

110TH CONGRESS
2^D SESSION

H. R. 5772

AN ACT

To amend section 811 of the Cranston-Gonzalez National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities.

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; REFERENCES.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Frank Melville Supportive Housing Investment Act of
4 2008”.

5 (b) **REFERENCES.**—Except as otherwise expressly
6 provided, wherever in this Act an amendment or repeal
7 is expressed in terms of an amendment to, or repeal of,
8 section 811 or any other provision of section 811, the ref-
9 erence shall be considered to be made to section 811 of
10 the Cranston-Gonzalez National Affordable Housing Act
11 (42 U.S.C. 8013).

12 **SEC. 2. TENANT-BASED RENTAL ASSISTANCE THROUGH**
13 **CERTIFICATE FUND.**

14 (a) **TERMINATION OF MAINSTREAM TENANT-BASED**
15 **RENTAL ASSISTANCE PROGRAM.**—Section 811 is amend-
16 ed—

17 (1) in subsection (b)—

18 (A) by striking the first subsection des-
19 ignation and all that follows through the end of
20 subparagraph (B) of paragraph (2) and insert-
21 ing the following:

22 “(b) **AUTHORITY TO PROVIDE ASSISTANCE.**—The
23 Secretary is authorized to provide assistance to private
24 nonprofit organizations to expand the supply of supportive
25 housing for persons with disabilities, which shall be pro-
26 vided as—

1 “(1) capital advances in accordance with sub-
2 section (d)(1), and

3 “(2) contracts for project rental assistance in
4 accordance with subsection (d)(2).”; and

5 (B) by striking “assistance under this
6 paragraph” and inserting “Assistance under
7 this subsection”;

8 (2) in subsection (d), by striking paragraph (4);
9 and

10 (3) in subsection (l), by striking paragraph (1).

11 (b) RENEWAL THROUGH SECTION 8.—Section 811
12 is amended by adding at the end the following new sub-
13 section:

14 “(p) AUTHORIZATION OF APPROPRIATIONS FOR SEC-
15 TION 8 ASSISTANCE.—

16 “(1) IN GENERAL.—There is authorized to be
17 appropriated for tenant-based rental assistance
18 under section 8(o) of the United States Housing Act
19 of 1937 (42 U.S.C. 1437f(o)) for persons with dis-
20 abilities in fiscal year 2009 the amount necessary to
21 provide a number of incremental vouchers under
22 such section that is equal to the number of vouchers
23 provided in fiscal year 2008 under the tenant-based
24 rental assistance program under subsection (d)(4) of
25 this section (as in effect before the date of the enact-

1 ment of the Frank Melville Supportive Housing In-
2 vestment Act of 2008).

3 “(2) REQUIREMENTS UPON TURNOVER.—The
4 Secretary shall develop and issue, to public housing
5 agencies that receive voucher assistance made avail-
6 able under this subsection and to public housing
7 agencies that received voucher assistance under sec-
8 tion 8(o) of the United States Housing Act of 1937
9 (42 U.S.C. 1437f(o)) for non-elderly disabled fami-
10 lies pursuant to appropriation Acts for fiscal years
11 1997 through 2002 or any other subsequent appro-
12 priations for incremental vouchers for non-elderly
13 disabled families, guidance to ensure that, to the
14 maximum extent possible, such vouchers continue to
15 be provided upon turnover to qualified persons with
16 disabilities or to qualified non-elderly disabled fami-
17 lies, respectively.”.

18 **SEC. 3. MODERNIZED CAPITAL ADVANCE PROGRAM.**

19 (a) PROJECT RENTAL ASSISTANCE CONTRACTS.—
20 Section 811 is amended—

21 (1) in subsection (d)(2)—

22 (A) by inserting “(A) INITIAL PROJECT
23 RENTAL ASSISTANCE CONTRACT.—” after
24 “PROJECT RENTAL ASSISTANCE.—”

1 (B) in the first sentence, by inserting after
2 “shall” the following: “comply with subsection
3 (e)(2) and shall”;

4 (C) by striking “annual contract amount”
5 each place such term appears and inserting
6 “amount provided under the contract for each
7 year covered by the contract”; and

8 (D) by adding at the end the following new
9 subparagraph:

10 “(B) RENEWAL OF AND INCREASES IN CON-
11 TRACT AMOUNTS.—

12 “(i) EXPIRATION OF CONTRACT TERM.—

13 Upon the expiration of each contract term, sub-
14 ject to the availability of amounts made avail-
15 able in appropriation Acts, the Secretary shall
16 adjust the annual contract amount to provide
17 for reasonable project costs, and any increases,
18 including adequate reserves and service coordi-
19 nators, except that any contract amounts not
20 used by a project during a contract term shall
21 not be available for such adjustments upon re-
22 newal.

23 “(ii) EMERGENCY SITUATIONS.—In the
24 event of emergency situations that are outside
25 the control of the owner, the Secretary shall in-

1 crease the annual contract amount, subject to
2 reasonable review and limitations as the Sec-
3 retary shall provide.”.

4 (2) in subsection (e)(2)—

5 (A) in the first sentence, by inserting be-
6 fore the period at the end the following: “, ex-
7 cept that, in the case of the sponsor of a project
8 assisted with any low-income housing tax credit
9 pursuant to section 42 of the Internal Revenue
10 Code of 1986 or with any tax-exempt housing
11 bonds, the contract shall have an initial term of
12 not be less than 360 months and shall provide
13 funding for a term of 60 months”; and

14 (B) by striking “extend any expiring con-
15 tract” and insert “upon expiration of a contract
16 (or any renewed contract), renew such con-
17 tract”.

18 (b) PROGRAM REQUIREMENTS.—Section 811 is
19 amended—

20 (1) in subsection (e)—

21 (A) by striking the subsection heading and
22 inserting the following: “PROGRAM REQUIRE-
23 MENTS”;

24 (B) by striking paragraph (1) and insert-
25 ing the following new paragraph:

1 “(1) USE RESTRICTIONS.—

2 “(A) TERM.—Any project for which a cap-
3 ital advance is provided under subsection (d)(1)
4 shall be operated for not less than 40 years as
5 supportive housing for persons with disabilities,
6 in accordance with the application for the
7 project approved by the Secretary and shall,
8 during such period, be made available for occu-
9 pancy only by very low-income persons with dis-
10 abilities.

11 “(B) CONVERSION.—If the owner of a
12 project requests the use of the project for the
13 direct benefit of very low-income persons with
14 disabilities and, pursuant to such request the
15 Secretary determines that a project is no longer
16 needed for use as supportive housing for per-
17 sons with disabilities, the Secretary may ap-
18 prove the request and authorize the owner to
19 convert the project to such use.”; and

20 (C) by adding at the end the following new
21 paragraphs:

22 “(3) LIMITATION ON USE OF FUNDS.—No as-
23 sistance received under this section (or any State or
24 local government funds used to supplement such as-
25 sistance) may be used to replace other State or local

1 funds previously used, or designated for use, to as-
2 sist persons with disabilities.

3 “(4) MULTIFAMILY PROJECTS.—

4 “(A) LIMITATION.—Except as provided in
5 subparagraph (B), of the total number of dwell-
6 ing units in any multifamily housing project
7 (including any condominium or cooperative
8 housing project) containing any unit for which
9 assistance is provided from a capital grant
10 under subsection (d)(1) made after the date of
11 the enactment of the Frank Melville Supportive
12 Housing Investment Act of 2008, the aggregate
13 number that are used for persons with disabili-
14 ties, including supportive housing for persons
15 with disabilities, or to which any occupancy
16 preference for persons with disabilities applies,
17 may not exceed 25 percent of such total.

18 “(B) EXCEPTION.—Subparagraph (A)
19 shall not apply in the case of any project that
20 is a group home or independent living facility.”;
21 and

22 (2) in subsection (l), by striking paragraph (4).

23 (c) DELEGATED PROCESSING.—Subsection (g) of
24 section 811 (42 U.S.C. 8013(g)) is amended—

1 (1) by striking “SELECTION CRITERIA.—” and
2 inserting “SELECTION CRITERIA AND PROC-
3 ESSING.—(1) SELECTION CRITERIA.—”;

4 (2) by redesignating paragraphs (1), (2), (3),
5 (4), (5), (6), and (7) as subparagraphs (A), (B),
6 (C), (D), (E), (G), and (H), respectively;

7 (3) by adding at the end the following new
8 paragraph:

9 “(2) DELEGATED PROCESSING.—

10 “(A) In issuing a capital advance under sub-
11 section (d)(1) for any multifamily project (but not
12 including any project that is a group home or inde-
13 pendent living facility) for which financing for the
14 purposes described in the last sentence of subsection
15 (b) is provided by a combination of the capital ad-
16 vance and sources other than this section, within 30
17 days of award of the capital advance, the Secretary
18 shall delegate review and processing of such projects
19 to a State or local housing agency that—

20 “(i) is in geographic proximity to the prop-
21 erty;

22 “(ii) has demonstrated experience in and
23 capacity for underwriting multifamily housing
24 loans that provide housing and supportive serv-
25 ices;

1 “(iii) may or may not be providing low-in-
2 come housing tax credits in combination with
3 the capital advance under this section; and

4 “(iv) agrees to issue a firm commitment
5 within 12 months of delegation.

6 “(B) The Secretary shall retain the authority to
7 process capital advances in cases in which no State
8 or local housing agency has applied to provide dele-
9 gated processing pursuant to this paragraph or no
10 such agency has entered into an agreement with the
11 Secretary to serve as a delegated processing agency.

12 “(C) An agency to which review and processing
13 is delegated pursuant to subparagraph (A) may as-
14 sess a reasonable fee which shall be included in the
15 capital advance amounts and may recommend
16 project rental assistance amounts in excess of those
17 initially awarded by the Secretary. The Secretary
18 shall develop a schedule for reasonable fees under
19 this subparagraph to be paid to delegated processing
20 agencies, which shall take into consideration any
21 other fees to be paid to the agency for other funding
22 provided to the project by the agency, including
23 bonds, tax credits, and other gap funding.

24 “(D) Under such delegated system, the Sec-
25 retary shall retain the authority to approve rents

1 and development costs and to execute a capital ad-
2 vance within 60 days of receipt of the commitment
3 from the State or local agency. The Secretary shall
4 provide to such agency and the project sponsor, in
5 writing, the reasons for any reduction in capital ad-
6 vance amounts or project rental assistance and such
7 reductions shall be subject to appeal.”.

8 (d) LEVERAGING OTHER RESOURCES.—Paragraph
9 (1) of section 811(g) (as so designated by subsection
10 (c)(1) of this section) is amended by inserting after sub-
11 paragraph (E) (as so redesignated by subsection (c)(2) of
12 this section) the following new subparagraph:

13 “(F) the extent to which the per-unit cost
14 of units to be assisted under this section will be
15 supplemented with resources from other public
16 and private sources;”.

17 (e) TENANT PROTECTIONS AND ELIGIBILITY FOR
18 OCCUPANCY.—Section 811 is amended by striking sub-
19 section (i) and inserting the following new subsection:

20 “(i) ADMISSION AND OCCUPANCY.—

21 “(1) TENANT SELECTION.—

22 “(A) PROCEDURES.—An owner shall adopt
23 written tenant selection procedures that are sat-
24 isfactory to the Secretary as (i) consistent with
25 the purpose of improving housing opportunities

1 for very low-income persons with disabilities;
2 and (ii) reasonably related to program eligibility
3 and an applicant's ability to perform the obliga-
4 tions of the lease. Owners shall promptly notify
5 in writing any rejected applicant of the grounds
6 for any rejection.

7 “(B) REQUIREMENT FOR OCCUPANCY.—
8 Occupancy in dwelling units provided assistance
9 under this section shall be available only to per-
10 sons with disabilities and households that in-
11 clude at least one person with a disability.

12 “(C) AVAILABILITY.—Except only as pro-
13 vided in subparagraph (D), occupancy in dwell-
14 ing units in housing provided with assistance
15 under this section shall be available to all per-
16 sons with disabilities eligible for such occupancy
17 without regard to the particular disability in-
18 volved.

19 “(D) LIMITATION ON OCCUPANCY.—Not-
20 withstanding any other provision of law, the
21 owner of housing developed under this section
22 may, with the approval of the Secretary, limit
23 occupancy within the housing to persons with
24 disabilities who can benefit from the supportive
25 services offered in connection with the housing.

1 “(2) TENANT PROTECTIONS.—

2 “(A) LEASE.—The lease between a tenant
3 and an owner of housing assisted under this
4 section shall be for not less than one year, and
5 shall contain such terms and conditions as the
6 Secretary shall determine to be appropriate.

7 “(B) TERMINATION OF TENANCY.—An
8 owner may not terminate the tenancy or refuse
9 to renew the lease of a tenant of a rental dwell-
10 ing unit assisted under this section except—

11 “(i) for serious or repeated violation
12 of the terms and conditions of the lease,
13 for violation of applicable Federal, State,
14 or local law, or for other good cause; and

15 “(ii) by providing the tenant, not less
16 than 30 days before such termination or
17 refusal to renew, with written notice speci-
18 fying the grounds for such action.

19 “(C) VOLUNTARY PARTICIPATION IN SERV-
20 ICES.—A supportive service plan for housing
21 assisted under this section shall permit each
22 resident to take responsibility for choosing and
23 acquiring their own services, to receive any sup-
24 portive services made available directly or indi-

1 rectly by the owner of such housing, or to not
2 receive any supportive services.”.

3 (f) DEVELOPMENT COST LIMITATIONS.—Subsection
4 (h) of section 811 is amended—

5 (1) in paragraph (1)—

6 (A) by striking the paragraph heading and
7 inserting “GROUP HOMES”;

8 (B) in the first sentence, by striking “var-
9 ious types and sizes” and inserting “group
10 homes”;

11 (C) by striking subparagraph (E); and

12 (D) by redesignating subparagraphs (F)
13 and (G) as subparagraphs (E) and (F), respec-
14 tively;

15 (2) in paragraph (3), by inserting “established
16 pursuant to paragraph (1)” after “cost limitation”;
17 and

18 (3) by adding at the end the following new
19 paragraph:

20 “(6) APPLICABILITY OF HOME PROGRAM COST
21 LIMITATIONS.—

22 “(A) IN GENERAL.—The provisions of sec-
23 tion 212(e) of the Cranston-Gonzalez National
24 Affordable Housing Act (42 U.S.C. 12742(e))
25 and the cost limits established by the Secretary

1 pursuant to such section with respect to the
2 amount of funds under subtitle A of title II of
3 such Act that may be invested on a per unit
4 basis, shall apply to supportive housing assisted
5 with a capital advance under subsection (d)(1)
6 and the amount of funds under such subsection
7 that may be invested on a per unit basis.

8 “(B) WAIVERS.—The Secretary shall pro-
9 vide for waiver of the cost limits applicable pur-
10 suant to subparagraph (A)—

11 “(i) in the cases in which the cost lim-
12 its established pursuant to section 212(e)
13 of the Cranston-Gonzalez National Afford-
14 able Housing Act may be waived; and

15 “(ii) to provide for—

16 “(I) the cost of special design
17 features to make the housing acces-
18 sible to persons with disabilities;

19 “(II) the cost of special design
20 features necessary to make individual
21 dwelling units meet the special needs
22 of persons with disabilities; and

23 “(III) the cost of providing the
24 housing in a location that is accessible
25 to public transportation and commu-

1 nity organizations that provide sup-
2 portive services to persons with dis-
3 abilities.”.

4 (g) REPEAL OF AUTHORITY TO WAIVE SIZE LIMITA-
5 TIONS.—Paragraph (1) of section 811(k) is amended—

6 (1) in paragraph (1), by striking the second
7 sentence; and

8 (2) in paragraph (4), by striking “(or such
9 higher number of persons” and all that follows
10 through “subsection (h)(6))”.

11 (h) MINIMUM ALLOCATION FOR MULTIFAMILY
12 PROJECTS.—Subsection (l) of section 811, as amended by
13 the preceding provisions of this Act, is further amended
14 by inserting before paragraph (2) the following new para-
15 graph:

16 “(1) MINIMUM ALLOCATION FOR MULTIFAMILY
17 PROJECTS.—The Secretary shall establish a min-
18 imum percentage of the amount made available for
19 each fiscal year for capital advances under sub-
20 section (d)(1) that shall be used for multifamily
21 projects subject to subsection (e)(4).”.

22 **SEC. 4. PROJECT RENTAL ASSISTANCE COMPETITIVE DEM-**
23 **ONSTRATION PROGRAM.**

24 Section 811, as amended by the preceding provisions
25 of this Act, is further amended—

1 (1) by redesignating subsections (k) through
2 (n) as subsections (l) through (o), respectively; and

3 (2) by inserting after subsection (j) the fol-
4 lowing new subsection:

5 “(k) PROJECT RENTAL ASSISTANCE-ONLY COMPETI-
6 TIVE DEMONSTRATION PROGRAM.—

7 “(1) AUTHORITY.—The Secretary shall carry
8 out a demonstration program under this subsection
9 to expand the supply of supportive housing for non-
10 elderly adults with disabilities, under which the Sec-
11 retary shall make funds available for project rental
12 assistance pursuant to paragraph (2) for eligible
13 projects under paragraph (3). The Secretary shall
14 provide for State housing finance agencies and other
15 appropriate entities to apply to the Secretary for
16 such project rental assistance funds, which shall be
17 made available by such agencies and entities for
18 dwelling units in eligible projects based upon criteria
19 established by the Secretary for the demonstration
20 program under this subsection. The Secretary may
21 not require any State housing finance agency or
22 other entity applying for project rental assistance
23 funds under the demonstration program to identify
24 in such application the eligible projects for which
25 such funds will be used, and shall allow such agen-

1 cies and applicants to subsequently identify such eli-
2 gible projects pursuant to the making of commit-
3 ments described in paragraph (3)(B).

4 “(2) PROJECT RENTAL ASSISTANCE.—

5 “(A) CONTRACT TERMS.—Project rental
6 assistance under the demonstration program
7 under this subsection shall be provided—

8 “(i) in accordance with subsection
9 (d)(2); and

10 “(ii) under a contract having an ini-
11 tial term of not less than 180 months that
12 provides funding for a term 60 months,
13 which funding shall be renewed upon expi-
14 ration, subject to the availability of suffi-
15 cient amounts in appropriation Acts.

16 “(B) LIMITATION ON UNITS ASSISTED.—

17 Of the total number of dwelling units in any
18 multifamily housing project containing any unit
19 for which project rental assistance under the
20 demonstration program under this subsection is
21 provided, the aggregate number that are pro-
22 vided such project rental assistance, that are
23 used for supportive housing for persons with
24 disabilities, or to which any occupancy pref-

1 erence for persons with disabilities applies, may
2 not exceed 25 percent of such total.

3 “(C) PROHIBITION OF CAPITAL AD-
4 VANCES.—The Secretary may not provide a
5 capital advance under subsection (d)(1) for any
6 project for which assistance is provided under
7 the demonstration program.

8 “(D) ELIGIBLE POPULATION.—Project
9 rental assistance under the demonstration pro-
10 gram under this subsection may be provided
11 only for dwelling units for extremely low-income
12 persons with disabilities and extremely low-in-
13 come households that include at least one per-
14 son with a disability.

15 “(3) ELIGIBLE PROJECTS.—An eligible project
16 under this paragraph is a new or existing multi-
17 family housing project for which—

18 “(A) the development costs are paid with
19 resources from other public or private sources;
20 and

21 “(B) a commitment has been made—

22 “(i) by the applicable State agency re-
23 sponsible for allocation of low-income hous-
24 ing tax credits under section 42 of the In-

1 ternal Revenue Code of 1986, for an allo-
2 cation of such credits;

3 “(ii) by the applicable participating
4 jurisdiction that receives assistance under
5 the HOME Investment Partnership Act,
6 for assistance from such jurisdiction; or

7 “(iii) by any Federal agency or any
8 State or local government, for funding for
9 the project from funds from any other
10 sources.

11 “(4) STATE AGENCY INVOLVEMENT.—Assist-
12 ance under the demonstration may be provided only
13 for projects for which the applicable State agency re-
14 sponsible for health and human services programs,
15 and the applicable State agency designated to ad-
16 minister or supervise the administration of the State
17 plan for medical assistance under title XIX of the
18 Social Security Act, have entered into such agree-
19 ments as the Secretary considers appropriate—

20 “(A) to identify the target populations to
21 be served by the project;

22 “(B) to set forth methods for outreach and
23 referral; and

24 “(C) to make available appropriate services
25 for tenants of the project.

1 “(5) USE REQUIREMENTS.—In the case of any
2 project for which project rental assistance is pro-
3 vided under the demonstration program under this
4 subsection, the dwelling units assisted pursuant to
5 paragraph (2) shall be operated for not less than 30
6 years as supportive housing for persons with disabil-
7 ities, in accordance with the application for the
8 project approved by the Secretary, and such dwelling
9 units shall, during such period, be made available for
10 occupancy only by persons and households described
11 in paragraph (2)(D).

12 “(6) REPORT.—Upon the expiration of the 5-
13 year period beginning on the date of the enactment
14 of the Frank Melville Supportive Housing Invest-
15 ment Act of 2008, the Secretary shall submit to the
16 Congress a report describing the demonstration pro-
17 gram under this subsection, analyzing the effective-
18 ness of the program, including the effectiveness of
19 the program compared to the program for capital
20 advances in accordance with subsection (d)(1) (as in
21 effect pursuant to the amendments made by such
22 Act), and making recommendations regarding future
23 models for assistance under this section based upon
24 the experiences under the program.”.

1 **SEC. 5. TECHNICAL CORRECTIONS.**

2 Section 811 is amended—

3 (1) in subsection (a)—

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

6 (B) in paragraph (2)—

7 (i) by striking “provides” and insert-
8 ing “makes available”; and

9 (ii) by striking the period at the end
10 and inserting “; and” ; and

11 (C) by adding at the end the following new
12 paragraph:

13 “(3) promotes and facilitates community inte-
14 gration for people with significant and long-term dis-
15 abilities.”;

16 (2) in subsection (c)—

17 (A) in paragraph (1), by striking “special”
18 and inserting “housing and community-based
19 services”; and

20 (B) in paragraph (2)—

21 (i) by striking subparagraph (A) and
22 inserting the following:

23 “(A) make available voluntary supportive
24 services that address the individual needs of
25 persons with disabilities occupying such hous-
26 ing;” ; and

1 (ii) in subparagraph (B), by striking
2 the comma and inserting a semicolon;

3 (3) in subsection (d)(1), by striking “provided
4 under” and all that follows through “shall bear” and
5 inserting “provided pursuant to subsection (b)(1)
6 shall bear”;

7 (4) in subsection (f)—

8 (A) in paragraph (3)—

9 (i) in subparagraph (B), by striking
10 “receive” and inserting “be offered”;

11 (ii) by striking subparagraph (C) and
12 inserting the following:

13 “(C) evidence of the applicant’s experience
14 in—

15 “(i) providing such supportive serv-
16 ices; or

17 “(ii) creating and managing struc-
18 tured partnerships with service providers
19 for the delivery of appropriate community-
20 based services;”;

21 (iii) in subparagraph (D), by striking
22 “such persons” and all that follows
23 through “provision of such services” and
24 inserting “tenants”; and

1 (iv) in subparagraph (E), by inserting
2 “other Federal, and” before “State”; and

3 (B) in paragraph (4), by striking “special”
4 and inserting “housing and community-based
5 services”;

6 (5) in subsection (g), in paragraph (1) (as so
7 redesignated by section 3(c)(1) of this Act)—

8 (A) in subparagraph (D) (as so redesign-
9 nated by section 3(c)(2) of this Act), by strik-
10 ing “the necessary supportive services will be
11 provided” and inserting “appropriate supportive
12 services will be made available”; and

13 (B) by striking subparagraph (E) (as so
14 redesignated by section 3(c)(2) of this Act) and
15 inserting the following:

16 “(E) the extent to which the location and de-
17 sign of the proposed project will facilitate the provi-
18 sion of community-based supportive services and ad-
19 dress other basic needs of persons with disabilities,
20 including access to appropriate and accessible trans-
21 portation, access to community services agencies,
22 public facilities, and shopping;”;

23 (6) in subsection (j)—

24 (A) by striking paragraph (4); and

1 (B) by redesignating paragraphs (5), (6),
2 and (7) as paragraphs (4), (5), and (6), respec-
3 tively;

4 (7) in subsection (l) (as so redesignated by sec-
5 tion 4(1) of this Act)—

6 (A) in paragraph (1), by inserting before
7 the period at the end of the first sentence the
8 following: “, which provides a separate bedroom
9 for each tenant of the residence”;

10 (B) by striking paragraph (2) and insert-
11 ing the following:

12 “(2)(A) The term ‘person with disabilities’
13 means a person who is 18 years of age or older and
14 less than 62 years of age, who—

15 “(i) has a disability as defined in section
16 223 of the Social Security Act;

17 “(ii) is determined, pursuant to regulations
18 issued by the Secretary, to have a physical,
19 mental, or emotional impairment which—

20 “(I) is expected to be of long-conti-
21 nued and indefinite duration;

22 “(II) substantially impedes his or her
23 ability to live independently; and

1 “(III) is of such a nature that such
2 ability could be improved by more suitable
3 housing conditions; or

4 “(iii) has a developmental disability as de-
5 fined in section 102 of the Developmental Dis-
6 abilities Assistance and Bill of Rights Act of
7 2000.

8 “(B) Such term shall not exclude persons who
9 have the disease of acquired immunodeficiency syn-
10 drome or any conditions arising from the etiologic
11 agent for acquired immunodeficiency syndrome. Not-
12 withstanding any other provision of law, no indi-
13 vidual shall be considered a person with disabilities,
14 for purposes of eligibility for low-income housing
15 under this title, solely on the basis of any drug or
16 alcohol dependence. The Secretary shall consult with
17 other appropriate Federal agencies to implement the
18 preceding sentence.

19 “(C) The Secretary shall prescribe such regula-
20 tions as may be necessary to prevent abuses in de-
21 termining, under the definitions contained in this
22 paragraph, the eligibility of families and persons for
23 admission to and occupancy of housing assisted
24 under this section. Notwithstanding the preceding
25 provisions of this paragraph, the term ‘person with

1 disabilities' includes two or more persons with dis-
2 abilities living together, one or more such persons
3 living with another person who is determined (under
4 regulations prescribed by the Secretary) to be impor-
5 tant to their care or well-being, and the surviving
6 member or members of any household described in
7 subparagraph (A) who were living, in a unit assisted
8 under this section, with the deceased member of the
9 household at the time of his or her death.”;

10 (C) by striking paragraph (3) and insert-
11 ing the following new paragraph:

12 “(3) The term ‘supportive housing for persons
13 with disabilities’ means dwelling units that—

14 “(A) are designed to meet the permanent
15 housing needs of very low-income persons with
16 disabilities; and

17 “(B) are located in housing that make
18 available supportive services that address the
19 individual health, mental health, or other needs
20 of such persons.”;

21 (D) in paragraph (5), by striking “a
22 project for”; and

23 (E) in paragraph (6)—

24 (i) by inserting after and below sub-
25 paragraph (D) the matter to be inserted by

1 the amendment made by section 841 of the
2 American Homeownership and Economic
3 Opportunity Act of 2000 (Public Law
4 106–569; 114 Stat. 3022); and

5 (ii) in the matter inserted by the
6 amendment made by subparagraph (A) of
7 this paragraph, by striking “wholly owned
8 and”; and

9 (8) in subsection (m) (as so redesignated by
10 section 4(1) of this Act)—

11 (A) in paragraph (2), by striking “sub-
12 section (c)(1)” and inserting “subsection
13 (d)(1)”; and

14 (B) in paragraph (3), by striking “sub-
15 section (c)(2)” and inserting “subsection
16 (d)(2)”.

17 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

18 Subsection (n) of section 811 (as so redesignated by
19 section 4(1) of this Act) is amended to read as follows:

20 “(n) AUTHORIZATION OF APPROPRIATIONS.—There
21 is authorized to be appropriated for each of fiscal years
22 2008 through 2012 the following amounts:

23 “(1) CAPITAL ADVANCE/PRAC PROGRAM.—For
24 providing assistance pursuant to subsection (b), such
25 sums as may be necessary.

1 “(2) DEMONSTRATION PROGRAM.—For car-
2 rying out the demonstration program under sub-
3 section (k), such sums as may be necessary to pro-
4 vide 2,500 incremental dwelling units under such
5 program in each of fiscal years 2008 and 2009 and
6 5,000 incremental dwelling units under such pro-
7 gram in each of fiscal years 2010, 2011, and
8 2012.”.

9 **SEC. 7. NEW REGULATIONS AND PROGRAM GUIDANCE.**

10 Not later than the expiration of the 180-day period
11 beginning on the date of the enactment of this Act, the
12 Secretary of Housing and Urban Development shall issue
13 new regulations and guidance for the program under sec-
14 tion 811 of the Cranston-Gonzalez National Affordable
15 Housing Act for supportive housing for persons with dis-
16 abilities to carry out such program in accordance with the
17 amendments made by this Act.

18 **SEC. 8. GAO STUDY.**

19 The Comptroller General of the United States shall
20 conduct a study of the supportive housing for persons with
21 disabilities program under section 811 of the Cranston-
22 Gonzalez National Affordable Housing Act (42 U.S.C.
23 8013) to determine the adequacy and effectiveness of such
24 program in assisting households of persons with disabil-
25 ities. Such study shall determine—

1 (1) the total number of households assisted
2 under such program;

3 (2) the extent to which households assisted
4 under other programs of the Department of Housing
5 and Urban Development that provide rental assist-
6 ance or rental housing would be eligible to receive
7 assistance under such section 811 program; and

8 (3) the extent to which households described in
9 paragraph (2) who are eligible for, but not receiving,
10 assistance under such section 811 program are re-
11 ceiving supportive services from, or assisted by, the
12 Department of Housing and Urban Development
13 other than through the section 811 program (includ-
14 ing under the Resident Opportunity and Self-Suffi-
15 ciency program) or from other sources.

16 Upon the completion of the study required under this sec-
17 tion, the Comptroller General shall submit a report to the
18 Congress setting forth the findings and conclusions of the
19 study.

Passed the House of Representatives September 17,
2008.

Attest:

Clerk.

110TH CONGRESS
2^D SESSION

H. R. 5772

AN ACT

To amend section 811 of the Cranston-Gonzalez National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities.