

107TH CONGRESS  
2D SESSION

# H. R. 4033

To provide affordable housing opportunities for families that are headed  
by grandparents and other relatives of children.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 2002

Mr. CAPUANO (for himself and Mrs. MORELLA) introduced the following bill;  
which was referred to the Committee on Financial Services

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## A BILL

To provide affordable housing opportunities for families that  
are headed by grandparents and other relatives of children.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Living Equitably:  
5 Grandparents Aiding Children and Youth Act”.

6 **SEC. 2. DEMONSTRATION PROGRAM FOR ELDERLY HOUS-**  
7 **ING FOR INTERGENERATIONAL FAMILIES.**

8 (a) IN GENERAL.—The Secretary of Housing and  
9 Urban Development shall carry out a demonstration pro-  
10 gram to determine the feasibility of providing

1 intergenerational dwelling units for intergenerational fam-  
2 ilies in connection with the supportive housing program  
3 under section 202 of the Housing Act of 1959 (12 U.S.C.  
4 1701q).

5 (b) INTERGENERATIONAL DWELLING UNITS.—  
6 Under the demonstration program, the Secretary shall  
7 provide assistance under this section to private nonprofit  
8 organizations (as such term is defined in section 202(k)  
9 of the Housing Act of 1959 (12 U.S.C. 1701q(k)) for use  
10 only for expanding the supply of intergenerational dwelling  
11 units, which units shall be provided—

12 (1) by designating and retrofitting, for use as  
13 intergenerational dwelling units, existing dwelling  
14 units that are located within a project assisted under  
15 such section 202;

16 (2) through development of buildings or  
17 projects comprised solely of intergenerational dwell-  
18 ing units; or

19 (3) through the development of an annex or ad-  
20 dition to such an existing project assisted under  
21 such section 202, which contains intergenerational  
22 dwelling units, including through the development of  
23 elder cottage housing opportunity units that are  
24 small, freestanding, barrier-free, energy-efficient, re-

1       movable dwelling units located adjacent to a larger  
2       project or dwelling.

3       (c) PROGRAM TERMS.—Assistance provided pursuant  
4 to this section shall be subject to the provisions of section  
5 202 of the Housing Act of 1959 (12 U.S.C. 1701q), except  
6 that—

7           (1) notwithstanding subsection (d)(1) of such  
8       section or any provision of such section restricting  
9       occupancy to elderly persons, any intergenerational  
10      dwelling unit assisted under the demonstration pro-  
11      gram may be occupied as provided in subsection  
12      (e)(2) of this section;

13          (2) subsections (e) and (f) of such section 202  
14      (relating to applications and selection criteria) shall  
15      not apply;

16          (3) in addition to the requirements under sub-  
17      section (g) of such section 202, the Secretary of  
18      Housing and Urban Development shall ensure that  
19      occupants of dwelling units assisted under the dem-  
20      onstration program are provided a range of services  
21      tailored to the needs of elderly persons, children, and  
22      intergenerational families and shall coordinate with  
23      the heads of other Federal agencies as may be ap-  
24      propriate to ensure the provision of such services;  
25      and

1           (4) the Secretary may waive or alter any other  
2           provision of such section 202 necessary to provide  
3           for assistance under the demonstration program  
4           under this section.

5           (d) SELECTION.—The Secretary of Housing and  
6           Urban Development shall provide for private nonprofit or-  
7           ganizations to submit applications for assistance under  
8           this section and, during the period consisting of fiscal  
9           years 2003 through 2006 shall, to the extent amounts are  
10          available pursuant to subsection (g), select not less than  
11          2 and not more than 4 projects assisted under section 202  
12          of the Housing Act of 1959 for such assistance based on  
13          the ability of the applicant to develop and operate  
14          intergenerational dwelling units and national geographical  
15          diversity among projects funded.

16          (e) DEFINITIONS.—For purposes of this section:

17               (1) ELDERLY PERSON.—The term “elderly per-  
18               son” has the meaning given such term in section  
19               202(k) of the Housing Act of 1959 (12 U.S.C.  
20               1701q(k)).

