Union Calendar No. 308

110TH CONGRESS 1ST SESSION

H.R.3524

[Report No. 110-507]

To reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

September 11, 2007

Ms. Waters (for herself, Mr. Shays, Mr. Frank of Massachusetts, Mr. Watt, and Mr. Cohen) introduced the following bill; which was referred to the Committee on Financial Services

January 3, 2008

Additional sponsors: Mr. Lynch, Mr. Cleaver, Mr. Wexler, and Mr. Meek of Florida

January 3, 2008

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on September 11, 2007]

A BILL

To reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes.

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

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CON-

- 2 TENTS.
- 3 (a) Short Title.—This Act may be cited as the
- 4 "HOPE VI Improvement and Reauthorization Act of
- 5 2007".
- 6 (b) References.—Except as otherwise expressly pro-
- 7 vided in this Act, wherever in this Act an amendment or
- 8 repeal is expressed in terms of an amendment to, or repeal
- 9 of, a section or other provision, the reference shall be consid-
- 10 ered to be made to a section or other provision of the United
- 11 States Housing Act of 1937 (42 U.S.C. 1437 et seq.).
- 12 (c) Table of Contents.—The table of contents for
- 13 this Act is as follows:
 - Sec. 1. Short title; references; table of contents.
 - Sec. 2. Purposes of program.
 - Sec. 3. Authority to waive contribution requirement in cases of extreme distress or emergency.
 - Sec. 4. Prohibition of demolition-only grants.
 - Sec. 5. Repeal of main street projects grant authority.
 - Sec. 6. Eligible activities.
 - Sec. 7. Selection of proposals for grants.
 - Sec. 8. Requirements for mandatory core components.
 - Sec. 9. Planning and technical assistance grants.
 - Sec. 10. Annual report; availability of documents.
 - Sec. 11. Definitions.
 - Sec. 12. Conforming amendment.
 - Sec. 13. Authorization of appropriations.
 - Sec. 14. Extension of program.
 - Sec. 15. Review.
 - Sec. 16. Regulations.

14 SEC. 2. PURPOSES OF PROGRAM.

- 15 Subsection (a) of section 24 of the United States Hous-
- 16 ing Act of 1937 (42 U.S.C. 1437v(a)) is amended—

1	(1) in paragraph (1), by inserting before
2	"through" the following: "located in communities of
3	all sizes, including small- and medium-sized commu-
4	nities,";
5	(2) in paragraph (3)—
6	(A) by inserting "low- and" before "very
7	low-income"; and
8	(B) by striking "and" at the end;
9	(3) in paragraph (4), by striking the period at
10	the end and inserting "; and"; and
11	(4) by adding at the end the following new para-
12	graph:
13	"(5) promoting housing choice among low- and
14	very low-income families.".
15	SEC. 3. AUTHORITY TO WAIVE CONTRIBUTION REQUIRE-
16	MENT IN CASES OF EXTREME DISTRESS OR
17	EMERGENCY.
18	Subsection (c) of section 24 is amended by adding at
19	the end the following new paragraph:
20	"(4) Waiver.—
21	"(A) AUTHORITY.—The Secretary may
22	waive the applicability of paragraph (1) with re-
23	spect to an applicant or grantee if the Secretary
24	determines that circumstances of extreme distress
25	or emergency, in the area that the revitalization

1	plan of the applicant is to be carried out, di-
2	rectly affect the ability of the applicant or grant-
3	ee to comply with such requirement.
4	"(B) Regulations.—The Secretary shall
5	issue regulations to carry out this paragraph,
6	which shall—
7	"(i) set forth such circumstances of ex-
8	treme distress and emergency; and
9	"(ii) provide that such circumstances
10	shall include any instance in which the
11	area in which a revitalization plan assisted
12	with amounts from a grant under this sec-
13	tion is to be carried out is subject to a dec-
14	laration by the President of a major dis-
15	aster or emergency under the Robert T.
16	Stafford Disaster Relief and Emergency As-
17	sistance Act.".
18	SEC. 4. PROHIBITION OF DEMOLITION-ONLY GRANTS.
19	Section 24 is amended—
20	(1) in subsection $(c)(3)$, by striking "or demoli-
21	tion of public housing (without replacement)";
22	(2) in the first sentence of subsection (e)(3)—
23	(A) by striking "demolition only,"; and
24	(B) by striking the last comma; and

1	(3) in subsection (e), by adding at the end the
2	following new paragraph:
3	"(4) Prohibition of Demolition-only
4	GRANTS.—The Secretary may not make a grant
5	under this section for a revitalization plan that pro-
6	poses to demolish public housing without revitaliza-
7	tion of any existing public housing dwelling units.".
8	SEC. 5. REPEAL OF MAIN STREET PROJECTS GRANT AU-
9	THORITY.
10	Section 24 is amended—
11	(1) by striking subsection (n) (relating to grants
12	for assisting affordable housing developed through
13	main street projects in smaller communities);
14	(2) in subsection (a), by striking the last sen-
15	tence (that appears after and below paragraph (5), as
16	added by section 2(4) of this Act);
17	(3) in subsection (l)—
18	(A) in paragraph (3), by striking ", includ-
19	ing a specification of the amount and type of as-
20	sistance provided under subsection (n);" and in-
21	serting "; and"; and
22	(B) by striking paragraph (4); and
23	(4) in subsection (m), by striking paragraph (3).
24	SEC. 6. ELIGIBLE ACTIVITIES.
25	Paragraph (1) of section 24(d) is amended—

1	(1) in the matter preceding subparagraph (A),
2	by striking "programs" and inserting "plans";
3	(2) in subparagraph (G), by striking "program"
4	and inserting "plan";
5	(3) by striking subparagraph (I) and inserting
6	the following new subparagraph:
7	"(I) the acquisition and development of re-
8	placement housing units in accordance with sub-
9	section (j);".
10	(4) in subparagraph (K), by striking "and" at
11	$the\ end;$
12	(5) in subparagraph (L)—
13	(A) by striking "15 percent" and inserting
14	"25 percent"; and
15	(B) by striking the period at the end and
16	inserting a semicolon; and
17	(6) by adding at the end the following new sub-
18	paragraphs:
19	"(M) necessary costs of ensuring the effective
20	relocation of residents displaced as a result of the
21	revitalization of the project, including costs of
22	monitoring as required under subsection (k); and
23	"(N) activities undertaken to comply with
24	the provisions of (B)(vii) and (C)(xiii) of sub-

1	section (e)(2) and $subsection$ (l) (relating to
2	green developments).".
3	SEC. 7. SELECTION OF PROPOSALS FOR GRANTS.
4	(a) Selection Criteria.—Section 24(e) is amended
5	by striking paragraph (2) and inserting the following new
6	paragraph:
7	"(2) Grant award criteria.—
8	"(A) Establishment.—The Secretary shall
9	establish criteria for the award of grants under
10	this section.
11	"(B) Mandatory core components.—The
12	criteria under this paragraph shall require that
13	a proposed revitalization plan may not be se-
14	lected for award of a grant under this section
15	unless the proposed plan meets all of the fol-
16	lowing requirements:
17	"(i) Evidence of severe dis-
18	TRESS.—The proposed plan shall contain
19	evidence sufficient to demonstrate that the
20	public housing project that is subject to the
21	plan is severely distressed, which shall in-
22	clude—
23	"(I) a certification signed by an
24	engineer or architect licensed by a
25	State licensina board that the project

1	meets the criteria for physical distress
2	under subsection $(t)(2)$; and
3	"(II) such other evidence that the
4	project meets criteria for nonphysical
5	distress under subsection $(t)(2)$, such as
6	census data, crime statistics, and past
7	surveys of neighborhood stability con-
8	ducted by the public housing agency.
9	"(ii) Resident involvement and
10	SERVICES.—The proposed plan shall pro-
11	vide for opportunities for involvement of
12	residents of the housing subject to the plan
13	and the provision of services for such resi-
14	dents, in accordance with subsection (g).
15	"(iii) Relocation plan.—The pro-
16	posed plan shall provide a plan for reloca-
17	tion of households occupying the public
18	housing project that is subject to the plan,
19	in accordance with subsection (h), including
20	a statement of the estimated number of
21	vouchers for rental assistance under section
22	8 that will be needed for such relocation.
23	"(iv) Resident right to expanded
24	HOUSING OPPORTUNITIES.—The proposed
25	plan provides right of resident households to

1	occupy housing provided under such revital-
2	ization plan in accordance with subsection
3	(i).
4	"(v) One-for-one replacement.—
5	The proposed plan shall provide a plan
6	that—
7	"(I) provides for replacement in
8	accordance with subsection (j) of 100
9	percent of all dwelling units demol-
10	ished or disposed of under such revital-
11	ization plan, as of the date of the ap-
12	plication for the grant, on the site of
13	the original public housing or within
14	the jurisdiction of the public housing
15	agency;
16	"(II) identifies the type of replace-
17	ment housing that will be offered to
18	tenants displaced by the revitalization
19	plan;
20	"(III) contains such agreements
21	with or assurances by the Secretary,
22	State and local governmental agencies,
23	and other entities sufficient to ensure
24	compliance with subsection (j) and the

1	requirements of section 18 applicable
2	pursuant to subsection $(p)(1)$; and
3	"(IV) contains such assurances or
4	agreements as the Secretary considers
5	necessary to ensure compliance with
6	subsection (i)(2).
7	"(vi) Fair housing; limitation on
8	EXCLUSION.—The proposed plan shall be
9	carried out in a manner that complies with
10	section (m) (relating to affirmatively fur-
11	thering fair housing and limitation on ex-
12	clusion).
13	"(vii) Green developments.—The
14	proposed plan complies with the require-
15	ment under subsection (l) (relating to green
16	developments).
17	"(C) Mandatory graded components.—
18	The criteria under this paragraph shall provide
19	that, in addition to the requirements under sub-
20	paragraph (B), the proposed revitalization plan
21	shall address and meet minimum requirements
22	with respect to, and shall provide additional pri-
23	ority based on the extent to which the plan satis-
24	factorily addresses, each of the following issues:

1	"(i) Compliance with purposes.—
2	The extent to which the proposed plan of an
3	applicant achieves the purposes of this sec-
4	tion set forth in subsection (a).
5	"(ii) Capability and record.—The
6	extent of the capability and record of the
7	applicant public housing agency, public
8	partners, proposed private development
9	partners, or any alternative management
10	entity for the agency, for managing redevel-
11	opment or modernization projects, meeting
12	performance benchmarks, and obligating
13	amounts in a timely manner, including
14	any past performance of such entities under
15	the HOPE VI program and any record of
16	such entities of working with socially and
17	economically disadvantaged businesses, as
18	such term is defined in section $8(a)(4)$ of
19	the Small Business Act (15 U.S.C.
20	637(a)(4)).
21	"(iii) Diversity outreach.—The ex-
22	tent to which the proposed revitalization
23	plan includes partnerships with socially
24	and economically disadvantaged businesses,

