

111TH CONGRESS  
1ST SESSION

# S. 118

To amend section 202 of the Housing Act of 1959, to improve the program under such section for supportive housing for the elderly, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 6, 2009

Mr. KOHL (for himself, Mr. SCHUMER, Mr. DURBIN, Mr. BROWN, Mr. NELSON of Florida, Ms. STABENOW, Mr. LEAHY, and Mr. CASEY) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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## A BILL

To amend section 202 of the Housing Act of 1959, to improve the program under such section for supportive housing for the elderly, 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,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Section 202 Supportive Housing for the Elderly Act of  
6 2009”.

7 (b) **TABLE OF CONTENTS.**—The table of contents for  
8 this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—NEW CONSTRUCTION REFORMS

- Sec. 101. Project rental assistance.
- Sec. 102. Selection criteria.
- Sec. 103. Development cost limitations.
- Sec. 104. Owner deposits.
- Sec. 105. Definition of private nonprofit organization.
- Sec. 106. Preferences for homeless elderly.
- Sec. 107. Nonmetropolitan allocation.

TITLE II—REFINANCING

- Sec. 201. Approval of prepayment of debt.
- Sec. 202. Sources of refinancing.
- Sec. 203. Use of unexpended amounts.
- Sec. 204. Use of project residual receipts.
- Sec. 205. Additional provisions.

TITLE III—ASSISTED LIVING FACILITIES

- Sec. 301. Definition of assisted living facility.
- Sec. 302. Monthly assistance payment under rental assistance.

TITLE IV—FACILITATING AFFORDABLE HOUSING PRESERVATION TRANSACTIONS

- Sec. 401. Use of sale or refinancing proceeds.

TITLE V—NATIONAL SENIOR HOUSING CLEARINGHOUSE

- Sec. 501. National senior housing clearinghouse.

1 **TITLE I—NEW CONSTRUCTION**  
 2 **REFORMS**

3 **SEC. 101. PROJECT RENTAL ASSISTANCE.**

4 Paragraph (2) of section 202(c) of the Housing Act  
5 of 1959 (12 U.S.C. 1701q(c)(2)) is amended—

6 (1) by inserting after “ASSISTANCE.—” the fol-  
7 lowing: “(A) INITIAL PROJECT RENTAL ASSISTANCE  
8 CONTRACT.—”;

9 (2) in the last sentence, by striking “may” and  
10 inserting “shall”; and

1           (3) by adding at the end the following new sub-  
2 paragraph:

3           “(B) RENEWAL OF AND INCREASES IN CON-  
4 TRACT AMOUNTS.—

5           “(i) EXPIRATION OF CONTRACT TERM.—

6           Upon the expiration of each contract term, the  
7 Secretary shall adjust the annual contract  
8 amount to provide for reasonable project costs,  
9 and any increases, including adequate reserves,  
10 supportive services, and service coordinators,  
11 except that any contract amounts not used by  
12 a project during a contract term shall not be  
13 available for such adjustments upon renewal.

14           “(ii) EMERGENCY SITUATIONS.—In the  
15 event of emergency situations that are outside  
16 the control of the owner, the Secretary shall in-  
17 crease the annual contract amount, subject to  
18 reasonable review and limitations as the Sec-  
19 retary shall provide.”.

20 **SEC. 102. SELECTION CRITERIA.**

21           Section 202(f)(1) of the Housing Act of 1959 (12  
22 U.S.C. 1701q(f)) is amended—

23           (1) by redesignating subparagraphs (F) and  
24 (G) as subparagraphs (G) and (H), respectively; and

1           (2) by inserting after subparagraph (E) (as so  
2           redesignated by paragraph (2) of this subsection)  
3           the following new subparagraph:

4           “(F) the extent to which the applicant has en-  
5           sured that a service coordinator will be employed or  
6           otherwise retained for the housing, who has the  
7           managerial capacity and responsibility for carrying  
8           out the actions described in subparagraphs (A) and  
9           (B) of subsection (g)(2);”.

10 **SEC. 103. DEVELOPMENT COST LIMITATIONS.**

11           Section 202(h)(1) of the Housing Act of 1959 (12  
12 U.S.C. 1701q(h)(1)) is amended, in the matter preceding  
13 subparagraph (A), by inserting “reasonable” before “de-  
14 velopment cost limitations”.