21               (2) INTERGENERATIONAL DWELLING UNIT.—  
22               The term “intergenerational dwelling unit” means a  
23               qualified dwelling unit (as such term is defined in  
24               section 9 of this Act) that is reserved for occupancy  
25               only by an intergenerational family.

1           (3) INTERGENERATIONAL FAMILY.—The term  
2           “intergenerational family” means a covered family  
3           (as such term is defined in section 9 of this Act)  
4           that has a head of household who is an elderly per-  
5           son.

6           (f) REPORT.—Not later than 18 months after the  
7           date of the enactment of this Act, the Secretary of Hous-  
8           ing and Urban Development shall submit a report to the  
9           Congress describing the demonstration program under  
10          this section and analyzing the effectiveness of the pro-  
11          gram.

12          (g) FUNDING.—Of any amounts made available for  
13          assistance under section 202 of the Housing Act of 1959  
14          (12 U.S.C. 1701q) for each of fiscal years 2003 through  
15          2006, the Secretary of Housing and Urban Development  
16          shall reserve amounts in such fiscal years as may be nec-  
17          essary to fund the demonstration projects selected under  
18          subsection (d). Such amounts shall be available for use  
19          only for providing assistance under this section.

20       **SEC. 3. DEMONSTRATION PROGRAM FOR RENTAL ASSIST-**  
21                               **ANCE FOR GRANDPARENT-HEADED OR REL-**  
22                               **ATIVE-HEADED FAMILIES.**

23          (a) IN GENERAL.—The Secretary of Housing and  
24          Urban Development shall carry out a demonstration pro-  
25          gram to determine the feasibility of providing rental as-

1 sistance under section 8 of the United States Housing Act  
2 of 1937 (42 U.S.C. 1437f) for the rental of suitable dwell-  
3 ing units by covered families.

4 (b) ELIGIBLE UNITS.—Under the demonstration pro-  
5 gram, the Secretary shall make rental assistance amounts  
6 reserved pursuant to subsection (f) of this section avail-  
7 able to public housing agencies selected to participate in  
8 the program for use only for assistance on behalf of cov-  
9 ered families renting qualified dwelling units. Such a pub-  
10 lic housing agency may not initially provide voucher assist-  
11 ance under this section for any family after the end of  
12 fiscal year 2006.

13 (c) SERVICES.—The Secretary of Housing and Urban  
14 Development shall require any public housing agency par-  
15 ticipating in the demonstration program under this section  
16 to provide, to covered families receiving rental assistance  
17 pursuant to the program, supportive services that are tai-  
18 lored to the needs of children and covered families. The  
19 Secretary shall coordinate with the heads of other Federal  
20 agencies as may be appropriate to assist in ensuring the  
21 provision of such services

22 (d) SELECTION.—The Secretary of Housing and  
23 Urban Development shall provide for public housing agen-  
24 cies to apply to participate in the demonstration program  
25 under this section and, during the period consisting of fis-

1 cal years 2003 through 2006 shall, to the extent amounts  
2 are available pursuant to subsection (f), select not less  
3 than two and not more than four agencies for such partici-  
4 pation based on the ability of the applicant to provide as-  
5 sistance and services under the program and national geo-  
6 graphical diversity among agencies participating in the  
7 program.

8 (e) REPORT.—Not later than 18 months after the  
9 date of the enactment of this Act, the Secretary of Hous-  
10 ing and Urban Development shall submit a report to the  
11 Congress describing the demonstration program under  
12 this section and analyzing the effectiveness of the pro-  
13 gram.

14 (f) FUNDING.—Of any amounts made available for  
15 voucher assistance under section 8(o) of the United States  
16 Housing Act of 1937 (42 U.S.C. 1437f(o)) for fiscal year  
17 2003 and fiscal years thereafter, the Secretary of Housing  
18 and Urban Development shall reserve such amounts in  
19 such fiscal years as may be necessary to provide voucher  
20 assistance for the agencies selected under subsection (d)  
21 for use only for providing assistance under this section.