1	as such term is defined by section $8(a)(4)$ of
2	the Small Business Act.
3	"(iv) Effectiveness of relocation
4	AND ONE-FOR-ONE REPLACEMENT PLANS.—
5	The extent of the likely effectiveness of the
6	proposed revitalization plan for temporary
7	and permanent relocation of existing resi-
8	dents, including the likely effectiveness of
9	the relocation plan under subparagraph
10	(B)(iii) and the one-for-one replacement
11	plan under subparagraph $(B)(v)$.
12	"(v) Achievability of revitaliza-
13	TION PLAN.—The achievability of the pro-
14	posed revitalization plan pursuant to sub-
15	section (o), with respect to the scope and
16	scale of the project.
17	"(vi) Leveraging.—The extent to
18	which the proposed revitalization plan will
19	leverage other public or private funds or as-
20	sets for the project.
21	"(vii) Need for additional fund-
22	ING.—The extent to which the applicant
23	could undertake the activities proposed in
24	the revitalization plan without a grant
25	under this section.

1	"(viii) Public and private involve-
2	MENT.—The extent of involvement of State
3	and local governments, private service pro-
4	viders, financing entities, and developers, in
5	the development and ongoing implementa-
6	tion of the revitalization plan.
7	"(ix) Need for affordable hous-
8	ING.—The extent of need for affordable
9	housing in the community in which the pro-
10	posed revitalization plan is to be carried
11	out.
12	"(x) Affordable Housing supply.—
13	The extent of the supply of other housing
14	available and affordable to families receiv-
15	ing tenant-based assistance under section 8.
16	"(xi) Project-based Housing.—The
17	extent to which the proposed revitalization
18	plan sustains or creates more project-based
19	housing units available to persons eligible
20	for residency in public housing in markets
21	where the proposed plan shows there is de-
22	mand for the maintenance or creation of
23	such units.

1	"(xii) Green developments compli-
2	ANCE.—The extent to which the proposed re-
3	vitalization plan—
4	"(I) in the case of residential con-
5	struction, complies with the non-
6	mandatory items of the national Green
7	Communities criteria checklist identi-
8	fied in subsection (l)(1)(A), or any sub-
9	stantially equivalent standard as deter-
10	mined by the Secretary, but only to the
11	extent such compliance exceeds the
12	compliance necessary to accumulate the
13	number of points required under such
14	subsection; and
15	"(II) in the case of non-residential
16	construction, includes non-mandatory
17	components of version 2.2 of the Lead-
18	ership in Energy and Environmental
19	Design (LEED) green building rating
20	system for New Construction and
21	Major Renovations, version 2.0 of the
22	LEED for Core and Shell rating sys-
23	tem, or version 2.0 of the LEED for
24	Commercial Interiors rating system, as
25	applicable, or any substantially equiv-

1	alent standard as determined by the
2	Secretary, but only to the extent such
3	inclusion exceeds the inclusion nec-
4	essary to accumulate the number of
5	points required under such system.
6	"(xiii) Hard-to-house families.—
7	The extent to which the one-for-one replace-
8	ment plan under subparagraph $(B)(v)$ for
9	the revitalization plan provides replacement
10	housing that is likely to be most appro-
11	priate and beneficial for families whose
12	housing needs are difficult to fulfill, includ-
13	ing individuals who are not ineligible for
14	occupancy in public housing pursuant to
15	subsection $(m)(2)$, have been released from a
16	State or Federal correctional facility, have
17	not been arrested for or charged with any
18	crime during the period beginning upon
19	probation or parole and ending one year
20	after completion of probation or parole, and
21	for whom affordable housing is a critical
22	need.
23	"(xiv) Family-friendly housing.—
24	The extent to which replacement housing
25	units provided through the revitalization

1	plan contain a sufficient number of bed-
2	rooms to prevent overcrowding.
3	"(xv) Additional on-site mixed-in-
4	COME HOUSING.—The extent to which the
5	one-for-one replacement plan under sub-
6	paragraph $(B)(v)$ $provides$ $public$ $housing$
7	units in addition to the number necessary
8	to minimally comply with the requirement
9	under subsection $(j)(2)(A)(i)$, including the
10	extent to which such plan provides sufficient
11	housing for elderly and disabled residents
12	who indicate a preference to return to hous-
13	ing provided on the site of the original pub-
14	lic housing involved in the revitalization
15	plan and complies with the requirements of
16	$subsection \ (j)(2)(A)(ii).$
17	"(xvi) Other.—Such other factors as
18	the Secretary considers appropriate.".
19	(b) Treatment of Low-Income Housing Tax Cred-
20	IT Allocations; Mandatory Site Visits.—Section 24(e),
21	as amended by the preceding provisions of this Act, is fur-
22	ther amended by adding at the end the following new para-
23	graphs:
24	"(5) Treatment of low-income housing tax
25	CREDIT ALLOCATION.—In the case of any application

for a grant under this section that relies on the allo-cation of any low-income housing tax credit provided pursuant to section 42 of the Internal Revenue Code of 1986 as part of the revitalization plan proposed in the application, the Secretary shall not require that the first phase of any project to be developed under the plan possess an allocation of such low-income housing tax credits at the time of such application.

"(6) Mandatory site visits.—Notwithstanding any other provision of law, the Secretary shall provide for appropriate officers or employees of the Department of Housing and Urban Development to conduct a visit to the site of the public housing involved in the revitalization plan proposed under each application for a grant under this section that is involved in a final selection of applications to be funded under this section. Site visits pursuant to this paragraph shall be used only for the purpose of obtaining information to assist in determining whether the public housing projects involved in the application are severely distressed public housing."

