

109TH CONGRESS  
1ST SESSION

# H. R. 3894

To provide for waivers under certain housing assistance programs of the Department of Housing and Urban Development to assist victims of Hurricane Katrina in obtaining housing.

---

## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 2005

Mr. ALEXANDER (for himself, Mr. BAKER, Mr. MCCREERY, Mr. JEFFERSON, Mr. BOUSTANY, Mr. JINDAL, and Mr. MELANCON) introduced the following bill; which was referred to the Committee on Financial Services

---

## A BILL

To provide for waivers under certain housing assistance programs of the Department of Housing and Urban Development to assist victims of Hurricane Katrina in obtaining housing.

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 “Hurricane Katrina  
5       Emergency Housing Act of 2005”.

6       **SEC. 2. WAIVERS FOR SECTION 8 VOUCHER PROGRAM.**

7       (a) IN GENERAL.—The Secretary of Housing and  
8       Urban Development (in this section referred to as the

1 “Secretary”) shall waive any of the requirements de-  
2 scribed in subsection (b) in the connection with the provi-  
3 sion of assistance under section 8(o) of the United States  
4 Housing Act of 1937 (42 U.S.C. 1437f(o)) on behalf of  
5 an individual or family if—

6 (1) the individual or family resides, or resided  
7 on August 29, 2005, in any area that is subject to  
8 a declaration by the President of a major disaster or  
9 emergency under the Robert T. Stafford Disaster  
10 Relief and Emergency Assistance Act (42 U.S.C.  
11 5121 et seq.) in connection with Hurricane Katrina;  
12 and

13 (2) the residence of the individual or family be-  
14 came uninhabitable or inaccessible as result of that  
15 major disaster or emergency.

16 (b) WAIVER OF ELIGIBILITY REQUIREMENTS.—The  
17 requirements described in this subseciton are the require-  
18 ments under—

19 (1) paragraph (2) of section 8(o) of the United  
20 States Housing Act of 1937 (42 U.S.C.  
21 1437f(o)(2)), relating to tenant contributions to-  
22 wards rent, except that any such waiver shall expire  
23 on an individual’s return to work;

24 (2) paragraph (4) of such section 8(o), relating  
25 to the eligibility of individuals to receive assistance;

1           (3) subsection (k) of such section 8 and para-  
2           graph (5) of such section 8(o), relating to  
3           verification of income;

4           (4) paragraph (7)(A) of such section 8(o), relat-  
5           ing to the requirement that leases shall be for a  
6           term of 1 year;

7           (5) paragraph (8) of such section 8(o), relating  
8           to initial inspection of housing units by a public  
9           housing agency;

10          (6) subsection (r)(1)(B) of such section 8, relat-  
11          ing to restrictions on portability;

12          (7) any regulation, notice, or order requiring  
13          prior approval by the Secretary for the use of any  
14          lease provision that modifies, amends, or waives, or  
15          differs from, any provision in a model lease issued  
16          by the Department of Housing and Urban Develop-  
17          ment for use under the program under such section  
18          8(o); and

19          (8) any regulation or Executive Order providing  
20          for access to Federally funded programs by eligible  
21          persons having limited English proficiency.

22          (c) TERMINATION OF AUTHORITY.—The authority of  
23          the Secretary to provide waivers pursuant to this section  
24          shall—

1           (1) apply during the 6-month period beginning  
2           on the date of enactment of this Act; and

3           (2) extend for an additional 6 months after that  
4           period, unless at that time the Secretary makes a  
5           determination that assistance under this section is  
6           no longer needed.

7 **SEC. 3. AUTHORITY OF THE SECRETARY TO DIRECTLY AD-**  
8                           **MINISTER VOUCHERS WHEN PHAS ARE UN-**  
9                           **ABLE TO DO SO.**

10          If the Secretary of Housing and Urban Development  
11          determines that a public housing agency is unable to im-  
12          plement the provisions of subsection (o) of section 8 of  
13          the United States Housing Act of 1937 (42 U.S.C.  
14          1437f(o)) or section 2 or 3 of this Act due to the effects  
15          of Hurricane Katrina, the Secretary may—

16               (1) directly administer any voucher program de-  
17               scribed in such subsection or in section 2 or 3 of  
18               this Act; and

19               (2) perform the functions assigned to a public  
20               housing agency by such subsection or section 2 or 3  
21               of this Act.

22 **SEC. 4. WAIVERS FOR PROJECT-BASED SECTION 8 TO FA-**  
23                           **CILITATE HOUSING OF AFFECTED FAMILIES.**

24          (a) IN GENERAL.—During the period specified under  
25          subsection (c), the Secretary of Housing and Urban Devel-

1 opment (in this section referred to as the “Secretary”)  
2 shall waive the applicability of any of the requirements de-  
3 scribed subsection (b) with respect to any housing pro-  
4 vided project-based assistance under section 8 of the  
5 United States Housing Act of 1937 (42 U.S.C. 1437f) for  
6 any individual or family described for any individual or  
7 family that meets the requirements of paragraphs (1) and  
8 (2) of section 2 of this Act.

