

110TH CONGRESS  
1ST SESSION

# H. R. 3067

---

IN THE SENATE OF THE UNITED STATES

JULY 31, 2007

Received

AUGUST 3, 2007

Read twice and referred to the Committee on Banking, Housing, and Urban  
Affairs

---

## AN ACT

To amend the United States Housing Act of 1937 to exempt small public housing agencies from the requirement of preparing an annual public housing agency plan.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Small Public Housing  
3 Authority Act”.

4 **SEC. 2. PUBLIC HOUSING AGENCY PLANS FOR CERTAIN**  
5 **SMALL PUBLIC HOUSING AGENCIES.**

6 (a) IN GENERAL.—Section 5A(b) of the United  
7 States Housing Act of 1937 (42 U.S.C. 1437e–1(b)) is  
8 amended by adding at the end the following new para-  
9 graph:

10 “(3) EXEMPTION OF CERTAIN SMALL PHAS  
11 FROM FILING REQUIREMENT.—

12 “(A) IN GENERAL.—Notwithstanding para-  
13 graph (1) or any other provision of this Act—

14 “(i) the requirement under paragraph  
15 (1) shall not apply to any qualified small  
16 public housing agency; and

17 “(ii) except as provided in subsection  
18 (e)(4)(B), any reference in this section or  
19 any other provision of law to a ‘public  
20 housing agency’ shall not be considered to  
21 refer to any qualified small public housing  
22 agency, to the extent such reference ap-  
23 plies to the requirement to submit an an-  
24 nual public housing agency plan under this  
25 subsection.

1           “(B) CIVIL RIGHTS CERTIFICATION.—Not-  
2 withstanding that qualified small public housing  
3 agencies are exempt pursuant to subparagraph  
4 (A) from the requirement under this section to  
5 prepare and submit an annual public housing  
6 plan, each qualified small public housing agency  
7 shall, on an annual basis, make the certification  
8 described in paragraph (16) of subsection (d) of  
9 this section, except that for purposes of such  
10 small public housing agencies, such paragraph  
11 shall be applied by substituting ‘the public  
12 housing program of the agency’ for ‘the public  
13 housing agency plan’.

14           “(C) DEFINITION.—For purposes of this  
15 section, the term ‘qualified small public housing  
16 agency’ means a public housing agency that  
17 meets all of the following requirements:

18           “(i) The sum of (I) the number of  
19 public housing dwelling units administered  
20 by the agency, and (II) the number of  
21 vouchers under section 8(o) of the United  
22 States Housing Act of 1937 (42 U.S.C.  
23 1437f(o)) administered by the agency, is  
24 250 or fewer.

25           “(ii) The agency—

1                   “(I) is not designated pursuant  
2                   to section 6(j)(2) as a troubled public  
3                   housing agency; and

4                   “(II) has not, within the pre-  
5                   ceding 12 months, been assigned a  
6                   failing or below passing score under  
7                   the section 8 management assessment  
8                   program of the Secretary.”.

9           (b) RESIDENT PARTICIPATION.—Section 5A of the  
10 United States Housing Act of 1937 (42 U.S.C. 1437c-  
11 1) is amended—

12                   (1) in subsection (e), by inserting after para-  
13                   graph (3) the following:

14                   “(4) QUALIFIED SMALL PUBLIC HOUSING  
15                   AGENCIES.—

16                   “(A) IN GENERAL.—Except as provided in  
17                   subparagraph (B), nothing in this section may  
18                   be construed to exempt a qualified small public  
19                   housing agency from the requirement under  
20                   paragraph (1) to establish one or more resident  
21                   advisory boards. Notwithstanding that qualified  
22                   small public housing agencies are exempt pur-  
23                   suant to subsection (b)(3)(A) from the require-  
24                   ment under this section to prepare and submit  
25                   an annual public housing plan, each qualified

1 small public housing agency shall consult with,  
2 and consider the recommendations of the resi-  
3 dent advisory boards for the agency, in any de-  
4 terminations and actions of the agency regard-  
5 ing establishing goals, objectives, and policies of  
6 the agency.

7 “(B) APPLICABILITY OF WAIVER AUTHOR-  
8 ITY.—Paragraph (3) shall apply to qualified  
9 small public housing agencies, except that for  
10 purposes of such small public housing agencies,  
11 subparagraph (B) of such paragraph shall be  
12 applied by substituting ‘the functions described  
13 in the second sentence of paragraph (4)(A)’ for  
14 ‘the functions described in paragraph (2)’.

15 “(f) PUBLIC HEARINGS.—”; and

16 (2) in subsection (f) (as so designated by the  
17 amendment made by paragraph (1) of this sub-  
18 section), by adding at the end the following new  
19 paragraph:

20 “(5) QUALIFIED SMALL PUBLIC HOUSING  
21 AGENCIES.—

22 “(A) REQUIREMENT.—Notwithstanding  
23 that qualified small public housing agencies are  
24 exempt pursuant to subsection (b)(3)(A) from  
25 the requirement under this section to conduct a

1 public hearing regarding the annual public  
2 housing plan of the agency, each qualified small  
3 public housing agency shall, not less than annu-  
4 ally, conduct a public hearing to discuss the  
5 goals, objectives, and policies of the agency, and  
6 any changes to such goals, objectives, and poli-  
7 cies, and to invite public comment regarding  
8 such issues.

9 “(B) AVAILABILITY OF INFORMATION AND  
10 NOTICE.—Not later than 45 days before the  
11 date of such a hearing, the qualified small pub-  
12 lic housing agency shall—

13 “(i) make all information relevant to  
14 the hearing and any determinations of the  
15 agency regarding the goals, objectives, and  
16 policies of the agency to be considered at  
17 the hearing available for inspection by the  
18 public at the principal office of the public  
19 housing agency during normal business  
20 hours; and

21 “(ii) publish a notice informing the  
22 public that (I) the information is available  
23 as required under clause (i), and (II) a  
24 public hearing under subparagraph (A) will  
25 be conducted.”.

1           (c) AMENDMENTS AND MODIFICATIONS TO PLANS.—  
2 Subsection (g) of section 5A of the United States Housing  
3 Act of 1937 (42 U.S.C. 1437c-1(g)) is amended by adding  
4 at the end the following new paragraph:

5           “(3) QUALIFIED SMALL PUBLIC HOUSING  
6 AGENCIES.—Except to the extent that this sub-  
7 section applies to annual public housing agency  
8 plans, nothing in this section may be construed to  
9 exempt a qualified small public housing agency from  
10 the requirements under this subsection.”.

Passed the House of Representatives July 30, 2007.

Attest:                   LORRAINE C. MILLER,  
*Clerk.*