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H. R. 790

To authorize the Secretary of Housing and Urban Development to make grants and offer technical assistance to local governments and others to design and implement innovative policies, programs, and projects that address widespread property vacancy and abandonment, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 2011

Mr. RYAN of Ohio (for himself, Mr. HIGGINS, Mr. CAPUANO, Mr. PRICE of North Carolina, Mr. KILDEE, Mr. JACKSON of Illinois, Ms. LINDA T. SÁNCHEZ of California, Mr. TURNER, and Ms. MOORE) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To authorize the Secretary of Housing and Urban Development to make grants and offer technical assistance to local governments and others to design and implement innovative policies, programs, and projects that address widespread property vacancy and abandonment, 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.**

4 This Act may be cited as the “Community Regenera-
5 tion, Sustainability, and Innovation Act of 2011”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—The Congress finds that—

3 (1) many older industrial cities have experi-
4 enced significant population loss due to large-scale
5 employment losses—especially well-paying jobs in
6 basic industry and manufacturing;

7 (2) beginning in the 1940s, Federal policies es-
8 tablished by the Federal Housing Administration
9 and the Department of Transportation promoted
10 suburban flight, which also caused population and
11 income loss in many older cities;

12 (3) by 1970, these trends were clearly evident
13 in decennial data produced by the United States
14 Census Bureau;

15 (4) population loss and economic decline in
16 such cities has caused widespread housing vacancy
17 and abandonment, resulting in a landscape of gap-
18 toothed streets where many homes have been demol-
19 ished, vast numbers of unattractive, dilapidated
20 properties that pose a threat to public safety, and
21 underused, crumbling public infrastructure, that cit-
22 ies cannot afford to maintain;

23 (5) by 2000, such conditions had spread beyond
24 the central cities to adjacent suburbs in many met-
25 ropolitan areas;

1 (6) as these trends continued after 2000, condi-
2 tions were exacerbated by the subprime lending cri-
3 sis, which led to unprecedented rates of mortgage
4 foreclosures resulting in even more abandonments in
5 many of the most vulnerable neighborhoods in the
6 most distressed cities and suburbs;

7 (7) unmanaged vacant property and land causes
8 community abandonment, crime, further depopula-
9 tion, and despair;

10 (8) unmanaged vacant property and land can
11 also have a detrimental impact on adjacent residen-
12 tial property values, while the creation of green
13 space and infrastructure on vacant land, even on an
14 interim basis, can increase property values;

15 (9) experience has demonstrated that land
16 banking, undertaken by public entities and accom-
17 panied by other innovative strategies, is a rationale
18 and efficient way for local governments to assert
19 public control and management over vacant and
20 abandoned property in order to stabilize neighbor-
21 hoods and real estate markets, rationalize land use,
22 provide new public amenities, including open space
23 and green infrastructure, and renew, strengthen,
24 and reposition for the future communities that have
25 experienced significant population loss;

1 (10) beginning in 1999, the State of Michigan
2 reformed its property tax foreclosure processes and
3 enacted new land banking legislation which opened
4 the door for communities to reclaim, reinvest in, and
5 rebuild their neighborhoods by creating a highly suc-
6 cessful land banking model that has proven effective
7 in removing dilapidated structures, redeveloping
8 abandoned properties, creating new open space, and
9 increasing property values in communities hard-hit
10 by employment and population losses such as the
11 City of Flint and Genesee County, where thousands
12 of parcels have been returned to productive use or
13 set aside as green, open space; and

14 (11) the Federal Government can assist State
15 and local governments by providing financial support
16 to establish and maintain land banks, including,
17 where appropriate, multi-jurisdictional land banks,
18 and to develop innovative strategies to convert such
19 land to productive use or for long-term strategic
20 public purposes.

21 (b) PURPOSES.—The purposes of this Act are—

22 (1) to provide Federal assistance, through
23 grants and the provision of technical assistance, to
24 establish land banks in communities and metropoli-
25 tan areas that have experienced significant popu-

1 lation loss due to large-scale employment losses
2 which have resulted in widespread abandonment of
3 real property;

4 (2) to encourage innovation, experimentation,
5 and environmentally sustainable practices through
6 collaborative efforts to reuse and rehabilitate land
7 bank property in ways that will provide long-term
8 benefits to the public;

9 (3) to encourage the creation of green infra-
10 structure;

11 (4) to encourage the creation of new employ-
12 ment opportunities, especially in areas related to en-
13 vironmental sustainability and green infrastructure
14 directly related to the implementation of regenera-
15 tion plans assisted under this Act; and

16 (5) to encourage the strategic use of other Fed-
17 eral, State, local, private, and nonprofit resources
18 not provided under this Act to stabilize and improve
19 neighborhoods not presently experiencing widespread
20 vacancy and abandonment, but whose stability is or
21 may be threatened if current demographic or em-
22 ployment trends continue.

1 **SEC. 3. DEMONSTRATION PROGRAM FOR INNOVATIVE VA-**
2 **CANT PROPERTY RECLAMATION AND URBAN**
3 **INFRASTRUCTURE RENEWAL STRATEGIES.**

4 (a) **IN GENERAL.**—The Secretary of Housing and
5 Urban Development shall carry out a demonstration pro-
6 gram under this section to encourage and test innovative
7 vacant property reclamation and urban infrastructure re-
8 newal strategies in older industrial cities, suburbs of such
9 cities, and metropolitan areas having a history of severe
10 population and employment loss, blight, and decay caused
11 by vacant properties.

12 (b) **ELIGIBILITY OF UNITS OF GENERAL LOCAL GOV-**
13 **ERNMENT.**—A unit of general local government, or a con-
14 sortia of such units, shall be eligible for selection for par-
15 ticipation in the demonstration program under this section
16 only if the unit or consortium meets one of the following
17 two requirements:

18 (1) **SUBSTANTIAL POPULATION LOSS.**—The ap-
19 plicant unit of general local government, or the most
20 populous unit of general local government of the ap-
21 plicant consortium, has experienced at least 15 per-
22 cent population loss since 1970, as measured by the
23 most recent decennial census.

24 (2) **CONCENTRATED HOUSING VACANCY AND**
25 **ABANDONMENT.**—The applicant unit of general local

1 government, or the most populous unit of general
2 local government of applicant consortium—

3 (A) has experienced prolonged population,
4 income, and employment loss resulting in sub-
5 stantial levels of housing vacancy and abandon-
6 ment; and

7 (B) such housing vacancies and abandon-
8 ments are concentrated in more than one neigh-
9 borhood or geographic area within a jurisdiction
10 or jurisdictions.

11 (c) MULTIYEAR COOPERATIVE AGREEMENTS.—

12 (1) AUTHORITY.—In carrying out the dem-
13 onstration program under this section, the Secretary
14 shall enter into multiyear cooperative agreements
15 with units of general local government, or consortia
16 consisting of units of general local government, se-
17 lected for participation pursuant to subsection (h) in
18 the demonstration program under this section, to de-
19 sign and implement regeneration plans to address
20 problems associated with vacant and abandoned
21 properties.

22 (2) TERMS.—A cooperative agreement entered
23 into under this subsection—

24 (A) shall have a term of not less than 3
25 years;

1 (B) shall provide for the Secretary to make
2 grants under subsection (d) to the unit of gen-
3 eral local government or consortium;

4 (C) shall provide for interaction between
5 the Department of Housing and Urban Devel-
6 opment and the unit of general local govern-
7 ment or consortium to implement a regenera-
8 tion plan; and

9 (D) may reference the responsibilities of
10 third parties, such as State governments, uni-
11 versities, and non-profit organizations, and in
12 such instances, each such entity shall enter into
13 a memorandum of understanding with the unit
14 of general local government or consortium.

15 (3) DETERMINATION OF EFFECT ON HISTORIC
16 PROPERTIES.—Notwithstanding that a unit of gen-
17 eral local government, or consortium of such units,
18 has been selected for participation in the demonstra-
19 tion program under this section, the Secretary may
20 not enter into a cooperative agreement under this
21 subsection until the Secretary has complied with the
22 requirements under section 106 of the National His-
23 toric Preservation Act (16 U.S.C. 470f) and the reg-
24 ulations issued under such section (36 C.F.R. part
25 800) to take into account the effects, on historic

1 properties, of the regeneration plan of the partici-
2 pant approved by the Secretary under subsection (h)
3 of this section.

4 (d) GRANTS.—To the extent amounts for grants
5 under this section are made available in advance in appro-
6 priation Acts, the Secretary shall make a grant under this
7 section to each unit of general local government, or con-
8 sortia of such units, selected to participate in the dem-
9 onstration program under this section, for each fiscal year
10 covered by the multiyear cooperative agreement entered
11 into by the unit or consortium pursuant to subsection (c).

12 (e) ELIGIBLE USES.—Amounts from grants provided
13 under this section may be used for any of the following
14 purposes:

15 (1) VACANT PROPERTY AND PROGRAM CAPAC-
16 ITY ACTIVITIES.—For the following vacant property
17 and program capacity activities:

18 (A) Establishment or expansion of local or
19 regional land banks.

20 (B) Establishment of recovered building
21 materials reuse and recycling infrastructure, fa-
22 cilities, and technical support.

23 (C) Establishment of local government
24 purchasing requirements for deconstruction to

1 make use of existing building materials stock in
2 new and rehabilitation construction.

3 (D) Expansion and improvement of code
4 enforcement capabilities.

5 (E) Development of data and information
6 systems such as comprehensive real property
7 systems, early warning systems, and vacant
8 property inventory and tracking systems.

9 (F) Establishment or strengthening of the
10 ability of State courts, local courts, and admin-
11 istrative agencies to address problems caused by
12 vacant and abandoned properties, and to facili-
13 tating, where feasible, such properties' transfer
14 to public control under a local or regional land
15 bank.

16 (G) Amendment or reform of State and
17 local property tax foreclosure procedures.

18 (2) STABILIZATION ACTIVITIES.—For the fol-
19 lowing stabilization activities:

20 (A) Deconstruction and demolition of va-
21 cant and abandoned properties.

22 (B) Demolition and removal of public in-
23 frastructure.

24 (C) Relocation of structures.

1 (D) Reconfiguration of existing infrastruc-
2 ture.

3 (E) Protection and limited maintenance of
4 vacant or abandoned properties for the pur-
5 poses of stemming the spread of blight.

6 (F) Assessment and remediation of prop-
7 erty.

8 (G) Relocation under the Uniform Reloca-
9 tion and Real Property Acquisition Policies Act
10 of 1970 (42 U.S.C. 4601 et seq.) or applicable
11 State and local relocation statutes and policies.

12 (3) DESIGN, DEVELOPMENT, AND REUSE AC-
13 TIVITIES.—For the following design, development,
14 and reuse activities:

15 (A) Creation of open space and networks
16 of green infrastructure.

17 (B) Establishing and maintaining urban
18 agriculture and farm markets.

19 (C) Adaptive reuse, rehabilitation, or im-
20 provement of architecturally, historically, or cul-
21 turally significant structures, or other struc-
22 tures of community significance, in areas tar-
23 geted for conservation under a regeneration
24 plan.

1 (D) Development of infrastructure to
2 produce renewable energy on vacant land, in-
3 cluding solar energy, wind power, and geo-
4 thermal power.

5 (4) PLANNING AND POLICY INNOVATION AC-
6 TIVITIES.—For the following planning and policy in-
7 novation activities:

8 (A) Strategic planning, neighborhood plan-
9 ning, brownfield plans, vacant property plans,
10 city and neighborhood typologies, and collabor-
11 ative vacant property assessment processes
12 that identify and target Federal, State, local,
13 and nonprofit resources for neighborhoods and
14 communities.

15 (B) Reforms of existing State and local
16 codes, policies, and processes to promote vacant
17 property reclamation and reuse through flexible,
18 performance based standards, regulations, and
19 development processes.

20 (5) OTHER USES.—For such other uses in ac-
21 cordance with the purposes of this Act as the Sec-
22 retary may designate.

23 (f) INELIGIBLE USES.—Amounts from grants pro-
24 vided under this section shall not be used—

1 (1) to demolish public housing, as such term is
2 defined in section 3 of the United States Housing
3 Act of 1937 (42 U.S.C. 1437a);

4 (2) to demolish any property listed, or eligible
5 to be listed, in the National Register of Historic
6 Places under the National Historic Preservation Act
7 (16 U.S.C. 470 et seq.), or designated as historic
8 under State or local law;

9 (3) to alter or modify any property listed or eli-
10 gible for listing in the National Register of Historic
11 Places, unless the proposed alteration or modifica-
12 tion is determined to be consistent with the Stand-
13 ards for the Treatment of Historic Properties of the
14 Secretary of the Interior pursuant to section 106 of
15 the National Historic Preservation Act (16 U.S.C.
16 470f) and the regulations issued under such section
17 (36 C.F.R. part 800);

18 (4) to clean-up any brownfield site, except for
19 planning activities related to the clean-up of a
20 brownfield site; or

21 (5) to redevelop any brownfield site, except for
22 planning activities related to the redevelopment of a
23 brownfield site.

24 (g) LIMITATION ON USE FOR ADMINISTRATIVE
25 COSTS.—Of any amounts received from a grant under this

1 section in any fiscal year, a participant in the demonstra-
2 tion program under this section may use not more than
3 20 percent for any administrative costs of the jurisdiction
4 in carrying out the regeneration plan of such participant
5 and in carrying out the responsibilities of the participant
6 in connection such program.

7 (h) SELECTION OF PARTICIPANT REGENERATION
8 COMMUNITIES.—

9 (1) APPLICATION.—To be eligible to participate
10 in the demonstration program established under this
11 section, a unit of general local government or con-
12 sortium of such units shall submit an application for
13 assistance under this section in such form and in ac-
14 cordance with such requirements as the Secretary
15 shall establish, together with a regeneration plan
16 under paragraph (2) for the community or region of
17 the unit of general local government or consortium.

18 (2) REGENERATION PLAN.—A regeneration
19 plan under this paragraph for a community or re-
20 gion shall meet the following requirements:

21 (A) MANDATORY ELEMENTS.—The plan
22 shall include, for such community or region, the
23 following elements:

24 (i) A comprehensive land use plan
25 that reflects the population loss the com-

1 community or region has experienced, reflects
2 future population trends, including any an-
3 ticipated further losses, using the most
4 current data available, and provides for the
5 efficient and sustainable use of land, struc-
6 tures, neighborhoods, and resources within
7 the community or region.

8 (ii) A plan for creation of green infra-
9 structure to be set aside in the community
10 or region for recreation, open space, agri-
11 culture, park use, educational use, or pur-
12 poses related to future economic or resi-
13 dential development.

14 (iii) A detailed implementation strat-
15 egy for the plan, including modifications to
16 a comprehensive or master land use plan,
17 neighborhood plans, and zoning and build-
18 ing codes.

19 (iv) A plan for integrating related pro-
20 grams and strategies funded through other
21 sources, including Federal, State, local,
22 and private sources, into the implementa-
23 tion strategy pursuant to clause (iii).

24 (v) Evidence that the local govern-
25 ment or consortium of local governments

1 partnered early and throughout the plan-
2 ning process with community-based stake-
3 holders, such as public housing agencies,
4 economic development authorities, Indian
5 tribes, other local governments, public
6 health agencies, human services agencies,
7 area agencies on aging, community-based
8 organizations, non-profit community devel-
9 opment organizations, citizen groups, and
10 neighborhood groups.

11 (vi) Any other elements, as deter-
12 mined by the Secretary.

13 (B) OTHER INCLUDED ELEMENTS.—The
14 plan shall include as many of the following ele-
15 ments as may be appropriate or feasible:

16 (i) Good urban design principles.

17 (ii) Sustainability principles.

18 (iii) Integration and targeting of fund-
19 ing provided under the community develop-
20 ment block grant program under title I of
21 the Housing and Community Development
22 Act of 1974 (42 U.S.C. 5301 et seq.).

23 (iv) Use of other funds and resources,
24 Federal, State, local, private, financial, or
25 otherwise.

1 (v) Brownfields remediation and rede-
2 velopment funded through other sources.

3 (vi) Smart growth principles, includ-
4 ing, complete streets, new urbanism, af-
5 fordable housing, mixed uses, infill develop-
6 ment, public infrastructure improvements,
7 and form based codes.

8 (vii) Deconstruction activities with
9 measurable outcomes.

10 (viii) To the extent necessary, im-
11 provement of real property data and infor-
12 mation systems with respect to property
13 conditions, and streamlining and improve-
14 ment of code enforcement procedures to
15 expedite the process of asserting public
16 control over vacant and abandoned prop-
17 erties.

18 (ix) Promotion of energy-use effi-
19 ciency, green collar jobs, natural systems
20 storm water management, and other eco-
21 logical services.

22 (x) Neighborhood plans developed
23 through a community-based process for
24 component communities within the appli-
25 cant's jurisdiction or jurisdictions.

1 (xi) The potential to create new em-
2 ployment opportunities, especially in areas
3 directly related to the implementation of
4 the regeneration plan, including building
5 deconstruction, removal of buildings and
6 infrastructure, creation of green infrastruc-
7 ture, environmental remediation, and long-
8 term employment in environmentally sus-
9 tainable activities, including urban agri-
10 culture, open space maintenance, and re-
11 newable energy production.

12 (xii) Adaptive reuse, rehabilitation, or
13 improvement of architecturally, histori-
14 cally, or culturally significant structures,
15 or other structures of community signifi-
16 cance, in areas targeted for conservation.

17 (xiii) Any other elements as the Sec-
18 retary may prescribe.

19 (C) CITIZEN PARTICIPATION REQUIRE-
20 MENTS.—The Secretary shall, by regulations
21 issued under section 7, provide for citizen par-
22 ticipation requirements relating to the develop-
23 ment and implementation of regeneration plans
24 as necessary to ensure, to the extent prac-
25 ticable, that affected citizens and community

1 groups, including environmental organizations,
2 and any others who would be impacted by the
3 adoption of a regeneration plan, have notice of,
4 and the opportunity to effectively participate in,
5 the development of such a plan through public
6 hearings, community workshops, charrettes,
7 town hall meetings, or other means.

8 (D) IMPLEMENTATION OF REGENERATION
9 PLANS.—To the extent practicable, the Sec-
10 retary shall, by regulations issued under section
11 7, ensure that processes are established and
12 maintained providing for the continued imple-
13 mentation and periodic updating of regenera-
14 tion plans for a reasonable amount of time fol-
15 lowing the full expenditure of assistance re-
16 ceived under this Act.

17 (3) COMPETITION.—The Secretary shall select
18 applicants for participation in the demonstration
19 program under this section on a competitive basis
20 using the evaluation and selection criteria estab-
21 lished pursuant to paragraph (5) and in accordance
22 with section 102 of the Department of Housing and
23 Urban Development Reform Act of 1989 (42 U.S.C.
24 3545).

25 (4) SELECTION.—

1 (A) NUMBER AND CATEGORIES OF PAR-
2 TICIPANTS.—During each of the first three fis-
3 cal years for which amounts are first made
4 available for grants under this section, the Sec-
5 retary shall select units of general local govern-
6 ment, or consortia consisting of units of general
7 local government, to be new participants in the
8 demonstration program under this section, from
9 each of the following categories as follows:

10 (i) SMALLER UNITS OF GENERAL
11 LOCAL GOVERNMENT.—During each such
12 fiscal year, the Secretary shall select not
13 more than five units of general local gov-
14 ernment having a population of 150,000 or
15 less, as measured by decennial census data,
16 or in the case of consortia of units of gen-
17 eral local government, consortia in which
18 the largest unit of general local govern-
19 ment has such a population, except that at
20 no time may there be more than a total of
21 15 participants in the demonstration pro-
22 gram pursuant to this clause.

23 (ii) LARGER UNITS OF GENERAL
24 LOCAL GOVERNMENT.—During each such
25 fiscal year, the Secretary shall select not

1 more than five units of general local gov-
2 ernment having a population of exceeding
3 150,000, as measured by decennial census
4 data, or in the case of consortia of units of
5 general local government, consortia in
6 which the largest unit of general local gov-
7 ernment has such a population, except that
8 at no time may there be more than a total
9 of 15 participants in the demonstration
10 program pursuant to this clause.

11 (B) SUBSTANTIAL POPULATION LOSS.—

12 The Secretary shall ensure that at least five ap-
13 plicants selected pursuant to subparagraph (A)
14 in each fiscal year in which new applicants are
15 selected for participation meet the eligibility
16 standard set forth in subsection (b)(1).

17 (5) EVALUATION OF APPLICATIONS AND SELEC-
18 TION CRITERIA.—The Secretary shall establish eval-
19 uation and selection criteria for participation in the
20 demonstration program under this section, which
21 shall include the following criteria:

22 (A) REGIONAL COLLABORATION.—If fea-
23 sible or appropriate, the extent to which an ap-
24 plicant proposes to foster regional collaboration
25 among and across governments, and with pri-

1 vate and non-profit organizations, in addressing
2 vacant and abandoned properties, such as the
3 establishment of one or more—

4 (i) regional vacant property reclama-
5 tion strategies;

6 (ii) regional land banks to gain public
7 control of such properties;

8 (iii) regional real property data sys-
9 tems; and

10 (iv) regional vacant property action
11 plans that target and coordinate other
12 Federal, State, local and nonprofit funds
13 and resources to identified communities
14 and neighborhoods.

15 (B) TARGETING FOR SUSTAINABLE URBAN
16 NEIGHBORHOODS AND GREEN INFRASTRUC-
17 TURE.—The extent to which an applicant pro-
18 poses to reposition for the future its jurisdiction
19 or the jurisdictions within a consortium, by tar-
20 geting resources and investment in clusters of
21 sustainable urban neighborhoods and by estab-
22 lishing networks of green infrastructure.

23 (C) PARTNERING TO IMPLEMENT REGEN-
24 ERATION PLAN.—The extent to which an appli-
25 cant proposes to partner with institutions such

1 as universities, museums, historic preservation
2 organizations, neighborhood and community or-
3 ganizations, Federal, State, and local govern-
4 ments, and other organizations or entities
5 whose participation would promote the success-
6 ful implementation of a regeneration plan.

7 (D) VACANT PROPERTY RECLAMATION.—

8 The extent to which an applicant proposes to
9 design and develop policy and programmatic in-
10 novations that foster vacant property reclama-
11 tion, such as code reforms and performance-
12 based regulatory approaches.

13 (E) SEVERITY OF VACANT AND ABAN-

14 DONED PROPERTY PROBLEMS.—The severity of
15 the problem of vacant and abandoned property
16 within an applicant’s or applicants’ jurisdiction
17 or jurisdictions.

18 (F) CAPACITY TO IMPLEMENT.—The ca-

19 pacity of an applicant or applicants to imple-
20 ment a regeneration plan, including its ability
21 to demonstrate quantifiable outcomes such as
22 the potential to enhance property values, im-
23 prove ecosystems, and benefit public health.

24 (G) COMMITMENT.—The level of commit-

25 ment of an applicant or applicants, and any or-

1 ganizational partners, to the implementation of
2 a regeneration plan.

3 (H) POTENTIAL FOR LIVABILITY.—The
4 potential for a regeneration plan to promote the
5 overall livability of a jurisdiction or jurisdictions
6 for current residents.

7 (i) ACCOUNTABILITY AND REPORTING.—

8 (1) REQUIRED PERFORMANCE PLAN.—A unit of
9 general local government, or consortium of such
10 units, selected for participation in the demonstration
11 program under this section may not enter into a co-
12 operative agreement with the Secretary or receive
13 any grant under this section unless the unit or con-
14 sortium has prepared, submitted to the Secretary,
15 and had approved by the Secretary, a performance
16 plan for implementing its regeneration plan, which
17 shall include provisions for public participation and
18 such other elements as the Secretary may prescribe.

19 (2) ANNUAL PERFORMANCE AND EVALUATION
20 REPORTS.—

21 (A) REQUIREMENT.—Each participant in
22 the demonstration program under this Section
23 that receives grant amounts under this section
24 shall submit to the Secretary, in such form and
25 by such deadlines as the Secretary may require,

1 an annual performance and evaluation report
2 concerning the use of funds made available
3 under this Act, which shall include financial dis-
4 closure information and any other information
5 as the Secretary may prescribe.

6 (B) PUBLIC AVAILABILITY.—Before sub-
7 mitting an annual performance and evaluation
8 report to the Secretary, a participant shall be
9 make the report publicly available in the par-
10 ticipant’s jurisdiction or jurisdictions in suffi-
11 cient time to permit citizens of such jurisdiction
12 to comment on such report before its submis-
13 sion, and in such manner and at such times as
14 the participant may determine.

15 (3) REVIEWS.—The Secretary shall periodically
16 make such reviews as may be necessary or appro-
17 priate to determine the progress of demonstration
18 program participants in meeting their performance
19 objectives identified in their performance plan pursu-
20 ant to paragraph (1) and identified in their reports
21 pursuant to paragraph (2).

22 (4) SANCTIONS.—

23 (A) IN GENERAL.—With respect to assist-
24 ance made available under this section and sub-
25 ject to paragraph (3), if the Secretary deter-

1 mines that a participant in the demonstration
2 program under this section grantee has sub-
3 stantially failed to meet its performance objec-
4 tives and outcomes, the Secretary may deter-
5 mine that the grantee is no longer in good
6 standing and may reduce or limit the assistance
7 under this section to the participant, or take
8 other action as appropriate in accordance with
9 the Secretary's review and as provided in regu-
10 lations issued by the Secretary to carry out this
11 Act, except that any grant amounts already ex-
12 pended on eligible activities under this section
13 shall not be recaptured or deducted from future
14 assistance to such participant.

15 (B) REMEDIAL PLANS.—In cases where
16 the Secretary takes action against a grantee
17 pursuant to paragraph (1), the grantee shall
18 submit a remedial plan for approval by the Sec-
19 retary that outlines the actions the grantee will
20 take to ensure it meets its performance objec-
21 tives in the future.

22 **SEC. 4. PLANNING GRANTS AND SUSTAINABILITY DEM-**
23 **ONSTRATION PROJECT GRANTS.**

24 (a) AUTHORITY.—To the extent that amounts are
25 made available in advance in appropriation Acts, the Sec-

1 retary may make grants to units of general local govern-
2 ment and consortia of units of general local government
3 as follows:

4 (1) PLANNING GRANTS.—Grants under sub-
5 section (c) for development of regeneration plans.

6 (2) SUSTAINABILITY DEMONSTRATION PROJECT
7 GRANTS.—Grants under subsection (d) for carrying
8 out sustainability demonstration projects.

9 (b) TERMS.—

10 (1) AMOUNT.—A grant made under this section
11 in any fiscal year to any one unit of general local
12 government or consortium of units of general local
13 government shall not exceed \$250,000.

14 (2) INELIGIBILITY.—A participant in the dem-
15 onstration program under section 3 shall not be eli-
16 gible to receive a grant under this section.

17 (c) REGENERATION COMMUNITIES PLANNING
18 GRANTS.—A grant under this subsection shall be used to
19 develop a regeneration plan in accordance with the re-
20 quirements of section 3(h)(2), except that such amounts
21 may be used for the purposes listed in section 3(e)(1)(E)
22 and for providing technical assistance.

23 (d) SUSTAINABILITY DEMONSTRATION GRANTS.—

24 (1) COMPETITION.—Grants under this sub-
25 section shall be made on a competitive basis.

1 (2) ELIGIBILITY.—Grants under this subsection
2 shall not be made to units of general local govern-
3 ment and consortia of such units that are partici-
4 pants in the demonstration program under section 3.

5 (3) ELIGIBLE USES.—Amounts from a grant
6 made under this subsection shall be used for car-
7 rying out specific short-term demonstration projects
8 that are in accordance with the sustainability goals
9 of this Act, which may include one or more of the
10 following projects:

11 (A) Design and creation of interim and
12 permanent open space and networks of green
13 infrastructure, low-impact development, and
14 storm water management activities.

15 (B) Establishment of recovered building
16 materials, reuse and recycling infrastructure,
17 facilities, creation of incentives, and technical
18 support.

19 (C) Development or expansion of urban ag-
20 riculture initiatives, including community sup-
21 ported agriculture and farmers markets.

22 (D) Development of infrastructure to
23 produce renewable energy on vacant land, in-
24 cluding solar energy, wind power, and geo-
25 thermal power.

1 (E) Creation of workshops and training for
2 green collar jobs to support sustainability dem-
3 onstration projects.

4 (F) Development of any other innovative,
5 sustainability projects that would further the
6 purposes of this Act, as determined by the Sec-
7 retary.

8 (4) MATCHING REQUIREMENT.—A grant under
9 this subsection may not exceed 4 times the amount
10 that the grantee certifies to the Secretary are com-
11 mitted for use for the eligible uses under paragraph
12 (3) to be carried out by the grantee using grant
13 amounts.

14 **SEC. 5. FEDERAL INTERAGENCY REGENERATION COMMU-**
15 **NITIES COORDINATING COUNCIL.**

16 (a) ESTABLISHMENT.—The Secretary shall convene
17 a Federal Interagency Regeneration Communities Coordi-
18 nating Council whose members shall include—

19 (1) representatives of Federal agencies, includ-
20 ing designees of the Secretary of Energy, the Sec-
21 retary of Commerce, the Secretary of Housing and
22 Urban Development, and the Administrator of the
23 Environmental Protection Agency; and

1 (2) representatives of non-Federal entities, such
2 as academic institution, nonprofit organizations, and
3 lending institutions.

4 (b) DUTIES.—

5 (1) FEDERAL AGENCY SUPPORT PLANS.—The
6 Council shall develop Federal agency support plans
7 for communities receiving grants under this Act that
8 shall include—

9 (A) offering technical assistance to grant-
10 ees under this Act through a network of local
11 and national vacant property assistance pro-
12 viders;

13 (B) assigning staff through intergovern-
14 mental personnel agreements;

15 (C) offering guidance and technical assist-
16 ance to program applicants on leveraging and
17 coordinating funding from other Federal
18 sources in regeneration plans, especially assist-
19 ance provided by the Economic Development
20 Administration, the Environmental Protection
21 Agency, and the Department of Housing and
22 Urban Development, particularly the commu-
23 nity development block grant program under
24 title I of the Housing and Community Develop-
25 ment Act of 1974 (42 U.S.C. 5301 et seq.); and

1 (D) to the extent feasible, instituting alter-
2 native performance-based regulatory approaches
3 and standards.

4 (2) ALTERNATIVE REGULATORY AP-
5 PROACHES.—To the extent feasible and appropriate,
6 the designee of the Secretary of Housing and Urban
7 Development shall work with the designees of the
8 other Federal agencies to institute alternative regu-
9 latory approaches and standards by such other Fed-
10 eral agencies in order to better facilitate the imple-
11 mentation of regeneration plans.

12 **SEC. 6. DEFINITIONS.**

13 For purposes of this Act, the following definitions
14 shall apply:

15 (1) COMPLETE STREETS PRINCIPLES.—The
16 term “complete streets principles” means transpor-
17 tation laws, policies, or principles that ensure—

18 (A) all users of the transportation system,
19 including pedestrians, bicyclists, and transit
20 users as well as children, older people, motor-
21 ists, and those with disabilities, are adequately
22 accommodated in all phases of project planning
23 and development; and

1 (B) that the safety and convenience of all
2 users are considered in all phases of project
3 planning and development.

4 (2) DECONSTRUCTION.—The term “deconstruc-
5 tion” means the selective dismantlement of building
6 components for reuse and recycling.

7 (3) GREEN INFRASTRUCTURE.—The term
8 “green infrastructure” means the interim and per-
9 manent reuse of vacant properties for an inter-
10 connected network of open spaces, trails, and nat-
11 ural areas, such as greenways, wetlands, parks, for-
12 est preserves, and native plant vegetation that can
13 naturally manage stormwater, reduce flooding risks,
14 improve water quality, and reduce urban heat is-
15 lands.

16 (4) LAND BANK.—The term “land bank”
17 means a governmental, quasi-governmental, or non-
18 profit entity established, at least in part, to assemble
19 and manage surplus property for eventual conversion
20 to productive use, or for holding for other strategic
21 long-term purposes.

22 (5) NEW URBANISM.—The term “new urban-
23 ism” means neighborhood design that incorporates
24 concepts that promote community function, environ-
25 mental balance, social integration, pedestrian-friend-

1 ly streets, and dense development, among other
2 things, in order to encourage a sense of community
3 among neighborhood residents.

4 (6) PARTICIPANT.—The term “participant”
5 means a unit of general local government, or a con-
6 sortium of units of general local government, that
7 has—

8 (A) been selected for participation in the
9 demonstration program under section 3; and

10 (B) entered into a cooperative agreement
11 with the Secretary pursuant to section 3(c).

12 (7) PERFORMANCE-BASED REGULATION.—The
13 term “performance-based regulation” means regula-
14 tion focused on results or outcomes of performance,
15 rather than a prescriptive process, technique, or pro-
16 cedure.

17 (8) REGIONAL LAND BANK.—The term “re-
18 gional land bank” means a land bank controlled by
19 an entity comprising of, or representing more than,
20 one unit of general local government.

21 (9) SECRETARY.—The term “Secretary” means
22 the Secretary of Housing and Urban Development.

23 (10) SMART GROWTH.—The term “smart
24 growth” means concentrating resources and new de-
25 velopment in areas in or near existing urban and

1 neighborhood centers served by public transportation
2 and other existing infrastructure.

3 (11) SUSTAINABILITY PROJECT.—The term
4 “sustainability project” means a program or project
5 that integrates innovative ways to conserve re-
6 sources, reduce harmful emissions, protect public
7 health, enhance the natural and built environments,
8 and facilitate social equity.

9 (12) UNIT OF GENERAL LOCAL GOVERN-
10 MENT.—The term “unit of general local govern-
11 ment” has the meaning given such term in section
12 102 of the Housing and Community Development
13 Act of 1974 (42 U.S.C. 5302).

14 (13) VACANT AND ABANDONED PROPERTY.—
15 The term “vacant and abandoned property” means
16 any residential, commercial, or industrial property
17 (including structures, the underlying site, and vacant
18 lots) that has not been legally occupied for six
19 months or longer, and exhibits one or both of the
20 following conditions or circumstances:

21 (A) The site presents a threat to public
22 safety or constitutes a public nuisance, as de-
23 fined by State and local law.

24 (B) The owners, managers, or any other
25 responsible party, have neglected the funda-

1 mental duties of property ownership including
2 failure to pay taxes or utility bills, or have de-
3 faulted on mortgages.

4 **SEC. 7. REGULATIONS, IMPLEMENTATION, AND CITIZEN**
5 **PARTICIPATION.**

6 (a) REGULATIONS.—Not later than 180 days after
7 the date of the enactment of this Act, the Secretary shall
8 issue regulations necessary to carry out this Act.

9 (b) NOTICE OF FUNDING AVAILABILITY.—Not later
10 than 30 days after publishing a final regulation to imple-
11 ment this Act, the Secretary shall publish a notice of fund-
12 ing availability in the Federal Register stating that funds
13 are available to units of general local government and con-
14 sortia of units of general local government in accordance
15 with the provisions of this Act.

16 (c) USE OF PERFORMANCE-BASED REGULATORY
17 CONCEPTS.—To the extent feasible, the Secretary shall
18 employ performance-based regulatory concepts in promul-
19 gating regulations under this section.

20 **SEC. 8. AUTHORIZATIONS OF APPROPRIATIONS.**

21 (a) REGENERATION COMMUNITIES IMPLEMENTA-
22 TION GRANTS.—For grants under section 3(d), there is
23 authorized to be appropriated \$100,000,000 for each of
24 fiscal years 2012, 2013, and 2014.

1 (b) PLANNING GRANTS AND SUSTAINABILITY DEM-
2 ONSTRATION PROJECT GRANTS.—There is authorized to
3 be appropriated for planning grants under section 4(c)
4 and for sustainability demonstration project grants under
5 section 4(d)—

6 (1) \$25,000,000 for fiscal year 2012; and

7 (2) \$12,500,000 for each of fiscal years 2013
8 and 2014.

9 (c) FEDERAL INTERAGENCY REGENERATION COM-
10 MUNITIES COORDINATING COUNCIL.—For costs associ-
11 ated with the establishment and operation of the Federal
12 Interagency Regeneration Communities Coordinating
13 Council under section 5, and technical and staff assistance
14 under section 5(b), there is authorized to be appropriated
15 \$24,000,000 for each of fiscal years 2012, 2013, and
16 2014.

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