22 SEC. 8. REQUIREMENTS FOR MANDATORY CORE COMPO-

NENTS.

24 Section 24 is amended—

- (1) by redesignating subsections (h) through (m)
 as subsections (q) through (v), respectively;
 - (2) by redesignating subsection (o) as subsection (w); and
 - (3) by striking subsection (g) and inserting the following new subsections:

"(g) Resident Involvement and Services.—

"(1) In general.—Each revitalization plan assisted under this section shall provide opportunities for the active involvement and participation of, and consultation with, residents of the public housing that is subject to the revitalization plan during the planning process for the revitalization plan, including prior to submission of the application, and during all phases of the planning and implementation. Such opportunities for participation may include participation of members of any resident council, but may not be limited to such members, and shall include all segments of the population of residents of the public housing that is subject to the revitalization plan, including single parent-headed households, the elderly, young employed and unemployed adults, teenage youth, and disabled persons. Such opportunities shall include a process that provides opportunity for comment on specific proposals for redevelopment, any

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1	demolition and disposition involved, and any pro-
2	posed significant amendments or changes to the revi-
3	talization plan.
4	"(2) Notices.—In carrying out a revitalization
5	plan assisted under this section, a public housing
6	agency shall provide the following written notices, in
7	plain and nontechnical language, to each household
8	occupying a dwelling unit in the public housing that
9	is subject to, or to be subject to, the plan:
10	"(A) Notice of intent.—Not later than
11	the expiration of the 30-day period beginning
12	upon publication by the Secretary of a notice of
13	funding availability for a grant under this sec-
14	tion for such plan, notice of—
15	"(i) the public housing agency's intent
16	to submit such application;
17	"(ii) the proposed implementation and
18	management of the revitalized site;
19	"(iii) residents' rights under this sec-
20	tion to participate in the planning process
21	for the plan, including opportunities for
22	participation in accordance with paragraph
23	(1), and to receive comprehensive relocation
24	assistance and community and supportive
25	services pursuant to paragraph (4); and

1	"(iv) the public hearing pursuant to
2	paragraph (3).
3	"(B) Notice of grant award and relo-
4	CATION OPTIONS.—Not later than 30 days after
5	notice to the public housing agency of the award
6	of a grant under this section, notice that—
7	"(i) such grant has been awarded;
8	"(ii) describes the process involved
9	under the revitalization plan to temporarily
10	relocate residents of the public housing that
11	is subject to the plan;
12	"(iii) provides the information re-
13	quired pursuant to subsection (h)(2) (relat-
14	ing to relocation options); and
15	"(iv) informs residents of opportunities
16	for participation in accordance with para-
17	graph(1).
18	"(C) Notice of grant agreement and
19	RELOCATION OPTIONS.—Not later than 30 days
20	after execution of a grant agreement under this
21	section with a public housing agency, notice
22	that—
23	"(i) specifically identifies the housing
24	available for relocation of resident of the

1	public housing subject to the revitalization
2	plan;
3	"(ii) sets forth the schedule for reloca-
4	tion of residents of the public housing sub-
5	ject to the revitalization plan, including the
6	dates on which such housing will be avail-
7	able for such relocation; and
8	"(iii) informs residents of opportuni-
9	ties for participation in accordance with
10	paragraph (1).
11	"(D) Notice of Replacement Housing.—
12	Upon the availability of replacement housing
13	provided pursuant to subsection (j), notice to
14	each household described in subsection (i)(1) of—
15	"(i) such availability;
16	"(ii) the process and procedure for ex-
17	ercising the right to expanded housing op-
18	portunities and preferences under subsection
19	(i)(2); and
20	"(iii) opportunities for participation
21	in accordance with paragraph (1) of this
22	subsection.
23	"(E) Other.—Such other notices as the
24	Secretary may require.

1	"(3) Public Hearing.—The Secretary may not
2	make a grant under this section to an applicant un-
3	less the applicant has convened and conducted a pub-
4	lic hearing regarding the revitalization plan, includ-
5	ing the one-for-one replacement to occur under the
6	plan, not later than 75 days before submission of the
7	application for the grant under this section for such
8	plan, at a time and location that is convenient for
9	residents of the public housing subject to the plan.
10	"(4) Services.—Each recipient of a grant
11	under this section shall—
12	"(A) provide each household who is residing
13	at the site of the revitalization as of the date of
14	the notice of intent under subparagraph (A) with
15	comprehensive relocation assistance for a period
16	that is the latter of the two periods referred to
17	in subparagraph (B) with comprehensive reloca-
18	tion assistance; and
19	"(B) offer, to each such displaced resident
20	and each low-income family provided housing
21	under the revitalization plan, community and
22	supportive services until the latter of—
23	"(i) the expiration of the two-year pe-
24	riod that begins upon the end of the develop-
25	ment period under the plan; and

1	"(ii) the date on which all funding
2	under the grant for community and sup-
3	portive services has been expended.
4	"(h) Relocation Program.—Each recipient of a
5	grant under this section shall—
6	"(1) provide for each household displaced by the
7	revitalization plan for which the grant is made to be
8	relocated to a comparable replacement dwelling, as
9	defined in section 101 of the Uniform Relocation As-
10	sistance and Real Property Acquisition Policies Act
11	of 1970 (42 U.S.C. 4601), and for payment of actual
12	and reasonable relocation expenses of each such house-
13	hold and any replacement housing payments as are
14	required by the Uniform Relocation Assistance and
15	Real Property Acquisition Policies Act of 1970;
16	"(2) fully inform such households of all reloca-
17	tion options, which may include relocating to housing
18	in a neighborhood with a lower concentration of pov-
19	erty than their current residence or remaining in the
20	housing to which they relocate;
21	"(3) to the maximum extent possible, minimize
22	academic disruptions on affected children enrolled in
23	school by coordinating relocation with school cal-
24	endars;

