

§ 1497. Technical advisory services in budgeting, financing, planning and construction of community facilities; appropriations.

The Administrator is authorized to establish technical advisory services to assist municipalities and other political subdivisions and instrumentalities, and Indian tribes in the budgeting, financing, planning, and construction of community facilities. There are authorized to be appropriated such sums as may be necessary, together with any fees that may be charged, to cover the cost of such services. (Aug. 11, 1955, ch. 783, title II, § 207, as added June 30, 1961, Pub. L. 87-70, title V, § 501(i), 75 Stat. 175, and amended Oct. 15, 1962, Pub. L. 87-808, § 3, 76 Stat. 920.)

#### AMENDMENTS

1962—Pub. L. 87-808 inserted “, and Indian tribes.”

### Chapter 8C.—PRESERVATION OF OPEN-SPACE LAND

Sec.

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§ 1500. Congressional declaration of findings and purpose.

(a) The Congress finds that a combination of economic, social, governmental, and technological forces have caused a rapid expansion of the Nation's urban areas, which has created critical problems of service and finance for all levels of government and which, combined with a rapid population growth in such areas, threatens severe problems of urban and suburban living, including the loss of valuable open-space land in such areas, for the preponderant majority of the Nation's present and future population.

(b) It is the purpose of this chapter to help curb urban sprawl and prevent the spread of urban blight and deterioration, to encourage more economic and desirable urban development, and to help provide necessary recreational, conservation, and scenic areas by assisting State and local governments in taking prompt action to preserve open-space land which is essential to the proper long-range development and welfare of the Nation's urban areas, in accordance with plans for the allocation of such land for open-space purposes. (Pub. L. 87-70, title VII, § 701, June 30, 1961, 75 Stat. 183.)

§ 1500a. Grants to States and local public bodies.

(a) Authorization; limitation on amount of grant; full faith and credit.

In order to encourage and assist in the timely acquisition of land to be used as permanent open-space land, as defined herein, the Housing and Home

Finance Administrator (hereinafter referred to as the “Administrator”) is authorized to enter into contracts to make grants to States and local public bodies acceptable to the Administrator as capable of carrying out the provisions of this chapter to help finance the acquisition of title to, or other permanent interests in, such land. The amount of any such grant shall not exceed 20 per centum of the total cost, as approved by the Administrator, of acquiring such interests: *Provided*, That this limitation may be increased to not to exceed 30 per centum in the case of a grant extended to a public body which (1) exercises responsibilities consistent with the purposes of this chapter for an urban area as a whole, or (2) exercises or participates in the exercise of such responsibilities for all or a substantial portion of an urban area pursuant to an interstate or other intergovernmental compact or agreement. The faith of the United States is pledged to the payment of all grants contracted for under this chapter.

(b) Aggregate amount of contracts; appropriations.

The Administrator may enter into contracts to make grants under this chapter aggregating not to exceed \$75,000,000. There are authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the amounts necessary to provide for the payment of such grants as well as to carry out all other purposes of this chapter. All funds so appropriated shall remain available until expended.

(c) Restrictions on use of grants.

No grants under this chapter shall be used to defray development costs or ordinary State or local governmental expenses, or to help finance the acquisition by a public body of land located outside the urban area for which it exercises (or participates in the exercise of) responsibilities consistent with the purpose of this chapter.

(d) Determination of further terms and conditions for assistance.

The Administrator may set such further terms and conditions for assistance under this chapter as he determines to be desirable.

(e) Review of applications; consultation with Secretary of the Interior; exchange of information.

The Administrator shall consult with the Secretary of the Interior on the general policies to be followed in reviewing applications for grants. To assist the Administrator in such review, the Secretary of the Interior shall furnish him appropriate information on the status of recreational planning for the areas to be served by the open-space land acquired with the grants. The Administrator shall provide current information to the Secretary from time to time on significant program developments. (Pub. L. 87-70, title VII, § 702, June 30, 1961, 75 Stat. 184; Pub. L. 88-560, title X, § 1001, Sept. 2, 1964, 78 Stat. 806.)

#### AMENDMENTS

1964—Subsec. (b). Pub. L. 88-560, substituted “\$75,000,000” for “\$50,000,000”, and inserted “All funds so appropriated shall remain available until expended.”

§ 1500b. Planning requirements.

(a) The Administrator shall enter into contracts to make grants for the acquisition of land under this

chapter only if he finds that (1) the proposed use of the land for permanent open space is important to the execution of a comprehensive plan for the urban area meeting criteria he has established for such plans, and (2) a program of comprehensive planning (as defined in section 461(d) of title 40) is being actively carried on for the urban area.

(b) In extending financial assistance under this chapter, the Administrator shall take such action as he deems appropriate to assure that local governing bodies are preserving a maximum of open-space land, with a minimum of cost, through the use of existing public land; the use of special tax, zoning, and subdivision provisions; and the continuation of appropriate private use of open-space land through acquisition and leaseback, the acquisition of restrictive easements, and other available means. (Pub. L. 87-70, title VII, § 703, June 30, 1961, 75 Stat. 184.)

#### § 1500c. Conversions to other uses.

No open-space land for which a grant has been made under this chapter shall, without the approval of the Administrator, be converted to uses other than those originally approved by him. The Administrator shall approve no conversion of land from open-space use unless he finds that such conversion is essential to the orderly development and growth of the urban area involved and is in accord with the then applicable comprehensive plan, meeting criteria established by him. The Administrator shall approve any such conversion only upon such conditions as he deems necessary to assure the substitution of other open-space land of at least equal fair market value and of as nearly as feasible equivalent usefulness and location. (Pub. L. 87-70, title VII, § 704, June 30, 1961, 75 Stat. 185.)

#### § 1500d. Technical assistance, studies, and publication of information.

In order to carry out the purpose of this chapter the Administrator is authorized to provide technical assistance to State and local public bodies and to undertake such studies and publish such information, either directly or by contract, as he shall determine to be desirable. There are authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such amounts as may be necessary to provide for such assistance, studies, and publication. Nothing contained in this section shall limit any authority of the Administrator under any other provision of law. (Pub. L. 87-70, title VII, § 705, June 30, 1961, 75 Stat. 185.)

#### § 1500e. Definitions.

As used in this chapter—

(1) The term "open-space land" means any undeveloped or predominantly undeveloped land in an urban area which has value for (A) park and recreational purposes, (B) conservation of land and other natural resources, or (C) historic or scenic purposes.

(2) The term "urban area" means any area which is urban in character, including those surrounding areas which, in the judgment of the Administrator, form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth,

location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities.

(3) The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam. (Pub. L. 87-70, title VII, § 706, June 30, 1961, 75 Stat. 185.)

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