this chapter.

**(e) Management and maintenance**

Each recipient shall develop policies governing the management and maintenance of housing assisted with grant amounts under this chapter.

**(f) Use of grant amounts over extended periods**

**(1) In general**

To the extent that the Indian housing plan for an Indian tribe provides for the use of amounts of a grant under section 4111 of this title for a period of more than 1 fiscal year, or for affordable housing activities for which the amounts will be committed for use or expended during a subsequent fiscal year, the Secretary shall not require those amounts to be used or committed for use at any time earlier than otherwise provided for in the Indian housing plan.

**(2) Carryover**

Any amount of a grant provided to an Indian tribe under section 4111 of this title for a fiscal year that is not used by the Indian tribe during that fiscal year may be used by the Indian tribe during any subsequent fiscal year.

**(g) De minimis exemption for procurement of goods and services**

Notwithstanding any other provision of law, a recipient shall not be required to act in accordance with any otherwise applicable competitive procurement rule or procedure with respect to the procurement, using a grant provided under this chapter, of goods and services the value of which is less than \$5,000.

(Pub. L. 104–330, title II, §203, Oct. 26, 1996, 110 Stat. 4032; Pub. L. 110–411, title II, §203, Oct. 14, 2008, 122 Stat. 4325.)

## REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 104–330, Oct. 26, 1996, 110 Stat. 4016, known as the Native American Housing Assistance and Self-Determination Act of 1996. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of this title and Tables.

The United States Housing Act of 1937, referred to in subsec. (b), 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, which is classified generally to chapter 8 (§1437 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1437 of Title 42 and Tables.

## AMENDMENTS

**2008**—Subsecs. (f), (g). Pub. L. 110–411 added subsecs. (f) and (g).

## EFFECTIVE DATE

Section effective Oct. 1, 1997, except as otherwise expressly provided, see section 107 of Pub. L. 104–330, set out as a note under section 4101 of this title.

## §4134. Types of investments

**(a) In general**

Subject to section 4133 of this title and the Indian housing plan for an Indian tribe, the recipient for that tribe shall have—

- (1) the discretion to use grant amounts for affordable housing activities through equity investments, interest-bearing loans or advances, noninterest-bearing loans or advances, interest subsidies, leveraging of private investments, or any other form of assistance that the Secretary has determined to be consistent with the purposes of this chapter; and
- (2) the right to establish the terms of assistance.

**(b) Investments**

A recipient may invest grant amounts for the purposes of carrying out affordable housing activities in investment securities and other obligations as approved by the Secretary.

(Pub. L. 104–330, title II, §204, Oct. 26, 1996, 110 Stat. 4033.)

**REFERENCES IN TEXT**

This chapter, referred to in subsec. (a)(1), was in the original "this Act", meaning Pub. L. 104–330, Oct. 26, 1996, 110 Stat. 4016, known as the Native American Housing Assistance and Self-Determination Act of 1996. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of this title and Tables.

**EFFECTIVE DATE**

Section effective Oct. 1, 1997, except as otherwise expressly provided, see section 107 of Pub. L. 104–330, set out as a note under section 4101 of this title.

**§4135. Low-income requirement and income targeting**

**(a) In general**

Housing shall qualify as affordable housing for purposes of this chapter only if—

(1) each dwelling unit in the housing—

(A) in the case of rental housing, is made available for occupancy only by a family that is a low-income family at the time of their initial occupancy of such unit;

(B) in the case of a contract to purchase existing housing, is made available for purchase only by a family that is a low-income family at the time of purchase;

(C) in the case of a lease-purchase agreement for existing housing or for housing to be constructed, is made available for lease-purchase only by a family that is a low-income family at the time the agreement is entered into; and

(D) in the case of a contract to purchase housing to be constructed, is made available for purchase only by a family that is a low-income family at the time the contract is entered into; and

(2) except for housing assisted under section 1437bb of title 42 (as in effect before the date of the effectiveness of this chapter), each dwelling unit in the housing will remain affordable, according to binding commitments satisfactory to the Secretary, for the remaining useful life of the property (as determined by the Secretary) without regard to the term of the mortgage or to transfer of ownership, or for such other period that the Secretary determines is the longest feasible period of time consistent with sound economics and the purposes of this chapter, except upon a foreclosure by a lender (or upon other transfer in lieu of foreclosure) if such action—

(A) recognizes any contractual or legal rights of public agencies, nonprofit sponsors, or others to take actions that would avoid termination of low-income affordability in the case of foreclosure or transfer in lieu of foreclosure; and

(B) is not for the purpose of avoiding low-income affordability restrictions, as determined by the Secretary.

**(b) Exception**

Notwithstanding subsection (a), housing assisted pursuant to section 4131(b)(2) of this title shall be considered affordable housing for purposes of this chapter.

**(c) Applicability**

The provisions of paragraph (2) of subsection (a) regarding binding commitments for the remaining useful life of property shall not apply to a family or household member who subsequently takes ownership of a homeownership unit. (Pub. L. 104–330, title II, §205, Oct. 26, 1996, 110 Stat. 4033; Pub. L. 105–276, title V, §595(e)(8), Oct. 21, 1998, 112 Stat. 2657; Pub. L. 110–411, title II, §204, Oct. 14, 2008, 122 Stat. 4326.)

**REFERENCES IN TEXT**

This chapter, referred to in subsecs. (a) and (b), was in the original "this Act", meaning Pub. L. 104–330, Oct. 26, 1996, 110 Stat. 4016, known as the Native American Housing Assistance and Self-Determination

Act of 1996. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of this title and Tables.

Section 1437bb of title 42, referred to in subsec. (a)(2), was repealed by Pub. L. 104-330, title V, §501(a), Oct. 26, 1996, 110 Stat. 4041, effective Oct. 1, 1997.

For the date of the effectiveness of this chapter, referred to in subsec. (a)(2), as Oct. 1, 1997, except as otherwise expressly provided, see section 107 of Pub. L. 104-330, set out as an Effective Date note under section 4101 of this title.

## AMENDMENTS

**2008**—Subsec. (c). Pub. L. 110-411 added subsec. (c).

**1998**—Subsec. (a)(1)(B) to (D). Pub. L. 105-276 added subpars. (B) to (D) and struck out former subpar. (B) which read as follows: "in the case of housing for homeownership, is made available for purchase only by a family that is a low-income family at the time of purchase; and".

## EFFECTIVE DATE

Section effective Oct. 1, 1997, except as otherwise expressly provided, see section 107 of Pub. L. 104-330, set out as a note under section 4101 of this title.

### **§4136. Repealed. Pub. L. 106-568, title X, §1003(k)(2), Dec. 27, 2000, 114 Stat. 2930; Pub. L. 106-569, title V, §503(j)(2), Dec. 27, 2000, 114 Stat. 2966**

Section, Pub. L. 104-330, title II, §206, Oct. 26, 1996, 110 Stat. 4034; Pub. L. 105-276, title V, §595(a), Oct. 21, 1998, 112 Stat. 2656, related to certification of compliance with subsidy layering requirements.

### **§4137. Lease requirements and tenant selection**

#### **(a) Leases**

Except to the extent otherwise provided by or inconsistent with tribal law, in renting dwelling units in affordable housing assisted with grant amounts provided under this chapter, the owner or manager of the housing shall utilize leases that—

- (1) do not contain unreasonable terms and conditions;
- (2) require the owner or manager to maintain the housing in compliance with applicable housing codes and quality standards;
- (3) require the owner or manager to give adequate written notice of termination of the lease, which shall be the period of time required under State, tribal, or local law;
- (4) specify that, with respect to any notice of eviction or termination, notwithstanding any State, tribal, or local law, a resident shall be informed of the opportunity, prior to any hearing or trial, to examine any relevant documents, records, or regulations directly related to the eviction or termination;
- (5) require that the owner or manager may not terminate the tenancy, during the term of the lease, except for serious or repeated violation of the terms or conditions of the lease, violation of applicable Federal, State, tribal, or local law, or for other good cause; and
- (6) provide that the owner or manager may terminate the tenancy of a resident for any activity, engaged in by the resident, any member of the household of the resident, or any guest or other person under the control of the resident, that—
  - (A) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other residents or employees of the owner or manager of the housing;
  - (B) threatens the health or safety of, or right to peaceful enjoyment of their premises by, persons residing in the immediate vicinity of the premises; or
  - (C) is criminal activity (including drug-related criminal activity) on or off the premises.

#### **(b) Tenant and homebuyer selection**

The owner or manager of affordable rental housing assisted with grant amounts provided under this chapter shall adopt and utilize written tenant and homebuyer selection policies and criteria that—

- (1) are consistent with the purpose of providing housing for low-income families;
- (2) are reasonably related to program eligibility and the ability of the applicant to perform the obligations of the lease; and
- (3) provide for—
  - (A) the selection of tenants and homebuyers from a written waiting list in accordance with the policies and goals set forth in the Indian housing plan for the tribe that is the grant beneficiary of such grant amounts; and
  - (B) the prompt notification in writing to any rejected applicant of that rejection and the grounds for that rejection.

(Pub. L. 104–330, title II, §207, Oct. 26, 1996, 110 Stat. 4034; Pub. L. 105–276, title V, §595(b), (e)(9), Oct. 21, 1998, 112 Stat. 2656, 2658.)

### REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 104–330, Oct. 26, 1996, 110 Stat. 4016, known as the Native American Housing Assistance and Self-Determination Act of 1996. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of this title and Tables.

### AMENDMENTS

**1998**—Subsec. (b). Pub. L. 105–276, §595(b)(1), (2), in heading substituted "Tenant and homebuyer selection" for "Tenant selection" and, in introductory provisions, inserted "and homebuyer" after "tenant".  
 Subsec. (b)(3)(A). Pub. L. 105–276, §595(b)(3), inserted "and homebuyers" after "tenants".  
 Subsec. (b)(3)(B). Pub. L. 105–276, §595(e)(9), substituted "to any rejected applicant of that rejection and the grounds for that rejection" for "of any rejected applicant of the grounds for any rejection".

### EFFECTIVE DATE

Section effective Oct. 1, 1997, except as otherwise expressly provided, see section 107 of Pub. L. 104–330, set out as a note under section 4101 of this title.

## §4138. Availability of records

### (a) Provision of information

Notwithstanding any other provision of law, except as provided in subsection (b), the National Crime Information Center, police departments, and other law enforcement agencies shall, upon request, provide information to Indian tribes or tribally designated housing entities regarding the criminal conviction records of applicants for employment, and of adult applicants for, or tenants of, housing assisted with grant amounts provided to such tribe or entity under this chapter for purposes of applicant screening, lease enforcement, and eviction.

### (b) Exception

A law enforcement agency described in subsection (a) shall provide information under this paragraph relating to any criminal conviction of a juvenile only to the extent that the release of such information is authorized under the law of the applicable State, tribe, or locality.

### (c) Confidentiality

An Indian tribe or tribally designated housing entity receiving information under this section may use such information only for the purposes provided in this section and such information may not be disclosed to any person who is not an officer, employee, or authorized representative of the tribe or entity or the owner of housing assisted under this chapter, and who has a job-related need to have access to the information for the purposes under this section. For judicial eviction proceedings, disclosures may be made to the extent necessary. The Secretary shall, by regulation, establish procedures necessary to ensure that information provided under this section to any tribe or entity is used, and confidentiality is maintained, as required under this section.

(Pub. L. 104–330, title II, §208, Oct. 26, 1996, 110 Stat. 4035; Pub. L. 105–276, title V, §595(e)(10), Oct. 21, 1998, 112 Stat. 2658; Pub. L. 110–411, title II, §205, Oct. 14, 2008, 122 Stat. 4326.)

### REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (c), was in the original "this Act", meaning Pub. L. 104–330, Oct. 26, 1996, 110 Stat. 4016, known as the Native American Housing Assistance and Self-Determination Act of 1996. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of this title and Tables.

### AMENDMENTS

**2008**—Subsec. (a). Pub. L. 110–411 inserted "applicants for employment, and of" after "records of".  
**1998**—Subsec. (a). Pub. L. 105–276, §595(e)(10)(A), substituted "subsection (b)" for "paragraph (2)".  
 Subsec. (b). Pub. L. 105–276, §595(e)(10)(B), substituted "subsection (a)" for "paragraph (1)".

### EFFECTIVE DATE

Section effective Oct. 1, 1997, except as otherwise expressly provided, see section 107 of Pub. L. 104–330, set out as a note under section 4101 of this title.

### **§4139. Noncompliance with affordable housing requirement**

If a recipient uses grant amounts to provide affordable housing under this subchapter, and at any time during the useful life of the housing the recipient does not comply with the requirement under section 4135(a)(2) of this title, the Secretary shall take appropriate action under section 4161(a) of this title.

(Pub. L. 104–330, title II, §209, Oct. 26, 1996, 110 Stat. 4035; Pub. L. 105–276, title V, §595(c), Oct. 21, 1998, 112 Stat. 2656; Pub. L. 106–568, title X, §1003(f)(1), Dec. 27, 2000, 114 Stat. 2927; Pub. L. 106–569, title V, §503(e)(1), Dec. 27, 2000, 114 Stat. 2962.)

#### **AMENDMENTS**

**2000**—Pub. L. 106–568 and Pub. L. 106–569 generally amended section catchline and text identically. Prior to amendment, text read as follows: "If a recipient uses grant amounts to provide affordable housing under activities under this subchapter and, at any time during the useful life of the housing the housing does not comply with the requirement under section 4135(a)(2) of this title, the Secretary shall reduce future grant payments on behalf of the grant beneficiary by an amount equal to the grant amounts used for such housing (under the authority under section 4161(a)(2) of this title) or require repayment to the Secretary of an amount equal to such grant amounts."

**1998**—Pub. L. 105–276 made technical amendment to reference in original act which appears in text as reference to section 4135(a)(2) of this title.

#### **EFFECTIVE DATE**

Section effective Oct. 1, 1997, except as otherwise expressly provided, see section 107 of Pub. L. 104–330, set out as a note under section 4101 of this title.

### **§4140. Continued use of amounts for affordable housing**

Any funds for programs for low-income housing under the United States Housing Act of 1937 [42 U.S.C. 1437 et seq.] that, on the date of the applicability of this chapter to an Indian tribe, are owned by, or in the possession or under the control of, the Indian housing authority for the tribe, including all reserves not otherwise obligated, shall be considered assistance under this chapter and subject to the provisions of this chapter relating to use of such assistance.

(Pub. L. 104–330, title II, §210, Oct. 26, 1996, 110 Stat. 4036.)

#### **REFERENCES IN TEXT**

The United States Housing Act of 1937, referred to in text, 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, which is classified generally to chapter 8 (§1437 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1437 of Title 42 and Tables.

The date of the applicability of this chapter, referred to in text, probably means the effective date of Pub. L. 104–330, which is Oct. 1, 1997, except as otherwise expressly provided. See section 107 of Pub. L. 104–330, set out as an Effective Date note under section 4101 of this title.

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 104–330, Oct. 26, 1996, 110 Stat. 4016, known as the Native American Housing Assistance and Self-Determination Act of 1996. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of this title and Tables.

#### **EFFECTIVE DATE**

Section effective Oct. 1, 1997, except as otherwise expressly provided, see section 107 of Pub. L. 104–330, set out as a note under section 4101 of this title.

## **PART B—SELF-DETERMINED HOUSING ACTIVITIES FOR TRIBAL COMMUNITIES**

### **§4145. Purpose**

The purpose of this part is to establish a program for self-determined housing activities for the tribal communities to provide Indian tribes with the flexibility to use a portion of the grant amounts under section 4111 of this title for the

Indian tribe in manners that are wholly self-determined by the Indian tribe for housing activities involving construction, acquisition, rehabilitation, or infrastructure relating to housing activities or housing that will benefit the community served by the Indian tribe.

(Pub. L. 104–330, title II, §231, as added Pub. L. 110–411, title II, §206(a)(2), Oct. 14, 2008, 122 Stat. 4326.)

## §4145a. Program authority

### (a) Definition of qualifying Indian tribe

In this section, the term "qualifying Indian tribe" means, with respect to a fiscal year, an Indian tribe or tribally designated housing entity—

- (1) to or on behalf of which a grant is made under section 4111 of this title;
- (2) that has complied with the requirements of section 4112(b)(6)<sup>1</sup> of this title; and
- (3) that, during the preceding 3-fiscal-year period, has no unresolved significant and material audit findings or exceptions, as demonstrated in—
  - (A) the annual audits of that period completed under chapter 75 of title 31 (commonly known as the "Single Audit Act"); or
  - (B) an independent financial audit prepared in accordance with generally accepted auditing principles.

### (b) Authority

Under the program under this part, for each of fiscal years 2009 through 2013, the recipient for each qualifying Indian tribe may use the amounts specified in subsection (c) in accordance with this part.

### (c) Amounts

With respect to a fiscal year and a recipient, the amounts referred to in subsection (b) are amounts from any grant provided under section 4111 of this title to the recipient for the fiscal year, as determined by the recipient, but in no case exceeding the lesser of—

- (1) an amount equal to 20 percent of the total grant amount for the recipient for that fiscal year; and
- (2) \$2,000,000.

(Pub. L. 104–330, title II, §232, as added Pub. L. 110–411, title II, §206(a)(2), Oct. 14, 2008, 122 Stat. 4326.)

<sup>1</sup> So in original. Section 4112(b) of this title does not contain a par. (6).

## §4145b. Use of amounts for housing activities

### (a) Eligible housing activities

Any amounts made available for use under this part by a recipient for an Indian tribe shall be used only for housing activities, as selected at the discretion of the recipient and described in the Indian housing plan for the Indian tribe pursuant to section 4112(b)(6)<sup>1</sup> of this title, for the construction, acquisition, or rehabilitation of housing or infrastructure in accordance with section 4132 of this title to provide a benefit to families described in section 4131(b)(1) of this title.

### (b) Prohibition on certain activities

Amounts made available for use under this part may not be used for commercial or economic development.

(Pub. L. 104–330, title II, §233, as added Pub. L. 110–411, title II, §206(a)(2), Oct. 14, 2008, 122 Stat. 4327.)

<sup>1</sup> So in original. Section 4112(b) of this title does not contain a par. (6).

## §4145c. Inapplicability of other provisions

### (a) In general

Except as otherwise specifically provided in this chapter, subchapter I, part A of subchapter II, and subchapters III through VIII shall not apply to—

- (1) the program under this part; or
- (2) amounts made available in accordance with this part.

### (b) Applicable provisions

The following provisions of subchapters I through VIII shall apply to the program under this part and amounts made available in accordance with this part:

- (1) Section 4111(c) of this title (relating to local cooperation agreements).

- (2) Subsections (d) and (e) of section 4111 of this title (relating to tax exemption).
  - (3) Section 4111(j) of this title (relating to Federal supply sources).
  - (4) Section 4111(k) of this title (relating to tribal preference in employment and contracting).
  - (5) Section 4112(b)(4)<sup>1</sup> of this title (relating to certification of compliance).
  - (6) Section 4114 of this title (relating to treatment of program income and labor standards).
  - (7) Section 4115 of this title (relating to environmental review).
  - (8) Section 4131(b) of this title (relating to eligible families).
  - (9) Section 4133(c) of this title (relating to insurance coverage).
  - (10) Section 4133(g) of this title (relating to a de minimis exemption for procurement of goods and services).
  - (11) Section 4136<sup>2</sup> of this title (relating to treatment of funds).
  - (12) Section 4139 of this title (relating to noncompliance with affordable housing requirement).
  - (13) Section 4161 of this title (relating to remedies for noncompliance).
  - (14) Section 4168 of this title (relating to public availability of information).
  - (15) Section 4211 of this title (relating to 50-year leasehold interests in trust or restricted lands for housing purposes).
- (Pub. L. 104–330, title II, §234, as added Pub. L. 110–411, title II, §206(a)(2), Oct. 14, 2008, 122 Stat. 4327.)

### REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original "this Act", meaning Pub. L. 104–330, Oct. 26, 1996, 110 Stat. 4016, known as the Native American Housing Assistance and Self-Determination Act of 1996. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of this title and Tables.

Subchapters I through VIII, referred to in subsecs. (a) and (b), were in the original references to titles I through VIII of Pub. L. 104–330, which enacted subchapters I through VIII of this chapter. In addition to enacting subchapter V, title V enacted section 12899h–1 of Title 42, The Public Health and Welfare, amended sections 1437a, 1437c to 1437e, 1437g, 1437i, 1437n, 1437u to 1437x, 1437aaa–5, 1437aaa–6, 1439, 11371 to 11376, 11382, 11401, 11403g, 11408, 11903a, 12747, and 12838 of Title 42, repealed sections 1437aa to 1437ee of Title 42, enacted provisions set out as notes under sections 11371, 12747, and 12899h–1 of Title 42, amended provisions set out as a note under section 11301 of Title 42, and repealed provisions set out as a note under section 1701z–6 of Title 12, Banks and Banking. In addition to enacting subchapter VII, title VII amended sections 1715z–13a and 1721 of Title 12 and sections 11902 to 11905 of Title 42. For complete classification of titles I to VIII to the Code, see Short Title note set out under section 4101 of this title and Tables.

Section 4136 of this title, referred to in subsec. (b)(11), related to certification of compliance with subsidy layering requirements and was repealed by Pub. L. 106–568, title X, §1003(k)(2), Dec. 27, 2000, 114 Stat. 2930 and Pub. L. 106–569, title V, §503(j)(2), Dec. 27, 2000, 114 Stat. 2966.

<sup>1</sup> So in original. Section 4112(b) of this title does not contain a par. (4).

<sup>2</sup> See References in Text note below.

## §4145d. Review and report

### (a) Review

During calendar year 2011, the Secretary shall conduct a review of the results achieved by the program under this part to determine—

- (1) the housing constructed, acquired, or rehabilitated under the program;
- (2) the effects of the housing described in paragraph (1) on costs to low-income families of affordable housing;
- (3) the effectiveness of each recipient in achieving the results intended to be achieved, as described in the Indian housing plan for the Indian tribe; and
- (4) the need for, and effectiveness of, extending the duration of the program and increasing the amount of grants under section 4111 of this title that may be used under the program.

### (b) Report

Not later than December 31, 2011, the Secretary shall submit to Congress a report describing the information obtained pursuant to the review under subsection (a) (including any conclusions and recommendations of the Secretary with respect to the program under this part), including—

- (1) recommendations regarding extension of the program for subsequent fiscal years and increasing the amounts under section 4145a(c) of this title that may be used under the program; and
- (2) recommendations for—

- (A)(i) specific Indian tribes or recipients that should be prohibited from participating in the program for failure to achieve results; and
- (ii) the period for which such a prohibition should remain in effect; or
- (B) standards and procedures by which Indian tribes or recipients may be prohibited from participating in the program for failure to achieve results.

**(c) Provision of information to Secretary**

Notwithstanding any other provision of this chapter, recipients participating in the program under this part shall provide such information to the Secretary as the Secretary may request, in sufficient detail and in a timely manner sufficient to ensure that the review and report required by this section is accomplished in a timely manner.

(Pub. L. 104–330, title II, §235, as added Pub. L. 110–411, title II, §206(a)(2), Oct. 14, 2008, 122 Stat. 4328.)

**REFERENCES IN TEXT**

This chapter, referred to in subsec. (c), was in the original "this Act", meaning Pub. L. 104–330, Oct. 26, 1996, 110 Stat. 4016, known as the Native American Housing Assistance and Self-Determination Act of 1996. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of this title and Tables.

**SUBCHAPTER III—ALLOCATION OF GRANT AMOUNTS**

**§4151. Annual allocation**

For each fiscal year, the Secretary shall allocate any amounts made available for assistance under this chapter for the fiscal year, in accordance with the formula established pursuant to section 4152 of this title, among Indian tribes that comply with the requirements under this chapter for a grant under this chapter.

(Pub. L. 104–330, title III, §301, Oct. 26, 1996, 110 Stat. 4036.)

**REFERENCES IN TEXT**

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 104–330, Oct. 26, 1996, 110 Stat. 4016, known as the Native American Housing Assistance and Self-Determination Act of 1996. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of this title and Tables.

**EFFECTIVE DATE**

Section effective Oct. 1, 1997, except as otherwise expressly provided, see section 107 of Pub. L. 104–330, set out as a note under section 4101 of this title.

**§4152. Allocation formula**

**(a) Establishment**

**(1) In general**

The Secretary shall, by regulations issued not later than the expiration of the 12-month period beginning on October 26, 1996, in the manner provided under section 4116 of this title, establish a formula to provide for allocating amounts available for a fiscal year for block grants under this chapter among Indian tribes in accordance with the requirements of this section.

**(2) Study of need data**

**(A) In general**

The Secretary shall enter into a contract with an organization with expertise in housing and other demographic data collection methodologies under which the organization, in consultation with Indian tribes and Indian organizations, shall—

- (i) assess existing data sources, including alternatives to the decennial census, for use in evaluating the factors for determination of need described in subsection (b); and
- (ii) develop and recommend methodologies for collecting data on any of those factors, including formula area, in any case in which existing data is determined to be insufficient or inadequate, or fails to satisfy the requirements of this chapter.

**(B) Authorization of appropriations**

There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.

**(b) Factors for determination of need**

The formula shall be based on factors that reflect the need of the Indian tribes and the Indian areas of the tribes for assistance for affordable housing activities, including the following factors:

(1)(A) The number of low-income housing dwelling units developed under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.), pursuant to a contract between an Indian housing authority for the tribe and the Secretary, that are owned or operated by a recipient on the October 1 of the calendar year immediately preceding the year for which funds are provided, subject to the condition that such a unit shall not be considered to be a low-income housing dwelling unit for purposes of this section if—

- (i) the recipient ceases to possess the legal right to own, operate, or maintain the unit; or
- (ii) the unit is lost to the recipient by conveyance, demolition, or other means.

(B) If the unit is a homeownership unit not conveyed within 25 years from the date of full availability, the recipient shall not be considered to have lost the legal right to own, operate, or maintain the unit if the unit has not been conveyed to the homebuyer for reasons beyond the control of the recipient.

(C) If the unit is demolished and the recipient rebuilds the unit within 1 year of demolition of the unit, the unit may continue to be considered a low-income housing dwelling unit for the purpose of this paragraph.

(D) In this paragraph, the term "reasons beyond the control of the recipient" means, after making reasonable efforts, there remain—

- (i) delays in obtaining or the absence of title status reports;
- (ii) incorrect or inadequate legal descriptions or other legal documentation necessary for conveyance;
- (iii) clouds on title due to probate or intestacy or other court proceedings; or
- (iv) any other legal impediment.

(E) Subparagraphs (A) through (D) shall not apply to any claim arising from a formula current assisted stock calculation or count involving an Indian housing block grant allocation for any fiscal year through fiscal year 2008, if a civil action relating to the claim is filed by not later than 45 days after October 14, 2008.

- (2) The extent of poverty and economic distress and the number of Indian families within Indian areas of the tribe.
- (3) Other objectively measurable conditions as the Secretary and the Indian tribes may specify.

**(c) Other factors for consideration**

In establishing the formula, the Secretary shall consider—

- (1) the relative administrative capacities and other challenges faced by the recipient, including, but not limited to geographic distribution within the Indian area and technical capacity; and
- (2) the extent to which terminations of assistance under subchapter V will affect funding available to State recognized tribes.

**(d) Funding for public housing operation and modernization**

**(1) Full funding**

**(A) In general**

Except with respect to an Indian tribe described in subparagraph (B), the formula shall provide that, if, in any fiscal year, the total amount made available for assistance under this chapter is equal to or greater than the total amount made available for fiscal year 1996 for assistance for the operation and modernization of public housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937 [42 U.S.C. 1437 et seq.], the amount provided for such fiscal year for each Indian tribe for which such operating or modernization assistance was provided for fiscal year 1996 shall not be less than the total amount of such operating and modernization assistance provided for fiscal year 1996 for such tribe.

**(B) Certain Indian tribes**

With respect to fiscal year 2001 and each fiscal year thereafter, for any Indian tribe with an Indian housing authority that owns or operates fewer than 250 public housing units, the formula shall provide that if the amount provided for a fiscal year in which the total amount made available for assistance under this chapter is equal to or greater than the amount made available for fiscal year 1996 for assistance for the operation and modernization of the public housing referred to in subparagraph (A), then the amount provided to that Indian tribe as modernization assistance shall be equal to the average annual amount of funds provided to the Indian tribe (other than funds provided as emergency assistance) under the assistance program under section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437l) for the period beginning with fiscal year 1992 and ending with fiscal year 1997.

**(2) Partial funding**

The formula shall provide that, if, in any fiscal year, the total amount made available for assistance under this chapter is less than the total amount made available for fiscal year 1996 for assistance for the operation and modernization of public housing developed or operated pursuant to a contract between the Secretary and an Indian

housing authority pursuant to the United States Housing Act of 1937 [42 U.S.C. 1437 et seq.], the amount provided for such fiscal year for each Indian tribe for which such operating or modernization assistance was provided for fiscal year 1996 shall not be less than the amount that bears the same ratio to the total amount available for assistance under this chapter for such fiscal year that the amount of operating and modernization assistance provided for the tribe for fiscal year 1996 bears to the total amount made available for fiscal year 1996 for assistance for the operation and modernization of such public housing.

**(e) Effective date**

This section shall take effect on October 26, 1996.

(Pub. L. 104–330, title III, §302, Oct. 26, 1996, 110 Stat. 4036; Pub. L. 106–568, title X, §1003(g), Dec. 27, 2000, 114 Stat. 2928; Pub. L. 106–569, title V, §503(f), Dec. 27, 2000, 114 Stat. 2964; Pub. L. 110–411, title III, §301, Oct. 14, 2008, 122 Stat. 4329.)

## REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (d), was in the original "this Act", meaning Pub. L. 104–330, Oct. 26, 1996, 110 Stat. 4016, known as the Native American Housing Assistance and Self-Determination Act of 1996. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of this title and Tables.

The United States Housing Act of 1937, referred to in subsecs. (b)(1)(A) and (d), 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, which is classified generally to chapter 8 (§1437 et seq.) of Title 42, The Public Health and Welfare. Section 14 of the Act, which was classified to section 1437l of Title 42, was repealed by Pub. L. 105–276, title V, §522(a), Oct. 21, 1998, 112 Stat. 2564. For complete classification of this Act to the Code, see Short Title note set out under section 1437 of Title 42 and Tables.

Subchapter V, referred to in subsec. (c)(2), was in the original "title V", meaning title V of Pub. L. 104–330, which enacted subchapter V of this chapter and section 12899h–1 of Title 42, The Public Health and Welfare, amended sections 1437a, 1437c to 1437e, 1437g, 1437l, 1437n, 1437u to 1437x, 1437aaa–5, 1437aaa–6, 1439, 11371 to 11376, 11382, 11401, 11403g, 11408, 11903a, 12747, and 12838 of Title 42, repealed sections 1437aa to 1437ee of Title 42, enacted provisions set out as notes under sections 11371, 12747, and 12899h–1 of Title 42, amended provisions set out as a note under section 11301 of Title 42, and repealed provisions set out as a note under section 1701z–6 of Title 12, Banks and Banking. For complete classification of title V to the Code, see Tables.

## AMENDMENTS

**2008**—Subsec. (a). Pub. L. 110–411, §301(1), designated existing provisions as par. (1), inserted heading, and added par. (2).

Subsec. (b)(1). Pub. L. 110–411, §301(2), added par. (1) and struck out former par. (1) which read as follows: "The number of low-income housing dwelling units owned or operated at the time pursuant to a contract between an Indian housing authority for the tribe and the Secretary."

**2000**—Subsec. (d)(1). Pub. L. 106–568, §1003(g)(1), and Pub. L. 106–569, §503(f)(1), which directed identical amendment of par. (1) by substituting subpar. (A) designation, heading, and "Except with respect to an Indian tribe described in subparagraph (B), the formula" for "The formula," were executed by making the substitution for "The formula" to reflect the probable intent of Congress.

Subsec. (d)(1)(B). Pub. L. 106–568, §1003(g)(2), and Pub. L. 106–569, §503(f)(2), amended par. (1) identically, adding subpar. (B).

## SUBCHAPTER IV—COMPLIANCE, AUDITS, AND REPORTS

### §4161. Remedies for noncompliance

#### (a) Actions by Secretary affecting grant amounts

##### (1) In general

Except as provided in subsection (b), if the Secretary finds after reasonable notice and opportunity for hearing that a recipient of assistance under this chapter has failed to comply substantially with any provision of this chapter, the Secretary shall—

(A) terminate payments under this chapter to the recipient;

(B) reduce payments under this chapter to the recipient by an amount equal to the amount of such payments that were not expended in accordance with this chapter;

(C) limit the availability of payments under this chapter to programs, projects, or activities not affected by such failure to comply; or

(D) in the case of noncompliance described in section 4162(b) of this title, provide a replacement tribally designated housing entity for the recipient, under section 4162 of this title.

**(2) Substantial noncompliance**

The failure of a recipient to comply with the requirements of section 4152(b)(1) of this title regarding the reporting of low-income dwelling units shall not, in itself, be considered to be substantial noncompliance for purposes of this subchapter.

**(3) Continuance of actions**

If the Secretary takes an action under subparagraph (A), (B), or (C) of paragraph (1), the Secretary shall continue such action until the Secretary determines that the failure to comply has ceased.

**(4) Exception for certain actions**

**(A) In general**

Notwithstanding any other provision of this subsection, if the Secretary makes a determination that the failure of a recipient of assistance under this chapter to comply substantially with any material provision (as that term is defined by the Secretary) of this chapter is resulting, and would continue to result, in a continuing expenditure of Federal funds in a manner that is not authorized by law, the Secretary may take an action described in paragraph (1)(C) before conducting a hearing.

**(B) Procedural requirement**

If the Secretary takes an action described in subparagraph (A), the Secretary shall—

- (i) provide notice to the recipient at the time that the Secretary takes that action; and
- (ii) conduct a hearing not later than 60 days after the date on which the Secretary provides notice under clause (i).