1	"(4) establish strategies and plans that assist
2	such displaced residents in utilizing tenant-based
3	vouchers to select housing opportunities, including in
4	communities with a lower concentration of poverty,
5	that—
6	"(A) will not result in a financial burden
7	to the family; and
8	"(B) will promote long-term housing sta-
9	bility;
10	"(5) establish and comply with relocation bench-
11	marks that ensure successful relocation in terms of
12	timeliness; and
13	"(6) notwithstanding any other provision of law,
14	in the case of any tenant-based assistance made avail-
15	able for relocation of a household under this sub-
16	section, provide that the term during which the house-
17	hold may lease a dwelling unit using such assistance
18	shall not be shorter than 150 days; if the household
19	is unable to lease a dwelling unit during such period,
20	the public housing agency shall either extend the pe-
21	riod during which the household may lease a dwelling
22	unit using such assistance or provide the tenant with
23	the next available dwelling unit owned by the public
24	housing agency.

1 "(i) Right to Expanded Housing Opportunities 2 for Resident Households.—

"(1) In General.—Subject only to paragraph (3), each revitalization plan assisted with a grant under this section shall make available, to each household occupying a dwelling unit in the public housing subject to a revitalization plan that is displaced as a result of the revitalization plan (including any demolition or disposition of the unit), occupancy for such household in a replacement dwelling unit provided pursuant to subsection (j). To exercise such right under this paragraph to occupancy in such a replacement dwelling unit, the household shall respond in writing to the notice provided pursuant to subsection (g)(2)(C) by the public housing agency.

- "(2) Preferences.—Such a replacement dwelling unit shall be made available to each household displaced as a result of the revitalization plan before any replacement dwelling unit is made available to any other eligible household.
- "(3) Reports to secretary.—The Secretary shall require each public housing agency carrying out a revitalization plan assisted under this section to submit to the Secretary such reports as may be necessary to allow the Secretary to determine the extent

1	to which the public housing agency has complied with
2	this subsection and to which displaced residents oc-
3	cupy replacement housing provided pursuant to sub-
4	section (j), which shall include information describing
5	the location of replacement housing provided pursu-
6	ant to subsection (j) and statistical information on
7	the characteristics of all households occupying such re-
8	placement housing.
9	"(j) One-for-One Replacement.—Each revitaliza-
10	tion plan assisted with a grant under this section under
11	which any public housing dwelling unit is demolished or
12	disposed of shall provide as follows:
13	"(1) Number.—For one hundred percent of all
14	such dwelling units in existence as of the date of the
15	application for the grant that are demolished or dis-
16	posed under the revitalization plan, the public hous-
17	ing agency carrying out the plan shall provide an ad-
18	ditional dwelling unit.
19	"(2) LOCATION.—Such dwelling units shall be
20	provided in the following manner:
21	"(A) On-site mixed-income housing.—
22	``(i) One-third requirement.—A
23	mixed-income housing development shall be
24	provided on the site of the original public
25	housing involved in the revitalization plan

in which, except as provided in clause (iii), at least one-third of all dwelling units shall be public housing dwelling units and shall be provided through the development of additional public housing dwelling units.

"(ii) Requirements for additional on-site units at the site of the original public housing than is minimally necessary to comply with such clause, the public housing ing agency shall consult with residents, community leaders, and local government officials regarding such additional public housing dwelling units and shall ensure that affirmatively furthers fair housing.

"(iii) Exception.—If, upon a showing by a public housing agency, the Secretary determines that it is infeasible to locate replacement dwelling units on the site of the original public housing involved in the revitalization plan in accordance with clause (i), all replacement units shall be located in

1	areas within the jurisdiction of the public
2	housing agency having low concentrations
3	of poverty, except that at least one mixed-
4	income housing development shall be pro-
5	vided in such an area within the jurisdic-
6	tion of the public housing agency and that
7	one-third of all units in such development
8	shall be public housing dwelling units. The
9	Secretary may make a finding of infeasi-
10	bility under this clause only if—
11	"(I) such location on-site would
12	result in the violation of a consent de-
13	$cree;\ or$
14	"(II) the land on which the public
15	housing is located is environmentally
16	unsafe, geologically unstable, or other-
17	wise unsuitable for the construction of
18	housing, as evidenced by an inde-
19	pendent environmental review or as-
20	sessment.
21	"(iv) Deconcentration of pov-
22	ERTY.—All dwelling units provided pursu-
23	ant to this subparagraph shall be provided
24	in a manner that results in decreased con-
25	centrations of poverty, with respect to such

1	concentrations existing on the date of the
2	application for the grant under this section.
3	"(B) Off-site mixed-income housing.—
4	Any other replacement housing units provided in
5	addition to the dwelling units provided pursuant
6	to subparagraph (A) shall be provided, in areas
7	within the jurisdiction of the public housing
8	agency having low concentrations of poverty,
9	through—
10	"(i) the acquisition or development of
11	additional public housing dwelling units; or
12	"(ii) the acquisition, development, or
13	contracting (including through project-based
14	assistance) of additional dwelling units that
15	are subject to requirements regarding eligi-
16	bility for occupancy, tenant contribution to-
17	ward rent, and long-term affordability re-
18	strictions which are comparable to public
19	housing units, except that subparagraphs
20	(B) and (D) of section $8(o)(13)$ of the
21	United States Housing Act of 1937 (42
22	U.S.C. 1437f(o)(13); relating to percentage
23	limitation and income-mixing requirement
24	for project-based assistance) shall not apply

with respect to vouchers used to comply
with the requirements of this clause.