9 (b) PROVISIONS WAIVED.—The requirements de-  
10 scribed in this subsection are—

11 (1) section 3(a) of the United States Housing  
12 Act of 1937 (42 U.S.C. 1437a(a)), relating to ten-  
13 ant contributions towards rent, except that any such  
14 waiver shall expire on an individual’s return to work;

15 (2) sections 3(a), 8(a), and 8(c)(4) of such Act  
16 (42 U.S.C. 1437a(a), 1437f) relating to the income  
17 eligibility of individuals to receive assistance;

18 (3) section 8(k) of such Act, relating to  
19 verification of income;

20 (4) section 8(d)(1)(B)(i) of such Act, relating  
21 to the requirement that leases shall be for a term of  
22 1 year;

23 (5) any requirement relating to initial inspec-  
24 tion of housing units by a public housing agency;

1           (6) any regulation, notice, or order requiring  
2           prior approval by the Secretary for the use of any  
3           lease provision that modifies, amends, or waives, or  
4           differs from, any provision in a model lease issued  
5           by the Department of Housing and Urban Develop-  
6           ment for use under the program under this sub-  
7           section; and

8           (7) any regulation or Executive Order providing  
9           for access to Federally funded programs by eligible  
10          persons having limited English proficiency.

11          (c) **TERMINATION.**—The period specified under this  
12          subsection is the 12-month period beginning upon the date  
13          of the enactment of this Act, unless before the expiration  
14          of the 6-month period beginning on such date of enact-  
15          ment the Secretary makes a determination that the waiv-  
16          ers under this section are no longer needed, in which case  
17          the period specified under this subsection is the 6-month  
18          period beginning on such date of enactment.

19          **SEC. 5. PRESERVATION OF PROJECT-BASED SECTION 8**  
20                                   **HOUSING ASSISTANCE PAYMENTS CON-**  
21                                   **TRACTS FOR DAMAGED OR DESTROYED**  
22                                   **HOUSING UNITS.**

23          Notwithstanding any other provision of law, a  
24          project-based housing assistance payments contract en-  
25          tered into pursuant to section 8 of the United States

1 Housing Act of 1937 (42 U.S.C. 1437f) covering a project  
2 damaged or destroyed by Hurricane Katrina shall not ex-  
3 pire or be terminated because of the damage or destruc-  
4 tion of dwelling units in the project. The expiration date  
5 of the contract shall be deemed to be the later of the date  
6 specified in the contract or a date ending three months  
7 after the units are first made habitable.

8 **SEC. 6. REPORT ON INVENTORY OF AVAILABILITY OF TEM-**  
9 **PORARY HOUSING.**

10 (a) COMPILING OF INVENTORY.—Not later than 20  
11 days after the date of the enactment of this Act—

12 (1) the Secretary of Housing and Urban Devel-  
13 opment, the Secretary of Defense, the Administrator  
14 of the General Services Administration, the Sec-  
15 retary of Agriculture, the Secretary of Veterans Af-  
16 fairs, and such other agency heads as the Secretary  
17 of Housing and Urban Development determines ap-  
18 propriate, and the Federal National Mortgage Asso-  
19 ciation and the Federal Home Loan Mortgage Cor-  
20 poration, shall compile an inventory of Federal civil-  
21 ian and defense facilities (or, in the case of the Fed-  
22 eral National Mortgage Association and the Federal  
23 Home Loan Mortgage Corporation, properties held  
24 by such entities) that can be used—

25 (A) to provide emergency housing; or

1 (B) as locations for the construction or de-  
2 ployment of temporary housing units; and

3 (2) each such agency head and entity shall sub-  
4 mit the inventory compiled pursuant to paragraph  
5 (1) to the Secretary of Housing and Urban Develop-  
6 ment.

7 (b) REPORT TO CONGRESS.—Not later than 30 days  
8 after the date of the enactment of this Act, the Secretary  
9 of Housing and Urban Development shall compile and  
10 submit to the Congress an aggregate inventory comprised  
11 of the inventory compiled by the Secretary pursuant to  
12 subsection (a) and all the inventories submitted to the Sec-  
13 retary pursuant to such subsection.

14 **SEC. 7. GAO REPORT ON STATE EMERGENCY HOUSING**  
15 **PLANS.**

16 Not later than 180 days after the date of the enact-  
17 ment of this Act, the Comptroller General of the United  
18 States shall submit a report to the Congress—

19 (1) identifying any States that have developed  
20 emergency housing contingency plans for use in the  
21 event of a disaster;

22 (2) describing such plans; and

23 (3) assessing the effectiveness of such plans.

○