

113TH CONGRESS
1ST SESSION

S. 1177

To authorize the Moving to Work Charter program to enable public housing agencies to improve the effectiveness of Federal housing assistance, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 18, 2013

Mr. VITTER introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To authorize the Moving to Work Charter program to enable public housing agencies to improve the effectiveness of Federal housing assistance, 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 “Moving to Work Char-
5 ter Program Act of 2013”.

6 **SEC. 2. MOVING TO WORK CHARTER PROGRAM AUTHOR-**
7 **IZATION.**

8 (a) PURPOSE.—The purpose of this Act is—

1 (1) to give public housing agencies and the Sec-
2 retary of Housing and Urban Development (in this
3 Act referred to as the “Secretary”) the flexibility to
4 design and implement various approaches for pro-
5 viding and administering housing assistance that
6 achieves greater cost effectiveness in using Federal
7 housing assistance to address local housing needs for
8 low-income families;

9 (2) to reduce administrative burdens on public
10 housing agencies providing such assistance;

11 (3) to give incentives to assisted families to
12 work and become economically self-sufficient;

13 (4) to increase housing choices for low-income
14 families; and

15 (5) to enhance the ability of low-income elderly
16 residents and persons with disabilities to live inde-
17 pendently.

18 (b) MOVING TO WORK CHARTER PROGRAM AUTHOR-
19 ITY.—

20 (1) CONTRACT AUTHORITY.—

21 (A) IN GENERAL.—Subject to the phase-in
22 requirements under subparagraph (B), the Sec-
23 retary shall enter into charter contracts, begin-
24 ning in fiscal year 2014, with up to 250 public
25 housing agencies administering the public hous-

1 ing program or the section 8 housing assistance
2 program under the United States Housing Act
3 of 1937 (42 U.S.C. 1437 et seq.).

4 (B) PHASE-IN.—The phase-in require-
5 ments under this subparagraph are as follows:

6 (i) By the end of fiscal year 2014, the
7 Secretary shall have entered into charter
8 contracts with at least 80 public housing
9 agencies described in subparagraph (A).

10 (ii) By the end of fiscal year 2015,
11 the Secretary shall have entered into char-
12 ter contracts with at least 160 public hous-
13 ing agencies described in subparagraph
14 (A).

15 (iii) By the end of fiscal year 2016,
16 the Secretary shall have entered into char-
17 ter contracts with at least 250 public hous-
18 ing agencies described in subparagraph
19 (A).

20 (2) CHARTER CONTRACTS.—A charter contract
21 shall—

22 (A) supersede and have a term commensu-
23 rate with any annual contributions contract be-
24 tween a public housing agency and the Sec-
25 retary; and

1 (B) provide that a participating public
2 housing agency shall receive—

3 (i) capital and operating assistance al-
4 located to such agency under section 9 of
5 the United States Housing Act of 1937
6 (42 U.S.C. 1437g); and

7 (ii) assistance provided under section
8 of the United States Housing Act of
9 1937 (42 U.S.C. 1437f).

10 (3) USE OF ASSISTANCE.—Any assistance pro-
11 vided under paragraph (2)(B)—

12 (A) may be combined; and

13 (B) shall be used to provide locally de-
14 signed housing assistance for low-income fami-
15 lies, including—

16 (i) services to facilitate the transition
17 to work and self-sufficiency; and

18 (ii) any other activity which a public
19 housing agency is authorized to undertake
20 pursuant to State or local law.

21 (c) TERMS AND CONDITIONS OF ASSISTANCE.—

22 (1) APPLICABILITY OF UNITED STATES HOUS-
23 ING ACT OF 1937.—Except as provided in this sec-
24 tion, the United States Housing Act of 1937 (42
25 U.S.C. 1437 et seq.) shall not be applicable to any

1 public housing agency participating in the Moving to
2 Work Charter program established under this sec-
3 tion.

4 (2) APPLICABLE 1937 ACT PROVISIONS.—The
5 following provisions of the United States Housing
6 Act of 1937 (42 U.S.C. 1437 et seq.) are applicable
7 to any public housing agency participating in the
8 Moving to Work Charter program established under
9 this section:

10 (A) Subsections (a) and (b) of section 12
11 (42 U.S.C. 1437j (a) and (b)) shall apply to
12 housing assisted under a charter contract, other
13 than housing assisted solely due to occupancy
14 by families receiving tenant based rental assist-
15 ance.

16 (B) Section 18 (42 U.S.C. 1437p) shall
17 continue to apply to public housing developed
18 under such Act notwithstanding any use of the
19 housing under a charter contract.

20 (3) CHARTER CONTRACT TERMS.—A charter
21 contract shall provide that a public housing agen-
22 cy—

23 (A) may—

24 (i) combine assistance received under
25 sections 8 and 9 of the United States

1 Housing Act of 1937 (42 U.S.C. 1437f
2 and 1437g), as described in subsection
3 (b)(3); and

4 (ii) use such assistance to provide
5 housing assistance and related services for
6 activities authorized by this section, includ-
7 ing those activities authorized by sections
8 8 and 9 of such Act;

9 (B) certify that in preparing its application
10 for participation in the Moving to Work Charter
11 program established under this section, such
12 agency has—

13 (i) provided for citizen participation
14 through a public hearing and, if appro-
15 priate, other means; and

16 (ii) taken into account comments from
17 the public hearing and any other public
18 comments on the proposed activities under
19 this Act, including comments from current
20 and prospective residents who would be af-
21 fected by such contract;

22 (C) shall ensure that at least 75 percent of
23 the families assisted under a charter contract
24 shall be, at the time of such families' entry into

1 the Moving to Work Charter program, very low-
2 income families;

3 (D) shall establish a reasonable rent policy,
4 which shall—

5 (i) be designed to encourage employ-
6 ment, self-sufficiency, and homeownership
7 by participating families, consistent with
8 the purpose of this Act;

9 (ii) include transition and hardship
10 provisions;

11 (iii) be included in the annual plan of
12 such agency; and

13 (iv) be subject to the opportunities for
14 public participation described in subsection
15 (e)(1)(C)(iv);

16 (E) shall continue to assist not less than
17 substantially the same total number of low-in-
18 come families as would have been served had
19 such agency not entered into such contract;

20 (F) shall maintain a comparable mix of
21 families (by family size) as would have been
22 provided had the agency not entered into such
23 contract;

24 (G) shall ensure that housing assisted
25 under such contract meets housing quality

1 standards established or approved by the Sec-
2 retary;

3 (H) shall receive training and technical as-
4 sistance, upon request by such agency, to assist
5 with the design and implementation of the ac-
6 tivities described under this Act;

7 (I) shall receive an amount of assistance
8 under sections 8 and 9 of the United States
9 Housing Act of 1937 (42 U.S.C. 1437f and
10 1437g) that is not diminished by the participa-
11 tion of such agency in the Moving to Work
12 Charter program established under this section;

13 (J) shall be subject to the procurement
14 procedures described in such contract;

15 (K) shall ensure that each family receiving
16 housing assistance—

17 (i) is engaged in work activities that
18 would count toward satisfying the monthly
19 work participation rates applicable to the
20 State in which such public housing agency
21 is located for purposes of the State tem-
22 porary assistance to needy families pro-
23 gram funded under part A of title IV of
24 the Social Security Act (42 U.S.C. 601 et

1 seq.) if the family were receiving assistance
2 or benefits under that program; or

3 (ii) would qualify under that program
4 to an exception to engaging in such work
5 activities; and

6 (L) shall provide housing assistance to
7 families assisted under a charter contract for
8 not more than 5 years.

9 (d) SELECTION.—In selecting among public housing
10 agency applications to participate in the Moving to Work
11 Charter program established under this section, the Sec-
12 retary shall consider—

13 (1) the potential of each agency to plan and
14 carry out activities under such program;

15 (2) the relative performance by an agency
16 under section 6(j) of the United States Housing Act
17 of 1937 (42 U.S.C. 1437d(j));

18 (3) the need for a diversity of participants in
19 terms of size, location, and type of agency; and

20 (4) any other appropriate factor as determined
21 by the Secretary.

22 (e) CHARTER REPORT.—

23 (1) CONTENTS.—

24 (A) IN GENERAL.—Notwithstanding any
25 other provision of law, and in place of all other

1 planning and reporting requirements otherwise
2 required, each public housing agency that is a
3 party to a charter contract shall submit to the
4 Secretary, on an annual basis, a single charter
5 report, in a form and at a time specified by the
6 Secretary.

7 (B) SOLE MEANS OF REPORTING.—A char-
8 ter report submitted under subparagraph (A)
9 shall be the sole means by which a public hous-
10 ing agency shall be required to provide informa-
11 tion to the Secretary on the activities assisted
12 under this section during a fiscal year, unless
13 the Secretary has reason to believe that such
14 agency has violated the charter contract be-
15 tween the Secretary and such agency.

16 (C) REQUIREMENTS.—Each charter report
17 required under subparagraph (A) shall—

18 (i) document the use by a public hous-
19 ing agency of any assistance provided
20 under a charter contract, including appro-
21 priate financial statements;

22 (ii) describe and analyze the effect of
23 assisted activities in addressing the objec-
24 tives of this section;

1 (iii) include a certification by such
2 agency that such agency has prepared an
3 annual plan which—

4 (I) states the goals and objectives
5 of that agency under the charter con-
6 tract for the past fiscal year;

7 (II) describes the proposed use of
8 assistance by that agency for activities
9 under the charter contract for the
10 past fiscal year;

11 (III) explains how the proposed
12 activities of that agency will meet the
13 goals and objectives of that agency;

14 (IV) includes appropriate budget
15 and financial statements of that agen-
16 cy; and

17 (V) was prepared in accordance
18 with a public process as described in
19 clause (iv);

20 (iv) describe and document how a
21 public housing agency has provided resi-
22 dents assisted under a charter contract
23 and the wider community with opportuni-
24 ties to participate in the development of

1 and comment on the annual plan, which
2 shall include at least 1 public hearing; and

3 (v) include such other information as
4 may be required by the Secretary pursuant
5 to subsection (f)(2).

6 (2) REVIEW.—Any charter report submitted
7 pursuant to paragraph (1) shall be deemed approved
8 unless the Secretary, not later than 45 days after
9 the date of submission of such report, issues a writ-
10 ten disapproval because—

11 (A) the Secretary reasonably determines,
12 based on information contained in the report,
13 that a public housing agency is not in compli-
14 ance with the provisions of this section or other
15 applicable law; or

16 (B) such report is inconsistent with other
17 reliable information available to the Secretary.

18 (f) RECORDS AND AUDITS.—

19 (1) KEEPING OF RECORDS.—Each public hous-
20 ing agency shall keep such records as the Secretary
21 may prescribe as reasonably necessary—

22 (A) to disclose the amounts and the dis-
23 position of amounts under the Moving to Work
24 Charter program established under this section;

1 (B) to ensure compliance with the require-
2 ments of this section; and

3 (C) to measure performance.

4 (2) ACCESS TO DOCUMENTS BY THE SEC-
5 RETARY.—

6 (A) IN GENERAL.—The Secretary shall
7 have access for the purpose of audit and exam-
8 ination to any books, documents, papers, and
9 records that are pertinent to assistance in con-
10 nection with, and the requirements of, this sec-
11 tion.

12 (B) LIMITATION.—Access by the Secretary
13 described under subparagraph (A) shall be lim-
14 ited to information obtained solely through the
15 annual charter report submitted by a public
16 housing agency under subsection (e), unless the
17 Secretary has reason to believe that such agen-
18 cy is not in compliance with the charter con-
19 tract between the Secretary and such agency.

20 (3) ACCESS TO DOCUMENTS BY THE COMP-
21 TROLLER GENERAL.—The Comptroller General of
22 the United States, or any duly authorized represent-
23 ative of the Comptroller General, shall have access
24 for the purpose of audit and examination to any
25 books, documents, papers, and records that are per-

1 tinent to assistance in connection with, and the re-
2 quirements of the Moving to Work Charter program
3 established under this section.

4 (g) PROCUREMENT PREEMPTION.—

5 (1) IN GENERAL.—Any State or local law which
6 imposes procedures or standards for procurement
7 which conflict with or are more burdensome than ap-
8 plicable Federal procurement requirements shall not
9 apply to any public housing agency under the Mov-
10 ing to Work Charter program established under this
11 section.

12 (2) REDUCTION OF ADMINISTRATIVE BUR-
13 DENS.—The Secretary may approve procurement
14 procedures for public housing agencies participating
15 in the Moving to Work Charter program established
16 under this section that reduce administrative bur-
17 dens of procurement requirements imposed by Fed-
18 eral law.

19 (h) SUBSEQUENT LAWS PREEMPTED.—A public
20 housing agency participating in the Moving to Work Char-
21 ter program established under this section shall not be
22 subject to any provision of law which conflicts with the
23 provisions of this section and which is enacted subsequent
24 to the date of execution of such agency's charter contract
25 or Moving to Work program agreement, as described in

1 subsection (i), unless such law expressly provides for such
2 law's application to public housing agencies subject to this
3 section.

4 (i) EXISTING AGREEMENTS.—Notwithstanding any-
5 thing in this section or any other provision of law, any
6 public housing agency which has an existing Moving to
7 Work program agreement with the Secretary pursuant to
8 section 204 of the Departments of Veterans Affairs and
9 Housing and Urban Development, and Independent Agen-
10 cies Appropriations Act, 1996 (Public Law 104–134; 110
11 Stat. 1321–281) and which is not in default thereof, may,
12 at the option of such agency—

13 (1) continue to operate under the terms and
14 conditions of such agreement notwithstanding any
15 limitation on the terms contained in such contract;
16 or

17 (2) at any time, enter into a charter contract
18 with the Secretary on terms and conditions which
19 are not less favorable to the agency than such exist-
20 ing agreement.

21 (j) PUBLIC HOUSING AGENCY EVALUATION.—

22 (1) IN GENERAL.—By the end of fiscal year
23 2014, the Secretary shall appoint a Federal advisory
24 committee consisting of public housing agencies with
25 charter contracts, public housing industry organiza-

1 tions, resident organizations, other public housing
2 and section 8 voucher stakeholders, and experts on
3 accreditation systems in similar fields, to assess and
4 develop a demonstration program to test standards,
5 criteria, and practices for a national public housing
6 agency accreditation system or other evaluation sys-
7 tem.

8 (2) REPORT.—Not later than the end of fiscal
9 year 2016, the committee established under para-
10 graph (1) and the Secretary shall provide a report
11 and recommendations to Congress with respect to
12 the establishment of a national public housing agen-
13 cy accreditation system.

14 (k) DEFINITIONS.—In this Act—

15 (1) the term “families” has the same meaning
16 as in section 3(b)(3) of the United States Housing
17 Act of 1937 (42 U.S.C. 1437a(b)(3));

18 (2) the term “low-income families” has the
19 same meaning as in section 3(b)(2) of the United
20 States Housing Act of 1937 (42 U.S.C.
21 1437a(b)(2)); and

22 (3) the term “very low-income families” has the
23 same meaning as in section 3(b)(2) of the United

1 States Housing Act of 1937 (42 U.S.C.
2 1437a(b)(2)).

○