1 **SEC. 4. ELIGIBILITY OF GRANDPARENT-HEADED AND REL-**  
2 **ATIVE-HEADED FAMILIES FOR FAMILY UNIFI-**  
3 **CATION ASSISTANCE.**

4 Section 8(x) of the United States Housing Act of  
5 1937 (42 U.S.C. 1437f(x)) is amended—

6 (1) in paragraph (2)—

7 (A) by striking “section 8” and inserting  
8 “this section”;

9 (B) by striking “and” before “(B)” and in-  
10 serting a comma; and

11 (C) by inserting before the period at the  
12 end the following: “, or (C) a covered family (as  
13 such term is defined in section 9 of the Living  
14 Equitably: Grandparents Aiding Children and  
15 Youth Act), who is otherwise eligible for such  
16 assistance, for rental of a qualified dwelling  
17 unit (as such term is defined in such section  
18 9)”;

19 (2) in the second sentence of paragraph (3)—

20 (A) by inserting “, as appropriate (A)”  
21 after “containing”;

22 (B) by inserting before the period at the  
23 end the following: “, or (B) a description of the  
24 need for assistance under this subsection for  
25 covered families (as such term is defined in sec-

1           tion 9 of the Living Equitably: Grandparents  
2           Aiding Children and Youth Act)”.  
3

3 **SEC. 5. ELIGIBILITY OF HOME PROGRAM ECHO UNITS FOR**  
4                   **USE FOR GRANDPARENT-HEADED AND REL-**  
5                   **ATIVE-HEADED FAMILIES.**

6           Section 104(8) of the Cranston-Gonzalez National  
7 Affordable Housing Act (42 U.S.C. 12704(8)) is amended  
8 by adding at the end the following new sentence: “Such  
9 term also includes cottage housing opportunity units that  
10 are installed adjacent to existing 1- to 4-family dwellings,  
11 are occupied by children who are members of covered fam-  
12 ilies, and facilitate the habitation of covered families (as  
13 such term is defined in section 9 of the Living Equitably:  
14 Grandparents Aiding Children and Youth Act) as a single  
15 family unit.”.

16 **SEC. 6. ASSISTANCE UNDER FAIR HOUSING INITIATIVES**  
17                   **PROGRAM FOR EDUCATION AND OUTREACH**  
18                   **REGARDING HOUSING OPPORTUNITIES FOR**  
19                   **GRANDPARENT-HEADED AND RELATIVE-**  
20                   **HEADED FAMILIES.**

21           Section 561 of the Housing and Community Develop-  
22 ment Act of 1987 (42 U.S.C. 3616a) is amended—

23                   (1) in subsection (a)—

24                           (A) in paragraph (1), by striking “and” at  
25                   the end;

1 (B) in paragraph (2), by striking the pe-  
2 riod at the end and inserting “; and”; and

3 (C) by adding at the end the following new  
4 paragraph:

5 “(3) education, outreach, counseling, and as-  
6 sistance programs designed to inform covered fami-  
7 lies (as such term is defined in section 9 of the Liv-  
8 ing Equitably: Grandparents Aiding Children and  
9 Youth Act) of affordable housing opportunities and  
10 services and to assist in obtaining such opportunities  
11 and services.”; and

12 (2) in subsection (d), by adding at the end the  
13 following new paragraph:

14 “(4) HOUSING PROGRAMS FOR GRANDPARENT-  
15 HEADED AND RELATIVE-HEADED FAMILIES.—The  
16 Secretary shall provide funding to State and local  
17 governments and public and nonprofit organizations  
18 and institutions to carry out the activities under  
19 subsection (a)(3).”.

20 **SEC. 7. TRAINING FOR HUD PERSONNEL REGARDING**  
21 **GRANDPARENT-HEADED AND RELATIVE-**  
22 **HEADED FAMILIES ISSUES.**

23 Section 7 of the Department of Housing and Urban  
24 Development Act (42 U.S.C. 3535) is amended by adding  
25 at the end the following new subsection:

1       “(t) TRAINING REGARDING ISSUES RELATING TO  
2 GRANDPARENT-HEADED AND RELATIVE-HEADED FAMI-  
3 LIES.—The Secretary shall ensure that all personnel em-  
4 ployed in field offices of the Department who have respon-  
5 sibilities for administering the program under section 8  
6 of the United States Housing Act of 1937 or under section  
7 202 of the Housing Act of 1959, and an appropriate num-  
8 ber of personnel in the headquarters office of the Depart-  
9 ment who have responsibilities for such programs, have  
10 received adequate training regarding the particular needs  
11 and problems of covered families (as such term is defined  
12 in section 9 of the Living Equitably: Grandparents Aiding  
13 Children and Youth Act), including appropriate affordable  
14 housing opportunities and legal custody issues.”.

15 **SEC. 8. STUDY OF HOUSING NEEDS OF GRANDPARENT-**  
16 **HEADED AND RELATIVE-HEADED FAMILIES.**

17       (a) IN GENERAL.—The Secretary of Housing and  
18 Urban Development and the Bureau of the Census shall  
19 jointly conduct a study to determine an estimate of the  
20 number of covered families in the United States and their  
21 affordable housing needs and shall submit a report to the  
22 Congress regarding the results of the study.

23       (b) REPORT AND RECOMMENDATIONS.—The report  
24 required under subsection (a) shall be submitted to the  
25 Congress not later than 12 months after the date of the

1 enactment of this Act. The report shall include rec-  
2 ommendations by the Secretary of Housing and Urban  
3 Development regarding how the major assisted housing  
4 programs of the Department of Housing and Urban De-  
5 velopment (including the rental assistance and public  
6 housing programs under the United States Housing Act  
7 of 1937 and the supportive housing for the elderly pro-  
8 gram under section 202 of the Housing Act of 1959) can  
9 be used and, if appropriate, amended or altered, to meet  
10 the affordable housing needs of covered families.

11 **SEC. 9. DEFINITIONS.**

12 For purposes of this Act:

13 (1) CHILD.—The term “child” means an indi-  
14 vidual who—

15 (A) is not attending school and is not more  
16 than 18 years of age; or

17 (B) is attending school and is not more  
18 than 19 years of age.

19 (2) COVERED FAMILY.—The term “covered  
20 family” means a family that—

21 (A) includes a child; and

22 (B) has a head of household who is—

23 (i) a grandparent of the child who is  
24 raising the child; or

1 (ii) a relative of the child who is rais-  
2 ing the child.

3 (3) GRANDPARENT.—The term “grandparent”  
4 means, with respect to a child, an individual who is  
5 a grandparent or stepgrandparent of the child by  
6 blood or marriage, regardless of the age of such in-  
7 dividual. In the case of a child who was adopted, the  
8 term includes an individual who, by blood or mar-  
9 riage, is a grandparent or stepgrandparent of the  
10 child as adopted.

11 (4) QUALIFIED DWELLING UNIT.—The term  
12 “qualified dwelling unit” means a dwelling unit  
13 that—

14 (A) has at least 2 separate bedrooms;

15 (B) is equipped with design features ap-  
16 propriate to meet the special physical needs of  
17 elderly persons, as needed; and

18 (C) is equipped with design features appro-  
19 priate to meet the special physical needs of  
20 young children.

21 (5) RAISING A CHILD.—The term “raising a  
22 child” means, with respect to an individual, that the  
23 individual—

24 (A) resides with the child; and

1 (B) is the primary caregiver for the  
2 child—

3 (i) because the biological or adoptive  
4 parents of the child do not reside with the  
5 child or are unable or unwilling to serve as  
6 the primary caregiver for the child; and

7 (ii) regardless of whether the indi-  
8 vidual has a legal relationship to the child  
9 (such as guardianship or legal custody) or  
10 is caring for the child informally and has  
11 no such legal relationship with the child.

12 (6) RELATIVE.—The term “relative” means,  
13 with respect to a child, an individual who—

14 (A) is not a parent of the child by blood  
15 or marriage; and

16 (B) is a relative of the child by blood or  
17 marriage, regardless of the age of the indi-  
18 vidual.

19 In the case of a child who was adopted, the term in-  
20 cludes an individual who, by blood or marriage, is a  
21 relative of the family who adopted the child.

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