15 **SEC. 104. OWNER DEPOSITS.**

16           Section 202(j)(3)(A) of the Housing Act of 1959 (12  
17 U.S.C. 1701q(j)(3)(A)) is amended by inserting after the  
18 period at the end the following: “Such amount shall be  
19 used only to cover operating deficits during the first 3  
20 years of operations and shall not be used to cover con-  
21 struction shortfalls or inadequate initial project rental as-  
22 sistance amounts.”.

1 **SEC. 105. DEFINITION OF PRIVATE NONPROFIT ORGANIZA-**  
 2 **TION.**

3 Subparagraph (B) of section 202(k)(4) of the Hous-  
 4 ing Act of 1959 (12 U.S.C. 1701q(k)(4)(B)) is amended  
 5 by inserting before the semicolon the following: “, except  
 6 that, in the case of any national organization that is the  
 7 owner of multiple housing projects assisted under this sec-  
 8 tion, the organization may comply with clause (i) of this  
 9 subparagraph by having a local advisory board to the gov-  
 10 erning board of the organization the membership which  
 11 is selected in the manner required under clause (i)”.

12 **SEC. 106. PREFERENCES FOR HOMELESS ELDERLY.**

13 Subsection (j) of section 202 of the Housing Act of  
 14 1959 (12 U.S.C. 1701q(j)) is amended by adding at the  
 15 end the following new paragraph:

16 “(9) PREFERENCES FOR HOMELESS ELDER-  
 17 LY.—The Secretary shall permit an owner of hous-  
 18 ing assisted under this section to establish for, and  
 19 apply to, such housing a preference in tenant selec-  
 20 tion for the homeless elderly, either within the appli-  
 21 cation or after selection pursuant to subsection (f),  
 22 but only if—

23 “(A) such preference is consistent with  
 24 paragraph (2); and

25 “(B) the owner demonstrates that the sup-  
 26 portive services identified pursuant to sub-

1 section (e)(4), or additional supportive services  
 2 to be made available upon implementation of  
 3 the preference, will meet the needs of the home-  
 4 less elderly, maintain safety and security for all  
 5 tenants, and be provided on a consistent, long-  
 6 term, and economical basis.”.

7 **SEC. 107. NONMETROPOLITAN ALLOCATION.**

8 Paragraph (3) of section 202(l) of the Housing Act  
 9 of 1959 (12 U.S.C. 1701q(l)(3)) is amended by inserting  
 10 after the period at the end the following: “In complying  
 11 with this paragraph, the Secretary shall either operate a  
 12 national competition for the nonmetropolitan funds or  
 13 make allocations to regional offices of the Department of  
 14 Housing and Urban Development.”.

15 **TITLE II—REFINANCING**

16 **SEC. 201. APPROVAL OF PREPAYMENT OF DEBT.**

17 Subsection (a) of section 811 of the American Home-  
 18 ownership and Economic Opportunity Act of 2000 (12  
 19 U.S.C. 1701q note) is amended—

20 (1) in the matter preceding paragraph (1), by  
 21 inserting “, for which the Secretary’s consent to pre-  
 22 payment is required,” after “Affordable Housing  
 23 Act)”;

24 (2) in paragraph (1)—

1 (A) by inserting “at least 20 years fol-  
2 lowing” before “the maturity date”;

3 (B) by inserting “project-based” before  
4 “rental assistance payments contract”;

5 (C) by inserting “project-based” before  
6 “rental housing assistance programs”; and

7 (D) by inserting “, or any successor  
8 project-based rental assistance program,” after  
9 “1701s))”;

10 (3) by amending paragraph (2) to read as fol-  
11 lows:

12 “(2) the prepayment may involve refinancing of  
13 the loan if such refinancing results in—

14 “(A) a lower interest rate on the principal  
15 of the loan for the project and in reductions in  
16 debt service related to such loan; or

17 “(B) a transaction in which the project  
18 owner will address the physical needs of the  
19 project, but only if, as a result of the refi-  
20 nancing—

21 “(i) the rent charges for unassisted  
22 families residing in the project do not in-  
23 crease or such families are provided rental  
24 assistance under a senior preservation

1 rental assistance contract for the project  
 2 pursuant to subsection (e); and