"(3) TIMING.—All replacement dwelling units provided pursuant to this subsection shall be provided not later than the expiration of the 12-month period beginning upon the demolition or disposition of the public housing dwelling units, except that replacement dwelling units financed with a low-income housing tax credit under section 42 of the Internal Revenue Code of 1986 in connection with the revitalization plan shall be provided not later than the expiration of the 12-month period beginning upon the allocation of such low-income housing tax credit. To the greatest extent practicable, such replacement or additional dwelling units, or redevelopment, shall be accomplished in phases over time and, in each such phase, the public housing dwelling units and the dwelling units described in subparagraph (B)(ii) of paragraph (2) shall be made available for occupancy before any nonassisted dwelling unit is made available for occupancy.

"(4) FAIR HOUSING.—The demolition or disposition, relocation, and provision of replacement housing units under paragraph (2)(B) shall be carried out in a manner that affirmatively furthers fair housing, as

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described in subsection (e) of section 808 of the Civil 1 2 Rights Act of 1968 (42 U.S.C. 3608(e)). "(k) Monitoring of Displaced Households.— 3 4 PHARESPONSIBILITIES.—To facilitate 5 compliance with the requirement under subsection (i) 6 (relating to right to expanded housing opportunities), 7 the Secretary shall, by regulation, require each public 8 housing agency that receives a grant under this sec-9 tion, during the period of the revitalization plan as-10 sisted with the grant and until all funding under the 11 grant has been expended— 12 "(A) to maintain a current address of resi-13 dence and contact information for each household 14 affected by the revitalization plan who was occu-15 pying a dwelling unit in the housing that is sub-16 ject to the plan; and 17 "(B) to provide such updated information 18 to the Secretary on at least a quarterly basis. 19 "(2) Certification.—The Secretary may not 20 close out any grant made under this section to a pub-21 lic housing agency before the agency has certified to 22 the Secretary that the agency has complied with sub-23 section (i) (relating to a right to expanded housing 24 opportunities for resident households) with respect to

each resident displaced as a result of the revitaliza-

tion plan, including providing occupancy in a replacement dwelling unit for each household who requested such a unit in accordance with such subsection.

"(3) Reports by Secretary.—Not less frequently than once every six months, the Secretary shall submit a report to the Congress that includes all information submitted to the Secretary pursuant to paragraph (1) by all public housing agencies and summarizes the extent of compliance by public housing agencies with the requirements under this subsection and subsection (i).

"(1) Green Developments Requirement.—

"(1) Requirement.—The Secretary may not make a grant under this section to an applicant unless the proposed revitalization plan of the applicant to be carried out with such grant amounts meets the following requirements, as applicable:

"(A) GREEN COMMUNITIES CRITERIA
CHECKLIST.—All residential construction under
the proposed plan complies with the national
Green Communities criteria checklist for residential construction that provides criteria for the
design, development, and operation of affordable
housing, as such checklist is in effect for purposes

1	of this subsection pursuant to paragraph (3) at
2	the date of the application for the grant, or any
3	substantially equivalent standard as determined
4	by the Secretary, as follows:
5	"(i) The proposed plan shall comply
6	with all items of the national Green Com-
7	munities criteria checklist for residential
8	construction that are identified as manda-
9	tory.
10	"(ii) The proposed plan shall comply
11	with such other nonmandatory items of such
12	national Green Communities criteria check-
13	list so as to result in a cumulative number
14	of points attributable to such nonmandatory
15	items under such checklist of not less than—
16	"(I) 25 points, in the case of any
17	proposed plan (or portion thereof) con-
18	sisting of new construction; and
19	"(II) 20 points, in the case of any
20	proposed plan (or portion thereof) con-
21	sisting of rehabilitation.
22	"(B) LEED ratings system.—All non-res-
23	idential construction under the proposed plan
24	complies with version 2.2 of the LEED for New
25	Construction rating system, version 2.0 of the

LEED for Core and Shell rating system, version
2.0 of the LEED for Commercial Interiors rating
system, as such systems are in effect for purposes
of this subsection pursuant to paragraph (3) at
the time of the application for the grant, at least
to the minimum extent necessary to be certified
to the Silver Level under such system, or any
substantially equivalent standard as determined
by the Secretary.

"(2) Verification.—

"(A) In GENERAL.—The Secretary shall verify, or provide for verification, sufficient to ensure that each proposed revitalization plan carried out with amounts from a grant under this section complies with the requirements under paragraph (1) and that the revitalization plan is carried out in accordance with such requirements and plan.