**(C) Determination**

Upon completion of a hearing under this paragraph, the Secretary shall make a determination regarding whether to continue taking the action that is the subject of the hearing, or take another action under this subsection.

**(b) Noncompliance because of technical incapacity**

**(1) In general**

If the Secretary makes a finding under subsection (a), but determines that the failure to comply substantially with the provisions of this chapter—

- (A) is not a pattern or practice of activities constituting willful noncompliance, and
- (B) is a result of the limited capability or capacity of the recipient,

the Secretary may provide technical assistance for the recipient (directly or indirectly) that is designed to increase the capability and capacity of the recipient to administer assistance provided under this chapter in compliance with the requirements under this chapter, if the recipient enters into a performance agreement with the Secretary that specifies the compliance objectives that the recipient will be required to achieve by the termination date of the performance agreement.

**(2) Performance agreement**

The period of a performance agreement described in paragraph (1) shall be for 1 year.

**(3) Review**

Upon the termination of a performance agreement entered into under paragraph (1), the Secretary shall review the performance of the recipient that is a party to the agreement.

**(4) Effect of review**

If, on the basis of a review under paragraph (3), the Secretary determines that the recipient—

- (A) has made a good faith effort to meet the compliance objectives specified in the agreement, the Secretary may enter into an additional performance agreement for the period specified in paragraph (2); and
- (B) has failed to make a good faith effort to meet applicable compliance objectives, the Secretary shall determine the recipient to have failed to comply substantially with this chapter, and the recipient shall be subject to an action under subsection (a).

**(c) Referral for civil action**

**(1) Authority**

In lieu of, or in addition to, any action authorized by subsection (a), if the Secretary has reason to believe that a recipient has failed to comply substantially with any provision of this chapter, the Secretary may refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted.

**(2) Civil action**

Upon such a referral, the Attorney General may bring a civil action in any United States district court having venue thereof for such relief as may be appropriate, including an action to recover the amount of the assistance furnished under this chapter that was not expended in accordance with it, or for mandatory or injunctive relief.

**(d) Review****(1) In general**

Any recipient who receives notice under subsection (a) of the termination, reduction, or limitation of payments under this chapter—

(A) may, not later than 60 days after receiving such notice, file with the United States Court of Appeals for the circuit in which such State is located, or in the United States Court of Appeals for the District of Columbia, a petition for review of the action of the Secretary; and

(B) upon the filing of any petition under subparagraph (A), shall forthwith transmit copies of the petition to the Secretary and the Attorney General of the United States, who shall represent the Secretary in the litigation.

**(2) Procedure**

The Secretary shall file in the court a record of the proceeding on which the Secretary based the action, as provided in section 2112 of title 28. No objection to the action of the Secretary shall be considered by the court unless such objection has been urged before the Secretary.

**(3) Disposition****(A) Court proceedings**

The court shall have jurisdiction to affirm or modify the action of the Secretary or to set it aside in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may order additional evidence to be taken by the Secretary, and to be made part of the record.

**(B) Secretary**

The Secretary—

(i) may modify the findings of fact of the Secretary, or make new findings, by reason of the new evidence so taken and filed with the court; and

(ii) shall file—

(I) such modified or new findings, which findings with respect to questions of fact shall be conclusive if supported by substantial evidence on the record considered as a whole; and

(II) the recommendation of the Secretary, if any, for the modification or setting aside of the original action of the Secretary.

**(4) Finality**

Upon the filing of the record with the court, the jurisdiction of the court shall be exclusive and its judgment shall be final, except that such judgment shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28.

(Pub. L. 104–330, title IV, §401, Oct. 26, 1996, 110 Stat. 4037; Pub. L. 106–568, title X, §1003(h), (i), Dec. 27, 2000, 114 Stat. 2928, 2929; Pub. L. 106–569, title V, §503(g), (h), Dec. 27, 2000, 114 Stat. 2964, 2965; Pub. L. 110–411, title IV, §401, Oct. 14, 2008, 122 Stat. 4330.)

**REFERENCES IN TEXT**

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 104–330, Oct. 26, 1996, 110 Stat. 4016, known as the Native American Housing Assistance and Self-Determination Act of 1996. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of this title and Tables.

**AMENDMENTS**

**2008**—Subsec. (a)(2) to (4). Pub. L. 110–411 added par. (2) and redesignated former pars. (2) and (3) as (3) and (4), respectively.

**2000**—Subsec. (a). Pub. L. 106–568, §1003(h), and Pub. L. 106–569, §503(g), amended subsec. (a) identically, designating existing provisions as par. (1), inserting heading, redesignating former pars. (1) to (4) as subpars. (A) to (D), respectively, of par. (1), realigning margins, designating concluding provisions as par. (2), inserting heading, substituting "If the Secretary takes an action under subparagraph (A), (B), or (C) of paragraph (1)" for "If the Secretary takes an action under paragraph (1), (2), or (3)", and adding par. (3).

Subsec. (b). Pub. L. 106–568, §1003(i), and Pub. L. 106–569, §503(h), amended subsec. (b) identically, designating existing provisions as par. (1), inserting heading, redesignating former pars. (1) and (2) as subpars. (A) and (B), respectively, of par. (1), realigning margins of concluding provisions, inserting ", if

the recipient enters into a performance agreement with the Secretary that specifies the compliance objectives that the recipient will be required to achieve by the termination date of the performance agreement" before period at end of concluding provisions, and adding pars. (2) to (4).

### **EFFECTIVE DATE**

Section effective Oct. 1, 1997, except as otherwise expressly provided, see section 107 of Pub. L. 104-330, set out as a note under section 4101 of this title.

## **§4162. Replacement of recipient**

### **(a) Authority**

As a condition of the Secretary making a grant under this chapter on behalf of an Indian tribe, the tribe shall agree that, notwithstanding any other provision of law, the Secretary may, only in the circumstances set forth in subsection (b), require that a replacement tribally designated housing entity serve as the recipient for the tribe, in accordance with subsection (c).

### **(b) Conditions of removal**

The Secretary may require such replacement tribally designated housing entity for a tribe only upon a determination by the Secretary on the record after opportunity for a hearing that the recipient for the tribe has engaged in a pattern or practice of activities that constitutes substantial or willful noncompliance with the requirements under this chapter.

### **(c) Choice and term of replacement**

If the Secretary requires that a replacement tribally designated housing entity serve as the recipient for a tribe (or tribes)—

(1) the replacement entity shall be an entity mutually agreed upon by the Secretary and the tribe (or tribes) for which the recipient was authorized to act, except that if no such entity is agreed upon before the expiration of the 60-day period beginning upon the date that the Secretary makes the determination under subsection (b), the Secretary shall act as the replacement entity until agreement is reached upon a replacement entity; and

(2) the replacement entity (or the Secretary, as provided in paragraph (1)) shall act as the tribally designated housing entity for the tribe (or tribes) for a period that expires upon—

(A) a date certain, which shall be specified by the Secretary upon making the determination under subsection (b); or

(B) the occurrence of specific conditions, which conditions shall be specified in written notice provided by the Secretary to the tribe upon making the determination under subsection (b).

(Pub. L. 104-330, title IV, §402, Oct. 26, 1996, 110 Stat. 4039.)

### **REFERENCES IN TEXT**

This chapter, referred to in subsecs. (a) and (b), was in the original "this Act", meaning Pub. L. 104-330, Oct. 26, 1996, 110 Stat. 4016, known as the Native American Housing Assistance and Self-Determination Act of 1996. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of this title and Tables.

### **EFFECTIVE DATE**

Section effective Oct. 1, 1997, except as otherwise expressly provided, see section 107 of Pub. L. 104-330, set out as a note under section 4101 of this title.

## **§4163. Monitoring of compliance**

### **(a) Enforceable agreements**

Each recipient, through binding contractual agreements with owners and otherwise, shall ensure long-term compliance with the provisions of this chapter. Such measures shall provide for (1) enforcement of the provisions of this chapter by the grant beneficiary or by recipients and other intended beneficiaries, and (2) remedies for the breach of such provisions.

### **(b) Periodic monitoring**

Not less frequently than annually, each recipient shall review the activities conducted and housing assisted under this chapter to assess compliance with the requirements of this chapter. Such review shall include an appropriate level of onsite inspection of housing to determine compliance with applicable requirements. The results of each review shall be included in the performance report of the recipient submitted to the Secretary under section 4164 of this title and made available to the public.

### **(c) Performance measures**

The Secretary shall establish such performance measures as may be necessary to assess compliance with the requirements of this chapter.

(Pub. L. 104–330, title IV, §403, Oct. 26, 1996, 110 Stat. 4039; Pub. L. 110–411, title IV, §402, Oct. 14, 2008, 122 Stat. 4330.)

### REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 104–330, Oct. 26, 1996, 110 Stat. 4016, known as the Native American Housing Assistance and Self-Determination Act of 1996. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of this title and Tables.

### AMENDMENTS

**2008**—Subsec. (b). Pub. L. 110–411 inserted "an appropriate level of" after "shall include".

### EFFECTIVE DATE

Section effective Oct. 1, 1997, except as otherwise expressly provided, see section 107 of Pub. L. 104–330, set out as a note under section 4101 of this title.

## §4164. Performance reports

### (a) Requirement

For each fiscal year, each recipient shall—

(1) review the progress it has made during such fiscal year in carrying out the Indian housing plan (or plans) for the Indian tribes for which it administers grant amounts; and

(2) submit a report to the Secretary (in a form acceptable to the Secretary) describing the conclusions of the review.

### (b) Content

Each report under this section for a fiscal year shall—

(1) describe the use of grant amounts provided to the recipient for such fiscal year;

(2) assess the relationship of such use to the planned activities identified in the Indian housing plan of the grant beneficiary; and

(3) indicate the programmatic accomplishments of the recipient.

### (c) Submission

The Secretary shall establish dates for submission of reports under this section, and review such reports and make such recommendations as the Secretary considers appropriate to carry out the purposes of this chapter.

### (d) Public availability

A recipient preparing a report under this section shall make the report publicly available to the citizens in the jurisdiction of the recipient in sufficient time to permit such citizens to comment on such report prior to its submission to the Secretary, and in such manner and at such times as the recipient may determine. The report shall include a summary of any comments received by the grant beneficiary or recipient from citizens in its jurisdiction regarding its program.

(Pub. L. 104–330, title IV, §404, Oct. 26, 1996, 110 Stat. 4040; Pub. L. 110–411, title IV, §403, Oct. 14, 2008, 122 Stat. 4330.)

### REFERENCES IN TEXT

This chapter, referred to in subsec. (c), was in the original "this Act", meaning Pub. L. 104–330, Oct. 26, 1996, 110 Stat. 4016, known as the Native American Housing Assistance and Self-Determination Act of 1996. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of this title and Tables.

### AMENDMENTS

**2008**—Subsec. (b)(2). Pub. L. 110–411, §403(1), substituted "planned activities" for "goals" and inserted "and" after semicolon at end.

Subsec. (b)(3), (4). Pub. L. 110–411, §403(2), (3), substituted period for "; and" at end of par. (3) and struck out par. (4) which read as follows: "describe the manner in which the recipient would change its programs as a result of its experiences."

### EFFECTIVE DATE

Section effective Oct. 1, 1997, except as otherwise expressly provided, see section 107 of Pub. L. 104-330, set out as a note under section 4101 of this title.

## **§4165. Review and audit by Secretary**

### **(a) Requirements under chapter 75 of title 31**

An entity designated by an Indian tribe as a housing entity shall be treated, for purposes of chapter 75 of title 31, as a non-Federal entity that is subject to the audit requirements that apply to non-Federal entities under that chapter.

### **(b) Additional reviews and audits**

#### **(1) In general**

In addition to any audit or review under subsection (a), to the extent the Secretary determines such action to be appropriate, the Secretary may conduct an audit or review of a recipient in order to—

(A) determine whether the recipient—

(i) has carried out—

(I) eligible activities in a timely manner; and

(II) eligible activities and certification in accordance with this chapter and other applicable law;

(ii) has a continuing capacity to carry out eligible activities in a timely manner; and

(iii) is in compliance with the Indian housing plan of the recipient; and

(B) verify the accuracy of information contained in any performance report submitted by the recipient under section 4164 of this title.

#### **(2) On-site visits**

To the extent practicable, the reviews and audits conducted under this subsection shall include on-site visits by the appropriate official of the Department of Housing and Urban Development.

### **(c) Review of reports**

#### **(1) In general**

The Secretary shall provide each recipient that is the subject of a report made by the Secretary under this section notice that the recipient may review and comment on the report during a period of not less than 30 days after the date on which notice is issued under this paragraph.

#### **(2) Public availability**

After taking into consideration any comments of the recipient under paragraph (1), the Secretary—

(A) may revise the report; and

(B) not later than 30 days after the date on which those comments are received, shall make the comments and the report (with any revisions made under subparagraph (A)) readily available to the public.

### **(d) Effect of reviews**

Subject to section 4161(a) of this title, after reviewing the reports and audits relating to a recipient that are submitted to the Secretary under this section, the Secretary may adjust the amount of a grant made to a recipient under this chapter in accordance with the findings of the Secretary with respect to those reports and audits.

(Pub. L. 104-330, title IV, §405, Oct. 26, 1996, 110 Stat. 4040; Pub. L. 106-568, title X, §1003(f)(2), Dec. 27, 2000, 114 Stat. 2927; Pub. L. 106-569, title V, §503(e)(2), Dec. 27, 2000, 114 Stat. 2963.)

## **REFERENCES IN TEXT**

This chapter, referred to in subsecs. (b)(1)(A)(i)(II) and (d), was in the original "this Act", meaning Pub. L. 104-330, Oct. 26, 1996, 110 Stat. 4016, known as the Native American Housing Assistance and Self-Determination Act of 1996. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of this title and Tables.

## **AMENDMENTS**

**2000**—Pub. L. 106-568 and Pub. L. 106-569 amended section identically, reenacting section catchline without change and amending text generally. Prior to amendment, section required the Secretary to make reviews and audits of recipients' activities and performance, to prepare reports, and to make adjustments in amounts of annual grants under this chapter based on the reviews and audits.

## **EFFECTIVE DATE**

Section effective Oct. 1, 1997, except as otherwise expressly provided, see section 107 of Pub. L. 104-330, set out as a note under section 4101 of this title.

## §4166. GAO audits

To the extent that the financial transactions of Indian tribes and recipients of grant amounts under this chapter relate to amounts provided under this chapter, such transactions may be audited by the Comptroller General of the United States under such rules and regulations as may be prescribed by the Comptroller General. The representatives of the Government Accountability Office shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by such tribes and recipients pertaining to such financial transactions and necessary to facilitate the audit.

(Pub. L. 104–330, title IV, §406, Oct. 26, 1996, 110 Stat. 4041; Pub. L. 108–271, §8(b), July 7, 2004, 118 Stat. 814.)

### REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 104–330, Oct. 26, 1996, 110 Stat. 4016, known as the Native American Housing Assistance and Self-Determination Act of 1996. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of this title and Tables.

### AMENDMENTS

**2004**—Pub. L. 108–271 substituted "Government Accountability Office" for "General Accounting Office".

### EFFECTIVE DATE

Section effective Oct. 1, 1997, except as otherwise expressly provided, see section 107 of Pub. L. 104–330, set out as a note under section 4101 of this title.

## §4167. Reports to Congress

### (a) In general

Not later than 90 days after the conclusion of each fiscal year in which assistance under this chapter is made available, the Secretary shall submit to the Congress a report that contains—

- (1) a description of the progress made in accomplishing the objectives of this chapter;
- (2) a summary of the use of funds available under this chapter during the preceding fiscal year; and
- (3) a description of the aggregate outstanding loan guarantees under subchapter VI.

### (b) Related reports

The Secretary may require recipients of grant amounts under this chapter to submit to the Secretary such reports and other information as may be necessary in order for the Secretary to make the report required by subsection (a).

(Pub. L. 104–330, title IV, §407, Oct. 26, 1996, 110 Stat. 4041.)

### REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 104–330, Oct. 26, 1996, 110 Stat. 4016, known as the Native American Housing Assistance and Self-Determination Act of 1996. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of this title and Tables.

### EFFECTIVE DATE

Section effective Oct. 1, 1997, except as otherwise expressly provided, see section 107 of Pub. L. 104–330, set out as a note under section 4101 of this title.

## §4168. Public availability of information

Each recipient shall make any housing plan, policy, or annual report prepared by the recipient available to the general public.

(Pub. L. 104–330, title IV, §408, as added Pub. L. 105–276, title V, §595(e)(14)(A), Oct. 21, 1998, 112 Stat. 2658.)

## SUBCHAPTER V—TERMINATION OF ASSISTANCE FOR INDIAN TRIBES UNDER INCORPORATED PROGRAMS

## **§4181. Termination of Indian housing assistance under United States Housing Act of 1937**

### **(a) Termination of assistance**

After September 30, 1997, financial assistance may not be provided under the United States Housing Act of 1937 [42 U.S.C. 1437 et seq.] or pursuant to any commitment entered into under such Act, for Indian housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority, unless such assistance is provided from amounts made available for fiscal year 1997 and pursuant to a commitment entered into before September 30, 1997. Any housing that is the subject of a contract for tenant-based assistance between the Secretary and an Indian housing authority that is terminated under this section shall, for the following fiscal year and each fiscal year thereafter, be considered to be a dwelling unit under section 4152(b)(1) of this title.

### **(b) Termination of restrictions on use of Indian housing**

After September 30, 1997, any housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937 [42 U.S.C. 1437 et seq.] shall not be subject to any provision of such Act or any annual contributions contract or other agreement pursuant to such Act, but shall be considered and maintained as affordable housing for purposes of this chapter.

(Pub. L. 104–330, title V, §502, Oct. 26, 1996, 110 Stat. 4043; Pub. L. 106–568, title X, §1003(k)(3), Dec. 27, 2000, 114 Stat. 2930; Pub. L. 106–569, title V, §503(j)(3), Dec. 27, 2000, 114 Stat. 2966.)

### **REFERENCES IN TEXT**

The United States Housing Act of 1937, referred to in text, 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, which is classified generally to chapter 8 (§1437 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1437 of Title 42 and Tables.

This chapter, referred to in subsec. (b), was in the original "this Act", meaning Pub. L. 104–330, Oct. 26, 1996, 110 Stat. 4016, known as the Native American Housing Assistance and Self-Determination Act of 1996. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of this title and Tables.

### **AMENDMENTS**

**2000**—Subsec. (a). Pub. L. 106–568 and Pub. L. 106–569 amended subsec. (a) identically, inserting at end "Any housing that is the subject of a contract for tenant-based assistance between the Secretary and an Indian housing authority that is terminated under this section shall, for the following fiscal year and each fiscal year thereafter, be considered to be a dwelling unit under section 4152(b)(1) of this title."

### **EFFECTIVE DATE**

Pub. L. 104–330, title V, §508, Oct. 26, 1996, 110 Stat. 4045, provided that: "Sections 502, 503, and 507 [25 U.S.C. 4181, 4182, 4183] shall take effect on the date of the enactment of this Act [Oct. 26, 1996]."

## **§4182. Termination of new commitments for rental assistance**

After September 30, 1997, financial assistance for rental housing assistance under the United States Housing Act of 1937 [42 U.S.C. 1437 et seq.] may not be provided to any Indian housing authority or tribally designated housing entity, unless such assistance is provided pursuant to a contract for such assistance entered into by the Secretary and the Indian housing authority before such date. Any such assistance provided pursuant to such a contract shall be governed by the provisions of the United States Housing Act of 1937 (as in effect before the date of the effectiveness of this chapter) and the provisions of such contract.

(Pub. L. 104–330, title V, §503, Oct. 26, 1996, 110 Stat. 4043.)

### **REFERENCES IN TEXT**

The United States Housing Act of 1937, referred to in text, 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, which is classified generally to chapter 8 (§1437 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1437 of Title 42 and Tables.

For the date of the effectiveness of this chapter, referred to in text, as Oct. 1, 1997, except as otherwise expressly provided, see section 107 of Pub. L. 104–330, set out as an Effective Date note under section 4101 of this title.

## EFFECTIVE DATE

Section effective Oct. 26, 1996, see section 508 of Pub. L. 104–330, set out as a note under section 4181 of this title.

### §4183. Savings provision

#### (a) Existing rights and duties

Except as provided in sections 4181 and 4182 of this title, this chapter may not be construed to affect the validity of any right, duty, or obligation of the United States or other person arising under or pursuant to any commitment or agreement lawfully entered into before October 1, 1997, under the United States Housing Act of 1937 [42 U.S.C. 1437 et seq.], subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act [42 U.S.C. 12899 et seq.],<sup>1</sup> title II of the Cranston-Gonzalez National Affordable Housing Act [42 U.S.C. 12721 et seq.], title IV of the McKinney-Vento Homeless Assistance Act [42 U.S.C. 11360 et seq.], or section 2 of the HUD Demonstration Act of 1993.

#### (b) Obligations under repealed provisions

Notwithstanding the amendments made by this subchapter, any obligation of the Secretary made under or pursuant to title II of the Cranston-Gonzalez National Affordable Housing Act [42 U.S.C. 12721 et seq.], title IV of the McKinney-Vento Homeless Assistance Act [42 U.S.C. 11360 et seq.], or section 2 of the HUD Demonstration Act of 1993 shall continue to be governed by the provisions of such Acts (as in effect before the date of the effectiveness of the amendments made by this subchapter).

(Pub. L. 104–330, title V, §507, Oct. 26, 1996, 110 Stat. 4045; Pub. L. 106–400, §2, Oct. 30, 2000, 114 Stat. 1675; Pub. L. 109–281, §2(d)(2), Sept. 22, 2006, 120 Stat. 1181.)

## REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original "this Act", meaning Pub. L. 104–330, Oct. 26, 1996, 110 Stat. 4016, known as the Native American Housing Assistance and Self-Determination Act of 1996. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of this title and Tables.

The United States Housing Act of 1937, referred to in subsec. (a), is act Sept. 1, 1937, ch. 896, as revised generally by Pub. L. 93–383, title II, Aug. 22, 1974, 88 Stat. 653, which is classified generally to chapter 8 (§1437 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1437 of Title 42 and Tables.

The Cranston-Gonzalez National Affordable Housing Act, referred to in text, is Pub. L. 101–625, Nov. 28, 1990, 104 Stat. 4079. Title II of the Act, known as the HOME Investment Partnerships Act, is classified principally to subchapter II (§12721 et seq.) of chapter 130 of Title 42, The Public Health and Welfare. Subtitle D of title IV of the Act was classified generally to part C (§12899 et seq.) of subchapter IV of chapter 130 of Title 42 prior to repeal by Pub. L. 109–281, §2(e), Sept. 22, 2006, 120 Stat. 1181. For complete classification of this Act to the Code, see Short Title note set out under section 12701 of Title 42 and Tables.

The McKinney-Vento Homeless Assistance Act, referred to in text, is Pub. L. 100–77, July 22, 1987, 101 Stat. 482. Title IV of the Act is classified principally to subchapter IV (§11360 et seq.) of chapter 119 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 11301 of Title 42 and Tables.

Section 2 of the HUD Demonstration Act of 1993, referred to in text, is section 2 of Pub. L. 103–120, Oct. 27, 1993, 107 Stat. 1144, which was set out as a note under section 11301 of Title 42, The Public Health and Welfare, prior to repeal by Pub. L. 103–120, §2(g).

This subchapter, referred to in subsec. (b), was in the original "this title", meaning title V of Pub. L. 104–330, which enacted this subchapter and section 12899h–1 of Title 42, The Public Health and Welfare, amended sections 1437a, 1437c to 1437e, 1437g, 1437i, 1437n, 1437u to 1437x, 1437aaa–5, 1437aaa–6, 1439, 11371 to 11376, 11382, 11401, 11403g, 11408, 11903a, 12747, and 12838 of Title 42, repealed sections 1437aa to 1437ee of Title 42, enacted provisions set out as notes under sections 11371, 12747, and 12899h–1 of Title 42, amended provisions set out as a note under section 11301 of Title 42, and repealed provisions set out as a note under section 1701z–6 of Title 12, Banks and Banking. For complete classification of title V to the Code, see Tables.

The date of the effectiveness of the amendments made by this subchapter, referred to in subsec. (b), means the effective date of the amendments made by title V of Pub. L. 104–330, which is Oct. 1, 1997, except as otherwise expressly provided. See section 107 of Pub. L. 104–330, set out as an Effective Date note under section 4101 of this title.

## AMENDMENTS

**2006**—Subsec. (b). Pub. L. 109–281 struck out "subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act," after "pursuant to".

**2000**—Pub. L. 106–400 substituted "McKinney-Vento Homeless Assistance Act" for "Stewart B. McKinney Homeless Assistance Act" in subsecs. (a) and (b).

### EFFECTIVE DATE

Section effective Oct. 26, 1996, see section 508 of Pub. L. 104–330, set out as a note under section 4181 of this title.

<sup>1</sup> *See References in Text note below.*

## §4184. Effect on HOME Investment Partnerships Act

Nothing in this chapter or an amendment made by this chapter prohibits or prevents any participating jurisdiction (within the meaning of the HOME Investment Partnerships Act (42 U.S.C. 12721 et seq.)) from providing any amounts made available to the participating jurisdiction under that Act (42 U.S.C. 12721 et seq.) to an Indian tribe or a tribally designated housing entity for use in accordance with that Act (42 U.S.C. 12721 et seq.).

(Pub. L. 104–330, title V, §509, as added Pub. L. 110–411, title V, §501(a), Oct. 14, 2008, 122 Stat. 4331.)

### REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 104–330, Oct. 26, 1996, 110 Stat. 4016, known as the Native American Housing Assistance and Self-Determination Act of 1996. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of this title and Tables.

The HOME Investment Partnerships Act, referred to in text, is title II of Pub. L. 101–625, Nov. 28, 1990, 104 Stat. 4094, which enacted subchapter II of chapter 130 of Title 42, The Public Health and Welfare, amended section 1437f of Title 42, and repealed section 1706e of Title 12, Banks and Banking, sections 1437o and 1452b of Title 42, and provisions set out as a note under section 1715l of Title 12. For complete classification of this Act to the Code, see Short Title note set out under section 12701 of Title 42 and Tables.

## SUBCHAPTER VI—FEDERAL GUARANTEES FOR FINANCING FOR TRIBAL HOUSING ACTIVITIES

### §4191. Authority and requirements

#### (a) Authority

To such extent or in such amounts as provided in appropriations Acts, the Secretary may, subject to the limitations of this subchapter (including limitations designed to protect and maintain the viability of rental housing units owned or operated by the recipient that were developed under a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937 [42 U.S.C. 1437 et seq.]), and upon such terms and conditions as the Secretary may prescribe, guarantee and make commitments to guarantee, the notes or other obligations issued by Indian tribes or tribally designated housing entities with tribal approval, for the purposes of financing affordable housing activities described in section 4132 of this title and housing related community development activity as consistent with the purposes of this chapter.

#### (b) Terms of loans

Notes or other obligations guaranteed pursuant to this subchapter shall be in such form and denominations, have such maturities, and be subject to such conditions as may be prescribed by regulations issued by the Secretary. The Secretary may not deny a guarantee under this subchapter on the basis of the proposed repayment period for the note or other obligation, unless the period is more than 20 years or the Secretary determines that the period causes the guarantee to constitute an unacceptable financial risk.

#### (c) Limitation on outstanding guarantees

No guarantee or commitment to guarantee shall be made with respect to any note or other obligation if the total outstanding notes or obligations of the issuer guaranteed under this subchapter (excluding any amount defeased under the contract entered into under section 4192(a)(1) of this title) would thereby exceed an amount equal to 5 times the amount of the grant approval for the issuer pursuant to subchapter III.

#### (d) Limitation on percentage

A guarantee made under this subchapter shall guarantee repayment of 95 percent of the unpaid principal and interest due on the notes or other obligations guaranteed.

(Pub. L. 104-330, title VI, §601, Oct. 26, 1996, 110 Stat. 4046; Pub. L. 107-292, §7, Nov. 13, 2002, 116 Stat. 2054; Pub. L. 108-393, §2, Oct. 30, 2004, 118 Stat. 2246.)

## REFERENCES IN TEXT

The United States Housing Act of 1937, referred to in subsec. (a), is act Sept. 1, 1937, ch. 896, as revised generally by Pub. L. 93-383, title II, Aug. 22, 1974, 88 Stat. 653, which is classified generally to chapter 8 (§1437 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1437 of Title 42 and Tables.

This chapter, referred to in subsec. (a), was in the original "this Act", meaning Pub. L. 104-330, Oct. 26, 1996, 110 Stat. 4016, known as the Native American Housing Assistance and Self-Determination Act of 1996. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of this title and Tables.

## AMENDMENTS

**2004**—Subsec. (d). Pub. L. 108-393 added subsec. (d).

**2002**—Subsec. (a). Pub. L. 107-292, §7(1), inserted "and housing related community development activity as consistent with the purposes of this chapter" after "section 4132 of this title".

Subsecs. (b) to (d). Pub. L. 107-292, §7(2), (3), redesignated subsecs. (c) and (d) as (b) and (c), respectively, and struck out heading and text of former subsec. (b). Text read as follows: "A guarantee under this subchapter may be used to assist an Indian tribe or housing entity in obtaining financing only if the Indian tribe or housing entity has made efforts to obtain such financing without the use of such guarantee and cannot complete such financing consistent with the timely execution of the program plans without such guarantee."

## EFFECTIVE DATE

Pub. L. 104-330, title VI, §606, Oct. 26, 1996, 110 Stat. 4048, provided that: "This title [enacting this subchapter] shall take effect on the date of the enactment of this Act [Oct. 26, 1996]."

[Another section 606 of Pub. L. 104-330 is classified to section 4196 of this title.]

## §4192. Security and repayment

### (a) Requirements on issuer

To assure the repayment of notes or other obligations and charges incurred under this subchapter and as a condition for receiving such guarantees, the Secretary shall require the Indian tribe or housing entity issuing such notes or obligations to—

(1) enter into a contract, in a form acceptable to the Secretary, for repayment of notes or other obligations guaranteed under this subchapter;

(2) pledge any grant for which the issuer may become eligible under this chapter;

(3) demonstrate that the extent of such issuance and guarantee under this subchapter is within the financial capacity of the tribe and is not likely to impair the ability to use grant amounts under subchapter I, taking into consideration the requirements under section 4133(b) of this title; and

(4) furnish, at the discretion of the Secretary, such other security as may be deemed appropriate by the Secretary in making such guarantees, including increments in local tax receipts generated by the activities assisted under this chapter or disposition proceeds from the sale of land or rehabilitated property.

### (b) Repayment from grant amounts

Notwithstanding any other provision of this chapter—

(1) the Secretary may apply grants pledged pursuant to subsection (a)(2) to any repayments due the United States as a result of such guarantees; and

(2) grants allocated under this chapter for an Indian tribe or housing entity (including program income derived therefrom) may be used to pay principal and interest due (including such servicing, underwriting, and other costs as may be specified in regulations issued by the Secretary) on notes or other obligations guaranteed pursuant to this subchapter.

### (c) Full faith and credit

The full faith and credit of the United States is pledged to the payment of all guarantees made under this subchapter. Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the obligations for such guarantee with respect to principal and interest, and the validity of any such guarantee so made shall be incontestable in the hands of a holder of the guaranteed obligations.

(Pub. L. 104–330, title VI, §602, Oct. 26, 1996, 110 Stat. 4046.)

## REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (b), was in the original "this Act", meaning Pub. L. 104–330, Oct. 26, 1996, 110 Stat. 4016, known as the Native American Housing Assistance and Self-Determination Act of 1996. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of this title and Tables.

## EFFECTIVE DATE

Section effective Oct. 26, 1996, see section 606 of Pub. L. 104–330, set out as a note under section 4191 of this title.

### §4193. Payment of interest

The Secretary may make, and contract to make, grants, in such amounts as may be approved in appropriations Acts, to or on behalf of an Indian tribe or housing entity issuing notes or other obligations guaranteed under this subchapter, to cover not to exceed 30 percent of the net interest cost (including such servicing, underwriting, or other costs as may be specified in regulations of the Secretary) to the borrowing entity or agency of such obligations. The Secretary may also, to the extent approved in appropriations Acts, assist the issuer of a note or other obligation guaranteed under this subchapter in the payment of all or a portion of the principal and interest amount due under the note or other obligation, if the Secretary determines that the issuer is unable to pay the amount because of circumstances of extreme hardship beyond the control of the issuer.

(Pub. L. 104–330, title VI, §603, Oct. 26, 1996, 110 Stat. 4047.)

## EFFECTIVE DATE

Section effective Oct. 26, 1996, see section 606 of Pub. L. 104–330, set out as a note under section 4191 of this title.

### §4194. Training and information

The Secretary, in cooperation with eligible public entities, shall carry out training and information activities with respect to the guarantee program under this subchapter.

(Pub. L. 104–330, title VI, §604, Oct. 26, 1996, 110 Stat. 4047.)

## EFFECTIVE DATE

Section effective Oct. 26, 1996, see section 606 of Pub. L. 104–330, set out as a note under section 4191 of this title.

### §4195. Limitations on amount of guarantees

#### (a) Aggregate fiscal year limitation

Notwithstanding any other provision of law and subject only to the absence of qualified applicants or proposed activities and to the authority provided in this subchapter, to the extent approved or provided in appropriations Acts, the Secretary may enter into commitments to guarantee notes and obligations under this subchapter with an aggregate principal amount not to exceed \$400,000,000 for each of fiscal years 2009 through 2013.

#### (b) Authorization of appropriations for credit subsidy

There are authorized to be appropriated to cover the costs (as such term is defined in section 661a of title 2) of guarantees under this subchapter such sums as may be necessary for each of fiscal years 2009 through 2013.

#### (c) Aggregate outstanding limitation

The total amount of outstanding obligations guaranteed on a cumulative basis by the Secretary pursuant to this subchapter shall not at any time exceed \$2,000,000,000 or such higher amount as may be authorized to be appropriated for this subchapter for any fiscal year.

#### (d) Fiscal year limitations on tribes

The Secretary shall monitor the use of guarantees under this subchapter by Indian tribes. If the Secretary finds that 50 percent of the aggregate guarantee authority under subsection (c) has been committed, the Secretary may—

- (1) impose limitations on the amount of guarantees any one Indian tribe may receive in any fiscal year of \$50,000,000; or

(2) request the enactment of legislation increasing the aggregate outstanding limitation on guarantees under this subchapter.

(Pub. L. 104–330, title VI, §605, Oct. 26, 1996, 110 Stat. 4047; Pub. L. 107–292, §2(b), Nov. 13, 2002, 116 Stat. 2053; Pub. L. 110–411, title VII, §701(b), Oct. 14, 2008, 122 Stat. 4334.)

## **AMENDMENTS**

**2008**—Subsecs. (a), (b). Pub. L. 110–411 substituted "2009 through 2013" for "1997 through 2007".

**2002**—Subsecs. (a), (b). Pub. L. 107–292 substituted "1997 through 2007" for "1997, 1998, 1999, 2000, and 2001".

## **EFFECTIVE DATE**

Section effective Oct. 26, 1996, see section 606 of Pub. L. 104–330, set out as a note under section 4191 of this title.

## **§4196. Demonstration program for guaranteed loans to finance tribal community and economic development activities**

### **(a) Authority**

#### **(1) In general**

Subject to paragraph (2), to the extent and in such amounts as are provided in appropriation Acts, subject to the requirements of this section, and in accordance with such terms and conditions as the Secretary may prescribe, the Secretary may guarantee and make commitments to guarantee the notes and obligations issued by Indian tribes or tribally designated housing entities with tribal approval, for the purposes of financing activities carried out on Indian reservations and in other Indian areas that, under the first sentence of section 5308(a) of title 42, are eligible for financing with notes and other obligations guaranteed pursuant to that section.

#### **(2) Limitation**

The Secretary may guarantee, or make commitments to guarantee, under paragraph (1) the notes or obligations of not more than 4 Indian tribes or tribally designated housing entities located in each Department of Housing and Urban Development Office of Native American Programs region.

### **(b) Low-income benefit requirement**

Not less than 70 percent of the aggregate amount received by an Indian tribe or tribally designated housing entity as a result of a guarantee under this section shall be used for the support of activities that benefit low-income families on Indian reservations and other Indian areas.

### **(c) Financial soundness**

#### **(1) In general**

The Secretary shall establish underwriting criteria for guarantees under this section, including fees for the guarantees, as the Secretary determines to be necessary to ensure that the program under this section is financially sound.

#### **(2) Amounts of fees**

Fees for guarantees established under paragraph (1) shall be established in amounts that are sufficient, but do not exceed the minimum amounts necessary, to maintain a negative credit subsidy for the program under this section, as determined based on the risk to the Federal Government under the underwriting requirements established under paragraph (1).

### **(d) Terms of obligations**

#### **(1) In general**

Each note or other obligation guaranteed pursuant to this section shall be in such form and denomination, have such maturity, and be subject to such conditions as the Secretary may prescribe, by regulation.

#### **(2) Limitation**

The Secretary may not deny a guarantee under this section on the basis of the proposed repayment period for the note or other obligation, unless—

(A) the period is more than 20 years; or

(B) the Secretary determines that the period would cause the guarantee to constitute an unacceptable financial risk.

### **(e) Limitation on percentage**

A guarantee made under this section shall guarantee repayment of 95 percent of the unpaid principal and interest due on the note or other obligation guaranteed.

**(f) Security and repayment****(1) Requirements on issuer**

To ensure the repayment of notes and other obligations and charges incurred under this section and as a condition for receiving the guarantees, the Secretary shall require the Indian tribe or housing entity issuing the notes or obligations—

(A) to enter into a contract, in a form acceptable to the Secretary, for repayment of notes or other obligations guaranteed under this section;

(B) to demonstrate that the extent of each issuance and guarantee under this section is within the financial capacity of the Indian tribe; and

(C) to furnish, at the discretion of the Secretary, such security as the Secretary determines to be appropriate in making the guarantees, including increments in local tax receipts generated by the activities assisted by a guarantee under this section or disposition proceeds from the sale of land or rehabilitated property, except that the security may not include any grant amounts received or for which the issuer may be eligible under subchapter I.

**(2) Full faith and credit****(A) In general**

The full faith and credit of the United States is pledged to the payment of all guarantees made under this section.

**(B) Treatment of guarantees****(i) In general**

Any guarantee made by the Secretary under this section shall be conclusive evidence of the eligibility of the obligations for the guarantee with respect to principal and interest.

**(ii) Incontestable nature**

The validity of any such a guarantee shall be incontestable in the hands of a holder of the guaranteed obligations.

**(g) Training and information**

The Secretary, in cooperation with Indian tribes and tribally designated housing entities, may carry out training and information activities with respect to the guarantee program under this section.

**(h) Limitations on amount of guarantees****(1) Aggregate fiscal year limitation**

Notwithstanding any other provision of law, subject only to the absence of qualified applicants or proposed activities and to the authority provided in this section, and to the extent approved or provided for in appropriations Acts, the Secretary may enter into commitments to guarantee notes and obligations under this section with an aggregate principal amount not to exceed \$200,000,000 for each of fiscal years 2009 through 2013.

**(2) Authorization of appropriations for credit subsidy**

There are authorized to be appropriated to cover the costs (as defined in section 661a of title 2) of guarantees under this section \$1,000,000 for each of fiscal years 2009 through 2013.

**(3) Aggregate outstanding limitation**

The total amount of outstanding obligations guaranteed on a cumulative basis by the Secretary pursuant to this section shall not at any time exceed \$1,000,000,000 or such higher amount as may be authorized to be appropriated for this section for any fiscal year.

**(4) Fiscal year limitations on Indian tribes****(A) In general**

The Secretary shall monitor the use of guarantees under this section by Indian tribes.

**(B) Modifications**

If the Secretary determines that 50 percent of the aggregate guarantee authority under paragraph (3) has been committed, the Secretary may—

(i) impose limitations on the amount of guarantees pursuant to this section that any single Indian tribe may receive in any fiscal year of \$25,000,000; or

(ii) request the enactment of legislation increasing the aggregate outstanding limitation on guarantees under this section.

**(i) Report**

Not later than 4 years after October 14, 2008, the Secretary shall submit to Congress a report describing the use of the authority under this section by Indian tribes and tribally designated housing entities, including—

(1) an identification of the extent of the use and the types of projects and activities financed using that authority; and

(2) an analysis of the effectiveness of the use in carrying out the purposes of this section.

**(j) Termination**

The authority of the Secretary under this section to make new guarantees for notes and obligations shall terminate on October 1, 2013.

(Pub. L. 104–330, title VI, §606, as added Pub. L. 110–411, title VI, §601(a), Oct. 14, 2008, 122 Stat. 4331.)

**CODIFICATION**

Another section 606 of Pub. L. 104–330 is set out as an Effective Date note under section 4191 of this title.

**SUBCHAPTER VII—OTHER HOUSING ASSISTANCE FOR NATIVE AMERICANS**

**§4211. 50-year leasehold interest in trust or restricted lands for housing purposes**

**(a) Authority to lease**

Notwithstanding any other provision of law, any trust or restricted Indian lands, whether tribally or individually owned, may be leased by the Indian owners, subject to the approval of the affected Indian tribe and the Secretary of the Interior, for housing development and residential purposes.

**(b) Term**

Each lease pursuant to subsection (a) shall be for a term not exceeding 50 years.

**(c) Rule of construction**

This section may not be construed to repeal, limit, or affect any authority to lease any trust or restricted Indian lands that—

- (1) is conferred by or pursuant to any other provision of law; or
- (2) provides for leases for any period exceeding 50 years.

**(d) Self-implementation**

This section is intended to be self-implementing and shall not require the issuance of any rule, regulation, or order to take effect as provided in section 705.

(Pub. L. 104–330, title VII, §702, Oct. 26, 1996, 110 Stat. 4050.)

**REFERENCES IN TEXT**

Section 705, referred to in subsec. (d), is section 705 of Pub. L. 104–330, which is set out as an Effective Date note below.

**EFFECTIVE DATE**

Pub. L. 104–330, title VII, §705, Oct. 26, 1996, 110 Stat. 4052, provided that: "This title [enacting this subchapter and amending sections 1715z–13a and 1721 of Title 12, Banks and Banking, and sections 11902 to 11905 of Title 42, The Public Health and Welfare] and the amendments made by this title (but not including the amendments made by section 704 [amending sections 11902 to 11905 of Title 42]) shall take effect on the date of the enactment of this Act [Oct. 26, 1996]."

**§4212. Training and technical assistance**

There are authorized to be appropriated for assistance for a national organization representing Native American housing interests for providing training and technical assistance to Indian housing authorities and tribally designated housing entities such sums as may be necessary for each of fiscal years 2009 through 2013.

(Pub. L. 104–330, title VII, §703, Oct. 26, 1996, 110 Stat. 4051; Pub. L. 107–292, §2(c), Nov. 13, 2002, 116 Stat. 2053; Pub. L. 110–411, title VII, §701(c), Oct. 14, 2008, 122 Stat. 4334.)

**AMENDMENTS**

**2008**—Pub. L. 110–411 substituted "2009 through 2013" for "1997 through 2007".

**2002**—Pub. L. 107–292 substituted "1997 through 2007" for "1997, 1998, 1999, 2000, and 2001".

**EFFECTIVE DATE**

Section effective Oct. 26, 1996, see section 705 of Pub. L. 104–330, set out as a note under section 4211 of this title.

## SUBCHAPTER VIII—HOUSING ASSISTANCE FOR NATIVE HAWAIIANS

### §4221. Definitions

In this subchapter:

**(1) Department of Hawaiian Home Lands; Department**

The term "Department of Hawaiian Home Lands" or "Department" means the agency or department of the government of the State of Hawaii that is responsible for the administration of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.).

**(2) Director**

The term "Director" means the Director of the Department of Hawaiian Home Lands.

**(3) Elderly families; near-elderly families**

**(A) In general**

The term "elderly family" or "near-elderly family" means a family whose head (or his or her spouse), or whose sole member, is—

- (i) for an elderly family, an elderly person; or
- (ii) for a near-elderly family, a near-elderly person.

**(B) Certain families included**

The term "elderly family" or "near-elderly family" includes—

- (i) two or more elderly persons or near-elderly persons, as the case may be, living together; and
- (ii) one or more persons described in clause (i) living with one or more persons determined under the housing plan to be essential to their care or well-being.

**(4) Hawaiian Home Lands**

The term "Hawaiian Home Lands" means lands that—

- (A) have the status as Hawaiian home lands under section 204 of the Hawaiian Homes Commission Act, 1920 (42 Stat. 110); or
- (B) are acquired pursuant to that Act.

**(5) Housing area**

The term "housing area" means an area of Hawaiian Home Lands with respect to which the Department of Hawaiian Home Lands is authorized to provide assistance for affordable housing under this chapter.

**(6) Housing entity**

The term "housing entity" means the Department of Hawaiian Home Lands.

**(7) Housing plan**

The term "housing plan" means a plan developed by the Department of Hawaiian Home Lands.

**(8) Median income**

The term "median income" means, with respect to an area that is a Hawaiian housing area, the greater of—

- (A) the median income for the Hawaiian housing area, which shall be determined by the Secretary; or
- (B) the median income for the State of Hawaii.

**(9) Native Hawaiian**

The term "Native Hawaiian" means any individual who is—

- (A) a citizen of the United States; and
- (B) a descendant of the aboriginal people, who, prior to 1778, occupied and exercised sovereignty in the area that currently constitutes the State of Hawaii, as evidenced by—
  - (i) genealogical records;
  - (ii) verification by kupuna (elders) or kama'aina (long-term community residents); or
  - (iii) birth records of the State of Hawaii.

(Pub. L. 104–330, title VIII, §801, as added Pub. L. 106–568, title II, §203, Dec. 27, 2000, 114 Stat. 2876, and Pub. L. 106–569, title V, §513, Dec. 27, 2000, 114 Stat. 2969.)

### REFERENCES IN TEXT

The Hawaiian Homes Commission Act, 1920, referred to in pars. (1) and (4)(B), is act July 9, 1921, ch. 42, 42 Stat. 108, as amended, which was classified generally to sections 691 to 718 of Title 48, Territories and Insular Possessions, and was omitted from the Code.

This chapter, referred to in par. (5), was in the original "this Act", meaning Pub. L. 104–330, Oct. 26, 1996, 110 Stat. 4016, known as the Native American Housing Assistance and Self-Determination Act of

1996. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of this title and Tables.

### CODIFICATION

Pub. L. 106–568, §203, and Pub. L. 106–569, §513, enacted substantially identical sections 801 of Pub. L. 104–330. This section is based on the text of section 801 of Pub. L. 104–330, as added by Pub. L. 106–569, §513.

### EFFECTIVE DATE

Pub. L. 104–330, title VIII, §808, as added by Pub. L. 106–569, title V, §513, Dec. 27, 2000, 114 Stat. 2979, provided that: "Except as otherwise expressly provided in this title [enacting this subchapter], this title shall take effect on the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000 [Pub. L. 106–569, approved Dec. 27, 2000]."

Pub. L. 104–330, title VIII, §808, as added by Pub. L. 106–568, title II, §203, Dec. 27, 2000, 114 Stat. 2885, provided that: "Except as otherwise expressly provided in this title [enacting this subchapter], this title shall take effect on the date of the enactment of the Native American Housing Assistance and Self-Determination Amendments of 2000 [probably should be the Hawaiian Homelands Ownership Act of 2000, title II of Pub. L. 106–568, approved Dec. 27, 2000]."

### FINDINGS

Pub. L. 106–569, title V, §512, Dec. 27, 2000, 114 Stat. 2966, provided that: "The Congress finds that—

"(1) the United States has undertaken a responsibility to promote the general welfare of the United States by—

"(A) employing its resources to remedy the unsafe and unsanitary housing conditions and the acute shortage of decent, safe, and sanitary dwellings for families of lower income; and

"(B) developing effective partnerships with governmental and private entities to accomplish the objectives referred to in subparagraph (A);

"(2) the United States has a special responsibility for the welfare of the Native peoples of the United States, including Native Hawaiians;

"(3) pursuant to the provisions of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.) [former 48 U.S.C. 691 et seq.], the United States set aside 200,000 acres of land in the Federal territory that later became the State of Hawaii in order to establish a homeland for the native people of Hawaii—Native Hawaiians;

"(4) despite the intent of Congress in 1920 to address the housing needs of Native Hawaiians through the enactment of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), Native Hawaiians eligible to reside on the Hawaiian home lands have been foreclosed from participating in Federal housing assistance programs available to all other eligible families in the United States;

"(5) although Federal housing assistance programs have been administered on a racially neutral basis in the State of Hawaii, Native Hawaiians continue to have the greatest unmet need for housing and the highest rates of overcrowding in the United States;

"(6) among the Native American population of the United States, Native Hawaiians experience the highest percentage of housing problems in the United States, as the percentage—

"(A) of housing problems in the Native Hawaiian population is 49 percent, as compared to—

"(i) 44 percent for American Indian and Alaska Native households in Indian country; and

"(ii) 27 percent for all other households in the United States; and

"(B) overcrowding in the Native Hawaiian population is 36 percent as compared to 3 percent for all other households in the United States;

"(7) among the Native Hawaiian population, the needs of Native Hawaiians, as that term is defined in section 801 of the Native American Housing Assistance and Self-Determination Act of 1996 [25 U.S.C. 4221] (as added by this subtitle), eligible to reside on the Hawaiian Home Lands are the most severe, as—

"(A) the percentage of overcrowding in Native Hawaiian households on the Hawaiian Home Lands is 36 percent; and

"(B) approximately 13,000 Native Hawaiians, which constitute 95 percent of the Native Hawaiians who are eligible to reside on the Hawaiian Home Lands, are in need of housing;

"(8) applying the Department of Housing and Urban Development guidelines—

"(A) 70.8 percent of Native Hawaiians who either reside or who are eligible to reside on the Hawaiian Home Lands have incomes that fall below the median family income; and

"(B) 50 percent of Native Hawaiians who either reside or who are eligible to reside on the Hawaiian Home Lands have incomes below 30 percent of the median family income;

"(9) one-third of those Native Hawaiians who are eligible to reside on the Hawaiian Home Lands pay more than 30 percent of their income for shelter, and one-half of those Native Hawaiians face overcrowding;

"(10) the extraordinarily severe housing needs of Native Hawaiians demonstrate that Native Hawaiians who either reside on, or are eligible to reside on, Hawaiian Home Lands have been denied equal access to Federal low-income housing assistance programs available to other qualified residents of the United States, and that a more effective means of addressing their housing needs must be authorized;

"(11) consistent with the recommendations of the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing, and in order to address the continuing prevalence of extraordinarily severe housing needs among Native Hawaiians who either reside or are eligible to reside on the Hawaiian Home Lands, Congress finds it necessary to extend the Federal low-income housing assistance available to American Indians and Alaska Natives under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) to those Native Hawaiians;

"(12) under the treaty-making power of the United States, Congress had the constitutional authority to confirm a treaty between the United States and the government that represented the Hawaiian people, and from 1826 until 1893, the United States recognized the independence of the Kingdom of Hawaii, extended full diplomatic recognition to the Hawaiian Government, and entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887;

"(13) the United States has recognized and reaffirmed that—

"(A) Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercised sovereignty over the Hawaiian Islands, and that group has never relinquished its claims to sovereignty or its sovereign lands;

"(B) Congress does not extend services to Native Hawaiians because of their race, but because of their unique status as the indigenous people of a once sovereign nation as to whom the United States has established a trust relationship;

"(C) Congress has also delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawaii;

"(D) the political status of Native Hawaiians is comparable to that of American Indians and Alaska Natives; and

"(E) the aboriginal, indigenous people of the United States have—

"(i) a continuing right to autonomy in their internal affairs; and

"(ii) an ongoing right of self-determination and self-governance that has never been extinguished;

"(14) the political relationship between the United States and the Native Hawaiian people has been recognized and reaffirmed by the United States as evidenced by the inclusion of Native Hawaiians in—

"(A) the Native American Programs Act of 1974 (42 U.S.C. 2291 [2991] et seq.);

"(B) the American Indian Religious Freedom Act (42 U.S.C. 1996 et seq.);

"(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.);

"(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

"(E) the National Historic Preservation Act (16 U.S.C. 470 et seq.) [see 54 U.S.C. 300101 et seq.];

"(F) the Native American Languages Act of 1992 (106 Stat. 3434 [Pub. L. 102-524, see Short Title of 1992 Amendment note set out under section 2991 of Title 42, The Public Health and Welfare]);

"(G) the American Indian, Alaska Native and Native Hawaiian Culture and Arts [Art] Development Act (20 U.S.C. 4401 et seq.);

"(H) the Job Training Partnership Act ([former] 29 U.S.C. 1501 et seq.); and

"(I) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); and

"(15) in the area of housing, the United States has recognized and reaffirmed the political relationship with the Native Hawaiian people through—

"(A) the enactment of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), which set aside approximately 200,000 acres of public lands that became known as Hawaiian Home Lands in the Territory of Hawaii that had been ceded to the United States for homesteading by Native Hawaiians in order to rehabilitate a landless and dying people;

"(B) the enactment of the Act entitled 'An Act to provide for the admission of the State of Hawaii into the Union', approved March 18, 1959 (73 Stat. 4) [Pub. L. 86-3, 48 U.S.C. note prec. 491]

—  
"(i) by ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held in public trust, for the betterment of the conditions

of Native Hawaiians, as that term is defined in section 201 of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.); and

"(ii) by transferring the United States responsibility for the administration of Hawaiian Home Lands to the State of Hawaii, but retaining the authority to enforce the trust, including the exclusive right of the United States to consent to any actions affecting the lands which comprise the corpus of the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), enacted by the legislature of the State of Hawaii affecting the rights of beneficiaries under the Act;

"(C) the authorization of mortgage loans insured by the Federal Housing Administration for the purchase, construction, or refinancing of homes on Hawaiian Home Lands under the National Housing Act (Public Law 479; 73d Congress; 12 U.S.C. 1701 et seq.);

"(D) authorizing Native Hawaiian representation on the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing under Public Law 101-235 [see Tables for classification];

"(E) the inclusion of Native Hawaiians in the definition under section 3764 [now 3765] of title 38, United States Code, applicable to subchapter V of chapter 37 of title 38, United States Code (relating to a housing loan program for Native American veterans); and

"(F) the enactment of the Hawaiian Home Lands Recovery Act (109 Stat. 357; 48 U.S.C. 491, note prec.) [Pub. L. 104-42, title II] which establishes a process for the conveyance of Federal lands to the Department of Hawaiian Homes Lands that are equivalent in value to lands acquired by the United States from the Hawaiian Home Lands inventory."

Substantially identical provisions were contained in Pub. L. 106-568, title II, §202, Dec. 27, 2000, 114 Stat. 2872.

## **§4222. Block grants for affordable housing activities**

### **(a) Grant authority**

For each fiscal year, the Secretary shall (to the extent amounts are made available to carry out this subchapter) make a grant under this subchapter to the Department of Hawaiian Home Lands to carry out affordable housing activities for Native Hawaiian families who are eligible to reside on the Hawaiian Home Lands.

### **(b) Plan requirement**

#### **(1) In general**

The Secretary may make a grant under this subchapter to the Department of Hawaiian Home Lands for a fiscal year only if—

(A) the Director has submitted to the Secretary a housing plan for that fiscal year; and

(B) the Secretary has determined under section 4224 of this title that the housing plan complies with the requirements of section 4223 of this title.

#### **(2) Waiver**

The Secretary may waive the applicability of the requirements under paragraph (1), in part, if the Secretary finds that the Department of Hawaiian Home Lands has not complied or cannot comply with those requirements due to circumstances beyond the control of the Department of Hawaiian Home Lands.

### **(c) Use of funds for affordable housing activities under plan**

Except as provided in subsection (e), amounts provided under a grant under this section may be used only for affordable housing activities under this subchapter that are consistent with a housing plan approved under section 4224 of this title.

### **(d) Administrative expenses**

#### **(1) In general**

The Secretary shall, by regulation, authorize the Department of Hawaiian Home Lands to use a percentage of any grant amounts received under this subchapter for any reasonable administrative and planning expenses of the Department relating to carrying out this subchapter and activities assisted with those amounts.

#### **(2) Administrative and planning expenses**

The administrative and planning expenses referred to in paragraph (1) include—

(A) costs for salaries of individuals engaged in administering and managing affordable housing activities assisted with grant amounts provided under this subchapter; and

(B) expenses incurred in preparing a housing plan under section 4223 of this title.

### **(e) Public-private partnerships**

The Director shall make all reasonable efforts, consistent with the purposes of this subchapter, to maximize participation by the private sector, including nonprofit organizations and for-profit entities, in implementing a housing plan that has been approved by the Secretary under section 4223 of this title.

(Pub. L. 104–330, title VIII, §802, as added Pub. L. 106–568, title II, §203, Dec. 27, 2000, 114 Stat. 2877, and Pub. L. 106–569, title V, §513, Dec. 27, 2000, 114 Stat. 2971.)

## CODIFICATION

Pub. L. 106–568, §203, and Pub. L. 106–569, §513, enacted identical sections 802 of Pub. L. 104–330. This section is based on the text of section 802 of Pub. L. 104–330, as added by Pub. L. 106–569, §513.

### §4223. Housing plan

#### (a) Plan submission

The Secretary shall—

- (1) require the Director to submit a housing plan under this section for each fiscal year; and
- (2) provide for the review of each plan submitted under paragraph (1).

#### (b) Five-year plan

Each housing plan under this section shall—

- (1) be in a form prescribed by the Secretary; and
- (2) contain, with respect to the 5-year period beginning with the fiscal year for which the plan is submitted, the following information:

(A) **MISSION STATEMENT.**—A general statement of the mission of the Department of Hawaiian Home Lands to serve the needs of the low-income families to be served by the Department.

(B) **GOALS AND OBJECTIVES.**—A statement of the goals and objectives of the Department of Hawaiian Home Lands to enable the Department to serve the needs identified in subparagraph (A) during the period.

(C) **ACTIVITIES PLANS.**—An overview of the activities planned during the period including an analysis of the manner in which the activities will enable the Department to meet its mission, goals, and objectives.

#### (c) One-year plan

A housing plan under this section shall—

- (1) be in a form prescribed by the Secretary; and
- (2) contain the following information relating to the fiscal year for which the assistance under this subchapter is to be made available:

(A) **GOALS AND OBJECTIVES.**—A statement of the goals and objectives to be accomplished during the period covered by the plan.

(B) **STATEMENT OF NEEDS.**—A statement of the housing needs of the low-income families served by the Department and the means by which those needs will be addressed during the period covered by the plan, including—

(i) a description of the estimated housing needs and the need for assistance for the low-income families to be served by the Department, including a description of the manner in which the geographical distribution of assistance is consistent with—

- (I) the geographical needs of those families; and
- (II) needs for various categories of housing assistance; and

(ii) a description of the estimated housing needs for all families to be served by the Department.

(C) **FINANCIAL RESOURCES.**—An operating budget for the Department of Hawaiian Home Lands, in a form prescribed by the Secretary, that includes—

(i) an identification and a description of the financial resources reasonably available to the Department to carry out the purposes of this subchapter, including an explanation of the manner in which amounts made available will be used to leverage additional resources; and

- (ii) the uses to which the resources described in clause (i) will be committed, including—
- (I) eligible and required affordable housing activities; and
  - (II) administrative expenses.

(D) **AFFORDABLE HOUSING RESOURCES.**—A statement of the affordable housing resources currently available at the time of the submittal of the plan and to be made available during the period covered by the plan, including—

(i) a description of the significant characteristics of the housing market in the State of Hawaii, including the availability of housing from other public sources, private market housing;

(ii) the manner in which the characteristics referred to in clause (i) influence the decision of the Department of Hawaiian Home Lands to use grant amounts to be provided under this subchapter for—

- (I) rental assistance;

- (II) the production of new units;
- (III) the acquisition of existing units; or
- (IV) the rehabilitation of units;

(iii) a description of the structure, coordination, and means of cooperation between the Department of Hawaiian Home Lands and any other governmental entities in the development, submission, or implementation of housing plans, including a description of—

- (I) the involvement of private, public, and nonprofit organizations and institutions;
- (II) the use of loan guarantees under section 1715z–13b of title 12; and
- (III) other housing assistance provided by the United States, including loans, grants, and mortgage insurance;

(iv) a description of the manner in which the plan will address the needs identified pursuant to subparagraph (C);

(v) a description of—

- (I) any existing or anticipated homeownership programs and rental programs to be carried out during the period covered by the plan; and
- (II) the requirements and assistance available under the programs referred to in subclause (I);

(vi) a description of—

- (I) any existing or anticipated housing rehabilitation programs necessary to ensure the long-term viability of the housing to be carried out during the period covered by the plan; and
- (II) the requirements and assistance available under the programs referred to in subclause (I);

(vii) a description of—

(I) all other existing or anticipated housing assistance provided by the Department of Hawaiian Home Lands during the period covered by the plan, including—

- (aa) transitional housing;
- (bb) homeless housing;
- (cc) college housing; and
- (dd) supportive services housing; and

(II) the requirements and assistance available under such programs;

(viii)(I) a description of any housing to be demolished or disposed of;

(II) a timetable for that demolition or disposition; and

(III) any other information required by the Secretary with respect to that demolition or disposition;

(ix) a description of the manner in which the Department of Hawaiian Home Lands will coordinate with welfare agencies in the State of Hawaii to ensure that residents of the affordable housing will be provided with access to resources to assist in obtaining employment and achieving self-sufficiency;

(x) a description of the requirements established by the Department of Hawaiian Home Lands to—

- (I) promote the safety of residents of the affordable housing;
- (II) facilitate the undertaking of crime prevention measures;
- (III) allow resident input and involvement, including the establishment of resident organizations; and
- (IV) allow for the coordination of crime prevention activities between the Department and local law enforcement officials; and

(xi) a description of the entities that will carry out the activities under the plan, including the organizational capacity and key personnel of the entities.

(E) CERTIFICATION OF COMPLIANCE.—Evidence of compliance that shall include, as appropriate—

(i) a certification that the Department of Hawaiian Home Lands will comply with—

- (I) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or with the Fair Housing Act (42 U.S.C. 3601 et seq.) in carrying out this subchapter, to the extent that such title <sup>1</sup> is applicable; and
- (II) other applicable Federal statutes;

(ii) a certification that the Department will require adequate insurance coverage for housing units that are owned and operated or assisted with grant amounts provided under this subchapter, in compliance with such requirements as may be established by the Secretary;

(iii) a certification that policies are in effect and are available for review by the Secretary and the public governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this subchapter;

(iv) a certification that policies are in effect and are available for review by the Secretary and the public governing rents charged, including the methods by which such rents or homebuyer payments are determined, for housing assisted with grant amounts provided under this subchapter; and

(v) a certification that policies are in effect and are available for review by the Secretary and the public governing the management and maintenance of housing assisted with grant amounts provided under this subchapter.

**(d) Applicability of civil rights statutes**

**(1) In general**

To the extent that the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or of the Fair Housing Act (42 U.S.C. 3601 et seq.) apply to assistance provided under this subchapter, nothing in the requirements concerning discrimination on the basis of race shall be construed to prevent the provision of assistance under this subchapter—

- (A) to the Department of Hawaiian Home Lands on the basis that the Department served Native Hawaiians; or
- (B) to an eligible family on the basis that the family is a Native Hawaiian family.

**(2) Civil rights**

Program eligibility under this subchapter may be restricted to Native Hawaiians. Subject to the preceding sentence, no person may be discriminated against on the basis of race, color, national origin, religion, sex, familial status, or disability.

**(e) Use of nonprofit organizations**

As a condition of receiving grant amounts under this subchapter, the Department of Hawaiian Home Lands shall, to the extent practicable, provide for private nonprofit organizations experienced in the planning and development of affordable housing for Native Hawaiians to carry out affordable housing activities with those grant amounts.

(Pub. L. 104–330, title VIII, §803, as added Pub. L. 106–568, title II, §203, Dec. 27, 2000, 114 Stat. 2878, and Pub. L. 106–569, title V, §513, Dec. 27, 2000, 114 Stat. 2971.)

## REFERENCES IN TEXT

The Civil Rights Act of 1964, referred to in subsecs. (c)(2)(E)(i)(I) and (d)(1), is Pub. L. 88–352, July 2, 1964, 78 Stat. 241, as amended. Title VI of the Act is classified generally to subchapter V (§2000d et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

The Fair Housing Act, referred to in subsecs. (c)(2)(E)(i)(I) and (d)(1), is title VIII of Pub. L. 90–284, Apr. 11, 1968, 82 Stat. 81, as amended, which is classified principally to subchapter I (§3601 et seq.) of chapter 45 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 3601 of Title 42 and Tables.

## CODIFICATION

Pub. L. 106–568, §203, and Pub. L. 106–569, §513, enacted substantially identical sections 803 of Pub. L. 104–330. This section is based on the text of section 803 of Pub. L. 104–330, as added by Pub. L. 106–569, §513. Section 803 of Pub. L. 104–330, as added by Pub. L. 106–568, referred to title VIII of the Act popularly known as the Civil Rights Act of 1968 instead of the Fair Housing Act in subsecs. (c)(2)(E)(i)(I) and (d)(1). Title VIII of the Civil Rights Act of 1968 is title VIII of Pub. L. 90–284 which is known as the Fair Housing Act, see References in Text note above. The reference to "such title" in subsec. (c)(2)(E)(i)(I) probably refers to title VI of the Civil Rights Act of 1964 and title VIII of the Civil Rights Act of 1968 (the Fair Housing Act).

<sup>1</sup> *See Codification note below.*

## §4224. Review of plans

**(a) Review and notice**

**(1) Review**

**(A) In general**

The Secretary shall conduct a review of a housing plan submitted to the Secretary under section 4223 of this title to ensure that the plan complies with the requirements of that section.

**(B) Limitation**

The Secretary shall have the discretion to review a plan referred to in subparagraph (A) only to the extent that the Secretary considers that the review is necessary.

**(2) Notice****(A) In general**

Not later than 60 days after receiving a plan under section 4223 of this title, the Secretary shall notify the Director of the Department of Hawaiian Home Lands whether the plan complies with the requirements under that section.

**(B) Effect of failure of Secretary to take action**

For purposes of this subchapter, if the Secretary does not notify the Director, as required under this subsection and subsection (b), upon the expiration of the 60-day period described in subparagraph (A)—

- (i) the plan shall be considered to have been determined to comply with the requirements under section 4223 of this title; and
- (ii) the Director shall be considered to have been notified of compliance.

**(b) Notice of reasons for determination of noncompliance**

If the Secretary determines that a plan submitted under section 4223 of this title does not comply with the requirements of that section, the Secretary shall specify in the notice under subsection (a)—

- (1) the reasons for noncompliance; and
- (2) any modifications necessary for the plan to meet the requirements of section 4223 of this title.

**(c) Review****(1) In general**

After the Director of the Department of Hawaiian Home Lands submits a housing plan under section 4223 of this title, or any amendment or modification to the plan to the Secretary, to the extent that the Secretary considers such action to be necessary to make a determination under this subsection, the Secretary shall review the plan (including any amendments or modifications thereto) to determine whether the contents of the plan—

- (A) set forth the information required by section 4223 of this title to be contained in the housing plan;
- (B) are consistent with information and data available to the Secretary; and
- (C) are not prohibited by or inconsistent with any provision of this chapter or any other applicable law.

**(2) Incomplete plans**

If the Secretary determines under this subsection that any of the appropriate certifications required under section 4223(c)(2)(E) of this title are not included in a plan, the plan shall be considered to be incomplete.

**(d) Updates to plan****(1) In general**

Subject to paragraph (2), after a plan under section 4223 of this title has been submitted for a fiscal year, the Director of the Department of Hawaiian Home Lands may comply with the provisions of that section for any succeeding fiscal year (with respect to information included for the 5-year period under section 4223(b) of this title or for the 1-year period under section 4223(c) of this title) by submitting only such information regarding such changes as may be necessary to update the plan previously submitted.

**(2) Complete plans**

The Director shall submit a complete plan under section 4223 of this title not later than 4 years after submitting an initial plan under that section, and not less frequently than every 4 years thereafter.

**(e) Effective date**

This section and section 4223 of this title shall take effect on the date provided by the Secretary pursuant to section 4227(a)<sup>1</sup> of this title to provide for timely submission and review of the housing plan as necessary for the provision of assistance under this subchapter for fiscal year 2001.

(Pub. L. 104-330, title VIII, §804, as added Pub. L. 106-568, title II, §203, Dec. 27, 2000, 114 Stat. 2881, and Pub. L. 106-569, title V, §513, Dec. 27, 2000, 114 Stat. 2975.)

**REFERENCES IN TEXT**

This chapter, referred to in subsec. (c)(1)(C), was in the original "this Act", meaning Pub. L. 104-330, Oct. 26, 1996, 110 Stat. 4016, known as the Native American Housing Assistance and Self-Determination Act of 1996. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of this title and Tables.

**CODIFICATION**

Pub. L. 106-568, §203, and Pub. L. 106-569, §513, enacted substantially identical sections 804 of Pub. L. 104-330. This section is based on the text of section 804 of Pub. L. 104-330, as added by Pub. L. 106-569, §513.

<sup>1</sup> *So in original. Probably should be section "4227".*

## §4225. Treatment of program income and labor standards

### (a) Program income

#### (1) Authority to retain

The Department of Hawaiian Home Lands may retain any program income that is realized from any grant amounts received by the Department under this subchapter if—

- (A) that income was realized after the initial disbursement of the grant amounts received by the Department; and
- (B) the Director agrees to use the program income for affordable housing activities in accordance with the provisions of this subchapter.

#### (2) Prohibition of reduction of grant

The Secretary may not reduce the grant amount for the Department of Hawaiian Home Lands based solely on—

- (A) whether the Department retains program income under paragraph (1); or
- (B) the amount of any such program income retained.

#### (3) Exclusion of amounts

The Secretary may, by regulation, exclude from consideration as program income any amounts determined to be so small that compliance with the requirements of this subsection would create an unreasonable administrative burden on the Department.

### (b) Labor standards

#### (1) In general

Any contract or agreement for assistance, sale, or lease pursuant to this subchapter shall contain—

(A) a provision requiring that an amount not less than the wages prevailing in the locality, as determined or adopted (subsequent to a determination under applicable State or local law) by the Secretary, shall be paid to all architects, technical engineers, draftsmen, technicians employed in the development and all maintenance, and laborers and mechanics employed in the operation, of the affordable housing project involved; and

(B) a provision that an amount not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to sections 3141–3144, 3146, and 3147 of title 40 shall be paid to all laborers and mechanics employed in the development of the affordable housing involved.

#### (2) Exceptions

Paragraph (1) and provisions relating to wages required under paragraph (1) in any contract or agreement for assistance, sale, or lease under this subchapter, shall not apply to any individual who performs the services for which the individual volunteered and who is not otherwise employed at any time in the construction work and received no compensation or is paid expenses, reasonable benefits, or a nominal fee for those services.

(Pub. L. 104–330, title VIII, §805, as added Pub. L. 106–568, title II, §203, Dec. 27, 2000, 114 Stat. 2883, and Pub. L. 106–569, title V, §513, Dec. 27, 2000, 114 Stat. 2976.)

### CODIFICATION

"Sections 3141–3144, 3146, and 3147 of title 40" substituted in subsec. (b)(1)(B) for "the Act commonly known as the 'Davis-Bacon Act' (46 Stat. 1494; chapter 411; 40 U.S.C. 276a et seq.)" on authority of Pub. L. 107–217, §5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

Pub. L. 106–568, §203, and Pub. L. 106–569, §513, enacted substantially identical sections 805 of Pub. L. 104–330. This section is based on the text of section 805 of Pub. L. 104–330, as added by Pub. L. 106–569, §513.

## §4226. Environmental review

### (a) In general

#### (1) Release of funds

##### (A) In general

The Secretary may carry out the alternative environmental protection procedures described in subparagraph (B) in order to ensure—

- (i) that the policies of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act (as specified in regulations issued by the Secretary) are most effectively implemented in connection with the expenditure of grant amounts provided under this subchapter; and

(ii) to the public undiminished protection of the environment.

**(B) Alternative environmental protection procedure**

In lieu of applying environmental protection procedures otherwise applicable, the Secretary may by regulation provide for the release of funds for specific projects to the Department of Hawaiian Home Lands if the Director of the Department assumes all of the responsibilities for environmental review, decisionmaking, and action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and such other provisions of law as the regulations of the Secretary specify, that would apply to the Secretary were the Secretary to undertake those projects as Federal projects.

**(2) Regulations**

**(A) In general**

The Secretary shall issue regulations to carry out this section only after consultation with the Council on Environmental Quality.

**(B) Contents**

The regulations issued under this paragraph shall—

- (i) provide for the monitoring of the environmental reviews performed under this section;
- (ii) in the discretion of the Secretary, facilitate training for the performance of such reviews; and
- (iii) provide for the suspension or termination of the assumption of responsibilities under this section.

**(3) Effect on assumed responsibility**

The duty of the Secretary under paragraph (2)(B) shall not be construed to limit or reduce any responsibility assumed by the Department of Hawaiian Home Lands for grant amounts with respect to any specific release of funds.

**(b) Procedure**

**(1) In general**

The Secretary shall authorize the release of funds subject to the procedures under this section only if, not less than 15 days before that approval and before any commitment of funds to such projects, the Director of the Department of Hawaiian Home Lands submits to the Secretary a request for such release accompanied by a certification that meets the requirements of subsection (c).

**(2) Effect of approval**

The approval of the Secretary of a certification described in paragraph (1) shall be deemed to satisfy the responsibilities of the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and such other provisions of law as the regulations of the Secretary specify to the extent that those responsibilities relate to the releases of funds for projects that are covered by that certification.

**(c) Certification**

A certification under the procedures under this section shall—

- (1) be in a form acceptable to the Secretary;
- (2) be executed by the Director of the Department of Hawaiian Home Lands;
- (3) specify that the Department of Hawaiian Home Lands has fully carried out its responsibilities as described under subsection (a); and
- (4) specify that the Director—

(A) consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and each provision of law specified in regulations issued by the Secretary to the extent that those laws apply by reason of subsection (a); and

(B) is authorized and consents on behalf of the Department of Hawaiian Home Lands and the Director to accept the jurisdiction of the Federal courts for the purpose of enforcement of the responsibilities of the Director of the Department of Hawaiian Home Lands as such an official.

(Pub. L. 104–330, title VIII, §806, as added Pub. L. 106–568, title II, §203, Dec. 27, 2000, 114 Stat. 2883, and Pub. L. 106–569, title V, §513, Dec. 27, 2000, 114 Stat. 2977.)

**REFERENCES IN TEXT**

The National Environmental Policy Act of 1969, referred to in subsecs. (a)(1), (b)(2), and (c)(4)(A), is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

**CODIFICATION**

Pub. L. 106–568, §203, and Pub. L. 106–569, §513, enacted substantially identical sections 806 of Pub. L. 104–330. This section is based on the text of section 806 of Pub. L. 104–330, as added by Pub. L. 106–569, §513.

## §4227. Regulations

The Secretary shall issue final regulations necessary to carry out this subchapter not later than October 1, 2001. (Pub. L. 104–330, title VIII, §807, as added Pub. L. 106–568, title II, §203, Dec. 27, 2000, 114 Stat. 2885, and Pub. L. 106–569, title V, §513, Dec. 27, 2000, 114 Stat. 2979.)

### CODIFICATION

Pub. L. 106–568, §203, and Pub. L. 106–569, §513, enacted substantially identical sections 807 of Pub. L. 104–330. This section is based on the text of section 807 of Pub. L. 104–330, as added by Pub. L. 106–569, §513. Section 807 of Pub. L. 104–330, as added by Pub. L. 106–568, §203, required the issuance of final regulations not later than October 1, 2000, instead of October 1, 2001.

## §4228. Affordable housing activities

### (a) <sup>1</sup> National objectives and eligible families

#### (1) Primary objective

The national objectives of this subchapter are—

- (A) to assist and promote affordable housing activities to develop, maintain, and operate affordable housing in safe and healthy environments for occupancy by low-income Native Hawaiian families;
- (B) to ensure better access to private mortgage markets and to promote self-sufficiency of low-income Native Hawaiian families;
- (C) to coordinate activities to provide housing for low-income Native Hawaiian families with Federal, State, and local activities to further economic and community development;
- (D) to plan for and integrate infrastructure resources on the Hawaiian Home Lands with housing development; and
- (E) to—
  - (i) promote the development of private capital markets; and
  - (ii) allow the markets referred to in clause (i) to operate and grow, thereby benefiting Native Hawaiian communities.

#### (2) Eligible families

##### (A) In general

Except as provided under subparagraph (B), assistance for eligible housing activities under this subchapter shall be limited to low-income Native Hawaiian families.

##### (B) Exception to low-income requirement

###### (i) In general

The Director may provide assistance for homeownership activities under—

- (I) section 4229(b) of this title;
- (II) model activities under section 4229(f) of this title; or
- (III) loan guarantee activities under section 1715z–13b of title 12 to Native Hawaiian families who are not low-income families, to the extent that the Secretary approves the activities under that section to address a need for housing for those families that cannot be reasonably met without that assistance.

###### (ii) Limitations

The Secretary shall establish limitations on the amount of assistance that may be provided under this subchapter for activities for families that are not low-income families.

##### (C) Other families

Notwithstanding paragraph (1), the Director may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this subchapter to a family that is not composed of Native Hawaiians if—

- (i) the Department determines that the presence of the family in the housing involved is essential to the well-being of Native Hawaiian families; and
- (ii) the need for housing for the family cannot be reasonably met without the assistance.

##### (D) Preference

###### (i) In general

A housing plan submitted under section 4223 of this title may authorize a preference, for housing or housing assistance provided through affordable housing activities assisted with grant amounts provided under this

subchapter to be provided, to the extent practicable, to families that are eligible to reside on the Hawaiian Home Lands.

**(ii) Application**

In any case in which a housing plan provides for preference described in clause (i), the Director shall ensure that housing activities that are assisted with grant amounts under this subchapter are subject to that preference.

**(E) Use of nonprofit organizations**

As a condition of receiving grant amounts under this subchapter, the Department of Hawaiian Home Lands, shall to the extent practicable, provide for private nonprofit organizations experienced in the planning and development of affordable housing for Native Hawaiians to carry out affordable housing activities with those grant amounts.

(Pub. L. 104–330, title VIII, §809, as added Pub. L. 106–568, title II, §203, Dec. 27, 2000, 114 Stat. 2885, and Pub. L. 106–569, title V, §513, Dec. 27, 2000, 114 Stat. 2979.)

**CODIFICATION**

Pub. L. 106–568, §203, and Pub. L. 106–569, §513, enacted identical sections 809 of Pub. L. 104–330. This section is based on the text of section 809 of Pub. L. 104–330, as added by Pub. L. 106–569, §513.

<sup>1</sup> So in original. No subsec. (b) has been enacted.

**§4229. Eligible affordable housing activities**

**(a) In general**

Affordable housing activities under this section are activities conducted in accordance with the requirements of section 4230 of this title to—

- (1) develop or to support affordable housing for rental or homeownership; or
- (2) provide housing services with respect to affordable housing, through the activities described in subsection (b).

**(b) Activities**

The activities described in this subsection are the following:

**(1) Development**

The acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of affordable housing, which may include—

- (A) real property acquisition;
- (B) site improvement;
- (C) the development of utilities and utility services;
- (D) conversion;
- (E) demolition;
- (F) financing;
- (G) administration and planning; and
- (H) other related activities.

**(2) Housing services**

The provision of housing-related services for affordable housing, including—

- (A) housing counseling in connection with rental or homeownership assistance;
- (B) the establishment and support of resident organizations and resident management corporations;
- (C) energy auditing;
- (D) activities related to the provisions of self-sufficiency and other services; and
- (E) other services related to assisting owners, tenants, contractors, and other entities participating or seeking to participate in other housing activities assisted pursuant to this section.

**(3) Housing management services**

The provision of management services for affordable housing, including—

- (A) the preparation of work specifications;
- (B) loan processing;
- (C) inspections;
- (D) tenant selection;
- (E) management of tenant-based rental assistance; and
- (F) management of affordable housing projects.

**(4) Crime prevention and safety activities**

The provision of safety, security, and law enforcement measures and activities appropriate to protect residents of affordable housing from crime.

**(5) Model activities**

Housing activities under model programs that are—

(A) designed to carry out the purposes of this subchapter; and

(B) specifically approved by the Secretary as appropriate for the purpose referred to in subparagraph (A).

(Pub. L. 104–330, title VIII, §810, as added Pub. L. 106–568, title II, §203, Dec. 27, 2000, 114 Stat. 2886, and Pub. L. 106–569, title V, §513, Dec. 27, 2000, 114 Stat. 2980.)

**CODIFICATION**

Pub. L. 106–568, §203, and Pub. L. 106–569, §513, enacted identical sections 810 of Pub. L. 104–330. This section is based on the text of section 810 of Pub. L. 104–330, as added by Pub. L. 106–569, §513.

**§4230. Program requirements**

**(a) Rents**

**(1) Establishment**

Subject to paragraph (2), as a condition to receiving grant amounts under this subchapter, the Director shall develop written policies governing rents and homebuyer payments charged for dwelling units assisted under this subchapter, including methods by which such rents and homebuyer payments are determined.

**(2) Maximum rent**

In the case of any low-income family residing in a dwelling unit assisted with grant amounts under this subchapter, the monthly rent or homebuyer payment (as applicable) for that dwelling unit may not exceed 30 percent of the monthly adjusted income of that family.

**(b) Maintenance and efficient operation**

**(1) In general**

The Director shall, using amounts of any grants received under this subchapter, reserve and use for operating under section 4229 of this title such amounts as may be necessary to provide for the continued maintenance and efficient operation of such housing.

**(2) Disposal of certain housing**

This subsection may not be construed to prevent the Director, or any entity funded by the Department, from demolishing or disposing of housing, pursuant to regulations established by the Secretary.

**(c) Insurance coverage**

As a condition to receiving grant amounts under this subchapter, the Director shall require adequate insurance coverage for housing units that are owned or operated or assisted with grant amounts provided under this subchapter.

**(d) Eligibility for admission**

As a condition to receiving grant amounts under this subchapter, the Director shall develop written policies governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this subchapter.

**(e) Management and maintenance**

As a condition to receiving grant amounts under this subchapter, the Director shall develop policies governing the management and maintenance of housing assisted with grant amounts under this subchapter.

(Pub. L. 104–330, title VIII, §811, as added Pub. L. 106–568, title II, §203, Dec. 27, 2000, 114 Stat. 2887, and Pub. L. 106–569, title V, §513, Dec. 27, 2000, 114 Stat. 2981.)

**CODIFICATION**

Pub. L. 106–568, §203, and Pub. L. 106–569, §513, enacted identical sections 811 of Pub. L. 104–330. This section is based on the text of section 811 of Pub. L. 104–330, as added by Pub. L. 106–569, §513.

**§4231. Types of investments**

**(a) In general**

Subject to section 4230 of this title and an applicable housing plan approved under section 4223 of this title, the Director shall have—

(1) the discretion to use grant amounts for affordable housing activities through the use of—

(A) equity investments;

(B) interest-bearing loans or advances;

- (C) noninterest-bearing loans or advances;
- (D) interest subsidies;
- (E) the leveraging of private investments; or
- (F) any other form of assistance that the Secretary determines to be consistent with the purposes of this subchapter; and

(2) the right to establish the terms of assistance provided with funds referred to in paragraph (1).

**(b) Investments**

The Director may invest grant amounts for the purposes of carrying out affordable housing activities in investment securities and other obligations, as approved by the Secretary.

(Pub. L. 104–330, title VIII, §812, as added Pub. L. 106–568, title II, §203, Dec. 27, 2000, 114 Stat. 2888, and Pub. L. 106–569, title V, §513, Dec. 27, 2000, 114 Stat. 2982.)

**CODIFICATION**

Pub. L. 106–568, §203, and Pub. L. 106–569, §513, enacted identical sections 812 of Pub. L. 104–330. This section is based on the text of section 812 of Pub. L. 104–330, as added by Pub. L. 106–569, §513.

**§4232. Low-income requirement and income targeting**

**(a) In general**

Housing shall qualify for affordable housing for purposes of this subchapter only if—

(1) each dwelling unit in the housing—

(A) in the case of rental housing, is made available for occupancy only by a family that is a low-income family at the time of the initial occupancy of that family of that unit; and

(B) in the case of housing for homeownership, is made available for purchase only by a family that is a low-income family at the time of purchase; and

(2) each dwelling unit in the housing will remain affordable, according to binding commitments satisfactory to the Secretary, for—

(A) the remaining useful life of the property (as determined by the Secretary) without regard to the term of the mortgage or to transfer of ownership; or

(B) such other period as the Secretary determines is the longest feasible period of time consistent with sound economics and the purposes of this subchapter, except upon a foreclosure by a lender (or upon other transfer in lieu of foreclosure) if that action—

(i) recognizes any contractual or legal rights of any public agency, nonprofit sponsor, or other person or entity to take an action that would—

(I) avoid termination of low-income affordability, in the case of foreclosure; or

(II) transfer ownership in lieu of foreclosure; and

(ii) is not for the purpose of avoiding low-income affordability restrictions, as determined by the Secretary.

**(b) Exception**

Notwithstanding subsection (a), housing assistance pursuant to section 4228(a)(2)(B) of this title shall be considered affordable housing for purposes of this subchapter.

(Pub. L. 104–330, title VIII, §813, as added Pub. L. 106–568, title II, §203, Dec. 27, 2000, 114 Stat. 2888, and Pub. L. 106–569, title V, §513, Dec. 27, 2000, 114 Stat. 2982.)

**CODIFICATION**

Pub. L. 106–568, §203, and Pub. L. 106–569, §513, enacted identical sections 813 of Pub. L. 104–330. This section is based on the text of section 813 of Pub. L. 104–330, as added by Pub. L. 106–569, §513.

**§4233. Lease requirements and tenant selection**

**(a) Leases**

Except to the extent otherwise provided by or inconsistent with the laws of the State of Hawaii, in renting dwelling units in affordable housing assisted with grant amounts provided under this subchapter, the Director, owner, or manager shall use leases that—

(1) do not contain unreasonable terms and conditions;

(2) require the Director, owner, or manager to maintain the housing in compliance with applicable housing codes and quality standards;

(3) require the Director, owner, or manager to give adequate written notice of termination of the lease, which shall be the period of time required under applicable State or local law;

(4) specify that, with respect to any notice of eviction or termination, notwithstanding any State or local law, a resident shall be informed of the opportunity, before any hearing or trial, to examine any relevant documents, record, or regulations directly related to the eviction or termination;

(5) require that the Director, owner, or manager may not terminate the tenancy, during the term of the lease, except for serious or repeated violation of the terms and conditions of the lease, violation of applicable Federal, State, or local law, or for other good cause; and

(6) provide that the Director, owner, or manager may terminate the tenancy of a resident for any activity, engaged in by the resident, any member of the household of the resident, or any guest or other person under the control of the resident, that—

(A) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other residents or employees of the Department, owner, or manager;

(B) threatens the health or safety of, or right to peaceful enjoyment of their premises by, persons residing in the immediate vicinity of the premises; or

(C) is criminal activity (including drug-related criminal activity) on or off the premises.

#### **(b) Tenant or homebuyer selection**

As a condition to receiving grant amounts under this subchapter, the Director shall adopt and use written tenant and homebuyer selection policies and criteria that—

(1) are consistent with the purpose of providing housing for low-income families;

(2) are reasonably related to program eligibility and the ability of the applicant to perform the obligations of the lease; and

(3) provide for—

(A) the selection of tenants and homebuyers from a written waiting list in accordance with the policies and goals set forth in an applicable housing plan approved under section 4223 of this title; and

(B) the prompt notification in writing of any rejected applicant of the grounds for that rejection.

(Pub. L. 104–330, title VIII, §814, as added Pub. L. 106–568, title II, §203, Dec. 27, 2000, 114 Stat. 2889, and Pub. L. 106–569, title V, §513, Dec. 27, 2000, 114 Stat. 2983.)

#### **CODIFICATION**

Pub. L. 106–568, §203, and Pub. L. 106–569, §513, enacted identical sections 814 of Pub. L. 104–330. This section is based on the text of section 814 of Pub. L. 104–330, as added by Pub. L. 106–569, §513.

### **§4234. Repayment**

If the Department of Hawaiian Home Lands uses grant amounts to provide affordable housing under activities under this subchapter and, at any time during the useful life of the housing, the housing does not comply with the requirement under section 4232(a)(2) of this title, the Secretary shall—

(1) reduce future grant payments on behalf of the Department by an amount equal to the grant amounts used for that housing (under the authority of section 4238(a)(2) of this title); or

(2) require repayment to the Secretary of any amount equal to those grant amounts.

(Pub. L. 104–330, title VIII, §815, as added Pub. L. 106–568, title II, §203, Dec. 27, 2000, 114 Stat. 2890, and Pub. L. 106–569, title V, §513, Dec. 27, 2000, 114 Stat. 2984.)

#### **CODIFICATION**

Pub. L. 106–568, §203, and Pub. L. 106–569, §513, enacted identical sections 815 of Pub. L. 104–330. This section is based on the text of section 815 of Pub. L. 104–330, as added by Pub. L. 106–569, §513.

### **§4235. Annual allocation**

For each fiscal year, the Secretary shall allocate any amounts made available for assistance under this subchapter for the fiscal year, in accordance with the formula established pursuant to section 4236 of this title to the Department of Hawaiian Home Lands if the Department complies with the requirements under this subchapter for a grant under this subchapter.

(Pub. L. 104–330, title VIII, §816, as added Pub. L. 106–568, title II, §203, Dec. 27, 2000, 114 Stat. 2890, and Pub. L. 106–569, title V, §513, Dec. 27, 2000, 114 Stat. 2984.)

#### **CODIFICATION**

Pub. L. 106–568, §203, and Pub. L. 106–569, §513, enacted identical sections 816 of Pub. L. 104–330. This section is based on the text of section 816 of Pub. L. 104–330, as added by Pub. L. 106–569, §513.

## §4236. Allocation formula

### (a) Establishment

The Secretary shall, by regulation issued not later than the expiration of the 6-month period beginning on December 27, 2000, in the manner provided under section 4227 of this title, establish a formula to provide for the allocation of amounts available for a fiscal year for block grants under this subchapter in accordance with the requirements of this section.

### (b) Factors for determination of need

The formula under subsection (a) shall be based on factors that reflect the needs for assistance for affordable housing activities, including—

- (1) the number of low-income dwelling units owned or operated at the time pursuant to a contract between the Director and the Secretary;
- (2) the extent of poverty and economic distress and the number of Native Hawaiian families eligible to reside on the Hawaiian Home Lands; and
- (3) any other objectively measurable conditions that the Secretary and the Director may specify.

### (c) Other factors for consideration

In establishing the formula under subsection (a), the Secretary shall consider the relative administrative capacities of the Department of Hawaiian Home Lands and other challenges faced by the Department, including—

- (1) geographic distribution within Hawaiian Home Lands; and
- (2) technical capacity.

### (d) Effective date

This section shall take effect on December 27, 2000.

(Pub. L. 104–330, title VIII, §817, as added Pub. L. 106–568, title II, §203, Dec. 27, 2000, 114 Stat. 2890, and Pub. L. 106–569, title V, §513, Dec. 27, 2000, 114 Stat. 2984.)

## CODIFICATION

Pub. L. 106–568, §203, and Pub. L. 106–569, §513, enacted substantially identical sections 817 of Pub. L. 104–330. This section is based on the text of section 817 of Pub. L. 104–330, as added by Pub. L. 106–569, §513.

## §4237. Remedies for noncompliance

### (a) Actions by Secretary affecting grant amounts

#### (1) In general

Except as provided in subsection (b), if the Secretary finds after reasonable notice and opportunity for a hearing that the Department of Hawaiian Home Lands has failed to comply substantially with any provision of this subchapter, the Secretary shall—

- (A) terminate payments under this subchapter to the Department;
- (B) reduce payments under this subchapter to the Department by an amount equal to the amount of such payments that were not expended in accordance with this subchapter; or
- (C) limit the availability of payments under this subchapter to programs, projects, or activities not affected by such failure to comply.

#### (2) Actions

If the Secretary takes an action under subparagraph (A), (B), or (C) of paragraph (1), the Secretary shall continue that action until the Secretary determines that the failure by the Department to comply with the provision has been remedied by the Department and the Department is in compliance with that provision.

### (b) Noncompliance because of a technical incapacity

The Secretary may provide technical assistance for the Department, either directly or indirectly, that is designed to increase the capability and capacity of the Director of the Department to administer assistance provided under this subchapter in compliance with the requirements under this subchapter if the Secretary makes a finding under subsection (a), but determines that the failure of the Department to comply substantially with the provisions of this subchapter—

- (1) is not a pattern or practice of activities constituting willful noncompliance; and
- (2) is a result of the limited capability or capacity of the Department of Hawaiian Home Lands.

### (c) Referral for civil action

#### (1) Authority

In lieu of, or in addition to, any action that the Secretary may take under subsection (a), if the Secretary has reason to believe that the Department of Hawaiian Home Lands has failed to comply substantially with any provision of this subchapter, the Secretary may refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted.

**(2) Civil action**

Upon receiving a referral under paragraph (1), the Attorney General may bring a civil action in any United States district court of appropriate jurisdiction for such relief as may be appropriate, including an action—

- (A) to recover the amount of the assistance furnished under this subchapter that was not expended in accordance with this subchapter; or
- (B) for mandatory or injunctive relief.

**(d) Review**

**(1) In general**

If the Director receives notice under subsection (a) of the termination, reduction, or limitation of payments under this chapter, the Director—

- (A) may, not later than 60 days after receiving such notice, file with the United States Court of Appeals for the Ninth Circuit, or in the United States Court of Appeals for the District of Columbia, a petition for review of the action of the Secretary; and
- (B) upon the filing of any petition under subparagraph (A), shall forthwith transmit copies of the petition to the Secretary and the Attorney General of the United States, who shall represent the Secretary in the litigation.

**(2) Procedure**

**(A) In general**

The Secretary shall file in the court a record of the proceeding on which the Secretary based the action, as provided in section 2112 of title 28.

**(B) Objections**

No objection to the action of the Secretary shall be considered by the court unless the Department has registered the objection before the Secretary.

**(3) Disposition**

**(A) Court proceedings**

**(i) Jurisdiction of court**

The court shall have jurisdiction to affirm or modify the action of the Secretary or to set the action aside in whole or in part.

**(ii) Findings of fact**

If supported by substantial evidence on the record considered as a whole, the findings of fact by the Secretary shall be conclusive.

**(iii) Addition**

The court may order evidence, in addition to the evidence submitted for review under this subsection, to be taken by the Secretary, and to be made part of the record.

**(B) Secretary**

**(i) In general**

The Secretary, by reason of the additional evidence referred to in subparagraph (A) and filed with the court—

- (I) may—
  - (aa) modify the findings of fact of the Secretary; or
  - (bb) make new findings; and

(II) shall file—

- (aa) such modified or new findings; and
- (bb) the recommendation of the Secretary, if any, for the modification or setting aside of the original action of the Secretary.

**(ii) Findings**

The findings referred to in clause (i)(II)(bb) shall, with respect to a question of fact, be considered to be conclusive if those findings are—

- (I) supported by substantial evidence on the record; and
- (II) considered as a whole.

**(4) Finality**

**(A) In general**

Except as provided in subparagraph (B), upon the filing of the record under this subsection with the court—

- (i) the jurisdiction of the court shall be exclusive; and
- (ii) the judgment of the court shall be final.

**(B) Review by Supreme Court**

A judgment under subparagraph (A) shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification, as provided in section 1254 of title 28.

(Pub. L. 104–330, title VIII, §818, as added Pub. L. 106–568, title II, §203, Dec. 27, 2000, 114 Stat. 2891, and Pub. L. 106–569, title V, §513, Dec. 27, 2000, 114 Stat. 2985.)

**REFERENCES IN TEXT**

This chapter, referred to in subsec. (d)(1), was in the original "this Act", meaning Pub. L. 104–330, Oct. 26, 1996, 110 Stat. 4016, known as the Native American Housing Assistance and Self-Determination Act of 1996. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of this title and Tables.

**CODIFICATION**

Pub. L. 106–568, §203, and Pub. L. 106–569, §513, enacted identical sections 818 of Pub. L. 104–330. This section is based on the text of section 818 of Pub. L. 104–330, as added by Pub. L. 106–569, §513.

**§4238. Monitoring of compliance**

**(a) Enforceable agreements**

**(1) In general**

The Director, through binding contractual agreements with owners or other authorized entities, shall ensure long-term compliance with the provisions of this subchapter.

**(2) Measures**

The measures referred to in paragraph (1) shall provide for—

- (A) to the extent allowable by Federal and State law, the enforcement of the provisions of this subchapter by the Department and the Secretary; and
- (B) remedies for breach of the provisions referred to in paragraph (1).

**(b) Periodic monitoring**

**(1) In general**

Not less frequently than annually, the Director shall review the activities conducted and housing assisted under this subchapter to assess compliance with the requirements of this subchapter.

**(2) Review**

Each review under paragraph (1) shall include onsite inspection of housing to determine compliance with applicable requirements.

**(3) Results**

The results of each review under paragraph (1) shall be—

- (A) included in a performance report of the Director submitted to the Secretary under section 4239 of this title; and
- (B) made available to the public.

**(c) Performance measures**

The Secretary shall establish such performance measures as may be necessary to assess compliance with the requirements of this subchapter.

(Pub. L. 104–330, title VIII, §819, as added Pub. L. 106–568, title II, §203, Dec. 27, 2000, 114 Stat. 2893, and Pub. L. 106–569, title V, §513, Dec. 27, 2000, 114 Stat. 2987.)

**CODIFICATION**

Pub. L. 106–568, §203, and Pub. L. 106–569, §513, enacted identical sections 819 of Pub. L. 104–330. This section is based on the text of section 819 of Pub. L. 104–330, as added by Pub. L. 106–569, §513.

**§4239. Performance reports**

**(a) Requirement**

For each fiscal year, the Director shall—

- (1) review the progress the Department has made during that fiscal year in carrying out the housing plan submitted by the Department under section 4223 of this title; and
- (2) submit a report to the Secretary (in a form acceptable to the Secretary) describing the conclusions of the review.

**(b) Content**

Each report submitted under this section for a fiscal year shall—

- (1) describe the use of grant amounts provided to the Department of Hawaiian Home Lands for that fiscal year;
- (2) assess the relationship of the use referred to in paragraph (1) to the goals identified in the housing plan;
- (3) indicate the programmatic accomplishments of the Department; and
- (4) describe the manner in which the Department would change its housing plan submitted under section 4223 of this title as a result of its experiences.

**(c) Submissions**

The Secretary shall—

- (1) establish a date for submission of each report under this section;
- (2) review each such report; and
- (3) with respect to each such report, make recommendations as the Secretary considers appropriate to carry out the purposes of this subchapter.

**(d) Public availability**

**(1) Comments by beneficiaries**

In preparing a report under this section, the Director shall make the report publicly available to the beneficiaries of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.) and give a sufficient amount of time to permit those beneficiaries to comment on that report before it is submitted to the Secretary (in such manner and at such time as the Director may determine).

**(2) Summary of comments**

The report shall include a summary of any comments received by the Director from beneficiaries under paragraph (1) regarding the program to carry out the housing plan.

(Pub. L. 104–330, title VIII, §820, as added Pub. L. 106–568, title II, §203, Dec. 27, 2000, 114 Stat. 2893, and Pub. L. 106–569, title V, §513, Dec. 27, 2000, 114 Stat. 2987.)

## REFERENCES IN TEXT

The Hawaiian Homes Commission Act, 1920, referred to in subsec. (d)(1), is act July 9, 1921, ch. 42, 42 Stat. 108, as amended, which was classified generally to sections 691 to 718 of Title 48, Territories and Insular Possessions, and was omitted from the Code.

## CODIFICATION

Pub. L. 106–568, §203, and Pub. L. 106–569, §513, enacted identical sections 820 of Pub. L. 104–330. This section is based on the text of section 820 of Pub. L. 104–330, as added by Pub. L. 106–569, §513.

## §4240. Review and audit by Secretary

**(a) Annual review**

**(1) In general**

The Secretary shall, not less frequently than on an annual basis, make such reviews and audits as may be necessary or appropriate to determine whether—

- (A) the Director has—
  - (i) carried out eligible activities under this subchapter in a timely manner;
  - (ii) carried out and made certifications in accordance with the requirements and the primary objectives of this subchapter and with other applicable laws; and
  - (iii) a continuing capacity to carry out the eligible activities in a timely manner;

(B) the Director has complied with the housing plan submitted by the Director under section 4223 of this title; and

(C) the performance reports of the Department under section 4240 <sup>1</sup> of this title are accurate.

**(2) Onsite visits**

Each review conducted under this section shall, to the extent practicable, include onsite visits by employees of the Department of Housing and Urban Development.

**(b) Report by Secretary**

The Secretary shall give the Department of Hawaiian Home Lands not less than 30 days to review and comment on a report under this subsection. After taking into consideration the comments of the Department, the Secretary may revise the report and shall make the comments of the Department and the report with any revisions, readily available to the public not later than 30 days after receipt of the comments of the Department.

**(c) Effect of reviews**

The Secretary may make appropriate adjustments in the amount of annual grants under this subchapter in accordance with the findings of the Secretary pursuant to reviews and audits under this section. The Secretary may adjust, reduce, or withdraw grant amounts, or take other action as appropriate in accordance with the reviews and audits of the Secretary under this section, except that grant amounts already expended on affordable housing activities may not be recaptured or deducted from future assistance provided to the Department of Hawaiian Home Lands.

(Pub. L. 104–330, title VIII, §821, as added Pub. L. 106–568, title II, §203, Dec. 27, 2000, 114 Stat. 2894, and Pub. L. 106–569, title V, §513, Dec. 27, 2000, 114 Stat. 2988.)

**CODIFICATION**

Pub. L. 106–568, §203, and Pub. L. 106–569, §513, enacted identical sections 821 of Pub. L. 104–330. This section is based on the text of section 821 of Pub. L. 104–330, as added by Pub. L. 106–569, §513.

<sup>1</sup> So in original. Probably should be section "4239".

**§4241. Government Accountability Office audits**

To the extent that the financial transactions of the Department of Hawaiian Home Lands involving grant amounts under this subchapter relate to amounts provided under this subchapter, those transactions may be audited by the Comptroller General of the United States under such regulations as may be prescribed by the Comptroller General. The Comptroller General of the United States shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by the Department of Hawaiian Home Lands pertaining to such financial transactions and necessary to facilitate the audit.

(Pub. L. 104–330, title VIII, §822, as added Pub. L. 106–568, title II, §203, Dec. 27, 2000, 114 Stat. 2895, and Pub. L. 106–569, title V, §513, Dec. 27, 2000, 114 Stat. 2989; amended Pub. L. 108–271, §8(b), July 7, 2004, 118 Stat. 814.)

**CODIFICATION**

Pub. L. 106–568, §203, and Pub. L. 106–569, §513, enacted identical sections 822 of Pub. L. 104–330. This section is based on the text of section 822 of Pub. L. 104–330, as added by Pub. L. 106–569, §513.

**AMENDMENTS**

**2004**—Pub. L. 108–271 substituted "Government Accountability Office" for "General Accounting Office" in section catchline.

**§4242. Reports to Congress****(a) In general**

Not later than 90 days after the conclusion of each fiscal year in which assistance under this subchapter is made available, the Secretary shall submit to Congress a report that contains—

- (1) a description of the progress made in accomplishing the objectives of this subchapter;
- (2) a summary of the use of funds available under this subchapter during the preceding fiscal year; and
- (3) a description of the aggregate outstanding loan guarantees under section 1715z–13b of title 12.

**(b) Related reports**

The Secretary may require the Director to submit to the Secretary such reports and other information as may be necessary in order for the Secretary to prepare the report required under subsection (a).

(Pub. L. 104–330, title VIII, §823, as added Pub. L. 106–568, title II, §203, Dec. 27, 2000, 114 Stat. 2895, and Pub. L. 106–569, title V, §513, Dec. 27, 2000, 114 Stat. 2989.)

**CODIFICATION**

Pub. L. 106–568, §203, and Pub. L. 106–569, §513, enacted identical sections 823 of Pub. L. 104–330. This section is based on the text of section 823 of Pub. L. 104–330, as added by Pub. L. 106–569, §513.

### **§4243. Authorization of appropriations**

There are authorized to be appropriated to the Department of Housing and Urban Development for grants under this subchapter such sums as may be necessary for each of fiscal years 2001, 2002, 2003, 2004, and 2005.

(Pub. L. 104-330, title VIII, §824, as added Pub. L. 106-568, title II, §203, Dec. 27, 2000, 114 Stat. 2895, and Pub. L. 106-569, title V, §513, Dec. 27, 2000, 114 Stat. 2989.)

#### **CODIFICATION**

Pub. L. 106-568, §203, and Pub. L. 106-569, §513, enacted substantially identical sections 824 of Pub. L. 104-330. This section is based on the text of section 824 of Pub. L. 104-330, as added by Pub. L. 106-569, §513. Section 824 of Pub. L. 104-330, as added by Pub. L. 106-568, §203, authorized appropriations for fiscal years 2000 to 2004, instead of fiscal years 2001 to 2005.


[Home](#)
[Bill Information](#)
[California Law](#)
[Publications](#)
[Other Resources](#)
[My Subscriptions](#)
[My Favorites](#)

 Code: 

 Section: 


[Up^](#)   [Add To My Favorites](#)
**REVENUE AND TAXATION CODE - RTC**
**DIVISION 1. PROPERTY TAXATION [50 - 5911]** (*Division 1 enacted by Stats. 1939, Ch. 154.*)

**PART 2. ASSESSMENT [201 - 1367]** (*Part 2 enacted by Stats. 1939, Ch. 154.*)

**CHAPTER 1. Taxation Base [201 - 286]** (*Chapter 1 enacted by Stats. 1939, Ch. 154.*)

**ARTICLE 1. Taxable and Exempt Property [201 - 242]** (*Article 1 enacted by Stats. 1939, Ch. 154.*)

**201.** All property in this State, not exempt under the laws of the United States or of this State, is subject to taxation under this code.

*(Enacted by Stats. 1939, Ch. 154.)*

**201.1.** Property owned by a nonprofit entity, in which a transit development board has the sole ownership interest in the entity, shall be deemed to be property owned by the transit development board for purposes of this division. To the extent that the property is possessed, or a claim to or right to possession of the property exists, for other than public purposes, the interest shall be deemed a possessory interest as defined in Section 107.

It is the intent and purpose of this section to clarify Section 3 of Article XIII of the California Constitution and, therefore, this section does not constitute a change in, but is declaratory of, the existing law. Furthermore, this section shall not be construed to exempt, from ad valorem property taxation, property of any transit development board located outside of its boundaries.

*(Amended by Stats. 1981, Ch. 414, Sec. 1.)*

**201.2.** (a) A nonprofit corporation which has contracted with the board of supervisors pursuant to Section 25905, 25906, 25907, or 25908 of the Government Code for the conduct of an agricultural fair, shall be deemed to be an agency of the county for purposes of this part and for no other purpose, and county-owned property, including possessory interests in that property, used or possessed by the nonprofit corporation in the conduct of an agricultural fair shall be exempt from taxation under subdivision (b) of Section 3 of Article XIII of the State Constitution.

(b) This section shall not be construed to exempt any profit-making organization or concessionaire from any property tax, including a property tax on a possessory interest, for the use of property which is used by a nonprofit corporation for the conduct of a fair.

*(Amended by Stats. 1991, Ch. 646, Sec. 1.)*

**201.3.** Property which is exclusively devoted to public purposes and is owned by a nonprofit entity, in which a chartered city with a population of over 750,000 and located in a county of the third class has the sole ownership interest shall be deemed to be property owned by the chartered city.

This section shall not be construed to exempt from ad valorem property taxation property of the chartered city located outside of its boundaries.

*(Added by Stats. 1987, Ch. 1412, Sec. 1. Applicable July 1, 1988, by Sec. 3 of Ch. 1412.)*

**201.4.** (a) The possessory interest of a nonprofit entity, solely owned by the City of Palm Springs, in property which is located wholly within the boundaries of an Indian reservation and owned by the United States in trust for named Indian allottees, and which is leased to the City of Palm Springs under a master lease a portion of which for purposes of financing is subleased to a nonprofit entity, and subleased by that nonprofit entity to the City of Palm Springs which devotes that property exclusively to convention or related public purposes, shall be deemed to be property owned by the City of Palm Springs.

(b) Property which is owned in fee by a nonprofit entity in which the City of Palm Springs has the sole ownership interest, and leased by that nonprofit entity to the City of Palm Springs which devotes that property exclusively to convention or related public purposes, shall be deemed to be property owned by the City of Palm Springs.

(c) This section shall not be construed to exempt from ad valorem property taxation any possessory interest in otherwise tax-exempt property not devoted exclusively to convention or related public purposes or any property or possessory interest in property of the City of Palm Springs located outside of its boundaries.

*(Added by Stats. 1989, Ch. 539, Sec. 1. Effective September 20, 1989.)*

**201.5.** (a) Possessory interests in property acquired by or for the California Pollution Control Financing Authority pursuant to Division 27 (commencing with Section 44500) of the Health and Safety Code, whether in real or personal property, shall be subject to taxation under this code.

(b) If the amount determined pursuant to subdivision (a) is less than the amount of tax which would have been imposed if the participating party owned the pollution control facility, the contract or lease between the California Pollution Control Financing Authority and such party shall provide that the difference between the amount of tax paid pursuant to subdivision (a) and the amount determined on the basis of the full cash value of the property shall be paid by such party to the tax collector for the taxing agency at the same time as the property tax is paid.

*(Amended by Stats. 1975, Ch. 957.)*

**201.6.** (a) Subject to subdivision (b), property that is exclusively devoted to a public purpose and is owned by a nonprofit entity, the property, assets, profits, and net revenues of which are irrevocably dedicated to the Ventura Port District, shall be deemed to be property that is owned by the Ventura Port District.

(b) This section shall not be construed to exempt from ad valorem property taxation, including, but not limited to, any ad valorem property tax levied with respect to a possessory interest, either of the following:

- (1) Any property owned by a profit-making organization or concessionaire.
- (2) Any property of the Ventura Port District that is located outside of the boundaries of that district.

*(Added by Stats. 1996, Ch. 1087, Sec. 16. Effective January 1, 1997.)*

**201.7.** A qualified nonprofit organization that has entered into an agreement with the Department of Parks and Recreation pursuant to subdivision (a) of Section 5080.42 of the Public Resources Code for the development, improvement, restoration, care, maintenance, administration, or operation of a unit or units, or portion of a unit, of the state park system shall be deemed to be an agent of the state for purposes of this division and for no other purpose, and any state-owned property, including possessory interests in that property, used or possessed by the qualified nonprofit organization for the development, improvement, restoration, care, maintenance, administration, or operation of a unit or units, or portion of a unit, of the state park system shall be exempt from taxation under subdivision (a) of Section 3 of Article XIII of the California Constitution.

*(Amended by Stats. 2014, Ch. 134, Sec. 3. Effective January 1, 2015.)*

**202.** (a) The exemption of the following property is as specified in subdivisions (a), (b), (d), and (h) of Section 3 of Article XIII of the Constitution, except as otherwise provided in subdivision (a) of Section 11 thereof:

- (1) Growing crops.
- (2) Property used for free public libraries and free museums.
- (3) Property used exclusively for public schools, community colleges, state colleges, and state universities, including the University of California.
- (4) Property belonging to this state, a county, or a city. Property belonging to the State Compensation Insurance Fund is not property belonging to this state.

(b) The exemption described in paragraph (3) of subdivision (a) shall apply to off-campus facilities owned or leased by an apprenticeship program sponsor, if such facilities are used exclusively by the public schools for classes of related and supplemental instruction for apprentices or trainees which are conducted by the public schools under Chapter 4 (commencing with Section 3070) of Division 3 of the Labor Code.

(c) Without prejudice to the right to assert an exemption otherwise available under subdivision (a), (d), or (e) of Section 3 of Article XIII of the Constitution, a property tax under this division shall be imposed upon that portion of the bookstore property determined to be generating the unrelated business taxable income, as defined in Section 512 of the Internal Revenue Code, to the extent property is:

- (1) Owned by an educational institution of collegiate grade or used by a nonprofit corporation operating a student bookstore affiliated with such an educational institution, and
- (2) Is primarily devoted to bookstore use that produces income that is taxable as unrelated business taxable income.

This tax shall be determined by establishing a ratio of the unrelated business taxable income to the bookstore's gross income as defined by the Internal Revenue Code. That percent shall be the maximum percentage of such bookstore property on which a property tax can be levied.

At the end of a fiscal year when unrelated business income has been generated, the nonprofit organization shall file with the assessor copies of the organization's most recent tax return filed with the Internal Revenue Service.

*(Amended by Stats. 1988, Ch. 1606, Sec. 1. Applicable July 1, 1989, by Sec. 7 of Ch. 1606.)*

**202.2.** Any reduction in property taxes on leased property used for libraries and museums that are free and open to the public, leased property used exclusively for public schools, community colleges, state colleges, or state universities, including the University of California, or leased property used exclusively for educational purposes by a nonprofit institution of higher education and granted the exemption set forth in subdivision (d) or (e) of Section 3 of Article XIII of the California Constitution shall inure to the benefit of the lessee institution. If the lessor claims the exemption and if the lease or rental agreement does not specifically provide that the exemption contained in subdivision (d) or (e) of Section 3 of Article XIII is taken into account in fixing the terms of the agreement, the lessee shall receive a reduction in rental payments or a refund thereof, if already paid, in an amount equal to the reduction in taxes.

If the lessor does not claim the exemption on property eligible for the exemption contained in subdivision (d) or (e) of Section 3 of Article XIII, the lessee may file a claim for refund under Section 5096 with respect to taxes paid by the lessor on the property. For purposes of Sections 5097 and 5140, the lessee shall be deemed to be the person who paid the tax, and the refund shall be made directly to the lessee. Notwithstanding the provisions of paragraph (1) of subdivision (a) of Section 270, the full amount of tax paid by the lessor shall be refunded to the lessee.

Any refund granted pursuant to this part shall not be considered a reduction in the sales price or gross receipts from the rental of the property for purposes of Part 1 (commencing with Section 6001), Part 1.5 (commencing with Section 7200), or Part 1.6 (commencing with Section 7251).

*(Amended by Stats. 1980, Ch. 676, Sec. 283.)*

**202.5.** Personal property used exclusively in the performance of activities authorized by Division 8 (commencing with Section 89000) of the Education Code, whether by the college itself or by an auxiliary nonprofit corporation or student body organization with which the Director of Education has entered into a lease or contract for the performance of such activities, is deemed property used exclusively for public schools and shall be exempt from taxation.

It is hereby declared that this section is not a change in the present law but is a declaration of preexisting law.

*(Amended by Stats. 1981, Ch. 261, Sec. 11.2.)*

**202.6.** Personal property used exclusively in the performance of activities authorized by Article 2 (commencing with Section 48930) of Chapter 6 of Part 27 of Division 4 of, or Article 4 (commencing with Section 76060) of Chapter 1 of Part 47 of Division 7 of the Education Code by a student body organization acting pursuant to those provisions, is deemed property used exclusively for public schools and shall be exempt from taxation.

*(Amended by Stats. 1981, Ch. 261, Sec. 11.3.)*

**202.7.** Personal property owned or used by student governments of the University of California or by nonprofit corporations operating student book stores of colleges affiliated with the University of California is, for purposes of this section, deemed property belonging to this state and shall be exempt from taxation.

*(Amended by Stats. 1974, Ch. 759.)*

**203.** (a) The college exemption is as specified in subdivision (e) of Section 3 and Section 5 of Article XIII of the California Constitution.

(b) An educational institution of collegiate grade is an institution incorporated as a college or seminary of learning that requires for regular admission the completion of a four-year high school course or its equivalent, and confers upon its graduates at least one academic or professional degree, based on a course of at least one year in flight test technology or flight test science, for which the master's degree program has been approved by the California

Council for Private Postsecondary and Vocational Education or the Bureau for Private Postsecondary and Vocational Education, on a course of at least two years in liberal arts and sciences, or on a course of at least three years in professional studies, such as law, theology, education, medicine, dentistry, engineering, veterinary medicine, pharmacy, architecture, fine arts, commerce, or journalism.

(c) An educational institution of collegiate grade is not conducted for profit when it is conducted exclusively for scientific or educational purposes and no part of its net income inures to the benefit of any private person.

(d) Without prejudice to the right to assert an exemption otherwise available under subdivision (a), (d), or (e) of Section 3 of Article XIII of the Constitution, a property tax under this division shall be imposed upon that portion of the bookstore property determined to be generating the unrelated business taxable income, as defined in Section 512 of the Internal Revenue Code, to the extent property is both of the following:

(1) Owned by an educational institution of collegiate grade or used by a nonprofit corporation operating a student bookstore affiliated with an educational institution of collegiate grade.

(2) Primarily devoted to bookstore use that produces income that is taxable as unrelated business taxable income.

This tax shall be determined by establishing a ratio of the unrelated business taxable income to the bookstore's gross income as defined by the Internal Revenue Code. That percent shall be the maximum percentage of the bookstore property on which a property tax can be levied.

At the end of a fiscal year when unrelated business income has been generated, the nonprofit organization shall file with the assessor copies of the organization's most recent tax return filed with the Internal Revenue Service.

*(Amended by Stats. 1998, Ch. 562, Sec. 1. Effective September 18, 1998.)*

**203.1.** Personal property owned or used by a nonprofit corporation operating a student bookstore affiliated with an educational institution, as defined in Section 203, is, for purposes of this section, deemed property belonging to such educational institution and shall be exempt from taxation.

*(Added by Stats. 1979, Ch. 588.)*

**203.5.** Property owned by the California School of Mechanical Arts, California Academy of Sciences, or Cogswell Polytechnical College, or held in trust for the Huntington Library and Art Gallery, or their successors, shall be exempt from taxation as provided in subdivision (c) of Section 4 of Article XIII of the Constitution.

*(Added by Stats. 1974, Ch. 311.)*

**204.** The cemetery exemption is as specified in subdivision (g) of Section 3 of Article XIII of the Constitution.

*(Amended by Stats. 1974, Ch. 311.)*

**205.** The veterans' exemption is as specified in subdivisions (o), (p), (q), and (r) of Section 3 of Article XIII of the Constitution.

The following are wars under subdivisions (o), (p), (q), and (r) of Section 3 of Article XIII of the Constitution:

(a) Revolutionary War, April 19, 1775–January 14, 1784.

(b) Second War With England, June 18, 1812–February 17, 1815.

(c) Black Hawk War, April 6, 1832–August 2, 1832.

(d) War With Mexico, April 24, 1846–May 30, 1848.

(e) Civil War, April 18, 1861–August 20, 1866.

(f) War With Spain, April 21, 1898–April 11, 1899.

(g) War in Philippines, April 11, 1899–July 4, 1902.

(h) Chinese Relief Expedition, June 20, 1900–May 15, 1901.

(i) Campaign against the Rogue River, Yakima, Nez Percé, and Snake Indians in Oregon and Washington, 1855–1856.

(j) Campaign against the Indians in southern Oregon and Idaho and northern California and Nevada, 1865–1868.

(k) Campaign against the Cheyennes, Arapahoes, Kiowas, and Comanches in Kansas, Colorado, and Indian Territory, 1867–1869.

(l) Modoc War, 1872–1873.

(m) Campaign against the Apaches in Arizona, 1873.

- (n) Campaign against the Kiowas, Comanches, and Cheyennes in Kansas, Colorado, Texas, Indian Territory, and New Mexico, 1874–1875.
- (o) Campaign against the Northern Cheyennes and Sioux, 1876–1877.
- (p) Nez Percé War, 1877.
- (q) Bannock War, 1878.
- (r) Campaign against the Northern Cheyennes, 1878–1879.
- (s) Campaign against the Ute Indians in Colorado and Utah, September, 1879–November, 1880.
- (t) Campaign against the Apache Indians in Arizona, 1885–1886.
- (u) Campaign against the Sioux Indians in South Dakota, November, 1890–January, 1891.
- (v) War With Germany-Austria, April 6, 1917–November 11, 1918.
- (w) Campaign against the Apache Indians in Arizona, 1895–1896.
- (x) World War II, December 7, 1941, to January 1, 1947.
- (y) Campaign against the North Koreans and Chinese Communists in Korea, June 27, 1950, to January 31, 1955.
- (z) Campaign against the Viet Cong and North Vietnamese Communists in South Vietnam, August 5, 1964, to May 8, 1975.

The following are campaigns under subdivisions (o), (p), (q), and (r) of Section 3 of Article XIII of the Constitution:

- (a) First Nicaraguan campaign.
- (b) Second Nicaraguan campaign.
- (c) Yangtze River campaign in China.
- (d) All other campaigns for service in which a medal has been issued by the Congress of the United States.  
(Amended by Stats. 1976, Ch. 1092.)

**205.1.** Section 205 of this code fulfills the intent of subdivisions (o), (p), (q), and (r) of Section 3 of Article XIII of the Constitution. To further carry out the intent of subdivisions (o), (p), (q), and (r) of Section 3 of Article XIII of the Constitution, if the assessment ratio is increased from 25 percent to 100 percent the amount of assessed value subject to the exemption shall be increased from one thousand dollars (\$1,000) to four thousand dollars (\$4,000) in order to maintain the same proportionate value of the exemption. Whenever assessed value is used to determine eligibility for such exemption based on the limitations on the value of property owned, 25 percent of the assessed value shall be used when the assessment ratio is increased to 100 percent to maintain the same proportionate values of such property and such limitations.

(Amended by Stats. 1979, Ch. 1161.)

**205.5.** (a) Property that constitutes the principal place of residence of a veteran, that is owned by the veteran, the veteran's spouse, or the veteran and the veteran's spouse jointly, is exempted from taxation on that part of the full value of the residence that does not exceed one hundred thousand dollars (\$100,000), as adjusted for the relevant assessment year as provided in subdivision (h), if the veteran is blind in both eyes, has lost the use of two or more limbs, or if the veteran is totally disabled as a result of injury or disease incurred in military service. The one hundred thousand dollar (\$100,000) exemption shall be one hundred fifty thousand dollars (\$150,000), as adjusted for the relevant assessment year as provided in subdivision (h), in the case of an eligible veteran whose household income does not exceed the amount of forty thousand dollars (\$40,000), as adjusted for the relevant assessment year as provided in subdivision (g).

(b) (1) For purposes of this section, "veteran" means either of the following:

(A) A person who is serving in or has served in and has been discharged under other than dishonorable conditions from service in the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, and served either in time of war or in time of peace in a campaign or expedition for which a medal has been issued by Congress, or in time of peace and because of a service-connected disability was released from active duty, and who has been determined by the United States Department of Veterans Affairs to be eligible for federal veterans' health and medical benefits.

(B) Any person who would qualify as a veteran pursuant to subparagraph (A) except that he or she has, as a result of a service-connected injury or disease, died while on active duty in military service. The United States Department of Veterans Affairs shall determine whether an injury or disease is service connected.

(2) For purposes of this section, property is deemed to be the principal place of residence of a veteran, disabled as described in subdivision (a), who is confined to a hospital or other care facility, if that property would be that veteran's principal place of residence were it not for his or her confinement to a hospital or other care facility, provided that the residence is not rented or leased to a third party. For purposes of this paragraph, a family member who resides at the residence is not a third party.

(c) (1) Property that is owned by, and that constitutes the principal place of residence of, the unmarried surviving spouse of a deceased veteran is exempt from taxation on that part of the full value of the residence that does not exceed one hundred thousand dollars (\$100,000), as adjusted for the relevant assessment year as provided in subdivision (h), in the case of a veteran who was blind in both eyes, had lost the use of two or more limbs, or was totally disabled provided that either of the following conditions is met:

(A) The deceased veteran during his or her lifetime qualified for the exemption pursuant to subdivision (a), or would have qualified for the exemption under the laws effective on January 1, 1977, except that the veteran died prior to January 1, 1977.

(B) The veteran died from a disease that was service connected as determined by the United States Department of Veterans Affairs.

The one hundred thousand dollar (\$100,000) exemption shall be one hundred fifty thousand dollars (\$150,000), as adjusted for the relevant assessment year as provided in subdivision (h), in the case of an eligible unmarried surviving spouse whose household income does not exceed the amount of forty thousand dollars (\$40,000), as adjusted for the relevant assessment year as provided in subdivision (g).

(2) Commencing with the 1994–95 fiscal year, property that is owned by, and that constitutes the principal place of residence of, the unmarried surviving spouse of a veteran as described in subparagraph (B) of paragraph (1) of subdivision (b) is exempt from taxation on that part of the full value of the residence that does not exceed one hundred thousand dollars (\$100,000), as adjusted for the relevant assessment year as provided in subdivision (h). The one hundred thousand dollar (\$100,000) exemption shall be one hundred fifty thousand dollars (\$150,000), as adjusted for the relevant assessment year as provided in subdivision (h), in the case of an eligible unmarried surviving spouse whose household income does not exceed the amount of forty thousand dollars (\$40,000), as adjusted for the relevant assessment year as provided in subdivision (g).

(3) Beginning with the 2012–13 fiscal year and for each fiscal year thereafter, property is deemed to be the principal place of residence of the unmarried surviving spouse of a deceased veteran, who is confined to a hospital or other care facility, if that property would be the unmarried surviving spouse's principal place of residence were it not for his or her confinement to a hospital or other care facility, provided that the residence is not rented or leased to a third party. For purposes of this paragraph, a family member who resides at the residence is not a third party.

(d) As used in this section, "property that is owned by a veteran" or "property that is owned by the veteran's unmarried surviving spouse" includes all of the following:

(1) Property owned by the veteran with the veteran's spouse as a joint tenancy, tenancy in common, or as community property.

(2) Property owned by the veteran or the veteran's spouse as separate property.

(3) Property owned with one or more other persons to the extent of the interest owned by the veteran, the veteran's spouse, or both the veteran and the veteran's spouse.

(4) Property owned by the veteran's unmarried surviving spouse with one or more other persons to the extent of the interest owned by the veteran's unmarried surviving spouse.

(5) So much of the property of a corporation as constitutes the principal place of residence of a veteran or a veteran's unmarried surviving spouse when the veteran, or the veteran's spouse, or the veteran's unmarried surviving spouse is a shareholder of the corporation and the rights of shareholding entitle one to the possession of property, legal title to which is owned by the corporation. The exemption provided by this paragraph shall be shown on the local roll and shall reduce the full value of the corporate property. Notwithstanding any law or articles of incorporation or bylaws of a corporation described in this paragraph, any reduction of property taxes paid by the corporation shall reflect an equal reduction in any charges by the corporation to the person who, by reason of qualifying for the exemption, made possible the reduction for the corporation.

(e) For purposes of this section, being blind in both eyes means having a visual acuity of 5/200 or less, or concentric contraction of the visual field to 5 degrees or less; losing the use of a limb means that the limb has been amputated or its use has been lost by reason of ankylosis, progressive muscular dystrophies, or paralysis; and being totally disabled means that the United States Department of Veterans Affairs or the military service from which the veteran was discharged has rated the disability at 100 percent or has rated the disability compensation at 100 percent by reason of being unable to secure or follow a substantially gainful occupation.

(f) An exemption granted to a claimant pursuant to this section shall be in lieu of the veteran's exemption provided by subdivisions (o), (p), (q), and (r) of Section 3 of Article XIII of the California Constitution and any other real property tax exemption to which the claimant may be entitled. No other real property tax exemption may be granted to any other person with respect to the same residence for which an exemption has been granted pursuant to this section; provided, that if two or more veterans qualified pursuant to this section to own a property in which they reside, each is entitled to the exemption to the extent of his or her interest.

(g) Commencing on January 1, 2002, and for each assessment year thereafter, the household income limit shall be compounded annually by an inflation factor that is the annual percentage change, measured from February to February of the two previous assessment years, rounded to the nearest one-thousandth of 1 percent, in the California Consumer Price Index for all items, as determined by the California Department of Industrial Relations.

(h) Commencing on January 1, 2006, and for each assessment year thereafter, the exemption amounts set forth in subdivisions (a) and (c) shall be compounded annually by an inflation factor that is the annual percentage change, measured from February to February of the two previous assessment years, rounded to the nearest one-thousandth of 1 percent, in the California Consumer Price Index for all items, as determined by the California Department of Industrial Relations.

(i) The amendments made to this section by the act adding this subdivision shall apply for property tax lien dates for the 2017-18 fiscal year and for each fiscal year thereafter.

*(Amended by Stats. 2016, Ch. 871, Sec. 1. Effective September 30, 2016.)*

**205.6.** In order to prevent duplications of the disabled veterans' property tax exemption within the state and improper overlapping with other benefits provided by law, county assessors may supply information from disabled veterans' property tax exemption claims and county records as is specified by written request of the board necessary to fully identify all disabled veterans' property tax exemption claims allowed by the assessors. The board may specify that the information include all or a part of the names and social security numbers of claimants and spouses and the identity and location of the dwelling to which the exemption applies. The information may be required in the form of data-processing media or other media and in such format as is compatible with the recordkeeping processes of the counties and the auditing procedures of the state.

*(Added by Stats. 2009, Ch. 204, Sec. 3. Effective January 1, 2010.)*

**206.** The church exemption is as specified in subdivision (f) of Section 3 and Section 5 of Article XIII of the Constitution.

*(Amended by Stats. 1974, Ch. 311.)*

**206.1.** (a) Pursuant to the authority of subdivision (d) of Section 4 of Article XIII of the California Constitution, and in accordance with subdivision (b) of this section, all real property that is necessarily and reasonably required for the parking of automobiles of persons who are attending religious services, or are engaged in religious services or worship or any religious activity, is exempt from taxation.

(b) For purposes of the exemption established by subdivision (a), all of the following shall apply:

(1) "Real property" means land and improvements or a possessory interest in land and improvements.

(2) The real property is not required to be contiguous to the land on which the church or other structure used for religious services or as the place of worship or religious activity is located.

(3) The real property is not at other times used for commercial purposes. For purposes of this paragraph, "commercial purposes" does not include use of the property for the parking of vehicles or bicycles, the revenue from which does not exceed the ordinary and necessary costs of maintaining the real property.

(4) The exemption shall apply to otherwise qualifying land and improvements regardless of whether the land and improvements are owned by the church, religious denomination, or sect using the land and improvements for the parking of automobiles by persons described in subdivision (a). However, the exemption shall apply to land and improvements that are not owned by the church, religious denomination, or sect using the land and improvements for the parking of automobiles by persons described in subdivision (a) only as long as all of the following conditions are met:

(A) The congregation of the church, religious denomination, or sect is no greater than 500 members.

(B) The church, religious denomination, or sect is engaged in a lease of the land and improvements for the exclusive purpose of the parking of automobiles by persons described in subdivision (a).

(C) The church, religious denomination, or sect is responsible, under the terms of its lease with the fee owner of the land and improvements, for paying the property taxes levied on the land and improvements. For purposes of this subparagraph, paying property taxes levied on land and improvements includes reimbursement paid to the fee owner of the land and improvements for those taxes.

(D) The real property is used exclusively for the parking of automobiles by persons described in subdivision (a).

(E) The fee owner of the real property and the county agree that the fee owner shall pay the total amount of taxes that would be levied on the real property for the current fiscal year and the first two subsequent fiscal years in the absence of a grant of exemption pursuant to this paragraph for the current fiscal year, if the real property is used for any purpose other than that specified in subparagraph (D) during either of those two subsequent fiscal years.

*(Repealed and added by Stats. 1996, Ch. 1169, Sec. 3. Effective September 30, 1996.)*

**206.2.** Any reduction in property taxes on leased property used exclusively for religious worship and granted the church exemption shall inure to the benefit of the organization entitled to the exemption. If the lease or rental agreement does not specifically provide that the church exemption is taken into account in fixing the terms of the agreement, the tenant shall receive a reduction in rental payments, or a refund of such payments, if paid, for each month of occupancy, or portion thereof, during the fiscal year equal to one-twelfth of the property taxes not paid during such fiscal year by reason of the church exemption.

*(Added by Stats. 1977, Ch. 522.)*

**207.** Property used exclusively for religious purposes shall be exempt from taxation. Property owned and operated by a church and used for religious worship, preschool purposes, nursery school purposes, kindergarten purposes, school purposes of less than collegiate grade, or for purposes of both schools of collegiate grade and schools less than collegiate grade but excluding property used solely for purposes of schools of collegiate grade, shall be deemed to be used exclusively for religious purposes under this section.

The exemption provided by this section is granted pursuant to the authority in subdivision (b) of Section 4 of Article XIII of the California Constitution, and shall be known as the "religious exemption."

This section shall be effective for the 1977-78 fiscal year and fiscal years thereafter.

*(Amended [as added by Stats. 1981, Ch. 542] by Stats. 1983, Ch. 120, Sec. 1. Effective June 22, 1983. Section applicable from July 1, 1977, by this amendment and by Sec. 4 of Ch. 120.)*

**207.1.** Personal property leased to a church and used exclusively for the purposes described in Section 207 shall be deemed to be used exclusively for religious purposes under that section.

The exemption provided by this section is granted pursuant to the authority in Section 2 of Article XIII of the California Constitution.

*(Added by Stats. 1998, Ch. 591, Sec. 5. Effective January 1, 1999.)*

**208.** The bonds exemption is as specified in subdivision (c) of Section 3 of Article XIII of the Constitution.

*(Amended by Stats. 1974, Ch. 311.)*

**209.** The exemption of certain vessels from taxation except for state purposes is as specified in subdivision (l) of Section 3 of Article XIII of the Constitution.

*(Amended by Stats. 1974, Ch. 311.)*

**209.5.** All right, title or interest in or to any vessel of more than 50 tons burden or 100 tons displacement, and the materials and parts held by the builder of the vessel at the site of construction for the specific purpose of incorporation therein, shall be exempt from taxation except for state purposes, while the vessel is under construction within this State.

*(Amended by Stats. 1959, Ch. 283.)*

**211.** (a) (1) The exemption of fruit- and nut-bearing trees until four years after the season in which they were planted in orchard form and grapevines until three years after the season in which they were planted in vineyard form is as specified in subdivision (i) of Section 3 of Article XIII of the California Constitution.

(2) For purposes of exemption pursuant to this subdivision, any fruit- or nut-bearing tree, or any grapevine, severely damaged during the exemption period by the December 1990 freeze so as to require pruning to the trunk

or bud union to establish a new shoot as a replacement for the damaged tree or grapevine, shall be considered a new planting in orchard or vineyard form.

(3) For purposes of exemption pursuant to this subdivision, any fruit- or nut-bearing tree severely damaged during the exemption period by the December 1998 freeze or the January 2007 freeze so as to require pruning to the trunk or bud union to establish a new shoot as a replacement for the damaged tree shall be considered a new planting in orchard form.

(4) For purposes of exemption pursuant to this subdivision, any fruit- or nut-bearing tree, or any grapevine, severely damaged during the exemption period by the extremely strong and damaging winds that commenced on October 20, 2007, that were the subject of the Governor's November 2, 2007, proclamation of a state of emergency so as to require pruning to the trunk or bud union to establish a new shoot as a replacement for the damaged tree or grapevine, shall be considered a new planting in orchard form.

(5) For purposes of exemption pursuant to this subdivision, any fruit- or nut-bearing tree, or any grapevine, severely damaged during the exemption period by the wildfires that commenced on October 21, 2007, that were the subject of the Governor's October 21, 2007, proclamation of a state of emergency so as to require pruning to the trunk or bud union to establish a new shoot as a replacement for the damaged tree or grapevine, shall be considered a new planting in orchard form.

(b) The exemption of timber is as specified in subdivision (j) of Section 3 of Article XIII of the California Constitution and Section 436.

*(Amended by Stats. 2008, Ch. 356, Sec. 1. Effective September 26, 2008.)*

**212.** (a) Notes, debentures, shares of capital stock, solvent credits, bonds, deeds of trust, mortgages, and any interest in that property are exempt from taxation.

(b) Money kept on hand to be used in the ordinary and regular course of a trade, profession, or business is exempt from taxation.

(c) Intangible assets and rights are exempt from taxation and, except as otherwise provided in the following sentence, the value of intangible assets and rights shall not enhance or be reflected in the value of taxable property. Taxable property may be assessed and valued by assuming the presence of intangible assets or rights necessary to put the taxable property to beneficial or productive use.

*(Amended by Stats. 1995, Ch. 498, Sec. 6. Effective January 1, 1996.)*

**213.** The exhibition exemption is as specified in this section.

Personal property which comes within all the following descriptions is exempt from taxation:

(a) The property is brought into this State exclusively for purposes of use or exhibition at any exposition, fair, carnival or public exhibit of literary, scientific, educational, religious or artistic works in this State and is used only for these purposes while in this State.

(b) It is intended to remove the property from the State following its use or exhibition here.

(c) The property is subject to taxation in some other State or a foreign country while in this State and all taxes due in the other State or country are paid when the exemption is claimed.

*(Enacted by Stats. 1939, Ch. 154.)*

**213.5.** In partial consideration of the public services provided to property exempted from taxation by Section 214, the owner or person in possession shall permit the free use of such property or portion thereof as a polling place at any election conducted by the registrar of voters if the registrar makes written request for the use of such property at least 60 days before the date of the election. The registrar shall not be entitled to the use of any property used for the practice of religion if the owner or possessor files with him at least 45 days before the election an affidavit that (a) the space requested will be required for the ordinary and usual purposes of the owner or possessor on the day of the election, setting forth what such use will be, or (b) by reason of any contract, or condition, or covenant in a deed, made or delivered before July 1, 1965, the use of any portion of such property by the registrar of voters would breach such contract, condition, or covenant. The registrar shall not be entitled to the use of other property if an affidavit under (b) is filed with him.

As used in this section, registrar of voters means county clerk in counties having no registrar of voters.

A county using this section shall insure itself, its employees, the owner, and the person in possession of the property against any liability for any injury connected with the use of the property as a polling place.

Use of property under this section shall be considered to be exclusively for religious, hospital, or charitable purposes.

*(Added by Stats. 1965, Ch. 873.)*

**213.7.** (a) As used in Section 214, "property used exclusively for religious, hospital, scientific or charitable purposes" shall include the property of a volunteer fire department that is used exclusively for volunteer fire department purposes, provided that the department qualifies for exemption either under Section 23701d or 23701f of this code or under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code. This section shall not be construed to enlarge the "welfare exemption" to apply to organizations qualified under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code, but not otherwise qualified for the "welfare exemption" under other provisions of this code.

(b) As used in this section, "volunteer fire department" means any fund, foundation or corporation regularly organized for volunteer fire department purposes, that qualified as an exempt organization on or before January 1, 1969, either under Section 23701d or 23701f of this code or under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code, having official recognition and full or partial support of the government of the county, city, or district in which the volunteer fire department is located, and that has functions having an exclusive connection with the prevention and extinguishing of fires within the area of the county, city, or district extending official recognition for the benefit of the public generally and to lessen the burdens of the entity of government which would otherwise be obligated to furnish such fire protection.

(c) For purposes of subdivision (a), an organization shall not be deemed to be qualified as an exempt organization unless the organization files with the assessor a valid organizational clearance certificate issued pursuant to Section 254.6.

*(Amended by Stats. 2003, Ch. 471, Sec. 10. Effective January 1, 2004.)*

**214.** (a) Property used exclusively for religious, hospital, scientific, or charitable purposes owned and operated by community chests, funds, foundations, limited liability companies, or corporations organized and operated for religious, hospital, scientific, or charitable purposes is exempt from taxation, including ad valorem taxes to pay the interest and redemption charges on any indebtedness approved by the voters prior to July 1, 1978, or any bonded indebtedness for the acquisition or improvement of real property approved on or after July 1, 1978, by two-thirds of the votes cast by the voters voting on the proposition, if:

(1) The owner is not organized or operated for profit. However, in the case of hospitals, the organization shall not be deemed to be organized or operated for profit if, during the immediately preceding fiscal year, operating revenues, exclusive of gifts, endowments and grants-in-aid, did not exceed operating expenses by an amount equivalent to 10 percent of those operating expenses. As used herein, operating expenses include depreciation based on cost of replacement and amortization of, and interest on, indebtedness.

(2) No part of the net earnings of the owner inures to the benefit of any private shareholder or individual.

(3) The property is used for the actual operation of the exempt activity, and does not exceed an amount of property reasonably necessary to the accomplishment of the exempt purpose.

(A) For the purposes of determining whether the property is used for the actual operation of the exempt activity, consideration shall not be given to use of the property for either or both of the following described activities if that use is occasional:

(i) The owner conducts fundraising activities on the property and the proceeds derived from those activities are not unrelated business taxable income, as defined in Section 512 of the Internal Revenue Code, of the owner and are used to further the exempt activity of the owner.

(ii) The owner permits any other organization that meets all of the requirements of this subdivision, other than ownership of the property, to conduct fundraising activities on the property and the proceeds derived from those activities are not unrelated business taxable income, as defined in Section 512 of the Internal Revenue Code, of the organization, are not subject to the tax on unrelated business taxable income that is imposed by Section 511 of the Internal Revenue Code, and are used to further the exempt activity of the organization.

(B) For purposes of subparagraph (A):

(i) "Occasional use" means use of the property on an irregular or intermittent basis by the qualifying owner or any other qualifying organization described in clause (ii) of subparagraph (A) that is incidental to the primary activities of the owner or the other organization.

(ii) "Fundraising activities" means both activities involving the direct solicitation of money or other property and the anticipated exchange of goods or services for money between the soliciting organization and the organization or

person solicited.

(C) Subparagraph (A) shall have no application in determining whether paragraph (3) has been satisfied unless the owner of the property and any other organization using the property as provided in subparagraph (A) have filed with the assessor a valid organizational clearance certificate issued pursuant to Section 254.6.

(D) For the purposes of determining whether the property is used for the actual operation of the exempt activity, consideration shall not be given to the use of the property for meetings conducted by any other organization if the meetings are incidental to the other organization's primary activities, are not fundraising meetings or activities as defined in subparagraph (B), are held no more than once per week, and the other organization and its use of the property meet all other requirements of paragraphs (1) to (5), inclusive, of this subdivision. The owner or the other organization also shall file with the assessor a copy of a valid, unrevoked letter or ruling from the Internal Revenue Service or the Franchise Tax Board stating that the other organization, or the national organization of which it is a local chapter or affiliate, qualifies as an exempt organization under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code or Section 23701d, 23701f, or 23701w.

(E) Nothing in subparagraph (A), (B), (C), or (D) shall be construed to either enlarge or restrict the exemption provided for in subdivision (b) of Section 4 and Section 5 of Article XIII of the California Constitution and this section.

(4) The property is not used or operated by the owner or by any other person so as to benefit any officer, trustee, director, shareholder, member, employee, contributor, or bondholder of the owner or operator, or any other person, through the distribution of profits, payment of excessive charges or compensations, or the more advantageous pursuit of their business or profession.

(5) The property is not used by the owner or members thereof for fraternal or lodge purposes, or for social club purposes except where that use is clearly incidental to a primary religious, hospital, scientific, or charitable purpose.

(6) The property is irrevocably dedicated to religious, charitable, scientific, or hospital purposes and upon the liquidation, dissolution, or abandonment of the owner will not inure to the benefit of any private person except a fund, foundation, or corporation organized and operated for religious, hospital, scientific, or charitable purposes.

(7) The property, if used exclusively for scientific purposes, is used by a foundation or institution that, in addition to complying with the foregoing requirements for the exemption of charitable organizations in general, has been chartered by the Congress of the United States (except that this requirement shall not apply when the scientific purposes are medical research), and whose objects are the encouragement or conduct of scientific investigation, research, and discovery for the benefit of the community at large.

The exemption provided for herein shall be known as the "welfare exemption." This exemption shall be in addition to any other exemption now provided by law, and the existence of the exemption provision in paragraph (2) of subdivision (a) of Section 202 shall not preclude the exemption under this section for museum or library property. Except as provided in subdivision (e), this section shall not be construed to enlarge the college exemption.

(b) Property used exclusively for school purposes of less than collegiate grade and owned and operated by religious, hospital, or charitable funds, foundations, limited liability companies, or corporations, which property and funds, foundations, limited liability companies, or corporations meet all of the requirements of subdivision (a), shall be deemed to be within the exemption provided for in subdivision (b) of Section 4 and Section 5 of Article XIII of the California Constitution and this section.

(c) Property used exclusively for nursery school purposes and owned and operated by religious, hospital, or charitable funds, foundations, limited liability companies, or corporations, which property and funds, foundations, limited liability companies, or corporations meet all the requirements of subdivision (a), shall be deemed to be within the exemption provided for in subdivision (b) of Section 4 and Section 5 of Article XIII of the California Constitution and this section.

(d) Property used exclusively for a noncommercial educational FM broadcast station or an educational television station, and owned and operated by religious, hospital, scientific, or charitable funds, foundations, limited liability companies, or corporations meeting all of the requirements of subdivision (a), shall be deemed to be within the exemption provided for in subdivision (b) of Section 4 and Section 5 of Article XIII of the California Constitution and this section.

(e) Property used exclusively for religious, charitable, scientific, or hospital purposes and owned and operated by religious, hospital, scientific, or charitable funds, foundations, limited liability companies, or corporations or educational institutions of collegiate grade, as defined in Section 203, which property and funds, foundations, limited liability companies, corporations, or educational institutions meet all of the requirements of subdivision (a), shall be deemed to be within the exemption provided for in subdivision (b) of Section 4 and Section 5 of Article XIII

of the California Constitution and this section. As to educational institutions of collegiate grade, as defined in Section 203, the requirements of paragraph (6) of subdivision (a) shall be deemed to be met if both of the following are met:

- (1) The property of the educational institution is irrevocably dedicated in its articles of incorporation to charitable and educational purposes, to religious and educational purposes, or to educational purposes.
- (2) The articles of incorporation of the educational institution provide for distribution of its property upon its liquidation, dissolution, or abandonment to a fund, foundation, or corporation organized and operated for religious, hospital, scientific, charitable, or educational purposes meeting the requirements for exemption provided by Section 203 or this section.
- (f) Property used exclusively for housing and related facilities for elderly or handicapped families and financed by, including, but not limited to, the federal government pursuant to Section 202 of Public Law 86-372 (12 U.S.C. Sec. 1701q), as amended, Section 231 of Public Law 73-479 (12 U.S.C. Sec. 1715v), Section 236 of Public Law 90-448 (12 U.S.C. Sec. 1715z), or Section 811 of Public Law 101-625 (42 U.S.C. Sec. 8013), and owned and operated by religious, hospital, scientific, or charitable funds, foundations, limited liability companies, or corporations meeting all of the requirements of this section shall be deemed to be within the exemption provided for in subdivision (b) of Section 4 and Section 5 of Article XIII of the California Constitution and this section.

The amendment of this paragraph made by Chapter 1102 of the Statutes of 1984 does not constitute a change in, but is declaratory of, existing law. However, no refund of property taxes shall be required as a result of this amendment for any fiscal year prior to the fiscal year in which the amendment takes effect.

Property used exclusively for housing and related facilities for elderly or handicapped families at which supplemental care or services designed to meet the special needs of elderly or handicapped residents are not provided, or that is not financed by the federal government pursuant to Section 202 of Public Law 86-372 (12 U.S.C. Sec. 1701q), as amended, Section 231 of Public Law 73-479 (12 U.S.C. Sec. 1715v), Section 236 of Public Law 90-448 (12 U.S.C. Sec. 1715z), or Section 811 of Public Law 101-625 (42 U.S.C. Sec. 8013), shall not be entitled to exemption pursuant to this subdivision unless the property is used for housing and related facilities for low- and moderate-income elderly or handicapped families. Property that would otherwise be exempt pursuant to this subdivision, except that it includes some housing and related facilities for other than low- or moderate-income elderly or handicapped families, shall be entitled to a partial exemption. The partial exemption shall be equal to that percentage of the value of the property that is equal to the percentage that the number of low- and moderate-income elderly and handicapped families represents of the total number of families occupying the property.

As used in this subdivision, "low and moderate income" has the same meaning as the term "persons and families of low or moderate income" as defined by Section 50093 of the Health and Safety Code.

(g) (1) Property used exclusively for rental housing and related facilities and owned and operated by religious, hospital, scientific, or charitable funds, foundations, limited liability companies, or corporations, including limited partnerships in which the managing general partner is an eligible nonprofit corporation or eligible limited liability company, meeting all of the requirements of this section, or by veterans' organizations, as described in Section 215.1, meeting all the requirements of paragraphs (1) to (7), inclusive, of subdivision (a), shall be deemed to be within the exemption provided for in subdivision (b) of Section 4 and Section 5 of Article XIII of the California Constitution and this section and shall be entitled to a partial exemption equal to that percentage of the value of the property that is equal to the percentage that the number of units serving lower income households represents of the total number of residential units in any year in which any of the following criteria applies:

(A) The acquisition, rehabilitation, development, or operation of the property, or any combination of these factors, is financed with tax-exempt mortgage revenue bonds or general obligation bonds, or is financed by local, state, or federal loans or grants and the rents of the occupants who are lower income households do not exceed those prescribed by deed restrictions or regulatory agreements pursuant to the terms of the financing or financial assistance.

(B) The owner of the property is eligible for and receives low-income housing tax credits pursuant to Section 42 of the Internal Revenue Code of 1986, as added by Public Law 99-514.

(C) In the case of a claim, other than a claim with respect to property owned by a limited partnership in which the managing general partner is an eligible nonprofit corporation, that is filed for the 2000-01 fiscal year or any fiscal year thereafter, 90 percent or more of the occupants of the property are lower income households whose rent does not exceed the rent prescribed by Section 50053 of the Health and Safety Code. The total exemption amount allowed under this subdivision to a taxpayer, with respect to a single property or multiple properties for any fiscal year on the sole basis of the application of this subparagraph, may not exceed ten million dollars (\$10,000,000) in assessed value.

(D) (i) The property was previously purchased and owned by the Department of Transportation pursuant to a consent decree requiring housing mitigation measures relating to the construction of a freeway and is now solely owned by an organization that qualifies as an exempt organization under Section 501(c)(3) of the Internal Revenue Code.

(ii) This subparagraph shall not apply to property owned by a limited partnership in which the managing partner is an eligible nonprofit corporation.

(2) In order to be eligible for the exemption provided by this subdivision, the owner of the property shall do both of the following:

(A) (i) For any claim filed for the 2000–01 fiscal year or any fiscal year thereafter, certify and ensure, subject to the limitation in clause (ii), that there is an enforceable and verifiable agreement with a public agency, a recorded deed restriction, or other legal document that restricts the project's usage and that provides that the units designated for use by lower income households are continuously available to or occupied by lower income households at rents that do not exceed those prescribed by Section 50053 of the Health and Safety Code, or, to the extent that the terms of federal, state, or local financing or financial assistance conflicts with Section 50053, rents that do not exceed those prescribed by the terms of the financing or financial assistance.

(ii) In the case of a limited partnership in which the managing general partner is an eligible nonprofit corporation, the restriction and provision specified in clause (i) shall be contained in an enforceable and verifiable agreement with a public agency, or in a recorded deed restriction to which the limited partnership certifies.

(B) Certify that the funds that would have been necessary to pay property taxes are used to maintain the affordability of, or reduce rents otherwise necessary for, the units occupied by lower income households.

(3) As used in this subdivision:

(A) "Lower income households" has the same meaning as the term "lower income households" as defined by Section 50079.5 of the Health and Safety Code.

(B) "Related facilities" means any manager's units and any and all common area spaces that are included within the physical boundaries of the rental housing development, including, but not limited to, common area space, walkways, balconies, patios, clubhouse space, meeting rooms, laundry facilities, and parking areas, except any portions of the overall development that are nonexempt commercial space.

(C) "Units serving lower income households" shall mean units that are occupied by lower income households at an affordable rent, as defined in Section 50053 of the Health and Safety Code or, to the extent that the terms of federal, state, or local financing or financial assistance conflicts with Section 50053, rents that do not exceed those prescribed by the terms of the financing or financial assistance. Units reserved for lower income households at an affordable rent that are temporarily vacant due to tenant turnover or repairs shall be counted as occupied.

(h) Property used exclusively for an emergency or temporary shelter and related facilities for homeless persons and families and owned and operated by religious, hospital, scientific, or charitable funds, foundations, limited liability companies, or corporations meeting all of the requirements of this section shall be deemed to be within the exemption provided for in subdivision (b) of Section 4 and Section 5 of Article XIII of the California Constitution and this section. Property that otherwise would be exempt pursuant to this subdivision, except that it includes housing and related facilities for other than an emergency or temporary shelter, shall be entitled to a partial exemption.

As used in this subdivision, "emergency or temporary shelter" means a facility that would be eligible for funding pursuant to Chapter 11 (commencing with Section 50800) of Part 2 of Division 31 of the Health and Safety Code.

(i) Property used exclusively for housing and related facilities for employees of religious, charitable, scientific, or hospital organizations that meet all the requirements of subdivision (a) and owned and operated by funds, foundations, limited liability companies, or corporations that meet all the requirements of subdivision (a) shall be deemed to be within the exemption provided for in subdivision (b) of Section 4 and Section 5 of Article XIII of the California Constitution and this section to the extent the residential use of the property is institutionally necessary for the operation of the organization.

(j) For purposes of this section, charitable purposes include educational purposes. For purposes of this subdivision, "educational purposes" means those educational purposes and activities for the benefit of the community as a whole or an unascertainable and indefinite portion thereof, and do not include those educational purposes and activities that are primarily for the benefit of an organization's shareholders. Educational activities include the study of relevant information, the dissemination of that information to interested members of the general public, and the participation of interested members of the general public.

(k) In the case of property used exclusively for the exempt purposes specified in this section, owned and operated by limited liability companies that are organized and operated for those purposes, the State Board of Equalization

shall adopt regulations to specify the ownership, organizational, and operational requirements for those companies to qualify for the exemption provided by this section.

(l) The amendments made by Chapter 354 of the Statutes of 2004 shall apply with respect to lien dates occurring on and after January 1, 2005.

(m) The amendments made by the act adding this subdivision shall apply with respect to lien dates occurring on and after January 1, 2017.

*(Amended by Stats. 2016, Ch. 836, Sec. 1, Effective January 1, 2017.)*

**214.01.** (a) For the purpose of Section 214, property shall be deemed irrevocably dedicated to religious, charitable, scientific, or hospital purposes only if a statement of irrevocable dedication to only these purposes is found in the articles of incorporation of the corporation, or in the case of any other fund or foundation, limited liability company, or corporation chartered by an act of Congress, in the bylaws, articles of association, articles of organization, constitution, or regulations thereof, as determined by the State Board of Equalization.

(b) If, when performing the duties specified by Section 254.6, the board finds that an applicant for the welfare exemption is ineligible for an organizational clearance certificate, because at the time of the filing of the claim required by Section 254.6, the applicant's articles of incorporation, or in the case of any noncorporate fund or foundation, its bylaws, articles of association, articles of organization, constitution or regulations, did not comply with the provisions of this section, the board shall notify the applicant in writing. The applicant shall have until the next succeeding lien date to amend its articles of incorporation, or in the case of any noncorporate fund or foundation, its bylaws, articles of association, articles of organization, constitution or regulations, and to file a certified copy of these amendments that conform to the provisions of this section with the board, and the board shall make a finding that the applicant, if otherwise qualified, is eligible for an organizational clearance certificate and forward that finding to the assessor.

(c) The amendments made by the act adding this subdivision shall apply with respect to lien dates occurring on and after January 1, 2005.

*(Amended by Stats. 2004, Ch. 354, Sec. 3, Effective August 30, 2004. Applicable January 1, 2005, as specified in subd. (c).)*

**214.02.** (a) Except as provided in subdivision (b) or (c), property that is used exclusively for the preservation of native plants or animals, biotic communities, geological or geographical formations of scientific or educational interest, or open-space lands used solely for recreation and for the enjoyment of scenic beauty, is open to the general public subject to reasonable restrictions concerning the needs of the land, and is owned and operated by a scientific or charitable fund, foundation, limited liability company, or corporation, the primary interest of which is to preserve those natural areas, and that meets all the requirements of Section 214, shall be deemed to be within the exemption provided for in subdivision (b) of Sections 4 and 5 of Article XIII of the Constitution of the State of California and Section 214.

(b) The exemption provided by this section shall not apply to any property of an organization that owns in the aggregate 30,000 acres or more in one county that were exempt under this section prior to March 1, 1983, or that are proposed to be exempt, unless the nonprofit organization that holds the property is fully independent of the owner of any taxable real property that is adjacent to the property otherwise qualifying for tax exemption under this section. For purposes of this section, the nonprofit organization that holds the property shall be considered fully independent if the exempt property is not used or operated by that organization or by any other person so as to benefit any officer, trustee, director, shareholder, member, employee, contributor or bondholder of the exempt organization or operator, or the owner of any adjacent property, or any other person, through the distribution of profits, payment of excessive charges or compensations, or the more advantageous pursuit of their business or profession.

(c) The exemption provided by this section shall not apply to property that is reserved for future development.

(d) (1) For the purposes of determining whether the property is used for the actual operation of the exempt activity as required by subdivision (a), consideration shall not be given to the use of the property for either of the following:

(A) Activities resulting in direct or in-kind revenues provided that the activities further the conservation objectives of the property as provided in a qualified conservation management plan for the property. These revenues include those revenues derived from grazing leases, hunting and camping permits, rents from persons performing caretaking activities who reside in dwellings on the property, and admission fees collected for purposes of public enjoyment.

(B) Any lease of the property for a purpose that furthers the conservation objectives of the property as provided in a qualified conservation management plan for the property.

(2) The activities and lease described in paragraph (1) may not generate unrelated business income.

(3) For purposes of this subdivision, a "qualified conservation management plan" means a plan that satisfies all of the following:

(A) Identifies both of the following:

(i) That the foremost purpose and use of the property is for the preservation of native plants or animals, biotic communities, geological or geographical formations of scientific or educational interest, or as open-space lands used solely for recreation and for the enjoyment of scenic beauty.

(ii) The overall conservation management goals, including, but not limited to, identification of permitted activities, and actions necessary to achieve the goals.

(B) Describes both of the following:

(i) The natural resources and recreational attributes of the property.

(ii) Potential threats to the conservation values or areas of special concern.

(C) Contains a timeline for planned management activities and for regular inspections of the property, including existing structures and improvements.

(e) This section shall be operative from the lien date in 1983 to and including the lien date in 2022, after which date this section shall become inoperative, and as of January 1, 2023, this section is repealed.

(f) The amendments made by Section 4 of Chapter 354 of the Statutes of 2004 shall apply with respect to lien dates occurring on and after January 1, 2005.

(g) The amendments made to this section by the act adding this subdivision shall apply commencing with the lien date for the 2013–14 fiscal year.

*(Amended by Stats. 2012, Ch. 863, Sec. 1. Effective September 30, 2012. Applicable, by subd. (g), from lien date for the 2013–14 fiscal year. Inoperative after the January 1, 2022, lien date. Repealed as of January 1, 2023, by its own provisions.)*

**214.05.** For purposes of Section 214:

(a) If the property of an organization is granted an exemption pursuant to Section 214, that property is deemed to be used exclusively for the organization's exempt purposes. However, to the extent that income derived from the organization's use of the property is unrelated business taxable income, as defined in Section 512 of the Internal Revenue Code, and the regulations implementing that section, and is subject to the tax on unrelated business taxable income which is imposed by Section 511 of the Internal Revenue Code, the property shall be exempt from taxation under Section 214 only to the extent provided in subdivision (b) or (c).

(b) (1) If the use of property which has qualified for the welfare exemption under Section 214 involves activities of the organization, some of which produce income that is exempt from income or franchise taxation and some of which produce income that is taxable as unrelated business taxable income, and those activities are attributable to a reasonably ascertainable portion of the entire property, that portion of the property shall be entitled only to a partial exemption from property taxation equal to that proportion of the total value of the portion of the property which the amount of income of the organization that is exempt from income or franchise taxation and that is attributable to that portion bears to the total amount of income of the organization that is attributable to that portion. The remaining proportion of the total value of that portion of the property shall be subject to taxation pursuant to this division.

(2) If the use of property which has qualified for the welfare exemption under Section 214 involves activities of the organization, some of which are exempt for property tax purposes and produce no income and some of which produce income that is taxable as unrelated business taxable income, or produce both income that is taxable as unrelated business taxable income and income that is exempt from income or franchise taxation and those activities are attributable to a reasonably ascertainable portion of the entire property, that portion of the property shall be entitled only to a partial exemption equal to that proportion of the total value of the portion of the property which the amount of time actually devoted to those exempt nonincome-producing activities of the organization attributable to that portion bears to the total amount of time actually devoted to all of the activities of the organization attributable to that portion. The remaining proportion of the total value of that portion of the property shall be subject to taxation pursuant to this division.

(3) If the activities described in paragraphs (1) and (2) cannot be attributed to a reasonably ascertainable portion of the entire property, the entire property shall be entitled only to a partial exemption. In the case of activities of the organization described in paragraph (1), the partial exemption shall be equal to that proportion of the value of the entire property which the amount of income of the organization that is exempt from income or franchise taxation and that is attributable to the entire property bears to the total amount of income of the organization that

is attributable to the entire property. In the case of activities of the organization described in paragraph (2), the partial exemption shall be equal to that proportion of the value of the entire property which the amount of time actually devoted to exempt nonincome-producing activities of the organization attributable to the entire property bears to the total amount of time actually devoted to all of the activities of the organization attributable to the entire property. In either case, the remaining proportion of the total value of the entire property shall be subject to taxation pursuant to this division.

(c) Notwithstanding subdivision (b), if more than 75 percent of the income of an organization is attributable to property which has qualified for the welfare exemption under Section 214, but is not specifically related to the organization's use of particular property, the property shall be entitled only to a partial exemption equal to that proportion of the total value of the property which the amount of the income of the organization attributable to activities in this state and exempt from income or franchise taxation bears to the amount of total income of the organization that is attributable to activities in this state.

(d) Whenever property is claimed exempt under Section 214 and activities of the organization on the property produce unrelated business taxable income, as defined in Section 512 of the Internal Revenue Code, the organization, as a part of its claim for exemption, shall file with the assessor each of the following:

- (1) The organization's information and tax returns filed with the Internal Revenue Service for its immediately preceding fiscal year.
- (2) Information indicating the amount of time devoted to its income-producing and its nonincome-producing activities and, where applicable, a description of that portion of the property in which those activities are conducted.
- (3) A statement listing the specific activities which produce the unrelated business taxable income.
- (4) Whenever subdivision (c) is applicable, the amount of income of the organization that is attributable to activities in this state and is exempt from income or franchise taxation and the amount of total income of the organization that is attributable to activities in this state.
- (5) Any other information as prescribed by the board.

(e) Nothing in this section shall be construed to enlarge the welfare exemption provided in Section 214.

*(Added by Stats. 1988, Ch. 1606, Sec. 3. Applicable July 1, 1989, by Sec. 7 of Ch. 1606.)*

**214.06.** (a) Notwithstanding any other law, on or after January 1, 2015, a local government shall not enter into a payment in lieu of taxes (PILOT) agreement with a property owner of a low-income housing project. Any PILOT agreement entered into in violation of this subdivision shall be void and unenforceable.

(b) An inference shall not be drawn from the enactment of this section with regard to whether the law, as it read prior to January 1, 2015, authorized a local government to enter into a PILOT agreement.

*(Added by Stats. 2014, Ch. 671, Sec. 2. Effective January 1, 2015. See identical section added by Stats. 2014, Ch. 693.)*

**214.06.** (a) Notwithstanding any other law, on or after January 1, 2015, a local government shall not enter into a payment in lieu of taxes (PILOT) agreement with a property owner of a low-income housing project. Any PILOT agreement entered into in violation of this subdivision shall be void and unenforceable.

(b) An inference shall not be drawn from the enactment of this section with regard to whether the law, as it read prior to January 1, 2015, authorized a local government to enter into a PILOT agreement.

*(Added by Stats. 2014, Ch. 693, Sec. 3. Effective January 1, 2015.)*

**214.07.** (a) Notwithstanding any other law, it shall be conclusively presumed that any payments made under any payment in lieu of taxes (PILOT) agreement entered into before January 1, 2015, comply with the certification requirements of subparagraph (B) of paragraph (2) of subdivision (g) of Section 214 and were or are used to maintain the affordability of, or reduce rents otherwise necessary for, the units occupied by lower income households.

(b) An inference shall not be drawn from the enactment of this section with regard to whether the law, as it read prior to January 1, 2015, authorized a local government to enter into a PILOT agreement.

*(Added by Stats. 2014, Ch. 671, Sec. 3. Effective January 1, 2015.)*

**214.08.** (a) Notwithstanding any other law, both of the following shall apply:

- (1) Any outstanding ad valorem tax, interest, or penalty that was levied between January 1, 2012, and January 1, 2015, as a result of a PILOT agreement shall be canceled, and any tax, interest, or penalty, as so levied, that was

paid prior to January 1, 2015, shall be refunded.

(2) On or after January 1, 2015, an escape or supplemental assessment shall not be levied on the basis that payments made under a PILOT agreement were, or are being, used in a manner incompatible with the certification requirement contained in subparagraph (B) of paragraph (2) of subdivision (g) of Section 214.

(b) An inference shall not be drawn from the enactment of this section with regard to whether the law, as it read prior to January 1, 2015, authorized a local government to enter into a PILOT agreement or impose a PILOT fee.

*(Added by Stats. 2014, Ch. 693, Sec. 4. Effective January 1, 2015.)*

**214.09.** For purposes of Sections 214.06, 214.07, and 214.08, all of the following shall apply:

(a) "Local government" means any city, county, city and county, housing authority, housing successor to a redevelopment agency, or a joint powers agency that has approved land use entitlements or building permits, provided land or financing, or approved the issuance of tax-exempt bonds pursuant to the federal Tax Equity and Fiscal Responsibility Act for the low-income housing project.

(b) "Low-income housing project" means a low-income housing project that is eligible for the exemption provided by subdivision (g) of Section 214.

(c) "Payment in lieu of taxes agreement" means any agreement entered into between a local government and a property owner of a low-income housing project that requires the owner of the low-income housing project to pay the local government a charge to compensate the local government for lost property tax revenues resulting from the low-income housing project receiving an exemption pursuant to subdivision (g) of Section 214.

*(Added by Stats. 2014, Ch. 671, Sec. 4. Effective January 1, 2015.)*

**214.1.** As used in Section 214, "property used exclusively for religious, hospital or charitable purposes" shall include facilities in the course of construction on or after the first Monday of March, 1954, together with the land on which the facilities are located as may be required for their convenient use and occupation, to be used exclusively for religious, hospital or charitable purposes.

*(Added by Stats. 1953, Ch. 950.)*

**214.2.** (a) As used in Section 214.1, "facilities in the course of construction" shall include the demolition or razing of a building with the intent to replace it with facilities to be used exclusively for religious, hospital, or charitable purposes.

(b) As used in Section 214.1, "facilities in the course of construction" shall include definite onsite physical activity connected with construction or rehabilitation of a new or existing building or improvement, that results in changes visible to any person inspecting the site, where the building or improvement is to be used exclusively for religious, hospital, or charitable purposes. Activity as described in the preceding sentence having been commenced and not yet finished, unless abandoned, shall establish that a building or improvement is "under construction" for the purposes of Section 5 of Article XIII of the California Constitution. Construction shall not be considered "abandoned" if delayed due to reasonable causes and circumstances beyond the assessee's control, that occur notwithstanding the exercise of ordinary care and the absence of willful neglect.

*(Amended by Stats. 1992, Ch. 1180, Sec. 5. Effective January 1, 1993.)*

**214.3.** In the event that any property described in paragraph (6) of subdivision (a) of Section 214 shall have been used solely for charitable or hospital purposes for a minimum period of 30 years, the "welfare exemption" granted by Section 214 shall extend to such property irrespective of any reversionary provisions in the title of the property respecting liquidation, dissolution or abandonment, if the ownership, operation, use and dedication of the property are otherwise within the purview of Section 214.

*(Amended by Stats. 1987, Ch. 498, Sec. 5.)*

**214.4.** For the purposes of Sections 207 and 214 a school of "less than collegiate grade" is (a) any institution of learning attendance at which exempts a student from attendance at a public full-time elementary or secondary day school under Section 48222 of the Education Code or (b) any institution of learning a majority of whose students are persons that have been excused from attendance at a full-time elementary or secondary day school under Section 48221 or 48226 of the Education Code.

*(Amended by Stats. 1981, Ch. 542, Sec. 3.)*

**214.5.** (a) Property used exclusively for school purposes of less than collegiate grade, or exclusively for purposes of both schools of and less than collegiate grade, and owned and operated by religious, hospital or charitable funds, foundations or corporations, which property and funds, foundations, limited liability companies, or corporations meet all of the requirements of Section 214, shall be deemed to be within the exemption provided for in subdivision (b) of Section 4 and Section 5 of Article XIII of the Constitution of the State of California and Section 214. This section shall not be construed to enlarge the college exemption.

(b) The amendments made by the act adding this subdivision shall apply with respect to lien dates occurring on and after January 1, 2005.

*(Amended by Stats. 2004, Ch. 354, Sec. 5. Effective August 30, 2004. Applicable January 1, 2005, as specified in subd. (b).)*

**214.6.** (a) (1) Property that is owned by an organization meeting the requirements of subdivision (b) of Section 4 of Article XIII of the California Constitution and complying with the requirements of paragraphs (1) to (7), inclusive, of subdivision (a) of Section 214 and that is leased to an exempt governmental entity for the purpose of conducting an activity that if conducted by the owner would qualify the property for an exemption, or leased to a public school, community college, state college, or state university, including the University of California, for educational purposes, shall be deemed to be within the exemption provided for in subdivision (b) of Section 4 of Article XIII of the California Constitution if:

(A) The total income received by the exempt organization in the form of rents, fees, or charges from such lease does not exceed the ordinary and usual expenses in maintaining and operating the leased property; and

(B) With respect to entities that are political subdivisions of the state, the property is located within the boundaries of the exempt governmental entity leasing the same.

(2) To claim the exemption provided by this section for property leased by a qualifying organization to a public school, community college, state college, or state university, including the University of California, when both entities use the property in a joint manner, the organization need only attach a copy of the lease agreements with the annual filing of the welfare exemption claim.

(b) To claim the welfare exemption provided by this section for property leased by a church to a public school, community college, state college, or state university, including the University of California, when both entities use the property in a joint manner, and where the church has claimed a religious exemption, the church need only annually file a church lessor's exemption claim and affirm each of the following:

(1) The total income received by the church in the form of rents, fees, or charges from the lease does not exceed the ordinary and usual expenses in maintaining and operating the leased property.

(2) With respect to entities that are political subdivisions of the state, the property is located within the boundaries of the exempt governmental entity leasing the same.

*(Amended by Stats. 2009, Ch. 67, Sec. 5. Effective January 1, 2010.)*

**214.7.** In the case of a hospital, neither the use of hospital property nor the receipt of fees or other lawful compensation by a licensed physician for the practice of his profession therein, shall be grounds for denial of the exemption provided by Sections 214 and 254.5. This section does not apply to such portions of a hospital as may be leased or rented to a physician for his office for the general practice of medicine.

*(Added by Stats. 1955, Ch. 532.)*

**214.8.** (a) Except as provided in Sections 213.7 and 231, and as provided in subdivision (g) of Section 214 with respect to veterans' organizations, the "welfare exemption" shall not be granted to any organization unless it is qualified as an exempt organization under either Section 23701d of this code or Section 501(c)(3) of the Internal Revenue Code. This section shall not be construed to enlarge the "welfare exemption" to apply to organizations qualified under Section 501(c)(3) of the Internal Revenue Code of 1954 but not otherwise qualified for the "welfare exemption" under other provisions of this code.

The exemption for veterans' organizations shall not be granted to any organization unless it is qualified as an exempt organization under either Section 23701f or 23701w of this code or under Section 501(c)(4) or 501(c)(19) of the Internal Revenue Code. This section shall not be construed to enlarge the "veterans' organization exemption" to apply to organizations qualified under Section 501(c)(4) or 501(c)(19) of the Internal Revenue Code but not otherwise qualified for the "veterans' organization exemption" under other provisions of this code.

(b) For purposes of subdivision (a), an organization shall not be deemed to be qualified as an exempt organization unless the organization files with the assessor a valid organizational clearance certificate issued pursuant to Section 254.6.

(c) (1) For purposes of subdivision (a), a limited liability company wholly owned by one or more qualifying organizations, which may include governmental entities and nonprofit organizations, that are exempt under Section 23701d or under Section 501(c)(3) of the Internal Revenue Code shall qualify as an exempt organization.

(2) In the case of a limited liability company that does not have a valid unrevoked letter from the Franchise Tax Board or the Internal Revenue Service, the limited liability company may not be deemed to be qualified as an exempt organization unless each nonprofit tax-exempt member of the limited liability company files with the board a copy of a valid, unrevoked letter or ruling from either the Franchise Tax Board or the Internal Revenue Service that states that the organization qualifies as an exempt organization under the appropriate provisions of the Revenue and Taxation Code or the Internal Revenue Code.

(d) The amendments made by the act adding this subdivision shall apply with respect to lien dates occurring on and after January 1, 2005.

*(Amended by Stats. 2006, Ch. 224, Sec. 2. Effective January 1, 2007.)*

**214.9.** For the purposes of Section 214, a "hospital" includes an outpatient clinic, whether or not patients are admitted for overnight stay or longer, where the clinic furnishes or provides psychiatric services for emotionally disturbed children, or where the clinic is a nonprofit multispecialty clinic of the type described in subdivision (l) of Section 1206 of the Health and Safety Code, so long as the multispecialty clinic does not reduce the level of charitable or subsidized activities it provides as a proportion of its total activities.

For purposes of this section, a "hospital" does not include those portions of an outpatient clinic which may be leased or rented to a physician for an office for the general practice of medicine.

*(Amended by Stats. 1987, Ch. 1228, Sec. 2. Operative July 1, 1988, by Sec. 4 of Ch. 1228.)*

**214.10.** For purposes of Section 214, any nonprofit corporation organized and operated for the advancement of education, improvement of social conditions, and improvement of the job opportunities of low-income, unemployed and underemployed citizens of the communities in which they operate, and otherwise meeting all the requirements of Section 214, shall not be disqualified from receiving the welfare exemption solely because such organization receives all its funds from governmental agencies.

*(Added by Stats. 1979, Ch. 1161.)*

**214.11.** For purposes of Section 214, property owned and operated by a nonprofit organization, otherwise qualifying for exemption under Section 214, shall be deemed to be exclusively used for hospital purposes so long as the property is exclusively used to meet the needs of hospitals which qualify for exemption from property taxation under Section 214 or any other law of the United States or this state. As used in this section, "needs of hospitals" includes any use incidental to, and reasonably necessary for, the functioning of a full hospital operation.

*(Amended by Stats. 1983, Ch. 960, Sec. 1.)*

**214.13.** Where property under development pursuant to the Community Redevelopment Law (Pt. 1 (commencing with Sec. 33000), Div. 24, H.&S.C.) is dedicated to religious, charitable, scientific, or hospital purposes in the redevelopment plan and is required by the plan to be conveyed to the state, a county, a city, or a nonprofit entity entitled to a welfare exemption, that property shall be deemed to be within the exemption provided for in Section 5 of Article XIII of the Constitution of the State of California and this section, and shall be exempt from property tax during construction, provided the title to the property is to be conveyed to the state, a county, a city, or nonprofit agency within three years of the completion of the construction. If that title is not passed to the state, a county, a city, or nonprofit organization entitled to a welfare exemption within three years of the completion of construction, the owner of the property shall be liable for the taxes that would have been imposed, plus a penalty of 25 percent of the amount due.

*(Added by Stats. 1984, Ch. 1261, Sec. 1.)*

**214.14.** (a) Property used exclusively for the charitable purposes of museums and owned and operated by a religious, hospital, scientific, or charitable fund, foundation, limited liability company, or corporation which meets all the requirements of subdivision (a) of Section 214 shall be deemed to be within the exemption provided by Sections 4 and 5 of Article XIII of the California Constitution and Section 214.

(b) For purposes of this section:

(1) Property used exclusively for the charitable purposes of museums shall include property used for activities and facilities related to the primary charitable purposes of museums and reasonably necessary and incidental to those purposes.

(2) Property used exclusively for the charitable purposes of museums shall not be required to be indispensable to the primary charitable purposes of museums.

(3) Property used exclusively for the charitable purposes of museums shall not include property used for activities and facilities not related to the primary charitable purposes of museums and not reasonably necessary or incidental to those purposes.

(4) Property used exclusively for the charitable purposes of museums shall include property owned by a nonprofit association or organization performing auxiliary services to any city or county museum in the state and used for the storage of items donated for an annual rummage sale, the proceeds of which, after taking into account the expenses of the nonprofit association or organization, are used to provide support to those museums. For purposes of this subdivision, "storage of items donated for an annual rummage sale" shall not be considered a "fundraising activity," as that term is used in paragraph (3) of subdivision (a) of Section 214.

(c) The amendments made by the act adding this subdivision shall apply with respect to lien dates occurring on and after January 1, 2005.

*(Amended by Stats. 2004, Ch. 354, Sec. 7. Effective August 30, 2004. Applicable January 1, 2005, as specified in subd. (c).)*

**214.15.** (a) Property is within the exemption provided by Sections 4 and 5 of Article XIII of the California Constitution if that property is owned and operated by a nonprofit corporation, otherwise qualifying for exemption under Section 214, that is organized and operated for the specific and primary purpose of building and rehabilitating single or multifamily residences for sale at cost to low-income families, with financing in the form of a zero interest rate loan and without regard to religion, race, national origin, or the sex of the head of household.

(b) (1) In the case of property not previously designated as open space, the exemption specified by subdivision (a) may not be denied to a property on the basis that the property does not currently include a single or multifamily residence as described in that subdivision, or a single or multifamily residence as so described that is in the course of construction.

(2) With regard to paragraph (1), the Legislature finds and declares all of the following:

(A) The exempt activities of a nonprofit corporation as described in subdivision (a) qualitatively differ from the exempt activities of other nonprofit entities that provide housing in that the exempt purpose of a nonprofit corporation as described in subdivision (a) is not to own and operate a housing project on an ongoing basis, but is instead to make housing, and the land reasonably necessary for the use of that housing, available for prompt sale to low-income residents.

(B) In light of this distinction, the holding of real property by a nonprofit corporation as described in subdivision (a), for the future construction on that property of a single or multifamily residence as described in that same subdivision, is central to that corporation's exempt purposes and activities.

(C) In light of the factors set forth in subparagraphs (A) and (B), the holding of real property by a nonprofit corporation described in subdivision (a), for the future construction on that property of a single or multifamily residence as described in that same subdivision, constitutes the exclusive use of that property for a charitable purpose within the meaning of subdivision (b) of Section 4 of Article XIII of the California Constitution.

*(Added by Stats. 1999, Ch. 927, Sec. 2. Effective October 10, 1999. Applicable from January 1, 2000, as prescribed by Sec. 6 of Ch. 927.)*

**214.16.** (a) Any outstanding tax, interest, or penalty that was levied or imposed upon property that qualifies for an exemption pursuant to Section 214 and satisfies the criteria specified in subparagraph (D) of paragraph (1) of subdivision (g) of Section 214 between January 1, 2002, and January 1, 2009, shall be canceled, provided that the owner of the property certifies that all of the following conditions were met at the time the tax was levied:

(1) The owner was not organized and did not operate for profit.

(2) There was a recorded deed restriction or other legal document that restricted the project's usage and that provided that the units designated for use by lower income households were continuously available to or occupied by lower income households at rents not exceeding those prescribed by Section 50053 of the Health and Safety Code.

(3) The funds that would have been necessary to pay property taxes were used to maintain the affordability of, or reduce rents otherwise necessary for, the units occupied by lower income households.

(b) For purposes of this section, "lower income households" has the same meaning as defined by Section 50079.5 of the Health and Safety Code.

*(Added by Stats. 2008, Ch. 524, Sec. 3. Effective September 28, 2008.)*

**214.17.** (a) For purposes of this section:

(1) "Total exemption amount limitation" means the exemption amount limitation with respect to a single property or multiple properties that is specified in subparagraph (C) of paragraph (1) of subdivision (g) of Section 214, as that section read before January 1, 2017.

(2) (A) "Qualified property" means property used exclusively for rental housing and related facilities where 90 percent or more of the occupants of the property are lower income households whose rent does not exceed the rent prescribed by Section 50053 of the Health and Safety Code and that qualifies for exemption under Section 214 on the sole basis of this criteria as specified in subparagraph (C) of paragraph (1) of subdivision (g) of Section 214.

(B) "Qualified property" does not include property owned by a limited partnership in which the managing general partner is an eligible nonprofit organization, as described in subparagraph (C) of paragraph (1) of subdivision (g) of Section 214.

(3) "Qualified taxpayer" means a taxpayer subject to the total exemption amount limitation.

(4) "Qualified claim" means a claim for exemption that was filed for a qualified property with the assessor on and after January 1, 2013, and before January 1, 2017, for which the assessor granted a partial exemption.

(5) "Qualified ad valorem tax in excess of the total exemption amount limitation, and related interest or penalty" means that portion of ad valorem tax levied to a qualified taxpayer on qualified property with respect to a single property or multiple properties that does not exceed one hundred thousand dollars (\$100,000) of tax, and any interest or penalty imposed with regard to that portion of tax.

(b) (1) Any outstanding qualified ad valorem tax in excess of the total exemption amount limitation, and related interest or penalty, which was levied or imposed on and after January 1, 2013, and before January 1, 2017, with respect to a qualified property for which a qualified claim was filed, shall be canceled to the extent that the amount canceled does not result in a total exemption amount in excess of one hundred thousand dollars (\$100,000) of tax being allowed to a qualified taxpayer with respect to a single property or multiple properties that are qualified property for any fiscal year.

(2) On or after January 1, 2017, an escape assessment shall not be levied on qualified property if that amount would be subject to cancellation under paragraph (1).

*(Added by Stats. 2016, Ch. 836, Sec. 2. Effective January 1, 2017.)*

**215.** All personal property owned by a veteran organization which has been chartered by the Congress of the United States, when the same are used solely and exclusively for the purposes of such organization, if not conducted for profit and no part of the net earnings of which inures to the benefit of any private individual or member thereof, shall be exempt from taxation.

*(Amended by Stats. 1970, Ch. 554.)*

**215.1.** (a) All buildings, and so much of the real property on which the buildings are situated as may be required for the convenient use and occupation of the buildings, used exclusively for charitable purposes, owned by a veterans' organization which has been chartered by the Congress of the United States, organized and operated for charitable purposes, when the same are used solely and exclusively for the purpose of the organization, if not conducted for profit and no part of the net earnings of which inures to the benefit of any private individual or member thereof, shall be exempt from taxation.

(b) The exemption provided for in this section shall apply to the property of all organizations meeting the requirements of this section and subdivision (b) of Section 4 of Article XIII of the California Constitution and paragraphs (1) to (7), inclusive, of subdivision (a) of Section 214.

(c) An organization that files a claim for the exemption provided for in this section shall file with the assessor a valid organizational clearance certificate issued pursuant to Section 254.6.

(d) This exemption shall be known as the "veterans' organization exemption."

*(Amended by Stats. 2007, Ch. 449, Sec. 3. Effective January 1, 2008.)*

**215.2.** Property owned by an organization that satisfies the requirements of Section 214, 215, or 215.1 and which is used primarily for exempt purposes shall not be denied the welfare or veterans organization exemption because such property is also used for conducting bingo games pursuant to Section 326.5 of the Penal Code, provided that the proceeds from such games are used exclusively for the charitable purposes of such organization.

*(Added by Stats. 1977, Ch. 271.)*

**215.5.** All personal property owned or leased by a nonprofit corporation, which does not accept advertising for a consideration and is engaged exclusively in the production of programs for educational television, and all personal property owned or leased by a nonprofit educational organization, which is engaged exclusively in the production of programs as a noncommercial educational FM or AM broadcast station, shall be exempt from taxation, if such personal property is used solely and exclusively for the purposes of such organization or corporation and no part of the corporation's or organization's net earnings inure to the benefit of any private shareholder or individual. *(Amended by Stats. 1978, Ch. 1394.)*

**216.** The stock in trade up to one thousand five hundred dollars (\$1,500) of a vending stand operated by a blind person licensed by the Bureau of Vocational Rehabilitation pursuant to federal or state law is exempt from taxation. *(Amended by Stats. 1963, Ch. 1638.)*

**217.** (a) Except as provided in subdivision (d), the following articles of personal property that have been made available for display in a publicly owned art gallery or museum, or a museum that is regularly open to the public and that is operated by a nonprofit organization that qualifies for exemption pursuant to Section 23701d, shall be exempt from taxation:

(1) Original paintings in oil, mineral, water, vitreous enamel, or other colors, pastels, original mosaics, original drawings and sketches in pen, ink, pencil, or watercolors, or works of the free fine arts in any other media including applied paper and other materials, manufactured or otherwise, that are used on collages, artists' proof etchings unbound, and engravings and woodcuts unbound, lithographs, or prints made by other hand transfer processes unbound, or original sculptures or statuary. As used in this subdivision:

(A) "Sculpture" and "statuary" shall include professional productions of sculptors only whether in round or in relief, in bronze, marble, stone, terra cotta, ivory, wood, metal, or other materials, or whether cut, carved, or otherwise wrought by hand from the solid block or mass of marble, stone, alabaster, or from metal, or other materials, or cast in bronze or other metal or substance, or from wax or plaster, or constructed from any material or made in any form as the professional productions of sculptors, only.

(B) "Original" when used to modify the words "sculptures" and "statuary" shall include the original work or model and the first 10 castings, replicas, or reproductions made from the sculptor's original work or model, with or without a change in scale, regardless of whether or not the sculptor is alive at the time the castings, replicas, or reproductions are completed.

(C) "Painting," "mosaic," "drawing," "work of the free fine arts," "sketch," "sculpture," and "statuary" shall not include any articles of utility, articles designed for industrial use, or any articles that are made wholly or in part by stenciling or any other mechanical process.

(D) "Etchings," "engravings," "woodcuts," "lithographs," or "prints made by other hand transfer processes," shall include only works that are printed by hand from plates, stones or blocks etched, drawn, or engraved with handtools and do not include works that are printed from plates, stones or blocks etched, drawn, or engraved by photochemical or other mechanical processes.

(2) Original works of the free fine arts, that are not described in paragraph (1), are subject to regulations, as the board may prescribe, to prove that the article represents some school, kind, or medium of the free fine arts. As used in this paragraph, "original works of the free fine arts" shall not include any article of utility or any article designed for industrial use.

(b) When making a claim for an exemption pursuant to this section, a person claiming the exemption shall provide all information required and answer all questions in an affidavit, under penalty of perjury. The assessor may require other proof of the facts stated before allowing the exemption. The affidavit shall be accompanied by a certificate of the director or other officer of the art gallery or museum in which the property for which an exemption is claimed under this section was made available for display that the property was available for public display in the art gallery or museum for the period specified in subdivision (e).

(c) Sections 255 and 260 shall be applicable to the exemption provided by this section.

(d) The exemption provided by subdivision (a) shall not apply to any work of art loaned by any person who holds works of art primarily for purposes of sale.

(e) The exemption provided by this section shall not apply unless the property was made available for public display in the art gallery or museum for a period of 90 days during the 12-month period immediately preceding the lien date for the year for which the exemption is claimed.

If the property was first made available for public display less than 90 days prior to the lien date, the exemption may be granted if the person claiming the exemption certifies in writing that the property will be made available for

public display for at least 90 days during the 12-month period commencing with the first day the property was made available for public display.

(f) For purposes of this section, "regularly open to the public" means that the gallery or museum was open to the public not less than 20 hours per week for not less than 35 weeks of the 12-month period immediately preceding the lien date for the year for which the exemption is claimed.

If the gallery or museum has been open for less than 35 weeks during the 12-month period immediately preceding the lien date or for less than 20 hours per week during that period, the exemption may be granted if the director or other officer of the gallery or museum certifies in writing that the gallery or museum will be open for not less than 20 hours per week for not less than 35 weeks during the 12-month period beginning with the day the gallery or museum was first opened.

(g) If a person certifies in writing that the property will be made available and the gallery or museum open for the periods specified in subdivisions (e) and (f), and the property is not so made available or the gallery or museum is not so opened, the exemption shall be canceled, and an escape assessment may be made as provided in Section 531.1.

*(Amended by Stats. 2005, Ch. 22, Sec. 179. Effective January 1, 2006.)*

**217.1.** (a) Except as provided in subdivision (d), the following articles of personal property that are made available for display in a publicly owned aerospace museum, or an aerospace museum that is regularly open to the public and that is operated by a nonprofit organization that qualifies for exemption pursuant to Section 23701d, shall be exempt from taxation:

(1) Aircraft that have been restored or maintained, whether currently certified or not for flight purposes.

(2) Aircraft donated in perpetuity to the aerospace museum.

(b) When making a claim for an exemption pursuant to this section, a person claiming the exemption shall give all information required and answer all questions in an affidavit, and shall subscribe and swear to the affidavit, under penalty of perjury. The assessor may require other proof of the facts stated before allowing the exemption. The affidavit shall be accompanied by a certificate of the director or other officer of the aerospace museum in which the property for which an exemption is claimed under this section was made available for display that the property was available for public display in the aerospace museum for the period specified in subdivision (e).

(c) For the 1984–85 assessment year and each assessment year thereafter, the provisions of Sections 255 and 260 shall be applicable to the exemption provided by this section.

(d) The exemption provided by subdivision (a) shall not apply to any aircraft loaned by any person who holds aircraft primarily for purposes of sale.

(e) The exemption provided by this section shall not apply unless the property was made available for public display in the aerospace museum for a period of 90 days during the 12-month period immediately preceding the lien date for the year for which the exemption is claimed.

If the property was first made available for public display less than 90 days prior to the lien date, the exemption may be granted if the person claiming the exemption certifies in writing that the property will be made available for public display for at least 90 days during the 12-month period commencing with the first day the property was made available for public display.

(f) For purposes of this section, "regularly open to the public" means that the aerospace museum was open to the public not less than 20 hours per week for not less than 35 weeks of the 12-month period immediately preceding the lien date for the year for which the exemption is claimed.

If the aerospace museum has been open for less than 35 weeks during the 12-month period immediately preceding the lien date or for less than 20 hours per week during that period, the exemption may be granted if the director or other officer of the aerospace museum certifies in writing that the aerospace museum will be open for not less than 20 hours per week for not less than 35 weeks during the 12-month period beginning with the date the aerospace museum was first opened.

(g) If a person certifies in writing that the property will be made available and the aerospace museum open for the periods specified in subdivisions (e) and (f), and the property is not so made available or the aerospace museum is not so opened, the exemption shall be canceled, and an escape assessment may be made as provided in Section 531.1.

(h) The exemption provided by this section shall be applicable for the 1979–80 fiscal year and each fiscal year thereafter.

*(Amended by Stats. 2004, Ch. 200, Sec. 3. Effective January 1, 2005.)*

**218.** (a) The homeowners' property tax exemption is in the amount of the assessed value of the dwelling specified in this section, as authorized by subdivision (k) of Section 3 of Article XIII of the California Constitution. That exemption shall be in the amount of seven thousand dollars (\$7,000) of the full value of the dwelling.

(b) (1) The exemption does not extend to property that is rented, vacant, under construction on the lien date, or that is a vacation or secondary home of the owner or owners, nor does it apply to property on which an owner receives the veteran's exemption.

(2) Notwithstanding paragraph (1), if a person receiving the exemption is not occupying the dwelling on the lien date because the dwelling was damaged in a misfortune or calamity, the person shall be deemed to occupy that same dwelling as his or her principal place of residence on the lien date, provided the person's absence from the dwelling is temporary and the person intends to return to the dwelling when possible to do so. Except as provided in paragraph (3), when a dwelling has been totally destroyed, and thus no dwelling exists on the lien date, the exemption provided by this section shall not be applicable until the structure has been replaced and is occupied as a dwelling.

(3) A dwelling that was totally destroyed in a disaster for which the Governor proclaimed a state of emergency, that qualified for the exemption provided by this section prior to the commencement date of the disaster and that has not changed ownership since the commencement date of the disaster, shall be deemed occupied by the person receiving the exemption on the lien date provided the person intends to reconstruct a dwelling on the property and occupy the dwelling as his or her principal place of residence when it is possible to do so.

(c) For purposes of this section, all of the following apply:

(1) "Owner" includes a person purchasing the dwelling under a contract of sale or who holds shares or membership in a cooperative housing corporation, which holding is a requisite to the exclusive right of occupancy of a dwelling.

(2) (A) "Dwelling" means a building, structure, or other shelter constituting a place of abode, whether real property or personal property, and any land on which it may be situated. A two-dwelling unit shall be considered as two separate single-family dwellings.

(B) "Dwelling" includes the following:

(i) A single-family dwelling occupied by an owner thereof as his or her principal place of residence on the lien date.

(ii) A multiple-dwelling unit occupied by an owner thereof on the lien date as his or her principal place of residence.

(iii) A condominium occupied by an owner thereof as his or her principal place of residence on the lien date.

(iv) Premises occupied by the owner of shares or a membership interest in a cooperative housing corporation, as defined in subdivision (i) of Section 61, as his or her principal place of residence on the lien date. Each exemption allowed pursuant to this subdivision shall be deducted from the total assessed valuation of the cooperative housing corporation. The exemption shall be taken into account in apportioning property taxes among owners of share or membership interests in the cooperative housing corporations so as to benefit those owners who qualify for the exemption.

(d) The exemption provided for in subdivision (k) of Section 3 of Article XIII of the California Constitution shall first be applied to the building, structure, or other shelter and the excess, if any, shall be applied to any land on which it may be located.

*(Amended by Stats. 2010, Ch. 654, Sec. 5. Effective January 1, 2011.)*

**218.2.** (a) For purposes of this section, all of the following apply:

(1) "Owner" includes a person purchasing the dwelling under a contract of sale or who holds shares or membership in a cooperative housing corporation, which holding is a requisite to the exclusive right of occupancy of a dwelling.

(2) (A) "Dwelling" means a building, structure, or other shelter constituting a place of abode, whether real property or personal property, and any land on which it may be situated. A two-dwelling unit shall be considered as two separate single-family dwellings.

(B) "Dwelling" includes the following:

(i) A single-family dwelling occupied by an owner thereof as his or her principal place of residence on the lien date.

(ii) A multiple-dwelling unit occupied by an owner thereof on the lien date as his or her principal place of residence.

(iii) A condominium occupied by an owner thereof as his or her principal place of residence on the lien date.

(iv) Premises occupied by the owner of shares or a membership interest in a cooperative housing corporation, as defined in subdivision (i) of Section 61, as his or her principal place of residence on the lien date. Each exemption allowed pursuant to this subdivision shall be deducted from the total assessed valuation of the cooperative housing corporation. The exemption shall be taken into account in apportioning property taxes among owners of share or

membership interests in the cooperative housing corporations so as to benefit those owners who qualify for the exemption.

(b) Any dwelling that qualified for an exemption under Section 218 prior to January 9, 2010, that was damaged or destroyed by the earthquake and any other related casualty that occurred as a result of the disaster in the County of Humboldt, as declared by the Governor in January 2010, and that has not changed ownership since January 9, 2010, shall not be disqualified as a "dwelling" or be denied an exemption under this section solely on the basis that the dwelling was temporarily damaged or destroyed or was being reconstructed by the owner, or was temporarily uninhabited as a result of restricted access to the property due to the earthquake.

(c) The exemption provided for in subdivision (k) of Section 3 of Article XIII of the California Constitution shall first be applied to the building, structure, or other shelter and the excess, if any, shall be applied to any land on which it may be located.

*(Added by Stats. 2010, Ch. 449, Sec. 4. Effective September 29, 2010.)*

**218.3.** (a) For purposes of this section, all of the following apply:

(1) "Owner" includes a person purchasing the dwelling under a contract of sale or who holds shares or membership in a cooperative housing corporation, which holding is a requisite to the exclusive right of occupancy of a dwelling.

(2) (A) "Dwelling" means a building, structure, or other shelter constituting a place of abode, whether real property or personal property, and any land on which it may be situated. A two-dwelling unit shall be considered as two separate single-family dwellings.

(B) "Dwelling" includes the following:

(i) A single-family dwelling occupied by an owner thereof as his or her principal place of residence on the lien date.

(ii) A multiple-dwelling unit occupied by an owner thereof on the lien date as his or her principal place of residence.

(iii) A condominium occupied by an owner thereof as his or her principal place of residence on the lien date.

(iv) Premises occupied by the owner of shares or a membership interest in a cooperative housing corporation, as defined in subdivision (i) of Section 61, as his or her principal place of residence on the lien date. Each exemption allowed pursuant to this subdivision shall be deducted from the total assessed valuation of the cooperative housing corporation. The exemption shall be taken into account in apportioning property taxes among owners of share or membership interests in the cooperative housing corporations so as to benefit those owners who qualify for the exemption.

(b) Any dwelling that qualified for an exemption under Section 218 prior to April 4, 2010, that was damaged or destroyed by the earthquake and any other related casualty that occurred as a result of the disaster in the County of Imperial, as declared by the Governor in April 2010, and that has not changed ownership since April 4, 2010, shall not be disqualified as a "dwelling" or be denied an exemption under Section 218 solely on the basis that the dwelling was temporarily damaged or destroyed or was being reconstructed by the owner, or was temporarily uninhabited as a result of restricted access to the property due to the earthquake.

(c) The exemption provided for in subdivision (k) of Section 3 of Article XIII of the California Constitution shall first be applied to the building, structure, or other shelter and the excess, if any, shall be applied to any land on which it may be located.

*(Added by Stats. 2010, Ch. 461, Sec. 5. Effective September 29, 2010.)*

**218.4.** (a) For purposes of this section, all of the following apply:

(1) "Owner" includes a person purchasing the dwelling under a contract of sale or who holds shares or membership in a cooperative housing corporation, which holding is a requisite to the exclusive right of occupancy of a dwelling.

(2) (A) "Dwelling" means a building, structure, or other shelter constituting a place of abode, whether real property or personal property, and any land on which it may be situated. A two-dwelling unit shall be considered as two separate single-family dwellings.

(B) "Dwelling" includes the following:

(i) A single-family dwelling occupied by an owner thereof as his or her principal place of residence on the lien date.

(ii) A multiple-dwelling unit occupied by an owner thereof on the lien date as his or her principal place of residence.

(iii) A condominium occupied by an owner thereof as his or her principal place of residence on the lien date.

(iv) Premises occupied by the owner of shares or a membership interest in a cooperative housing corporation, as defined in subdivision (i) of Section 61, as his or her principal place of residence on the lien date. Each exemption

allowed pursuant to this subdivision shall be deducted from the total assessed valuation of the cooperative housing corporation. The exemption shall be taken into account in apportioning property taxes among owners of share or membership interests in the cooperative housing corporations so as to benefit those owners who qualify for the exemption.

(b) Any dwelling that qualified for an exemption under Section 218 prior to the commencement dates of the wildfires listed in the Governor's disaster proclamation of August 2009, that was damaged or destroyed by the wildfires and any other related casualty that occurred as a result of this disaster in the Counties of Los Angeles and Monterey, as declared by the Governor in August 2009, and that has not changed ownership since the commencement dates of these disasters as listed in the proclamations, shall not be disqualified as a "dwelling" or be denied an exemption under Section 218 solely on the basis that the dwelling was temporarily damaged or destroyed or was being reconstructed by the owner, or was temporarily uninhabited as a result of restricted access to the property due to the wildfires.

(c) Any dwelling that qualified for an exemption under Section 218 prior to August 30, 2009, that was damaged or destroyed by the wildfires and any other related casualty that occurred as a result of this disaster in the County of Placer, as declared by the Governor in August 2009, and that has not changed ownership since August 30, 2009, shall not be disqualified as a "dwelling" or be denied an exemption under Section 218 solely on the basis that the dwelling was temporarily damaged or destroyed or was being reconstructed by the owner, or was temporarily uninhabited as a result of restricted access to the property due to the wildfires.

(d) Any dwelling that qualified for an exemption under Section 218 prior to the commencement dates of the severe winter storms listed in the Governor's disaster proclamations of January 2010, that was damaged or destroyed by the severe rainstorms, heavy snows, floods, or mudslides that occurred as a result of these disasters in the Counties of Calaveras, Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Francisco, and Siskiyou, as declared by the Governor in January 2010, and that has not changed ownership since the commencement dates of these disasters as listed in the proclamations, shall not be disqualified as a "dwelling" or be denied an exemption under Section 218 solely on the basis that the dwelling was temporarily damaged or destroyed or was being reconstructed by the owner, or was temporarily uninhabited as a result of restricted access to the property due to floods, mudslides, rockslides, or washed-out or damaged roads.

(e) Any dwelling that qualified for an exemption under Section 218 prior to July 26, 2010, that was damaged or destroyed by the wildfires and any other related casualty that occurred as a result of the disaster in the County of Kern, as declared by the Governor in July 2010, and that has not changed ownership since July 26, 2010, shall not be disqualified as a "dwelling" or be denied an exemption under this section solely on the basis that the dwelling was temporarily damaged or destroyed or was being reconstructed by the owner, or was temporarily uninhabited as a result of restricted access to the property due to the wildfires.

(f) The exemption provided for in subdivision (k) of Section 3 of Article XIII of the California Constitution shall first be applied to the building, structure, or other shelter and the excess, if any, shall be applied to any land on which it may be located.

*(Added by Stats. 2010, Ch. 447, Sec. 4. Effective September 29, 2010.)*

**218.5.** In order to assure the accuracy of the state's reimbursements for the homeowners' property tax exemption and to prevent duplications of the exemptions within the state and improper overlapping with other benefits provided by law, county assessors shall supply information from homeowners' property tax exemption claims and county records as is specified by written request of the board, and with the concurrence of the Controller, necessary to fully identify all homeowners' property tax exemption claims allowed by the assessors. The board may specify that the information include all or a part of the names and social security numbers of claimants and spouses and the identity and location of the dwelling to which the exemption applies. The information may be required in the form of data processing media or other media and in such format as is compatible with the recordkeeping processes of the counties and the auditing procedures of the state.

*(Amended by Stats. 1973, Ch. 208.)*

**218.6.** (a) For purposes of this section, all of the following apply:

(1) "Owner" includes a person purchasing the dwelling under a contract of sale or who holds shares or membership in a cooperative housing corporation, which holding is a requisite to the exclusive right of occupancy of a dwelling.

(2) (A) "Dwelling" means a building, structure, or other shelter constituting a place of abode, whether real property or personal property, and any land on which it may be situated. A two-dwelling unit shall be considered as two separate single-family dwellings.

(B) "Dwelling" includes the following:

- (i) A single-family dwelling occupied by an owner thereof as his or her principal place of residence on the lien date.
  - (ii) A multiple-dwelling unit occupied by an owner thereof on the lien date as his or her principal place of residence.
  - (iii) A condominium occupied by an owner thereof as his or her principal place of residence on the lien date.
  - (iv) Premises occupied by the owner of shares or a membership interest in a cooperative housing corporation, as defined in subdivision (i) of Section 61, as his or her principal place of residence on the lien date. Each exemption allowed pursuant to this subdivision shall be deducted from the total assessed valuation of the cooperative housing corporation. The exemption shall be taken into account in apportioning property taxes among owners of share or membership interests in the cooperative housing corporations so as to benefit those owners who qualify for the exemption.
- (b) Any dwelling that qualified for an exemption under Section 218 prior to September 9, 2010, that was damaged or destroyed by the explosion and fire that occurred in the County of San Mateo, as declared by the Governor in September 2010, and that has not changed ownership since September 9, 2010, shall not be disqualified as a "dwelling" or be denied an exemption under this section solely on the basis that the dwelling was temporarily damaged or destroyed or was being reconstructed by the owner, or was temporarily uninhabited as a result of restricted access to the property due to the explosion and fire.
- (c) The exemption provided for in subdivision (k) of Section 3 of Article XIII of the California Constitution shall first be applied to the building, structure, or other shelter and the excess, if any, shall be applied to any land on which it may be located.

*(Added by Stats. 2010, 6th Ex. Sess., Ch. 2, Sec. 4. Effective October 19, 2010.)*

**219.** For the 1980–81 fiscal year and fiscal years thereafter, business inventories are exempt from taxation and the assessor shall not assess business inventories.

*(Repealed and added by Stats. 1980, Ch. 411, Sec. 8. Effective July 11, 1980. Operative January 1, 1981, by Sec. 51 of Ch. 411.)*

**220.** Any aircraft which is in California on the lien date solely for the purpose of being repaired, overhauled, modified, or serviced is exempt from personal property taxation. This exemption does not apply to aircraft normally based in California, or operated intrastate or interstate in and into California.

*(Amended by Stats. 1966, 1st Ex. Sess., Ch. 147.)*

**220.5.** (a) Aircraft of historical significance shall be exempt from taxation.

(b) The exemption provided in subdivision (a) applies only if all of the following conditions are satisfied:

- (1) The assessee is an individual owner who does not hold the aircraft primarily for purposes of sale.
  - (2) The assessee does not use the aircraft for commercial purposes or general transportation.
  - (3) The aircraft is available for display to the public at least 12 days during the 12-month period immediately preceding the lien date for the year for which the exemption is claimed. If the aircraft was first made available for public display less than 12 days prior to the lien date, the exemption may be granted if the claimant certifies in writing that the aircraft will be made available for public display at least 12 days during the 12-month period commencing with the first day the property was made available for public display. When applying for an exemption pursuant to this section, the claimant shall attach to that application a certificate of attendance from the event coordinator of the event at which the aircraft was displayed as required by this paragraph.
- (c) When claiming an exemption pursuant to this section, the claimant shall provide all information required and answer all questions contained in an affidavit furnished by the assessor. The claimant shall sign the affidavit, under penalty of perjury. The assessor may require additional proof of the information or answers provided in the affidavit before allowing the exemption.
- (d) For purposes of this section, "aircraft of historical significance" means any aircraft that is an original, restored, or replica of a heavier than air powered aircraft that is 35 years or older or any aircraft of a type or model of which there are fewer than five in number known to exist worldwide.
- (e) A fee of thirty-five dollars (\$35) shall be charged and collected by the assessor upon the initial application for an exemption pursuant to this section.

*(Amended by Stats. 2004, Ch. 200, Sec. 5. Effective January 1, 2005.)*

**221.** For the purposes of Section 214 a nursery school is any group facility for minors which has obtained a written license or permit to operate as such from the State Department of Social Services or from an inspection service

approved or accredited by the State Department of Social Services, and which is owned and operated for one or more of the following purposes:

- (a) The facility is owned and operated to provide day care for minors whose parent or parents are unable to supervise such minors due to the hours of employment of the parent or parents.
- (b) The facility is owned and operated to provide training and education for minors of preschool age.
- (c) The facility is owned and operated to provide instruction to parents on the subject of raising minors and to provide training and education for minors.

*(Amended by Stats. 1978, Ch. 1112.)*

**222.** Personal property used exclusively in the operation of a zoo or for purposes of horticultural display on publicly owned land which is owned by a nonprofit zoological society meeting all the requirements of Section 214 shall be exempt from taxation.

*(Repealed and added by Stats. 1973, Ch. 4.)*

**222.5.** As used in Section 214, "property used exclusively for religious, hospital, scientific or charitable purposes" shall include possessory interests in publicly owned land, used exclusively for the operation of a zoo or for purposes of horticultural display by a zoological society meeting all the requirements of Section 214.

*(Added by Stats. 1973, Ch. 72.)*

**223.** Fruit trees, nut trees, and grapevines of a grower, which are personal property, held on the lien date for subsequent planting in orchard or vineyard form and are planted during the assessment year by the grower shall be exempt from taxation. This section does not apply to plant nurseries.

*(Amended by Stats. 1968, Ch. 236.)*

**224.** The personal effects, household furnishings, and pets of any person shall be exempt from taxation.

The phrase "personal effects, household furnishings, and pets" does not include boats, aircraft, vehicles, or personalty held or used in connection with a trade, profession or business or pets so held or used.

For purposes of this section, "pets" mean and include any animals held for noncommercial purposes and not as an investment.

*(Amended by Stats. 1974, Ch. 311.)*

**225.** (a) A trailer, semitrailer, logging dolly, pole or pipe dolly, or trailer bus, that has a valid identification plate issued to it pursuant to Section 5014.1 of the Vehicle Code, or any auxiliary dolly or tow dolly is exempt from personal property taxation.

(b) The exemption provided for in subdivision (a) does not apply to a logging dolly that is used exclusively off-highway.

*(Amended by Stats. 2001, Ch. 826, Sec. 2. Effective January 1, 2002.)*

**225.5.** (a) For purposes of Section 214 an educational television station is any facility, which does not accept advertising for a consideration and which transmits television programs by wires, lines, radio waves, waveguides, coaxial cable, microwave transmitters or other electronic or mechanical means or any combination thereof, if the corporation, fund or foundation owning such station receives at least twenty-five (25) percent of its operating expenses by means of contributions from the general public or dues from members.

(b) For purposes of Section 214 a noncommercial educational FM broadcast station is any facility licensed and operating pursuant to subpart (C) (commencing with Section 73.501) of Part 73 of Title 47 of the Code of Federal Regulations.

*(Added by Stats. 1966, 1st Ex. Sess., Ch. 121.)*

**226.** (a) Personal property consisting of qualified computer equipment shall be exempt from taxation.

(b) For purposes of this section:

(1) "Qualified computer equipment" means all computer equipment of the San Diego Supercomputer Center located on the campus of the University of California, San Diego.

(2) "Computer equipment" includes, but is not limited to, any supercomputer and all peripheral computer and other equipment related to the system of which the supercomputer is the principal component and all other equipment that becomes a part of that supercomputer system.

*(Added by Stats. 1988, Ch. 1559, Sec. 1. Effective September 30, 1988. Applicable from July 1, 1988, by Sec. 4 of Ch. 1559.)*

**227.** A documented vessel, as defined in Section 130, shall be assessed at 4 percent of its full cash value only if the vessel is engaged or employed exclusively in any of the following:

- (a) In the taking and possession of fish or other living resource of the sea for commercial purposes.
- (b) In instruction or research studies as an oceanographic research vessel.
- (c) In carrying or transporting seven or more people for hire for commercial passenger fishing purposes and holds a current certificate of inspection issued by the United States Coast Guard. A vessel shall not be deemed to be engaged or employed in activities other than the carrying or transporting of seven or more persons for hire for commercial passenger fishing purposes by reason of that vessel being used occasionally for dive, tour, or whale watching purposes. For purposes of this subdivision, "occasionally" means 15 percent or less of the total operating time logged for the immediately preceding assessment year.

*(Amended by Stats. 2000, Ch. 647, Sec. 4. Effective January 1, 2001.)*

**228.** (a) A vessel with a market value of four hundred dollars (\$400) or less shall be free from taxation. This section shall only apply to vessels used or held for noncommercial purposes and shall not apply to lifeboats or other vessels used in conjunction with operations of vessels with a market value of more than four hundred dollars (\$400). This section shall not apply to more than one vessel owned, claimed, possessed, or controlled by an assessee on the lien date.

(b) For purposes of this section, "vessel" includes every description of watercraft used or capable of being used as a means of transportation on water, except vessels described in paragraphs (1) and (2) of subdivision (c) of Section 651 of the Harbors and Navigation Code.

(c) For purposes of this section, "vessel" includes all equipment, including mode of power, and furnishings that are normally required aboard the vessel during the accomplishment of the functions for which the vessel is being utilized.

*(Amended by Stats. 1983, Ch. 1281, Sec. 11. Effective September 30, 1983.)*

**229.** (a) A floating home shall be assessed in the same manner as real property.

(b) For purposes of determining the valuation of floating homes pursuant to this section, the procedures set forth in Section 110.1 shall apply, except that:

- (1) The 1979 lien date shall be substituted for the 1975 lien date.
- (2) The 1979-80 assessment roll shall be substituted for the 1975-76 assessment roll.
- (3) The date January 1, 1983, shall be substituted for the dates June 30, 1980, and June 30, 1981.

(c) "Floating home" means a floating structure which is all of the following:

- (1) It is designed and built to be used, or is modified to be used, as a stationary waterborne residential dwelling.
- (2) It has no mode of power of its own.
- (3) It is dependent for utilities upon a continuous utility linkage to a source originating on shore.
- (4) It has a permanent continuous hookup to a shoreside sewage system.

"Floating home" does not include a vessel. This section does not affect existing law regarding residential use of tide and submerged lands.

*(Amended by Stats. 1985, Ch. 1467, Sec. 36. Effective October 2, 1985.)*

**230.** (a) With regard to taxes that attach as a lien on or after January 1, 2001, wooden vessels of historical significance, and all personal property thereon used in their operation, are exempt from taxation. This exemption applies if all of the following conditions are satisfied:

- (1) The owner and operator is a nonprofit organization that has qualified for exemption under either Section 23701d of this code or under Section 501(c)(3) of the Internal Revenue Code.
- (2) No part of the net earnings of the owner inures to the benefit of any private shareholder or individual.
- (3) The vessel is used primarily as, or as a part of, a maritime museum that is regularly open to the public.

(4) Income from fundraising use and use for charter activities does not exceed 40 percent of operating revenues of the vessel, and all net earnings are used to further the exempt activity of the museum.

(b) When claiming an exemption pursuant to this section, a claiming organization shall give all information required and answer all questions in an affidavit, to be furnished by the assessor, that is signed by the claimant under penalty of perjury. The assessor may require other proof of the facts stated in the affidavit before allowing the exemption. A claimant for an exemption pursuant to this section is subject to Sections 255 and 260.

(c) For purposes of this section, the following definitions apply:

(1) "Wooden vessel of historical significance" means any wooden vessel that is a refurbished original, wooden inland waters vessel of 47 feet or larger, built in California during or prior to 1910, that continuously thereafter has remained in California waters, and that has been designated a California State Historical Landmark.

(2) "Regularly open to the public" means that the museum was open to the public not less than 20 hours per week for not less than 35 weeks of the 12-month period immediately preceding the lien date for the year for which the exemption is claimed.

*(Added by Stats. 2000, Ch. 601, Sec. 2. Effective September 24, 2000.)*

**231.** (a) Property that is owned by a nonprofit corporation and leased to, and used exclusively by, government for its interest and benefit shall be exempt from taxation within the meaning of "charitable purposes" in subdivision (b) of Section 4 and Section 5 of Article XIII of the California Constitution if:

(1) All of the provisions of Section 214 are complied with, except paragraph (6) of subdivision (a). For purposes of paragraph (6) of subdivision (a) of Section 214, irrevocable dedication to charitable purpose shall be deemed to exist if the lease provides that the property shall be transferred in fee to the entity of government leasing the same upon the sooner of either the liquidation, dissolution, or abandonment of the owner or at the time the last rental payment is made under the provisions of the lease.

(2) All of the provisions of Section 254.5 relating to owners are complied with, commencing during calendar year 1969.

(3) All of the provisions of Section 214.01 are complied with by March 15, 1970.

(b) As used in this section "property" means:

(1) Any building or structure of a kind or nature which is uniquely of a governmental character and includes, but is not limited to, the following:

(A) City halls.

(B) Courthouses.

(C) Administration buildings.

(D) Police stations, jails, or detention facilities.

(E) Fire stations.

(F) Parks, playgrounds, or golf courses.

(G) Hospitals.

(H) Water systems and waste water facilities.

(I) Toll bridges.

(2) Any other property required for the use and occupation of the buildings and leased to government.

(3) Any possessory interest of the nonprofit corporation in property and in the land upon which the property was constructed and so much of the surrounding land that is required for the use and occupation of the property.

(4) Any building and its equipment in the course of construction on or after the first Monday of March, 1954, together with the land on which it is located as may be required for the use and occupation of the building when the building and equipment is being constructed for the sole purpose of being leased to government to lessen its burden.

"Uniquely of a governmental character" means the property, except hospitals, water systems, waste water facilities, golf courses, and toll bridges, is not intended to produce income or revenue in the form of rents or admission, user or service fees, or charges.

(c) As used in this section "property" does not include any possessory interest of any person or organization not exempt from taxation.

(d) As used in this section "nonprofit corporation" means a community chest, fund, foundation or corporation, not conducted for profit, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and that nonprofit corporation is organized and operated for the sole purpose of leasing property to government and to lessen the burden of government and, in fact, only leases property to government. That nonprofit corporation shall qualify as an exempt organization either under Section 23701f or 23701u of this code or Section 501(c)(4) of the Internal Revenue Code of 1986. This subdivision is not intended to enlarge the "welfare exemption" to apply to organizations qualified under Section 501(c)(4) of the Internal Revenue Code of 1986 but not otherwise qualified for the "welfare exemption" under this section. Nonprofit corporations that meet the tests of this subdivision are deemed to be organized and operated for charitable purposes.

(e) As used in this section "government" means the State of California, a city, city and county, county, public corporation, and a hospital district.

(f) The exemption provided for in this section shall be deemed to be within the "welfare exemption" for purposes of Section 251.

(g) For leases first entered into by and between government and a nonprofit corporation on or after January 1, 1969, all requirements of this section shall be met for the property and the nonprofit corporation to qualify for the exemption provided by this section.

(h) For leases first entered into by and between government and a nonprofit corporation on or before December 31, 1968, all requirements of this section shall be met except that the last unnumbered paragraph of subdivision (b) shall not apply and for the purposes of subdivision (b)(1) the list of real property qualifying for this exemption includes community recreation buildings or facilities, golf courses, airports, water, sewer and drainage facilities, music centers and their related facilities, and public parking incidental to and in connection with one of the buildings or structures set forth in this section.

(i) Property exempt under this section shall be located within the boundaries of the entity of government leasing the same.

(j) Where the construction has commenced on or after January 1, 1969, improvements shall be advertised and put to competitive bid to qualify for the exemption provided by this section.

(k) For purposes of subdivision (d), a nonprofit corporation shall not be deemed to be qualified as an exempt organization unless the organization files with the assessor a valid organizational clearance certificate issued pursuant to Section 254.6.

*(Amended by Stats. 2003, Ch. 471, Sec. 12. Effective January 1, 2004.)*

**232.** All cargo containers principally used for the transportation of cargo by vessels in ocean commerce shall be exempt from property taxation.

Any tax exemption created by this section shall not apply to a cargo-carrying vehicle subject to the registration provisions of Section 4000 of the Vehicle Code.

The term "container" means a receptacle:

- (a) Of a permanent character and accordingly strong enough to be suitable for repeated use;
- (b) Specially designed to facilitate the carriage of goods, by one or more modes of transport, one of which shall be by vessels, without intermediate reloading;
- (c) Fitted with devices permitting its ready handling, particularly its transfer from one mode of transport to another;
- (d) So designed to be easy to fill and empty; and
- (e) Having a cubic displacement of 1,000 cubic feet or more.

*(Added by Stats. 1974, Ch. 1405. Note: Termination clause in Stats. 1979, Ch. 5, Sec. 3, was deleted by Stats. 1980, Ch. 1115.)*

**234.** Seed potatoes of a grower, which are personal property, held on the lien date for subsequent planting in field form and planted during the assessment year by the grower shall be exempt from taxation. This section does not apply to plant nurseries.

*(Added by renumbering Section 232 (as added by Stats. 1974, Ch. 14) by Stats. 1981, Ch. 714, Sec. 398.)*

**235.** For the purposes of this division, the lessee of tangible personal property owned by a bank or financial corporation shall be conclusively presumed the owner of that property.

*(Added by Stats. 1986, Ch. 1457, Sec. 8.)*

**236.** Property leased for a term of 35 years or more or any transfer of property leased with a remaining term of 35 years or more where the lessor is not otherwise qualified for a tax exemption pursuant to Section 214, which is used exclusively and solely for rental housing and related facilities for tenants who are persons of low income (as defined in Section 50093 of the Health and Safety Code), and is leased and operated by religious, hospital, scientific, or charitable funds, foundations or corporations, public housing authorities, public agencies, or limited partnerships in which the managing general partner has received a determination that it is a charitable organization under Section 501(c)(3) of the Internal Revenue Code and is operating the property in accordance with its exempt purpose is exempt from taxation on the possessory interest and the fee interest in the property throughout the term of the lease.

Low- and moderate-income has the same meaning as the term "persons and families of low- and moderate-income" as defined by Section 50093 of the Health and Safety Code.

*(Added by Stats. 1988, Ch. 1296, Sec. 1. Applicable July 1, 1989, by Sec. 3 of Ch. 1296.)*

**236.5.** Any otherwise taxable interest in real property, leased for an original term of 35 years or more and used exclusively by the lessee for the operation of a public park that is uniquely of a governmental character, as described in paragraph (4) of subdivision (b) of Section 231, is, during the term of the lease, within the exemption provided for in subdivision (b) of Section 4 and Section 5 of Article XIII of the California Constitution, if all of the following conditions are met:

- (a) The lessee is a charitable foundation that has received a determination that it is a charitable organization as described in Section 501(c)(3) of the Internal Revenue Code.
- (b) The operation of the public park by the lessee is within the tax exempt purposes of the lessee.
- (c) The lessee acquired the leasehold in the property by means of a charitable donation.
- (d) Under the terms of the lease, the lessee will acquire the entire ownership interest in the property on or before the end of the lease term.

*(Added by Stats. 2001, Ch. 609, Sec. 1. Effective October 9, 2001.)*

**237.** (a) (1) Subject to the requirements set forth in paragraph (2), there is exempt from taxation under this part that portion of the assessed value of property, owned and operated by a federally recognized Indian tribe or its tribally designated housing entity, that corresponds to that portion of the property that is continuously available to, or occupied by, lower income households, as defined in Section 50079.5 of the Health and Safety Code or applicable federal, state, or local financing agreements, at rents that do not exceed those prescribed by Section 50053 of the Health and Safety Code, or rents that do not exceed those prescribed by the terms of the applicable federal, state, or local financing agreements or financial assistance agreements.

(2) The exemption set forth in subdivision (a) applies only if the property and entity meet the following requirements:

(A) At least 30 percent of the property's housing units are either continuously available to, or occupied by, lower income households, as defined in Section 50079.5 of the Health and Safety Code or applicable federal, state, or local financing agreements, at rents that do not exceed those prescribed by Section 50053 of the Health and Safety Code, or rents that do not exceed those prescribed by the terms of the applicable federal, state, or local financing agreements or financial assistance agreements.

(B) The housing entity is nonprofit.

(C) No part of the net earnings of the housing entity inure to the benefit of any private shareholder or individual.

(b) In lieu of the tax imposed by this part, a tribe or tribally designated housing entity may agree to make payments to a county, city, city and county, or political subdivision of the state for services, improvements, or facilities provided by that entity for the benefit of a low-income housing project owned and operated by the tribe or tribally designated housing entity. Any payments in lieu of tax may not exceed the estimated cost to the city, county, city and county, or political subdivision of the state of the services, improvements, or facilities to be provided.

(c) A tribe or tribally designated housing entity applying for an exemption under this section shall provide the following documents to the assessor:

- (1) Documents establishing that the designating tribe is federally recognized.
- (2) Documents establishing that the housing entity has been designated by the tribe.

(3) Documents establishing that there is a deed restriction, agreement, or other legally binding document requiring that the property be used in compliance with subparagraph (A) of paragraph (2) of subdivision (a).

(d) This exemption shall be known as the "tribal housing exemption."

*(Amended by Stats. 2002, Ch. 775, Sec. 14. Effective January 1, 2003.)*

**241.** (a) The first fifty thousand dollars (\$50,000) of personal property that consists of hand tools owned and supplied by an employee that are required as a condition of that employee's employment are exempt from taxation.

(b) For purposes of this section:

(1) "Hand tools" means hand-held implements and equipment, including hand-held power tools, of which any one may be transported to and from the workplace and which are necessary for the ordinary and regular performance of the employee's work, and also means the appropriate storage containers used to store those implements and that equipment.

(2) "Hand tools owned and supplied by an employee" means only those hand tools that are either owned by the employee prior to the employment or acquired and paid for by the employee during the employment, that the employee will continue to own after termination of the employment.

(3) "Employee" means any individual who is employed by an employer that directly or indirectly supervises that person and exercises control over the wages and working conditions of individual workers. "Employee" does not include a self-employed individual or an independent contractor.

*(Amended by Stats. 2001, Ch. 161, Sec. 1. Effective August 9, 2001.)*

**242.** (a) There is exempted from the taxes imposed by this part qualified property for use in space flight.

(b) For purposes of this section:

(1) "Qualified property" means any of the following:

(A) Tangible personal property, whether raw materials, work in process or finished goods, that has, or upon manufacture, assembly, or installation has, space flight capacity, including, but not limited to, an orbital space facility, space propulsion system, space vehicle, launch vehicle, satellite, or space station of any kind, and any component thereof, regardless of whether that property is to be ultimately returned to this state.

(B) Fuel of a quality that is not adaptable for use in ordinary motor vehicles, but is produced, sold, and used exclusively for space flight.

(2) "Space flight" means any flight designed for suborbital, orbital, or interplanetary travel by a space vehicle, satellite, space facility, or space station of any kind.

(c) The exemption established by this section shall not be denied by reason of failure, postponement, or cancellation of a launch of a space vehicle, satellite, space facility, or space station of any kind, or the destruction of any launch vehicle or any component thereof, but the exemption shall not apply to any material that is not intended to be launched into space.

(d) This section shall be operative from the January 1, 2014, lien date to, and including, the January 1, 2024, lien date, and is inoperative for any lien date thereafter.

(e) A taxpayer shall provide, upon request of the assessor, evidence that the qualified property exempted from the taxes imposed by this part pursuant to this section has been or will be used as described in subparagraph (A) of paragraph (1) of subdivision (b).

(f) The exemption provided by this section from the taxes imposed by this part shall be limited to taxpayers that have a primary business purpose in space flight activities.

(g) This section shall remain in effect only until July 1, 2025, and as of that date is repealed.

*(Added by Stats. 2014, Ch. 13, Sec. 1. Effective April 29, 2014. Operative from the January 1, 2014, lien date, by subd. (d). Inoperative after the January 1, 2024, lien date, as provided in subd. (d). Repealed as of July 1, 2025, by its own provisions.)*


[Home](#)
[Bill Information](#)
[California Law](#)
[Publications](#)
[Other Resources](#)
[My Subscriptions](#)
[My Favorites](#)

 Code: 

 Section: 


[Up^](#)   [Add To My Favorites](#)
**CODE OF CIVIL PROCEDURE - CCP**
**PART 3. OF SPECIAL PROCEEDINGS OF A CIVIL NATURE [1063 - 1822.60]** ( Part 3 enacted 1872. )

**TITLE 9. ARBITRATION [1280 - 1294.4]** ( Title 9 repealed and added by Stats. 1961, Ch. 461. )

**CHAPTER 1. General Provisions [1280 - 1280.2]** ( Chapter 1 added by Stats. 1961, Ch. 461. )

**1280.** As used in this title:

- (a) "Agreement" includes but is not limited to agreements providing for valuations, appraisals and similar proceedings and agreements between employers and employees or between their respective representatives.
- (b) "Award" includes but is not limited to an award made pursuant to an agreement not in writing.
- (c) "Controversy" means any question arising between parties to an agreement whether such question is one of law or of fact or both.
- (d) "Neutral arbitrator" means an arbitrator who is (1) selected jointly by the parties or by the arbitrators selected by the parties or (2) appointed by the court when the parties or the arbitrators selected by the parties fail to select an arbitrator who was to be selected jointly by them.
- (e) "Party to the arbitration" means a party to the arbitration agreement:
  - (1) Who seeks to arbitrate a controversy pursuant to the agreement;
  - (2) Against whom such arbitration is sought pursuant to the agreement; or
  - (3) Who is made a party to such arbitration by order of the neutral arbitrator upon such party's application, upon the application of any other party to the arbitration or upon the neutral arbitrator's own determination.
- (f) "Written agreement" shall be deemed to include a written agreement which has been extended or renewed by an oral or implied agreement.

(Repealed and added by Stats. 1961, Ch. 461.)

**1280.2.** Whenever reference is made in this title to any portion of the title or of any other law of this State, the reference applies to all amendments and additions thereto now or hereafter made.

(Repealed and added by Stats. 1961, Ch. 461.)

Reviewed by:    Interim City Administrator  
   City Attorney

- Motion only
- Public Hearing
- Resolution
- Ordinance
- Information

**Submitted by:** Dan Newton, Interim City Administrator

**Action Date:** January 17, 2018

**CITY COUNCIL AGENDA ITEM**

**SUBJECT:** Sales Tax Ballot Measure Update

**PRESENTED BY:** Dan Newton, Interim City Administrator

**SUMMARY:** The County Administrative Officer and the Interim City Administrator have been working on a mutually agreeable percentage split for a proposed general sales tax ballot measure.

At the January 9, 2018 Lassen County Board of Supervisors Meeting, the proposed tax measure was discussed by the Board and direction was given to County Staff. The proposed process to place the measure on the ballot for the June election is being vetted by legal counsel. The preliminary plan is for Lassen County to place a tax measure on the ballot that would create a district tax that would include the City of Susanville. Through a tax sharing agreement, the City and County would agree to share the revenue.

Additional information will be provided at the meeting.

**FISCAL IMPACT:** None

**ACTION REQUESTED:** Direction to Staff

**ATTACHMENTS:** None

AGENDA ITEM NO. 13B

Reviewed by:    Interim City Administrator  
   City Attorney

   Motion only  
   Public Hearing  
   Resolution  
   Ordinance  
  X Information

**Submitted by:** Dan Newton, Interim City Administrator

**Action Date:** January 17, 2018

**CITY COUNCIL AGENDA ITEM**

**SUBJECT:** Administrative Services Update

**PRESENTED BY:** Dan Newton, Interim City Administrator

**SUMMARY:** An update will be provided to City Council regarding the activities in the Administrative Services Department.

**FISCAL IMPACT:** None.

**ACTION REQUESTED:** Information only.

**ATTACHMENTS:** Administrative Services Update.

# CITY DEPARTMENT UPDATE (8/1/17 - 12/1/17)

January 17, 2018

## ADMINISTRATIVE SERVICES

- A. 4 Divisions
  - i. Administration
  - ii. Finance
  - iii. Community Development
  - iv. Community Services
- B. 2 Enterprises
  - i. Airport
  - ii. Golf Course
- C. Budget
  - i. General Fund \$5,726,709
  - ii. Golf Course \$353,666
  - iii. Airport \$266,750

### 1. Administration

- 56 Resolutions
- 1 Ordinance & 1 Urgency Ordinance
- 11 Agreements
- 14 City Council Agendas and Minutes
- 12 LAFCO Meeting and corresponding Minutes
- 7 HLVRA Meetings and corresponding Minutes
- 2 Airport Commission Meetings/Minutes
- 1 IRWM Meetings and corresponding Minutes
- 13 Public Hearings
- 6 Completed or Current Recruitments
- 7 New Hires (3 full time and 4 part time)
- Public Records Requests

### 2. Finance

- A. Payroll
  - i. 26 Annual Payrolls
  - ii. 2 Special Payrolls
  - iii. 7 MOU's
  - iv. Payroll Services for the HLVRA
- B. Financial Services for 3 agency funds
  - i. LACCO
  - ii. LCAPCD
  - iii. IRWM
- C. Processed 6,368 AP checks
- D. 68,796 Utility Bills & Reminders Remitted
- E. Processed 2,622 Warning Notices
- F. Processed 455 Disconnects

- G. 282 Quarterly Business Licenses, 130 Annual Licenses and 10 Retail Licenses
- H. 540 Account Receivable billings
- I. TOT- 12 businesses
- J. Annual Audits in Progress
  - i. City
  - ii. LCAPCD
- K. State and Federal Annual Reporting

Future Projects Include:

- A. Affordable Care Act Reporting
- B. Quarterly 941 and DE-6 Reporting
- C. Update of Travel Policy
- D. Security Enhancements
- E. TOT Audits

### **3. Community Development**

- A. 135 Permits
- B. 350 Inspections/Finals
- C. Adoption of Property Maintenance Ordinance along with updated nuisance abatement ordinance
- D. Nearing completion of a public review draft for the Hazard Mitigation Plan update

Ongoing/Upcoming CD Projects:

- A. Hazard Mitigation Plan
- B. Update Conservation & Open Space Elements of the General Plan
- C. Proposed Police Shooting Range
- D. Reviewing Building Division software

### **4. Community Services**

- Presale of 2018 Golf Course Annual Memberships & Punch cards
- Volunteer Program
- AFWD Employment Program
- HLVRA – Pool Operations

### **5. Airport**

- Completing the PAPI project
- Lease Updates
- Updating of Airport Capital Improvement Plan (ACIP)

### **6. Assets**

- A. Four Facilities
  - i. City Hall
  - ii. Golf Course
  - iii. Historical Plaza
  - iv. Susanville Municipal Airport
- B. 147 Park Acres
- C. 415 Property Acres (including Golf Course and Airport)
- D. Various Maintenance Equipment

## CURRENT/UPCOMING PROJECTS – ADMINISTRATIVE SUPPORT

- A. Airport PAPI Project – Replace old VASIs with new PAPIs
- B. Airport ACIP – Identify Priority Projects for the Airport - 5 year plan
- C. Southeast Gateway Project Development – Prepare design for East side of Susanville to influence an inviting atmosphere when entering Susanville
- D. Implementation of Regional Water Management Plan and Grant Funds
- E. Sustainable Communities Grant Administration
- F. Reestablish HOME Program
- G. HLVRA Pool – Administrative and Operation Services
- H. Riverside Park Project (NOFA funded) – PARK ADA, lighting and recreational improvements
- I. Cameron Park Project – Complete concept design of a park on Cameron Way at the north side of town. Determine funding and prepare project.
- J. Shooting Range
- K. City General Layout Project Plan – Identify projects around Susanville in preparing shovel ready priority projects
- L. Database Project – Design City-wide database, determine funding and hire consultant
- M. Grants Task Force – staff working to identify priority grants that correspond with potential City projects
- N. Memorial Park Project – Define scope of work to address college concerns and make repairs to baseball field
- O. Building Department – Policy and Procedure Project – Outline job responsibilities for staff with detailed task scopes of work. Prepare policy and procedure report for each position.
- P.

## COMPLETED PROJECTS

- A. HMEP Grant – Applied for a grant for an Area Plan and a Commodities Flow Study. Grant was awarded.
- B. Hiring and Training of CDBG Interns – Hire and train interns to conduct an income survey. Preparation for future CDBG grant applications.

Reviewed by:    Interim City Administrator  
   City Attorney

- Motion only
- Public Hearing
- Resolution
- Ordinance
- Information

**Submitted by:** Quincy McCourt, Project Manager

**Action Date:** January 17, 2018

**CITY COUNCIL AGENDA ITEM**

**SUBJECT:** Riverside Park Design Workshop.

**PRESENTED BY:** Dan Newton, Interim City Administrator

**SUMMARY:** The City of Susanville was successfully awarded a CDBG grant to perform various upgrades and improvements at Riverside Park. The grant specifies that ADA improvements and lighting safety upgrades be completed as part of the grant agreement. With the project slated to begin in the middle of 2018, City Council has expressed an interest in the opportunity to contribute additional design feedback. A community workshop is scheduled for January 25, 2018. If all City Council members are interested in attending the workshop, a special meeting notice must be posted to allow a quorum of the Council to participate in the discussion.

**FISCAL IMPACT:** None.

**ACTION REQUESTED:** Direction to staff.

**ATTACHMENTS:** None.