3 “(ii) the overall cost for providing  
 4 rental assistance under section 8 for the  
 5 project (if any) is not increased, except,  
 6 upon approval by the Secretary to—

7 “(I) mark-up-to-market contracts  
 8 pursuant to section 524(a)(3) of the  
 9 Multifamily Assisted Housing Reform  
 10 and Affordability Act (42 U.S.C.  
 11 1437f note), as such section is carried  
 12 out by the Secretary for properties  
 13 owned by nonprofit organizations; or

14 “(II) mark-up-to-budget con-  
 15 tracts pursuant to section 524(a)(4)  
 16 of the Multifamily Assisted Housing  
 17 Reform and Affordability Act (42  
 18 U.S.C. 1437f note), as such section is  
 19 carried out by the Secretary for prop-  
 20 erties owned by eligible owners (as  
 21 such term is defined in section 202(k)  
 22 of the Housing Act of 1959 (12  
 23 U.S.C. 1701q(k)); and”;

24 (4) by adding at the end the following:



1           “(3) notwithstanding paragraph (2)(A), the  
2           prepayment and refinancing authorized pursuant to  
3           paragraph (2)(B) involves an increase in debt service  
4           only in the case of a refinancing of a project assisted  
5           with a loan under such section 202 carrying an in-  
6           terest rate of 6 percent or lower.”.

7   **SEC. 202. SOURCES OF REFINANCING.**

8           The last sentence of section 811(b) of the American  
9   Homeownership and Economic Opportunity Act of 2000  
10 (12 U.S.C. 1701q note) is amended—

11           (1) by inserting after “National Housing Act,”  
12           the following: “or approving the standards used by  
13           authorized lenders to underwrite a loan refinanced  
14           with risk sharing as provided by section 542 of the  
15           Housing and Community Development Act of 1992  
16           (12 U.S.C. 1701 note),”; and

17           (2) by striking “may” and inserting “shall”.

18   **SEC. 203. USE OF UNEXPENDED AMOUNTS.**

19           Subsection (c) of section 811 of the American Home-  
20   ownership and Economic Opportunity Act of 2000 (12  
21   U.S.C. 1701q note) is amended—

22           (1) by striking “USE OF UNEXPENDED  
23           AMOUNTS.—” and inserting “USE OF PROCEEDS.—  
24           ”;

1           (2) by amending the matter preceding para-  
2 graph (1) to read as follows: “Upon execution of the  
3 refinancing for a project pursuant to this section,  
4 the Secretary shall ensure that proceeds are used in  
5 a manner advantageous to tenants, or are used in  
6 the provision of affordable rental housing and re-  
7 lated social services for elderly persons by the pri-  
8 vate nonprofit organization project owner, private  
9 nonprofit organization project sponsor, or private  
10 nonprofit organization project developer, including—  
11 ”;

12           (3) in paragraph (1), by striking “not more  
13 than 15 percent of”;

14           (4) in paragraph (2), by inserting before the  
15 semicolon the following; “, including reducing the  
16 number of units by reconfiguring units that are  
17 functionally obsolete, unmarketable, or not economi-  
18 cally viable”;

19           (5) in paragraph (3), by striking “or” at the  
20 end;

21           (6) in paragraph (4), by striking “according to  
22 a pro rata allocation of shared savings resulting  
23 from the refinancing.” and inserting a semicolon;  
24 and

1           (7) by adding at the end the following new  
2 paragraphs:

3           “(5) rehabilitation of the project to ensure long-  
4 term viability;

5           “(6) the payment to the project owner, sponsor,  
6 or third party developer of a developer’s fee in an  
7 amount not to exceed—

8           “(A) in the case of a project refinanced  
9 through a State low income housing tax credit  
10 program, the fee permitted by the low income  
11 housing tax credit program as calculated by the  
12 State program as a percentage of acceptable de-  
13 velopment cost as defined by that State pro-  
14 gram; or

15           “(B) in the case of a project refinanced  
16 through any other source of refinancing, 15  
17 percent of the acceptable development cost; and  
18 “(7) the payment of equity, if any, to—

19           “(A) in the case of a sale, to the seller or  
20 the sponsor of the seller, in an amount equal to  
21 the lesser of the purchase price or the appraised  
22 value of the project, as each is reduced by the  
23 cost of prepaying any outstanding indebtedness  
24 on the project and transaction costs of the sale;  
25 or

1           “(B) in the case of a refinancing without  
2           the transfer of the project, to the project owner  
3           or the project sponsor, in an amount equal to  
4           the difference between the appraised value of  
5           the project less the outstanding indebtedness  
6           and total acceptable development cost.

7 For purposes of paragraphs (6)(B) and (7)(B), the term  
8 “acceptable development cost” shall include, as applicable,  
9 the cost of acquisition, rehabilitation, loan prepayment,  
10 initial reserve deposits, and transaction costs.”.

11 **SEC. 204. USE OF PROJECT RESIDUAL RECEIPTS.**

12           Paragraph (1) of section 811(d) of the American  
13 Homeownership and Economic Opportunity Act of 2000  
14 (12 U.S.C. 1701q note) is amended—

15           (1) by striking “not more than 15 percent of”;

16           and

17           (2) by inserting before the period at the end the  
18           following: “or other purposes approved by the Sec-  
19           retary”.

20 **SEC. 205. ADDITIONAL PROVISIONS.**

21           Section 811 of the American Homeownership and  
22 Economic Opportunity Act of 2000 (12 U.S.C. 1701q  
23 note) is amended by adding at the end the following new  
24 subsections:

1       “(e) SENIOR PRESERVATION RENTAL ASSISTANCE  
2 CONTRACTS.—Notwithstanding any other provision of  
3 law, in connection with a prepayment plan for a project  
4 approved under subsection (a) by the Secretary or as oth-  
5 erwise approved by the Secretary to prevent displacement  
6 of elderly residents of the project in the case of refinancing  
7 or recapitalization and to further preservation and afford-  
8 ability of such project, the Secretary shall provide project-  
9 based rental assistance for the project under a senior pres-  
10 ervation rental assistance contract, as follows:

11               “(1) Assistance under the contract shall be  
12       made available to the private nonprofit organization  
13       owner—

14                       “(A) for a term of at least 20 years, sub-  
15       ject to annual appropriations; and

16                       “(B) under the same rules governing  
17       project-based rental assistance made available  
18       under section 8 of the Housing Act of 1937.

19               “(2) Any projects for which a senior preserva-  
20       tion rental assistance contract is provided shall be  
21       subject to a use agreement to ensure continued  
22       project affordability having a term of the longer of  
23       (A) the term of the senior preservation rental assist-  
24       ance contract, or (B) such term as is required by the  
25       new financing.

1 “(f) MORTGAGE SALE DEMONSTRATION.—

2 “(1) IN GENERAL.—The Secretary may sell  
3 mortgages associated with loans made under section  
4 202 of the Housing Act of 1959 (as in effect before  
5 the enactment of the Cranston-Gonzalez National  
6 Affordable Housing Act) in accordance with the rel-  
7 evant terms for sales of subsidized loans on multi-  
8 family housing projects under section 203 of the  
9 Housing and Community Development Amendments  
10 of 1978 (12 U.S.C. 1701z–11). For the purpose of  
11 demonstrating the efficiency, effectiveness, quality,  
12 and timeliness of asset management and regulatory  
13 oversight of certain portfolios of such mortgages by  
14 State housing finance agencies, the Secretary shall  
15 carry out a demonstration program, in not more  
16 than 5 States, to sell portfolios of such mortgages to  
17 State housing finance agencies for a price not to ex-  
18 ceed the unpaid principal balances of such mort-  
19 gages and otherwise in accordance with the require-  
20 ments of such section 203.

21 “(2) LIMITATIONS.—In carrying out the dem-  
22 onstration program required under paragraph (1),  
23 the Secretary shall—

24 “(A) prohibit State housing finance agen-  
25 cies from giving preference to, or conditioning

1 the approval of, awards of subordinate debt  
2 funds, allocations of tax credits, or tax exempt  
3 bonds based on the use of financing for the first  
4 mortgage that is provided by such State hous-  
5 ing finance agency;

6 “(B) require such agencies to allow, in ac-  
7 cordance with this section, for the refinancing  
8 or prepayment of loans made under section 202  
9 of the Housing Act of 1959 with a loan selected  
10 by the owners, except that any use restrictions  
11 on the property for which the loan was made  
12 shall remain in effect for the duration provided  
13 under the original terms of such loan; and

14 “(C) only carry out the demonstration pro-  
15 gram in a State that has experience with oper-  
16 ating and maintaining a housing preservation  
17 revolving loan fund.

18 “(3) STUDY.—The Secretary shall conduct a  
19 study to evaluate the performance and results of the  
20 demonstration program carried out under paragraph  
21 (1). In conducting such study, the Secretary shall  
22 place particular emphasis on whether the asset man-  
23 agement functions and activities related to loans and  
24 properties held in the portfolios sold to State hous-  
25 ing finance agencies under such demonstration pro-

1       gram have been accomplished in a timely, effective,  
2       and efficient manner, including an analysis of ap-  
3       provals of refinancings and preservation trans-  
4       actions, rent increase requests, withdrawals from re-  
5       serves or residual receipts (where there is no con-  
6       tract administrator), and provider and resident sat-  
7       isfaction.

8               “(4) REPORT.—Not later than 3 years after the  
9       date of enactment of this subsection, the Secretary  
10      shall submit a report to the Committee on Banking,  
11      Housing, and Urban Affairs of the Senate and the  
12      Committee on Financial Services of the House of  
13      Representatives on—

14                   “(A) the findings of the study required  
15                   under paragraph (3); and

16                   “(B) any recommendations the Secretary  
17                   may have for expanding the demonstration  
18                   project required under paragraph (1).

19               “(g) SUBORDINATION OR ASSUMPTION OF EXISTING  
20      DEBT.—In lieu of prepayment under this section of the  
21      indebtedness with respect to a project, the Secretary may  
22      approve—

23                   “(1) in connection with new financing for the  
24                   project, the subordination of the loan for the project  
25                   under section 202 of the Housing Act of 1959 (as



1 in effect before the enactment of the Cranston-Gon-  
2 zalez National Affordable Housing Act) and the con-  
3 tinued subordination of any other existing subordi-  
4 nate debt previously approved by the Secretary to  
5 facilitate preservation of the project as affordable  
6 housing; or

7 “(2) the assumption (which may include the  
8 subordination described in paragraph (1)) of the  
9 loan for the project under such section 202 in con-  
10 nection with the transfer of the project with such a  
11 loan to a private nonprofit organization.

12 “(h) FLEXIBLE SUBSIDY DEBT.—The Secretary  
13 shall waive the requirement that debt for a project pursu-  
14 ant to the flexible subsidy program under section 201 of  
15 the Housing and Community Development Amendments  
16 of 1978 (12 U.S.C. 1715z–1a) be prepaid in connection  
17 with a prepayment, refinancing, or transfer under this sec-  
18 tion of a project if such waiver is necessary for the finan-  
19 cial feasibility of the transaction and is consistent with  
20 the long-term preservation of the project as affordable  
21 housing.

22 “(i) TENANT INVOLVEMENT IN PREPAYMENT AND  
23 REFINANCING.—The Secretary shall not accept an offer  
24 to prepay the loan for any project under section 202 of  
25 the Housing Act of 1959 unless the Secretary has—

1           “(1) determined that the owner of the project  
2 has notified the tenants of the owner’s request for  
3 approval of a prepayment;

4           “(2) determined that the owner of the project  
5 has provided the tenants with an opportunity to  
6 comment on the owner’s request for approval of a  
7 prepayment, including a description of any antici-  
8 pated rehabilitation or other use of the proceeds  
9 from the transaction, and its impacts on project  
10 rents, tenant contributions, or the affordability re-  
11 strictions for the project; and

12           “(3) taken such comments into consideration.

13           “(j) DEFINITION OF PRIVATE NONPROFIT ORGANI-  
14 ZATION.—For purposes of this section, the term ‘private  
15 nonprofit organization’ has the meaning given such term  
16 in section 202(k) of the Housing Act of 1959 (12 U.S.C.  
17 1701q(k)).”.

## 18           **TITLE III—ASSISTED LIVING** 19           **FACILITIES**

### 20           **SEC. 301. DEFINITION OF ASSISTED LIVING FACILITY.**

21           Section 202b(g) of the Housing Act of 1959 (12  
22 U.S.C. 1701q–2(g)) is amended by striking paragraph (1)  
23 and inserting the following new paragraph:

24           “(1) the term ‘assisted living facility’ means a  
25 facility that—

1           “(A) is owned by a private nonprofit orga-  
2 nization; and

3           “(B)(i) is licensed and regulated by a  
4 State (or if there is no State law providing for  
5 such licensing and regulation by the State, by  
6 the municipality or other political subdivision in  
7 which the facility is located); or

8           “(ii)(I) makes available, directly or  
9 through recognized and experienced third party  
10 service providers, to residents at the resident’s  
11 request or choice supportive services to assist  
12 the residents in carrying out the activities of  
13 daily living, as described in section  
14 232(b)(6)(B) of the National Housing Act (12  
15 U.S.C. 1715w(b)(6)(B)); and

16           “(II) provides separate dwelling units for  
17 residents, each of which may contain a full  
18 kitchen and bathroom and which includes com-  
19 mon rooms and other facilities appropriate for  
20 the provision of supportive services to the resi-  
21 dents of the facility; and”.

22 **SEC. 302. MONTHLY ASSISTANCE PAYMENT UNDER RENTAL**  
23 **ASSISTANCE.**

24           Clause (iii) of section 8(o)(18)(B) of the United  
25 States Housing Act of 1937 (42 U.S.C.

1 1437f(o)(18)(B)(iii)) is amended by inserting before the  
2 period at the end the following: “, except that a family  
3 may be required at the time the family initially receives  
4 such assistance to pay rent in an amount exceeding 40  
5 percent of the monthly adjusted income of the family by  
6 such an amount or percentage that is reasonable given the  
7 services and amenities provided and as the Secretary  
8 deems appropriate.”.

9 **TITLE IV—FACILITATING AF-**  
10 **FORDABLE HOUSING PRESER-**  
11 **VATION TRANSACTIONS**

12 **SEC. 401. USE OF SALE OR REFINANCING PROCEEDS.**

13 Notwithstanding any other provision of law, in con-  
14 nection with the sale or refinancing of a multifamily hous-  
15 ing project, or the transfer of an assistance contract on  
16 such a property, that requires the approval of the Sec-  
17 retary of Housing and Urban Development, the Secretary  
18 shall not impose any condition that restricts the amount  
19 or use of sale or refinancing proceeds, or requires the fil-  
20 ing of a financial report, unless such condition is expressly  
21 authorized by an existing contract entered into between  
22 the Secretary (or the Secretary’s designee) and the project  
23 owner before the imposition of a condition prohibited by  
24 this section or is a general condition for new financing  
25 with a mortgage insured by the Secretary. Any such condi-

1 tion previously imposed by the Secretary after January 1,  
 2 2005, shall, at the option of the project owner, be consid-  
 3 ered void and not enforceable, and any agreement con-  
 4 taining such a condition shall be rescinded and may be  
 5 reissued without the void condition.

6       **TITLE V—NATIONAL SENIOR**  
 7       **HOUSING CLEARINGHOUSE**

8       **SEC. 501. NATIONAL SENIOR HOUSING CLEARINGHOUSE.**

9       (a) ESTABLISHMENT.—Not later than 180 days after  
 10 the date of enactment of this Act, the Secretary of Hous-  
 11 ing and Urban Development shall establish and operate  
 12 a clearinghouse to serve as a national repository to receive,  
 13 collect, process, assemble, and disseminate information re-  
 14 garding the availability and quality of multifamily develop-  
 15 ments for elderly tenants, including—

16               (1) the availability of—

17                       (A) supportive housing for the elderly pur-  
 18                       suant to section 202 of the Housing Act of  
 19                       1959 (12 U.S.C. 1701q), including any housing  
 20                       unit assisted with a project rental assistance  
 21                       contract under such section;

22                       (B) properties and units eligible for assist-  
 23                       ance under section 8 of the United States  
 24                       Housing Act of 1937 (42 U.S.C. 1437f);

1 (C) properties eligible for the low-income  
2 housing tax credit under section 42 of the In-  
3 ternal Revenue Code of 1986;

4 (D) units in assisted living facilities in-  
5 sured pursuant to section 221(d)(4) of the Na-  
6 tional Housing Act (12 U.S.C. 1715l(d)(4));

7 (E) units in any multifamily project that  
8 has been converted into an assisted living facil-  
9 ity for elderly persons pursuant to section 202b  
10 of the Housing Act of 1959 (12 U.S.C. 1701q-  
11 2); and

12 (F) any other federally assisted or sub-  
13 sidized housing for the elderly;

14 (2) the number of available units in each prop-  
15 erty, project, or facility described in paragraph (1);

16 (3) the number of bedrooms in each available  
17 unit in each property, project, or facility described in  
18 paragraph (1);

19 (4) the estimated cost to a potential tenant to  
20 rent or reside in each available unit in each prop-  
21 erty, project, or facility described in paragraph (1);

22 (5) the presence of a waiting list for entry into  
23 any available unit in each property, project, or facil-  
24 ity described in paragraph (1);

1           (6) the number of persons on the waiting list  
2 for entry into any available unit in each property,  
3 project, or facility described in paragraph (1);

4           (7) the estimated time an individual can expect  
5 to be on the waiting list for entry into any available  
6 unit in each property, project, or facility described in  
7 paragraph (1);

8           (8) the amenities available in each available  
9 unit in each property, project, or facility described in  
10 paragraph (1), including—

11                 (A) the services provided by such property,  
12 project, or facility;

13                 (B) the size and availability of common  
14 space within each property, project, or facility;

15                 (C) the availability of organized activities  
16 for individuals residing in such property,  
17 project, or facility; and

18                 (D) any other additional amenities avail-  
19 able to individuals residing in such property,  
20 project, or facility;

21           (9) the level of care (personal, physical, or nurs-  
22 ing) available to individuals residing in any property,  
23 project, or facility described in paragraph (1);

1           (10) whether there is a service coordinator in  
2           any property, project, or facility described in para-  
3           graph (1); and

4           (11) any other criteria determined appropriate  
5           by the Secretary.

6           (b) COLLECTION AND UPDATING OF INFORMA-  
7           TION.—

8           (1) INITIAL COLLECTION.—Not later than 90  
9           days after the date of enactment of this Act, the  
10          Secretary of Housing and Urban Development shall  
11          conduct an annual survey requesting information  
12          from each owner of a property, project, or facility  
13          described in subsection (a)(1) regarding the provi-  
14          sions described in paragraphs (2) through (11) of  
15          such subsection.

16          (2) RESPONSE TIME.—Not later than 30 days  
17          after receiving the request described under para-  
18          graph (1), the owner of each such property, project,  
19          or facility shall submit such information to the Sec-  
20          retary of Housing and Urban Development.

21          (3) PUBLIC AVAILABILITY.—Not later than 60  
22          days after the Secretary of Housing and Urban De-  
23          velopment receives the submission of any informa-  
24          tion required under paragraph (2), the Secretary



1 shall make such information publicly available  
2 through the clearinghouse.

3 (4) UPDATES.—The Secretary of Housing and  
4 Urban Development shall conduct an annual survey  
5 of each owner of a property, project, or facility de-  
6 scribed in subsection (a)(1) for the purpose of up-  
7 dating or modifying information provided in the ini-  
8 tial collection of information under paragraph (1).  
9 Not later than 30 days after receiving such a re-  
10 quest, the owner of each such property, project, or  
11 facility shall submit such updates or modifications to  
12 the Secretary. Not later than 60 days after receiving  
13 such updates or modifications, the Secretary shall  
14 inform the clearinghouse of such updated or modi-  
15 fied information.

16 (c) FUNCTIONS.—The clearinghouse established  
17 under subsection (a) shall—

18 (1) respond to inquiries from State and local  
19 governments, other organizations, and individuals re-  
20 questing information regarding the availability of  
21 housing in multifamily developments for elderly ten-  
22 ants;

23 (2) make such information publicly available via  
24 the Internet website of the Department of Housing  
25 and Urban Development, which shall include—

1 (A) access via electronic mail; and

2 (B) an easily searchable, sortable,  
3 downloadable, and accessible index that itemizes  
4 the availability of housing in multifamily devel-  
5 opments for elderly tenants by State, county,  
6 and zip code;

7 (3) establish a toll-free number to provide the  
8 public with specific information regarding the avail-  
9 ability of housing in multifamily developments for el-  
10 derly tenants; and

11 (4) perform any other duty that the Secretary  
12 determines necessary to achieve the purposes of this  
13 section.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
15 are authorized to be appropriated such sums as necessary  
16 to carry out this section.

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