"(B) TIMING.—In providing for such verification, the Secretary shall establish procedures to ensure such compliance with respect to each grantee, and shall report to the Congress with respect to the compliance of each grantee, at each of the following times:

1	"(i) Not later than 60 days after execu-
2	tion of the grant agreement under this sec-
3	tion for the grantee.
4	"(ii) Upon completion of the revital-
5	ization plan of the grantee.
6	"(3) Applicability and updating of stand-
7	ARDS.—
8	"(A) Applicability.—Except as provided
9	in subparagraph (B), the national Green Com-
10	munities criteria checklist and LEED rating
11	systems referred to in subparagraphs (A) and
12	(B) that are in effect for purposes of this sub-
13	section are such checklist and systems as in ex-
14	istence upon the date of the enactment of the
15	HOPE VI Improvement and Reauthorization
16	Act of 2007.
17	"(B) UPDATING.—The Secretary may, by
18	regulation, adopt and apply, for purposes of this
19	section, future amendments and supplements to,
20	and editions of, the national Green Communities
21	criteria checklist, the LEED rating systems, and
22	any standard that the Secretary has determined
23	to be substantially equivalent to such checklist or
24	systems.
25	"(m) Fair Housing; Limitation on Exclusion.—

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- "(1) FAIR HOUSING.—Each revitalization plan assisted under this section shall affirmatively further fair housing, as described in subsection (e) of section 808 of the Civil Rights Act of 1968.
- "(2) Limitation on exclusion.—Except to the extent necessary to comply with the requirements of this section, replacement housing provided pursuant to subsection (j) under a revitalization plan of a public housing agency that is owned or managed, or assisted, by the agency shall be subject to the same policies, practices, standards, and criteria regarding waiting lists, tenant screening (including screening criteria, such as credit checks), and occupancy that apply to other housing owned or managed, or assisted, respectively, by such agency. A household may not be prevented from occupying a replacement dwelling unit provided pursuant to subsection (j), or from being provided a tenant-based voucher under the revitalization plan, except to the extent specifically provided by any other provision of Federal law (including subtitle F of title V of the Quality Housing and Work Responsibility Act of 1998 (42 U.S.C. 13661 et seq.; relating to safety and security in public and assisted housing and ineligibility of drug criminals, illegal drug users, alcohol abusers, and dangerous sex

offenders), subtitle D of title VI of the Housing and
Community Development Act of 1992), (42 U.S.C.

13611 et seq.; relating to preferences for elderly and
disabled residents), and section 16(f) of the United
States Housing Act of 1937 (42 U.S.C. 1437n(f); relating to ineligibility of persons convicted of methamphetamine offenses)).

"(n) Enforcement.—

- "(1) ADMINISTRATIVE ENFORCEMENT.—If the Secretary determines on the record after opportunity for an agency hearing, pursuant to a request made by any member of household described in subsection (i)(1) who is adversely affected or aggrieved by a violation of subsection (g), (h), (i), (j), (k), (m), or (o), that such a violation has occurred, the Secretary shall issue an order requiring the public housing agency committing such violation to cease and desist for such violation and to take any affirmative action necessary to correct or remedy the conditions resulting from such violation.
- "(2) AVAILABILITY OF OTHER REMEDIES.—The remedy under paragraph (1) shall be in addition to all other rights and remedies provided by law.
- 24 "(0) Performance Benchmarks.—

1	"(1) In general.—Each public housing agency
2	that receives a grant under this section shall, in con-
3	sultation with the Secretary and residents of the pub-
4	lic housing subject to the revitalization plan for which
5	the grant is made that are displaced as a result of the
6	revitalization plan, establish performance benchmarks
7	for each component of their revitalization plan.
8	"(2) Failure to meet benchmarks.—If a
9	public housing agency fails to meet the performance
10	benchmarks established pursuant to paragraph (1),
11	the Secretary shall impose appropriate sanctions, in-
12	cluding—
13	"(A) appointment of an alternative admin-
14	istrator for the revitalization plan;
15	"(B) financial penalties;
16	"(C) withdrawal of funding under sub-
17	section (j); or
18	"(D) such other sanctions as the Secretary
19	may deem necessary.
20	"(3) Extension of Benchmarks.—The Sec-
21	retary shall extend the period for compliance with
22	performance benchmarks under paragraph (1) for a
23	public housing agency, for such period as the Sec-
24	retary determines to be necessary, if the failure of the
25	agency to meet such benchmarks is attributable to—

1	"(A) litigation;
2	"(B) obtaining approvals of the Federal
3	Government or a State or local government;
4	"(C) complying with environmental assess-
5	ment and abatement requirements;
6	"(D) relocating residents;
7	"(E) resident involvement that leads to sig-
8	nificant changes to the revitalization plan; or
9	"(F) any other reason established by the
10	Secretary by notice published in the Federal
11	Register.
12	"(4) Authority of Secretary.—In deter-
13	mining the amount of each grant under this section
14	and the closeout date for the grant, the Secretary shall
15	take into consideration the scope, scale, and size of the
16	revitalization plan assisted under the grant.
17	"(p) Applicability of Other Laws.—
18	"(1) Section 18.—Any severely distressed public
19	housing demolished or disposed of pursuant to a revi-
20	talization plan and any public housing developed in
21	lieu of such severely distressed housing shall be subject
22	to the provisions of section 18. To the extent the pro-
23	visions of section 18 conflict with or are duplicative
24	of the provisions of this section, the provisions of this
25	section solely shall apply.

1	"(2) URA.—The Uniform Relocation and Real
2	Property Acquisition Policies Act of 1974 shall apply
3	to all relocation activities pursuant to a revitaliza-
4	tion plan under this section.".
5	SEC. 9. PLANNING AND TECHNICAL ASSISTANCE GRANTS.
6	Subsection (v) of section 24 (42 U.S.C. 1437 $v(v)$), as
7	so redesignated by section 8(1), is amended by striking
8	paragraph (2) and inserting the following new paragraph:
9	"(2) Technical assistance grants.—Subject
10	only to approvable requests for grants pursuant to
11	paragraph (1) for any fiscal year, the Secretary shall
12	use not less than two percent for grants in such fiscal
13	year to recipients of grants under this section to as-
14	sist such recipients in obtaining technical assistance
15	in carrying out revitalization programs.".
16	SEC. 10. ANNUAL REPORT; AVAILABILITY OF DOCUMENTS.
17	Subsection (u) of section 24, as so redesignated by sec-
18	tion 8(1) of this Act, is amended—
19	(1) by inserting after paragraph (3) the fol-
20	lowing new paragraph:
21	"(4) the extent to which public housing agencies
22	carrying out revitalization plans with grants under
23	this section have complied with the requirements
24	under subsection (i) (relating to right to expanded

1	housing opportunities for resident households); and";
2	and
3	(2) by adding at the end the following:
4	"To the extent not inconsistent with any other provisions
5	of law, the Secretary shall make publicly available through
6	a World Wide Web site of the Department of Housing and
7	Urban Development all documents of, or filed with, the De-
8	partment relating to the program under this section, in-
9	cluding applications, grant agreements, plans, budgets, re-
10	ports, and amendments to such documents; except that in
11	carrying out this sentence, the Secretary shall take such ac-
12	tions as may be necessary to protect the privacy of any resi-
13	dents and households displaced from public housing as a
14	result of a revitalization plan assisted under this section.".
15	SEC. 11. DEFINITIONS.
16	Subsection (s) of section 24, as so redesignated by sec-
17	tion 8(l) of this Act, is amended—
18	(1) in clauses (i) and (iii) of paragraph (1)(C),
19	by striking "program" each place such term appears
20	and inserting "plan";
21	(2) in paragraph (3)—
22	(A) by striking "SUPPORTIVE" and insert-
23	ing "Community and supportive";
24	(B) by inserting "community and" before
25	"supportive services";

1	(C) by inserting before the period at the end
2	the following: ", and such other services that,
3	linked with affordable housing, will improve the
4	health and residential stability of public housing
5	residents"; and
6	(D) by inserting after "transportation," the
7	following: "employment and vocational coun-
8	seling, financial counseling, life skills training,";
9	(3) by redesignating paragraph (3) as para-
10	graph(6);
11	(4) by inserting after paragraph (2), the fol-
12	lowing new paragraph:
13	"(5) Significant amendment or change.—
14	The term 'significant' means, with respect to an
15	amendment or change to a revitalization plan, that
16	the amendment or change—
17	"(A) changes the use of 10 percent or more
18	of the funds provided under the grant made
19	under this section for the plan from use for one
20	activity to use for another;
21	"(B) eliminates an activity that, notwith-
22	standing the change, would otherwise be carried
23	out under the plan; or

1	"(C) changes the scope, location, or bene-
2	ficiaries of the project carried out under the
3	plan.";
4	(5) by redesignating paragraph (2) as para-
5	graph (4); and
6	(6) by inserting after paragraph (1) the fol-
7	lowing new paragraphs:
8	"(2) Comprehensive relocation assist-
9	ANCE.—The term 'comprehensive relocation assist-
10	ance' means comprehensive assistance necessary to re-
11	locate the members of a household, and includes coun-
12	seling, including counseling regarding housing op-
13	tions and locations and use of tenant-based assist-
14	ance, case management services, assistance in locating
15	a suitable residence, site tours, and other assistance.
16	"(3) Development.—The term 'development'
17	has the same meaning given such term in the first
18	sentence of paragraph (1) of section 3(c) (42 U.S.C.
19	1437a).".
20	SEC. 12. CONFORMING AMENDMENT.
21	Paragraph (1) of section 24(f) is amended by striking
22	"programs" and inserting "plans".
23	SEC. 13. AUTHORIZATION OF APPROPRIATIONS.
24	Subsection $(v)(1)$ of section 24, as so redesignated by
25	section 8(1) of this Act, is amended by striking all that fol-

- 1 lows "section" and inserting "\$800,000,000 for each of fis-
- 2 cal years 2008 through 2015.".
- 3 SEC. 14. EXTENSION OF PROGRAM.
- 4 Subsection (w) of section 24, (as so redesignated by
- 5 section 8(2) of this Act) is amended by striking "September
- 6 30, 2007" and inserting "September 30, 2015".
- 7 **SEC. 15. REVIEW.**
- 8 The Comptroller General of the United States shall—
- 9 (1) conduct a review of activities, actions, and
- 10 methods used in revitalization plans assisted under
- 11 section 24 of the United States Housing Act of 1937
- to determine which may be transferable to other feder-
- 13 ally-assisted housing programs; and
- 14 (2) make recommendations to the Congress re-
- 15 garding the activities, actions, and methods reviewed
- 16 under paragraph (1) not later than the expiration of
- 17 the 3-year period beginning on the date of the enact-
- 18 ment of this Act.
- 19 SEC. 16. REGULATIONS.
- 20 Section 24, as amended by the preceding provisions
- 21 of this Act, is further amended by adding at the end the
- 22 following new subsection:
- 23 "(x) Regulations.—Not later than the expiration of
- 24 the 120-day period beginning on the date of the enactment
- 25 of the HOPE VI Improvement and Reauthorization Act of

- 1 2007, the Secretary shall issue regulations to carry out this
- $2\ \ section,\ including\ the\ amendments\ made\ by\ such\ Act.".$

Union Calendar No. 308

110TH CONGRESS H. R. 3524

[Report No. 110-507]

BILL

To reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes.

January 3, 2008

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed