

115TH CONGRESS
1ST SESSION

H. R. 3160

To transform neighborhoods of extreme poverty by reforming the public housing demolition and disposition rules to require one-for-one replacement and tenant protections, and to provide public housing agencies with additional resources and flexibility to preserve public housing units, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 2017

Ms. MAXINE WATERS of California (for herself, Mr. ELLISON, Mr. LYNCH, Mr. VARGAS, Mr. HECK, Ms. VELÁZQUEZ, Ms. MOORE, and Mr. AL GREEN of Texas) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To transform neighborhoods of extreme poverty by reforming the public housing demolition and disposition rules to require one-for-one replacement and tenant protections, and to provide public housing agencies with additional resources and flexibility to preserve public housing units, 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,*

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

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Public Housing Tenant Protection and Reinvestment Act
 4 of 2017”.

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

Sec. 1. Short title and table of contents.

Sec. 2. Findings and purposes.

**TITLE I—PUBLIC HOUSING ONE-FOR-ONE REPLACEMENT AND
 TENANT PROTECTION**

Sec. 101. Short title.

Sec. 102. Demolition and disposition of public housing.

Sec. 103. Authority to convert public housing to vouchers.

Sec. 104. Required conversion of distressed public housing to tenant-based as-
 sistance.

Sec. 105. Limitation of public housing dwelling units.

Sec. 106. Regulations.

**TITLE II—PUBLIC HOUSING PRESERVATION AND
 REHABILITATION**

Sec. 201. Short title.

Sec. 202. Authorizations of appropriations for Capital and Operating Funds.

Sec. 203. Leveraging of other assistance.

Sec. 204. Capital Fund flexibility.

TITLE III—CHOICE NEIGHBORHOODS INITIATIVE

Sec. 301. Short title.

Sec. 302. Grant authority.

Sec. 303. Eligible entities.

Sec. 304. Eligible neighborhoods.

Sec. 305. Authorized activities.

Sec. 306. Submission and selection of transformation plans.

Sec. 307. Right of residents to return; relocation.

Sec. 308. One-for-one replacement of public and assisted housing dwelling
 units.

Sec. 309. Other program requirements.

Sec. 310. Demolition and disposition.

Sec. 311. Phase-specific underwriting.

Sec. 312. Administration by other entities.

Sec. 313. Withdrawal of funding.

Sec. 314. Annual report; public availability of grant information.

Sec. 315. Definitions.

Sec. 316. Funding.

Sec. 317. Regulations.

TITLE IV—PILOT PROGRAM TO TRAIN PUBLIC HOUSING
RESIDENTS TO PROVIDE HOME-BASED HEALTH SERVICES

Sec. 401. Short title.

Sec. 402. Pilot grant program to train public housing residents to provide covered home-based health services.

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

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

3 (1) public housing is a critical public asset that
4 has served an important role on the continuum of
5 affordable housing since the 1930s, and is integral
6 to our Nation’s social safety net, providing housing
7 for 1.2 million families;

8 (2) the public housing program serves a popu-
9 lation of “hard-to-house” people who face challenges
10 that often make it impossible for them to obtain
11 adequate and affordable housing in the private mar-
12 ket;

13 (3) public housing has been plagued by chronic
14 underfunding, resulting in a backlog of capital needs
15 of over \$26 billion, a large amount of severely dis-
16 tressed public housing concentrated in neighbor-
17 hoods of extreme poverty, and resident families fac-
18 ing deteriorating living conditions;

19 (4) as a result of this disinvestment, the pro-
20 gram has lost thousands of units due to demolition
21 and disposition as well as due to previous revitaliza-
22 tion programs’ failure to require one-for-one replace-

1 ment, and many more units are at risk of being lost;
2 and

3 (5) a holistic approach is now needed to fully
4 support the revitalization of public housing, includ-
5 ing efforts to stop the loss of public housing units
6 through full-funding, one-for-one replacement of
7 units and robust tenant protections during the revi-
8 talization process, and the creation of the financial
9 tools necessary to transform neighborhoods of ex-
10 treme poverty into communities that will improve
11 the quality of life of current and future residents.

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

13 (1) to transform neighborhoods of extreme pov-
14 erty by revitalizing severely distressed public housing
15 while improving access to economic opportunities
16 and investing and leveraging investments in sup-
17 portive services, education programs, public assets,
18 public transportation, and improved access to jobs;

19 (2) to require the one-for-one replacement of
20 public and assisted housing dwelling units that are
21 demolished or disposed of;

22 (3) to provide for increased tenant protections
23 through the revitalization process;

24 (4) to ensure that current residents benefit
25 from transformation by preserving affordable hous-

1 ing in the neighborhood and, to the maximum extent
2 possible, providing residents the choice to stay in
3 their communities or move to affordable housing in
4 another neighborhood of opportunity;

5 (5) to protect public housing as a critical public
6 asset;

7 (6) to restore robust funding for the public
8 housing program; and

9 (7) to support public housing residents through
10 job training to provide for increased earnings and
11 positive life outcomes.

12 **TITLE I—PUBLIC HOUSING ONE-**
13 **FOR-ONE REPLACEMENT AND**
14 **TENANT PROTECTION**

15 **SEC. 101. SHORT TITLE.**

16 This title may be cited as the “Public Housing One-
17 for-One Replacement and Tenant Protection Act of
18 2017”.

19 **SEC. 102. DEMOLITION AND DISPOSITION OF PUBLIC HOUS-**
20 **ING.**

21 (a) AMENDMENTS TO SECTION 18.—Section 18 of
22 the United States Housing Act of 1937 (42 U.S.C. 1437p)
23 is amended—

24 (1) by redesignating subsections (a) through (h)
25 as subsections (b) through (i), respectively;

1 (2) by inserting before subsection (b) (as so re-
2 designated by paragraph (1) of this subsection) the
3 following new subsection:

4 “(a) **APPLICABILITY.**—Notwithstanding any other
5 provision of law, this section shall apply to—

6 “(1) demolition, disposition, or demolition or
7 disposition or both pursuant to conversion under
8 section 22 or 33 of any public housing unit; and

9 “(2) the taking of public housing units, directly
10 or indirectly, through the use of eminent domain.”;

11 (3) in subsection (b) (as so redesignated by
12 paragraph (1) of this subsection)—

13 (A) in the matter preceding paragraph

14 (1)—

15 (i) by striking “subsection (b)” and
16 inserting “subsection (c)”; and

17 (ii) by striking “if the public housing
18 agency certifies” and inserting “only if the
19 Secretary determines that”;

20 (B) in paragraph (2)(A)(ii), by striking

21 “low-income housing” and inserting “housing
22 for low-income, very-low income, and extremely
23 low-income families consistent with the needs
24 identified pursuant to section 5A(d)(1) in the
25 public housing agency plan for the agency and

1 with targeting requirements under section 16(a)
2 for public housing”;

3 (C) by striking paragraph (4);

4 (D) in paragraph (5)(B)(ii), by striking
5 “and” at the end;

6 (E) in paragraph (6), by striking “sub-
7 section (c)” and inserting “subsection (d)”;

8 (F) by redesignating paragraphs (5) and
9 (6) as paragraphs (4) and (5), respectively; and

10 (G) by inserting after paragraph (5) (as so
11 redesignated) the following new paragraph:

12 “(6) that the public housing agency has ob-
13 tained from each resident information pursuant to
14 subsection (f)(3)(B) and has established a replace-
15 ment housing preference for each such resident.”;

16 (4) in subsection (c) (as so redesignated by
17 paragraph (1) of this subsection)—

18 (A) in the matter preceding paragraph (1),
19 by striking “subsection (a)” and inserting “sub-
20 section (b)”;

21 (B) in paragraph (1), by striking “or” at
22 the end;

23 (C) in paragraph (2)(C), by striking the
24 period at the end and inserting a semicolon;
25 and

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

3 “(3) the application does not provide for the ac-
4 tive involvement and participation of, and consulta-
5 tion with, residents, resident advisory boards, and
6 resident councils of the public housing development
7 that is subject to the application during the planning
8 and implementation of the plan for demolition, relo-
9 cation, and replacement of the units;

10 “(4) the proposed relocation, demolition, dis-
11 position, demolition or disposition or both pursuant
12 to conversion under section 22 or 33, or the provi-
13 sion of replacement housing will not be carried out
14 in a manner that affirmatively furthers fair housing,
15 as described in section 808(e) of the Civil Rights Act
16 of 1968 (42 U.S.C. 3608(e)), or that the measures
17 proposed by the public housing agency to mitigate
18 potential adverse impacts of the proposed relocation,
19 demolition, disposition, demolition or disposition or
20 both pursuant to conversion under section 22 or 33,
21 or the provision of replacement housing on persons
22 protected by section 804 of the Civil Rights Act of
23 1968 (42 U.S.C. 3604), are clearly insufficient or
24 inappropriate; or

1 “(5) the proposed plan for relocation, demoli-
2 tion, disposition, demolition or disposition or both
3 subsequent to conversion pursuant to section 22 or
4 33, or the provision of replacement housing does
5 not—

6 “(A) comply with the requirements of sub-
7 section (e) of this section;

8 “(B) include such certifications as the Sec-
9 retary shall require of compliance with the re-
10 quirements of subsection (f)(3); or

11 “(C) include a relocation plan that meets
12 the requirements of subsection (h)(2).”;

13 (5) by striking subsection (e) (as so redesign-
14 ated by paragraph (1) of this subsection) and in-
15 serting the following new subsection:

16 “(e) REPLACEMENT UNITS.—

17 “(1) REQUIREMENT TO REPLACE OR MAINTAIN
18 EACH UNIT.—

19 “(A) REPLACEMENT.—Except for demoli-
20 tion pursuant to subsection (g) or as provided
21 in paragraph (2) of this subsection, each public
22 housing dwelling unit that undergoes demoli-
23 tion, disposition, or demolition or disposition or
24 both pursuant to conversion under section 22 or
25 33, or that is the subject of a taking, directly

1 or indirectly, through the use of eminent do-
2 main, after the date of the enactment of the
3 Public Housing Tenant Protection and Rein-
4 vestment Act of 2017, shall be replaced with a
5 newly constructed, rehabilitated, acquired, or
6 converted rental unit that complies with all of
7 the requirements of this subsection.

8 “(B) REQUIREMENTS APPLICABLE TO RE-
9 PLACEMENT UNITS.—Such replacement or con-
10 verted units shall be subject to the same re-
11 quirements regarding eligibility for occupancy
12 (including income eligibility), tenant contribu-
13 tion toward rent (including tenant authority to
14 select rental payment determination method),
15 eviction protections and procedures, and afford-
16 ability restrictions that are applicable to public
17 housing dwelling units. Such requirements shall
18 not terminate unless units are replaced with a
19 comparable number of units that are subject to
20 the same requirements.

21 “(C) TENANT PROTECTION VOUCHERS TO
22 REPLACE DEMOLISHED, DISPOSED OF, OR CON-
23 VERTED UNITS ON ONE-FOR-ONE BASIS.—Sub-
24 ject only to the availability of amounts provided
25 in appropriation Acts, the Secretary shall pro-

1 vide replacement vouchers for rental assistance
2 under section 8 for all dwelling units in projects
3 that are demolished or disposed of pursuant to
4 this section or converted pursuant to section 22
5 or 33.

6 “(D) INAPPLICABILITY OF CERTAIN
7 PROJECT-BASED VOUCHER REQUIREMENTS.—
8 Subparagraphs (B) and (D) of section 8(o)(13)
9 of the United States Housing Act of 1936 (re-
10 lating to percentage limitation and income mix-
11 ing requirement of project-based assistance)
12 shall not apply with respect to vouchers used to
13 comply with the requirements of this para-
14 graph.

15 “(2) WAIVER.—The requirement under para-
16 graph (1) may be waived by the Secretary with re-
17 spect to up to 10 percent of the total number of
18 public housing units owned by a public housing
19 agency in any 10-year period, if—

20 “(A) a judgment, consent decree, or other
21 order of a court limits the ability of the appli-
22 cant to comply with such requirements; or

23 “(B) the public housing agency dem-
24 onstrates that there is an excess supply of af-
25 fordable rental housing in areas of low poverty

1 and provides data showing that, in the area
2 surrounding the project or projects in which
3 such units are located—

4 “(i) at least 90 percent of vouchers
5 issued under section 8(o) of the United
6 States Housing Act of 1937 over the last
7 24 months to comparable families were
8 successfully used to lease a dwelling unit
9 within 120 days of issuance or, if a suffi-
10 cient number of comparable families have
11 not received vouchers, an alternative meas-
12 ure, as the Secretary shall design, is met;

13 “(ii) existing voucher holders are
14 widely dispersed geographically in areas of
15 low poverty with access to public transpor-
16 tation, education, and other amenities, as
17 determined by the Secretary, among the
18 available private rental housing stock; and

19 “(iii) the applicant provides a market
20 analysis demonstrating that—

21 “(I) there is a relatively high va-
22 cancy rate among units that would
23 meet or exceed housing quality stand-
24 ards, as determined by the Secretary,
25 within the market area with rent and

1 utility costs not exceeding the applica-
2 ble payment standard under section
3 8(o) of the United States Housing Act
4 of 1937 (42 U.S.C. 1437f(o)); and

5 “(II) such high vacancy rate
6 within the market area is expected to
7 continue for the next 5 years or
8 longer.

9 “(3) CONTINUATION OF USE RESTRICTIONS.—

10 In the event of a foreclosure or bankruptcy of an
11 owner of such a property, notwithstanding any other
12 provision of State or Federal law, such property
13 shall remain subject to the requirements of any
14 project-based rental assistance contract in existence
15 at the time of the foreclosure or bankruptcy, the
16 lease between the prior owner and tenants assisted
17 under such contract, and any use agreement in ef-
18 fect immediately before the foreclosure or bank-
19 ruptcy filing, and a successor in interest in such
20 property shall assume such contract, extensions,
21 leases, and use agreement obligations, provided that
22 the Secretary may modify this requirement if the
23 Secretary determines that the converted units are
24 not physically viable.

1 “(4) OTHER REQUIREMENTS.—Admission to,
2 administration of, and eviction from replacement
3 housing units that are not public housing dwelling
4 units shall be subject to the following provisions to
5 the same extent as public housing dwelling units:

6 “(A) Section 578 of the Quality Housing
7 and Work Responsibility Act of 1998 (42
8 U.S.C. 13663; relating to ineligibility of dan-
9 gerous sex offenders).

10 “(B) Section 16(f) of the United States
11 Housing Act of 1937 (42 U.S.C. 1437n(f); re-
12 lating to ineligibility of certain drug offenders).

13 “(C) Sections 20 and 21 of the United
14 States Housing Act of 1937 (42 U.S.C. 1437r,
15 1437s; relating to resident management).

16 “(D) Section 25 of the United States
17 Housing Act of 1937 (42 U.S.C. 1437w; relat-
18 ing to transfer of management at request of
19 residents).

20 “(E) Section 6(k) of the United States
21 Housing Act of 1937 (42 U.S.C. 1437d(k); re-
22 lating to administrative grievance procedure).

23 “(F) Section 6(f) of the United States
24 Housing Act of 1937 (42 U.S.C. 1437d(f); re-
25 lating to housing quality requirements).

1 “(G) Part 964 of title 24, Code of Federal
2 Regulations (relating to tenant participation
3 and opportunities).

4 “(5) RETENTION OF RIGHTS.—Tenants occu-
5 pying a replacement housing unit shall have all
6 rights provided to tenants of public housing under
7 this Act.

8 “(6) SIZE.—

9 “(A) IN GENERAL.—Replacement units
10 shall be of comparable size, unless a market
11 analysis shows a need for other sized units, in
12 which case such need shall be addressed.

13 “(B) BEDROOMS.—The number of bed-
14 rooms within each replacement unit shall be
15 sufficient to serve families displaced as a result
16 of the demolition or disposition.

17 “(7) LOCATION ON SITE AND IN NEIGHBOR-
18 HOOD.—

19 “(A) ON-SITE REQUIREMENT RELATING TO
20 DEMOLITION.—Subject to subparagraph (B), at
21 least one-third of all replacement units for pub-
22 lic housing units demolished shall be public
23 housing units constructed on the original public
24 housing location, unless the Secretary deter-
25 mines that—

1 “(i) construction on such location
2 would result in the violation of a consent
3 decree; or

4 “(ii) the land on which the public
5 housing is located is environmentally un-
6 safe or geologically unstable.

7 “(B) TENANT CHOICE.—A public housing
8 agency shall ensure that, in providing replace-
9 ment units pursuant to paragraph (1), suffi-
10 cient units are provided on the original location
11 of any public housing demolished or in the same
12 neighborhood of the public housing dwelling
13 units being replaced to accommodate all tenants
14 residing in the units demolished or disposed of
15 at the time of such demolition or disposition
16 who elect to remain in such location or neigh-
17 borhood.”;

18 (6) in subsection (f) (as so redesignated by
19 paragraph (1) of this subsection)—

20 (A) by striking the subsection designation
21 and all that follow through “Nothing” and in-
22 serting the following:

23 “(f) TREATMENT OF OCCUPANCY.—

24 “(1) CONSOLIDATION OF OCCUPANCY WITHIN
25 OR AMONG BUILDINGS.—Nothing”;

1 (B) by inserting before the period at the
2 end the following: “, except that, a public hous-
3 ing agency submitting an application for demo-
4 lition or disposition pursuant to this section
5 may not consolidate any units during the period
6 that begins upon submission of such application
7 and ends upon approval of the application by
8 the Secretary, except in cases of an imminent
9 and substantial threat to health or safety”; and

10 (C) by adding at the end the following new
11 paragraphs:

12 “(2) DETERMINATION OF OCCUPANCY.—For
13 purposes of this subsection, the number of public
14 housing residents residing in a development shall be
15 determined as of the date the initial public housing
16 agency plan or a proposed amendment thereto indi-
17 cating an intent to apply for a demolition application
18 pursuant to subsection (b) of this section is or
19 should have been presented to the resident advisory
20 board for consideration, or in the case of a demoli-
21 tion application due to a natural disaster, on the
22 date of the natural disaster.

23 “(3) RESIDENT PREFERENCES.—A public hous-
24 ing agency shall, not later than 90 days before sub-
25 mitting an application to the Secretary for demoli-

1 tion, disposition, or demolition or disposition or both
2 pursuant to conversion under section 22 or 33—

3 “(A) meet with and inform in writing all
4 residents who occupied a public housing unit on
5 the date determined in accordance with para-
6 graph (2) of this subsection of—

7 “(i) the public housing agency’s intent
8 to submit an application for demolition,
9 disposition, or both;

10 “(ii) their right to return and reloca-
11 tion housing options; and

12 “(iii) all planned replacement housing
13 units; and

14 “(B) solicit from each resident information
15 regarding the resident’s desire to return to the
16 replacement housing units constructed upon the
17 original public housing location or in the same
18 neighborhood, interest in moving to other neigh-
19 borhoods or communities, or interest in retain-
20 ing a voucher for rental assistance.”;

21 (7) by striking subsection (h) (as so redesign-
22 nated by paragraph (1) of this subsection) and in-
23 serting the following new subsection:

24 “(h) RELOCATION, NOTICE, APPLICATION FOR
25 VOUCHERS, AND DATA.—In the case of all relocation ac-

1 tivities resulting from, or that will result from, demolition,
2 disposition, or demolition or disposition or both pursuant
3 to conversion under section 22 or 33 of this Act, of public
4 housing dwelling units:

5 “(1) UNIFORM RELOCATION AND REAL PROP-
6 ERTY ACQUISITION ACT.—The Uniform Relocation
7 and Real Property Acquisition Policies Act of 1970
8 (42 U.S.C. 4601 et seq.) shall apply. To the extent
9 the provisions of this subsection and such Act con-
10 flict, the provisions that provide greater protection
11 to residents displaced by the demolition, disposition,
12 or demolition and disposition, shall apply.

13 “(2) RELOCATION PLAN.—The public housing
14 agency shall submit to the Secretary, together with
15 the application for demolition or disposition, a relo-
16 cation plan providing for the relocation of residents
17 occupying the public housing for which the demoli-
18 tion or disposition application is proposed, which
19 shall include—

20 “(A) a statement of the estimated number
21 of vouchers for rental assistance under section
22 8 that will be needed for such relocation;

23 “(B) identification of the location of the
24 replacement dwelling units that will be made
25 available for permanent occupancy; and

1 “(C) a statement of whether any tem-
2 porary, off-site relocation of any residents is
3 necessary and a description of the plans for
4 such relocation.

5 “(3) NOTICE UPON APPROVAL OF APPLICA-
6 TION.—Within a reasonable time after notice to the
7 public housing agency of the approval of an applica-
8 tion for demolition or disposition, the public housing
9 agency shall provide notice in writing, in plain and
10 non-technical language, to the residents of the public
11 housing subject to the approved application that—

12 “(A) states that the application has been
13 approved;

14 “(B) describes the process involved to relo-
15 cate the residents, including a statement that
16 the residents may not be relocated until the
17 conditions set forth in paragraph (10) have
18 been met;

19 “(C) provides information regarding relo-
20 cation options;

21 “(D) advises residents of the availability of
22 relocation counseling as required in paragraph
23 (8); and

24 “(E) provides information on the location
25 of tenant-based vouchers issued by the agency.

1 “(4) NOTICE BEFORE RELOCATION.—Except in
2 cases of a substantial and imminent threat to health
3 or safety, not later than 90 days before the date on
4 which residents will be relocated, the public housing
5 agency shall provide notice in writing, in plain and
6 non-technical language, to each family residing in a
7 public housing project that is subject to an approved
8 demolition or disposition application, and in accord-
9 ance with such guidelines as the Secretary may issue
10 governing such notifications, that—

11 “(A) the public housing project will be de-
12 molished or disposed of;

13 “(B) the demolition of the building in
14 which the family resides will not commence
15 until each resident of the building is relocated;
16 and

17 “(C) if temporary, off-site relocation is
18 necessary, each family displaced by such action
19 shall be offered comparable housing—

20 “(i) that meets housing quality stand-
21 ards;

22 “(ii) that is located in an area that is
23 generally not less desirable than the loca-
24 tion of the displaced family’s housing,
25 which shall include at least one unit lo-

1 cated in an area of low poverty and one
2 unit located within the neighborhood of the
3 original public housing site;

4 “(iii) that is identified and available
5 to the family; and

6 “(iv) which shall include—

7 “(I) tenant-based assistance, ex-
8 cept that the requirement under this
9 subparagraph regarding offering of
10 comparable housing shall be fulfilled
11 by use of tenant-based assistance only
12 upon the relocation of the family into
13 such housing;

14 “(II) project-based assistance;

15 “(III) occupancy in a unit oper-
16 ated or assisted by the public housing
17 agency at a rental rate paid by the
18 family that is comparable to the rent-
19 al rate applicable to the unit from
20 which the family is relocated; and

21 “(IV) other comparable housing.

22 “(5) SEARCH PERIOD.—Notwithstanding any
23 other provision of law, in the case of a household
24 that is provided tenant-based assistance for reloca-
25 tion of the household under this section, the period

1 during which the household may lease a dwelling
2 unit using such assistance shall not be shorter in du-
3 ration than the 150-day period that begins at the
4 time a comparable replacement unit is made avail-
5 able to the family. If the household is unable to lease
6 a dwelling unit using such assistance during such
7 period, the public housing agency shall extend the
8 period during which the household may lease a
9 dwelling unit using such assistance, or at the ten-
10 ant's request, shall provide the tenant with the next
11 available comparable public housing unit or com-
12 parable housing unit for which project-based assist-
13 ance is provided.

14 “(6) PAYMENT OF RELOCATION EXPENSES.—
15 The public housing agency shall provide for the pay-
16 ment of the actual and reasonable relocation ex-
17 penses, including security deposits, of each resident
18 to be displaced and any other relocation expenses as
19 are required by the Uniform Relocation Assistance
20 and Real Property Acquisition Policies Act of 1970.

21 “(7) COMPARABLE HOUSING.—The public hous-
22 ing agency shall ensure that each displaced resident
23 is offered comparable housing in accordance with the
24 notice under paragraph (4).

1 “(8) COMPREHENSIVE RELOCATION COUN-
2 SELING.—The public housing agency shall provide
3 all advisory programs and services as required by
4 the Uniform Relocation Assistance and Real Prop-
5 erty Acquisition Policies Act of 1970 and counseling
6 for residents who are displaced that shall fully in-
7 form residents to be displaced of all relocation op-
8 tions, which may include relocating to housing in a
9 neighborhood with a lower concentration of poverty
10 than their current residence, a neighborhood where
11 relocation will not increase racial segregation, or re-
12 maining in the current neighborhood. Such coun-
13 seling shall also include providing school options for
14 children and comprehensive housing search assist-
15 ance for household that receive a voucher for tenant-
16 based assistance.

17 “(9) TIMING OF DEMOLITION OR DISPOSI-
18 TION.—The public housing agency shall not com-
19 mence demolition or complete disposition of a build-
20 ing subject to the approved application until all resi-
21 dents residing in the building are relocated.

22 “(10) AFFIRMATIVE FURTHERANCE OF FAIR
23 HOUSING.—The public housing agency shall have ob-
24 tained data regarding, and analyzed the potential
25 impact of, the proposed demolition or disposition

1 and relocation on persons protected by section 804
2 of the Civil Rights Act of 1968 (42 U.S.C. 3604),
3 including the tenants residing in the public housing
4 project, occupants of the surrounding neighborhood,
5 and neighborhoods into which project tenants are
6 likely to be relocated, and persons on the agency's
7 waiting list, has described in the application for
8 demolition or disposition actions that the public
9 housing agency has taken or will take to mitigate
10 those adverse impacts, and has certified in the pub-
11 lic housing agency plan for the agency, with sup-
12 porting information, that the proposed demolition or
13 disposition, relocation, or replacement housing will
14 be carried out in a manner that affirmatively fur-
15 thers fair housing, as described in section 808(e) of
16 the Civil Rights Act of 1968 (42 U.S.C. 3608(e)).

17 “(11) TIMING OF RELOCATION.—The public
18 housing agency shall not commence relocation prior
19 to approval by the Secretary of the application for
20 demolition or disposition, except in the case of a
21 substantial and imminent threat to health or safety.

22 “(12) APPLICATION FOR VOUCHERS.—The pub-
23 lic housing agency shall submit to the Secretary an
24 application for vouchers consistent with the obliga-
25 tions in subsection (e) (relating to replacement

1 units) and the relocation obligations of this sub-
2 section at the same time that the agency submits the
3 application for demolition or disposition.”;

4 (8) in subsection (i) (as so redesignated by
5 paragraph (1) of this subsection), by striking “may”
6 and inserting “shall”; and

7 (9) by adding at the end the following new sub-
8 sections:

9 “(j) RIGHT OF RETURN.—

10 “(1) RIGHT.—Any person who, on the date de-
11 termined in accordance with subsection (f)(2), occu-
12 pies a public housing unit that is the subject of an
13 application for demolition, disposition, or demolition
14 or disposition or both subsequent to conversion pur-
15 suant to section 22 or 33, and whose tenancy or
16 right of occupancy has not been validly terminated
17 pursuant to section 6 or 8(o), shall be eligible to oc-
18 cupy a replacement federally assisted housing unit
19 or voucher.

20 “(2) REQUIREMENT TO ALLOW RETURN.—A
21 public housing agency or any other manager of re-
22 placement housing units shall not, through the appli-
23 cation of any additional eligibility, screening, occu-
24 pancy, or other policy or practice, prevent any per-
25 son otherwise eligible under paragraph (1) from oc-

1 (1) in subsection (b), by striking paragraph (3);

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

4 “(g) ADMINISTRATION.—

5 “(1) IN GENERAL.—The Secretary may require
6 a public housing agency to provide to the Secretary
7 or to public housing residents such information as
8 the Secretary considers to be necessary for the ad-
9 ministration of this section.

10 “(2) APPLICABILITY OF SECTION 18.—Section
11 18 shall apply to the subsequent demolition or dis-
12 position of public housing dwelling units removed
13 from the inventory of the public housing agency pur-
14 suant to this section.”; and

15 (3) in subsection (d)(5), by striking “section
16 18(a)(5)” and inserting “section 18(b)(5)”.

17 **SEC. 104. REQUIRED CONVERSION OF DISTRESSED PUBLIC**
18 **HOUSING TO TENANT-BASED ASSISTANCE.**

19 Section 33(h)(2) of the United States Housing Act
20 of 1937 (42 U.S.C. 1437z-5(h)(2)) is amended by striking
21 “shall not apply to the demolition of public housing
22 projects” and inserting “shall apply to the subsequent
23 demolition or disposition of public housing dwelling units”.

1 **SEC. 105. LIMITATION OF PUBLIC HOUSING DWELLING**
2 **UNITS.**

3 Notwithstanding any other provision of law, section
4 85.31 of the regulations of the Secretary of Housing and
5 Urban Development (24 C.F.R. 85.31) and any regula-
6 tions implementing subpart B of part 970 of the Sec-
7 retary's proposed regulations published in the Federal
8 Register on October 16, 2014 (79 Fed. Reg. 62250; Dock-
9 et No. FR-5399-P-01), or any substantially similar regu-
10 lations shall not apply to real property that includes any
11 dwelling units in public housing.

12 **SEC. 106. REGULATIONS.**

13 Not later than the expiration of the 120-day period
14 beginning on the date of the enactment of this Act, the
15 Secretary of Housing and Urban Development shall issue
16 regulations to carry out this title and the amendments
17 made by this title.

18 **TITLE II—PUBLIC HOUSING**
19 **PRESERVATION AND REHA-**
20 **BILITATION**

21 **SEC. 201. SHORT TITLE.**

22 This title may be cited as the “Public Housing Pres-
23 ervation and Rehabilitation Act of 2017”.

1 **SEC. 202. AUTHORIZATIONS OF APPROPRIATIONS FOR CAP-**
2 **ITAL AND OPERATING FUNDS.**

3 Paragraph (2) of section 9(c) of the United States
4 Housing Act of 1937 (42 U.S.C. 1437g(c)(2)) is amended
5 to read as follows:

6 “(2) FUNDING.—There is authorized to be ap-
7 propriated for assistance under this section for pub-
8 lic housing agencies the following amounts:

9 “(A) CAPITAL FUND.—For each of fiscal
10 years 2018 through 2027, for allocations of as-
11 sistance from the Capital Fund—

12 “(i) such sums as may be necessary to
13 fully fund for each such year the estimated
14 need of public housing agencies for assist-
15 ance from such Fund; and

16 “(ii) \$5,000,000,000 for each such
17 year for addressing backlogged need for as-
18 sistance from such Fund.

19 “(B) OPERATING FUND.—For each of fis-
20 cal years 2018 through 2027, for allocations of
21 assistance from the Operating Fund, such sums
22 as may be necessary to fully fund for each such
23 year the estimated need of public housing agen-
24 cies for assistance from such Fund.”.

1 **SEC. 203. LEVERAGING OF OTHER ASSISTANCE.**

2 (a) CAPITAL FUND LOAN GUARANTEES.—Subsection
3 (d) of section 9 of the United States Housing Act of 1937
4 (42 U.S.C. 1437g(d)) is amended by adding at the end
5 the following new paragraph:

6 “(4) LOAN GUARANTEES.—

7 “(A) AUTHORITY.—The Secretary may,
8 upon such terms and conditions as the Sec-
9 retary may prescribe, guarantee and make com-
10 mitments to guarantee notes or other obliga-
11 tions issued by public housing agencies for the
12 purposes of financing—

13 “(i) the rehabilitation of public hous-
14 ing owned by the agency;

15 “(ii) the modernization, through en-
16 ergy efficiency improvements, of public
17 housing units owned by the agency; or

18 “(iii) the construction, rehabilitation,
19 purchase, or conversion of units to replace
20 public housing units that are demolished or
21 disposed of pursuant to section 18 or con-
22 verted pursuant to section 22 or 33.

23 “(B) TERMS.—Notes or other obligations
24 guaranteed pursuant to this paragraph shall be
25 in such form and denominations, have such ma-
26 turities, and be subject to such conditions as

1 may be prescribed by regulations issued by the
2 Secretary. The term of such loan guarantee
3 shall not exceed 20 years.

4 “(C) LIMITATION ON PERCENTAGE.—A
5 guarantee made pursuant to this paragraph
6 shall guarantee repayment of 95 percent of the
7 unpaid principal and interest due on the notes
8 or other obligations guaranteed.

9 “(D) USE OF CAPITAL AND OPERATING
10 FUNDS.—Funds allocated to an issuer pursuant
11 to this subsection or subsection (e) may be used
12 for payment of principal and interest due (in-
13 cluding such servicing, underwriting, or other
14 costs as may be specified in regulations of the
15 Secretary) on notes or other obligations guaran-
16 teed pursuant to this paragraph.

17 “(E) REPAYMENT.—

18 “(i) CONTRACT; PLEDGE.—To ensure
19 the repayment of notes or other obligations
20 guaranteed under this paragraph and
21 charges incurred under this paragraph and
22 as a condition for receiving such guaran-
23 tees, the Secretary shall require the issuer
24 of any such note or obligation to—

1 “(I) enter into a contract, in a
2 form acceptable to the Secretary, for
3 repayment of notes or other obliga-
4 tions so guaranteed; and

5 “(II) pledge any grant or alloca-
6 tion for which the issuer is or may be-
7 come eligible under this subsection or
8 subsection (e) for the repayment of
9 notes or other obligations so guaran-
10 teed.

11 “(ii) CREDITING OF GRANTS.—The
12 Secretary may, notwithstanding any other
13 provision of this Act, apply grants pledged
14 pursuant to clause (i)(II) of this subpara-
15 graph to any repayments due the United
16 States as a result of such guarantees.

17 “(F) FULL FAITH AND CREDIT.—The full
18 faith and credit of the United States is pledged
19 to the payment of all guarantees made under
20 this paragraph. Any such guarantee made by
21 the Secretary shall be conclusive evidence of the
22 eligibility of the obligations for such guarantee
23 with respect to principal and interest, and the
24 validity of any such guarantee so made shall be

1 incontestable in the hands of a holder of the
2 guaranteed obligations.

3 “(G) AMOUNT.—Subject only to the ab-
4 sence of qualified requests for guarantees and
5 to the availability of amounts to cover the costs
6 (as such term is defined in section 502 of the
7 Federal Credit Reform Act of 1990 (2 U.S.C.
8 661a)), as are provided in advance in appro-
9 priation Acts, the Secretary shall enter into
10 commitments to guarantee notes and obliga-
11 tions under this paragraph having an aggregate
12 principal amount of \$500,000,000 each for fis-
13 cal years 2018, 2019, and 2020.”.

14 (b) REQUIREMENTS FOR PROPERTIES WITH HOUS-
15 ING TAX CREDITS.—Section 9 of the United States Hous-
16 ing Act of 1937 (42 U.S.C. 1437g) is amended by adding
17 at the end the following new subsection:

18 “(p) REQUIREMENTS FOR PROPERTIES WITH HOUS-
19 ING TAX CREDITS.—A public housing agency that utilizes
20 tax credits under section 42 of the Internal Revenue Code
21 of 1986 for rental housing units that are currently or for-
22 merly assisted under subsection (d) or (e) shall ensure,
23 with respect to such units, that—

24 “(1) all significant tenant and applicants rights
25 are continued and enforceable;

1 “(2) the agency retains its interest in the prop-
2 erty to the maximum extent possible, including
3 through the use of a ground lease when feasible;

4 “(3) the agency maintains an active role in
5 property management decisions and operations of
6 such housing sufficient to guarantee access to rel-
7 evant information and public accountability;

8 “(4) long-term affordability protections are en-
9 forced, including such protections applicable in the
10 event of default or foreclosure; and

11 “(5) affected tenants are provided information
12 about the proposal for use of the property, before
13 submission of the proposal to the Secretary, and an
14 opportunity to comment on such proposal, pursuant
15 to processes and requirements that are substantially
16 similar to the requirements for tenant notice and
17 comment under section 18.”.

18 **SEC. 204. CAPITAL FUND FLEXIBILITY.**

19 Subsection (g) of section 9 of the United States
20 Housing Act of 1937 (42 U.S.C. 1437g(g)) is amended
21 by striking paragraph (3).

1 **TITLE III—CHOICE**
2 **NEIGHBORHOODS INITIATIVE**

3 **SEC. 301. SHORT TITLE.**

4 This title may be cited as the “Choice Neighborhoods
5 Initiative Act of 2017”.

6 **SEC. 302. GRANT AUTHORITY.**

7 The Secretary of Housing and Urban Development
8 may make competitive grants to eligible entities that sub-
9 mit transformation plans for eligible neighborhoods that
10 will further the purposes of this title in such neighbor-
11 hoods.

12 **SEC. 303. ELIGIBLE ENTITIES.**

13 (a) PRIMARY APPLICANTS.—A grant under this title
14 may be made only to a unit of local government, a public
15 housing agency, or a nonprofit entity that owns a major
16 housing project that is proposed to be assisted under a
17 grant under this title, either as a sole applicant or as a
18 co-applicant with another unit of local government or pub-
19 lic housing agency or with an entity specified in subsection
20 (b). A nonprofit entity may be a sole applicant only if the
21 application has the support of a local government.

22 (b) CO-APPLICANTS.—

23 (1) COMMUNITY DEVELOPMENT CORPORA-
24 TIONS.—A community development corporation (as
25 such term is defined in section 204(b) of the Depart-

1 ments of Veterans Affairs and Housing and Urban
2 Development, and Independent Agencies Appropria-
3 tions Act, 1997 (12 U.S.C. 1715z–11a(b))) may, at
4 the request of an entity specified in subsection (a),
5 be a co-applicant for a grant under this title.

6 (2) FOR-PROFIT ENTITIES.—A for-profit entity
7 that owns a major housing project that is proposed
8 to be assisted under a grant under this title made
9 in fiscal year 2018 or thereafter and that has an es-
10 tablished presence in the community may be a co-ap-
11 plicant for a grant under this title.

12 (3) REQUIRED CO-APPLICANTS.—A grant under
13 this title may not be made for an application that
14 will involve transformation of a major public housing
15 project unless the public housing agency having ju-
16 risdiction with respect to such project is the sole ap-
17 plicant or a co-applicant for such application.

18 (c) PARTNERS.—Nothing in this section may be con-
19 strued to limit the ability of an applicant to partner with
20 any entity in carrying out activities with a grant under
21 this title.

22 **SEC. 304. ELIGIBLE NEIGHBORHOODS.**

23 A grant under this title may be made only for activi-
24 ties to be conducted in neighborhoods that have—

1 (1) a concentration of extreme poverty (as such
2 term is defined in section 315); and

3 (2) housing that is severely distressed housing
4 (as such term is defined in section 315).

5 **SEC. 305. AUTHORIZED ACTIVITIES.**

6 (a) **IN GENERAL.**—Amounts from a grant under this
7 title may be used only for transformational programs and
8 activities in accordance with a transformation plan ap-
9 proved under section 306 that will further the purposes
10 of this title.

11 (b) **REQUIRED ACTIVITIES.**—Each transformation
12 plan submitted pursuant to section 306 and implemented
13 by a grantee under this title shall include the following
14 activities:

15 (1) The transformation of housing through re-
16 habilitation, preservation, or demolition and replace-
17 ment of severely distressed housing projects, expan-
18 sion of affordable housing opportunities, or any com-
19 bination thereof, which may incorporate energy-effi-
20 cient design principles.

21 (2) The one-for-one replacement of any public
22 and assisted housing units demolished or disposed of
23 in accordance with the requirements under section
24 308.

1 (3) Activities that promote economic self-suffi-
2 ciency of residents of the revitalized housing and of
3 the surrounding neighborhood.

4 (4) Activities that preserve affordable housing
5 in the neighborhood and other activities necessary to
6 ensure that existing public and assisted housing resi-
7 dents have access to the benefits of the neighbor-
8 hood transformation.

9 (5) Activities that demonstrate that each resi-
10 dent of housing assisted by the grant who is dis-
11 placed by the transformation plan and who wishes to
12 return to the revitalized on-site housing in the neigh-
13 borhood or to replacement housing outside of the
14 neighborhood, can return, and shall be provided a
15 preference in accordance with the program require-
16 ments under section 307.

17 (6) Activities that meet the program require-
18 ments for replacement of housing units under sec-
19 tion 308.

20 (7) Activities that meet the fair housing pro-
21 gram requirements under section 309(a) and the ac-
22 cessibility requirements under section 309(b).

23 (8) Appropriate service coordination and sup-
24 portive services.

1 (9) Resident involvement, as described in sec-
2 tion 307, in planning and implementation of the
3 transformation plan, including reasonable steps to
4 help ensure meaningful participation for residents
5 who, as a result of their national origin, are limited
6 in their English language proficiency.

7 (10) Monitoring, under section 307(g), of resi-
8 dents relocated during redevelopment throughout the
9 term of the grant or until full occupancy of replace-
10 ment housing, whichever is completed later.

11 (11) Relocation assistance, including tenant-
12 based rental assistance renewable under section 8 of
13 the United States Housing Act of 1937 (42 U.S.C.
14 1437f), mobility or relocation counseling over mul-
15 tiple years, reasonable moving costs, and security de-
16 posits.

17 (12) Establishment of links to local education
18 efforts, as described in subsection (c)(3) of this sec-
19 tion.

20 (13) Activities to comply with section 3 of the
21 Housing and Urban Development Act of 1968 (12
22 U.S.C. 1701u).

23 (c) ELIGIBLE ACTIVITIES.—Amounts from a grant
24 under this title may be used for the following activities:

1 (1) Construction, acquisition, or rehabilitation
2 of affordable housing (as such term is defined in
3 section 315), which may include energy efficiency
4 improvements and sustainable design features for
5 such housing.

6 (2) Acquisition or disposition of residential
7 properties, including properties subject to a mort-
8 gage previously insured, and foreclosed upon, by the
9 Federal Housing Administration, and demolition.

10 (3) Outreach to local educators, and engaging
11 in local community planning, to help increase access
12 to educational opportunities, a continuum of effec-
13 tive community services, and strong family supports,
14 and to improve the educational and life outcomes
15 which have a significant benefit to residents of hous-
16 ing assisted under this title, including children and
17 youth and, as appropriate, for adult residents, in-
18 cluding the elderly or persons with disabilities.

19 (4) Providing supportive services (as such term
20 is defined in section 315) which have a significant
21 benefit to residents of housing assisted under this
22 title, primarily focused on services described in sub-
23 paragraphs (B) and (C) of section 315(14).

24 (5) Rehabilitation and physical improvement of
25 community facilities that are primarily intended to

1 facilitate the delivery of community and supportive
2 services which have a significant benefit to residents
3 of housing assisted by the grant and residents of off-
4 site replacement housing.

5 (6) Work incentives designed to help low-income
6 residents assisted by the housing under this title ac-
7 cess jobs and move toward self-sufficiency.

8 (7) Partnering with employers and for-profit
9 and nonprofit organizations to create jobs and job
10 training opportunities which have a significant ben-
11 efit to residents of housing assisted under this title.

12 (8) Activities that promote sustainable housing
13 by incorporating principles of sustainable design and
14 development, including energy efficiency.

15 (9) Critical community improvements (as such
16 term is defined in section 315 of this title) under-
17 taken at sites that are adjacent to, or in the imme-
18 diate vicinity of, housing assisted under this title.

19 (10) Loss reserves to protect residents of hous-
20 ing assisted by the grant and continue the project in
21 the case of default, foreclosure, or any other adverse
22 financial event.

23 The Secretary shall require any grantee under this title
24 that will provide benefits under paragraph (3), (4), (5),
25 or (7) to any residents who are not living in housing as-

1 sisted with a grant under this title, to submit to the Sec-
2 retary a plan identifying how such services will be pro-
3 vided.

4 (d) ELIGIBLE METHODS OF SUPPORT.—Activities
5 carried out with amounts from a grant under this title
6 may be carried out through—

7 (1) endowments or revolving loan funds; or

8 (2) land assembly, land banking, and other ac-
9 tivities, except that no amounts made available for
10 use under this title may be used to acquire any
11 property by means of the exercise of the power of
12 eminent domain.

13 (e) FUNDING LIMITATIONS.—

14 (1) SCHOOL BUILDINGS.—No amounts from a
15 grant under this title may be used for construction
16 or rehabilitation of an elementary school or sec-
17 ondary school (as such terms are defined in section
18 9101 of the Elementary and Secondary Education
19 Act of 1965 (20 U.S.C. 7801)) or an institution of
20 higher education (as such term is defined in section
21 102 of the Higher Education Act of 1965 (20
22 U.S.C. 1002)), except that such amounts may be
23 used to construct common infrastructure that is
24 shared by such a school or institution and by hous-
25 ing assisted under this title, or community facilities

1 authorized under subsection (c)(5), but only if costs
2 are shared on a pro rata basis and the grantee cer-
3 tifies, and the Secretary determines, that such use
4 of funds will not promote or further segregation.

5 (2) NON-HOUSING ACTIVITIES AND SUPPORTIVE
6 SERVICES.—For each grant under this title, the
7 grantee shall comply with each of the following re-
8 quirements:

9 (A) Of the amount of the grant, not more
10 than 25 percent may be used for eligible activi-
11 ties under paragraphs (3) through (9) of sub-
12 section (c).

13 (B) Of the amount of the grant, not more
14 than 5 percent may be used for eligible activi-
15 ties under paragraphs (8) and (9) of subsection
16 (c).

17 (3) CONSULTATION.—With respect to activities
18 assisted pursuant to paragraph (2), the Secretary
19 shall consult with the Secretary of Labor, the Sec-
20 retary of Health and Human Services, the Secretary
21 of Energy, the Secretary of Transportation, the Sec-
22 retary of Education, and the Attorney General in
23 identifying funding resources that may be provided
24 to supplement amounts from grants under this title.

1 **SEC. 306. SUBMISSION AND SELECTION OF TRANS-**
2 **FORMATION PLANS.**

3 (a) **TRANSFORMATION PLAN REQUIREMENTS.**—To
4 be eligible for a grant under this title, an eligible entity
5 shall submit to the Secretary, at such time in accordance
6 with procedures as the Secretary shall prescribe, an appli-
7 cation in the form of a transformation plan that—

8 (1) demonstrates how the transformation plan
9 will achieve the desired priority outcomes of trans-
10 forming a distressed neighborhood of extreme pov-
11 erty into a mixed-income neighborhood with high-
12 quality, safe, and affordable housing (including the
13 one-for-one replacement of any public or assisted
14 housing units demolished or disposed of under the
15 transformation plan), economic opportunities, well-
16 functioning services, public assets, access to jobs,
17 public transportation, and effective education pro-
18 grams and public schools, including charter schools
19 and other autonomous public schools;

20 (2) demonstrates how the required activities
21 under section 305(b) will be carried out, including a
22 detailed description of the housing transformation
23 activities under paragraphs (1) and (2) of such sec-
24 tion;

1 (3) describes the other eligible activities under
2 section 305(c) that will be carried out in support of
3 the housing transformation;

4 (4) defines desired outcomes of the strategy,
5 how residents of housing assisted under this title will
6 benefit, describes the challenges they face, and the
7 evidence base that informs the proposed strategies
8 that will result in the desired outcomes for the com-
9 munity and residents;

10 (5) includes a long-term affordability plan, de-
11 veloped in collaboration with residents of the public
12 and assisted housing assisted under this title, that
13 describes how the grantee will maintain affordable
14 housing in the neighborhood over the next 50 years
15 or longer, including affordability provisions relating
16 to dwelling units provided using assistance under the
17 grant under this title, and an agreement by the ap-
18 plicant to update such plan every 5 years during
19 such period; and

20 (6) includes such other information as the Sec-
21 retary shall, by regulation, prescribe.

22 (b) SELECTION CRITERIA.—The Secretary shall es-
23 tablish criteria for the award of grants under this title,
24 with the greatest consideration given to applicant and
25 neighborhood need as identified in section 304, and which

1 shall include the extent to which the transformation
2 plan—

3 (1) demonstrates the ability of the plan to fur-
4 ther the purposes of this title;

5 (2) demonstrates inclusive local planning with
6 input from units of local government, housing own-
7 ers and providers, educators, residents of housing
8 assisted under this title, local community organiza-
9 tions, public schools, early learning in programs,
10 health service organizations, and community stake-
11 holders in the development and implementation of a
12 sustainable revitalization program;

13 (3) includes efforts to coordinate multiple fund-
14 ing resources, including public, private, and philan-
15 thropic funding, and emphasizes collaboration be-
16 tween the units of local government, early learning
17 programs and public schools, or a public housing
18 agency, or all three;

19 (4) includes current data showing that the
20 neighborhood targeted for revitalization is in need of
21 and can benefit from the authorized activities de-
22 scribed in section 305 and proposed in the trans-
23 formation plan;

24 (5) demonstrates the capability and record of
25 the applicant and its partners for managing housing

1 redevelopment or modernization projects, success-
2 fully working with public and assisted housing resi-
3 dents during the planning and redesign process, and
4 meeting performance benchmarks;

5 (6) demonstrates that sustainable building and
6 energy efficient design principles are incorporated or
7 will be incorporated in the activities conducted pur-
8 suant to the plan;

9 (7) demonstrates that the applicant has plans
10 to have, within a reasonable time, improved access
11 to public transportation in the neighborhood that
12 provides access to economic opportunities and com-
13 mercial and public services;

14 (8) demonstrates that the residents of revital-
15 ized housing developments will have, to the extent
16 possible, improved access to high-quality educational
17 opportunities, including early learning and effective
18 elementary and secondary public schools, in or out-
19 side of the neighborhood;

20 (9) demonstrates that the transformation plan
21 includes the provision of appropriate supportive serv-
22 ices and activities that promote economic self-suffi-
23 ciency of residents of housing assisted under the
24 grant, and a plan to sustain such services;

1 (10) demonstrates that the transformation plan
2 provides support for residents displaced as a result
3 of the revitalization of the project, including assist-
4 ance in obtaining housing in areas with low con-
5 centrations of poverty in a manner that does not in-
6 crease racial segregation;

7 (11) demonstrates that sufficient housing op-
8 portunities are available in the neighborhood to be
9 revitalized and in low-poverty areas to accommodate
10 displaced residents, in a manner that does not in-
11 crease racial segregation;

12 (12) includes a well-documented assessment of
13 the number of households with special needs for on-
14 going supportive services residing in the public or
15 assisted housing properties that are the target of the
16 grant and an effective plan to address such needs;

17 (13) demonstrates the compliance with the re-
18 quirements of section 308, regarding one-for-one re-
19 placement of public and assisted housing units;

20 (14) demonstrates how the applicant will use
21 indicators of housing redevelopment, neighborhood
22 quality, resident well-being, and other outcomes to
23 measure success, manage program implementation,
24 and engage stakeholders, consistent with require-
25 ments established by the Secretary;

1 (15) demonstrates, if feasible, phased redevelop-
2 ment that provides for demolition and construction
3 of dwelling units in phases, to limit disruptions to
4 residents;

5 (16) demonstrates that the neighborhood will
6 improve its long-term viability through the revitaliza-
7 tion of severely distressed housing, improved access
8 to economic opportunities, improved investment and
9 leveraging in well-functioning services, and improved
10 education programs, public assets, public transpor-
11 tation and access to jobs; and

12 (17) demonstrates compliance with any other
13 factors and priorities that further the purposes of
14 this title, as the Secretary may, by regulation, pre-
15 scribe.

16 **SEC. 307. RIGHT OF RESIDENTS TO RETURN; RELOCATION.**

17 (a) DETERMINATION OF RESIDENT PREF-
18 ERENCES.—An applicant shall, not later than 30 days be-
19 fore submitting an application to the Secretary for a grant
20 under this title—

21 (1) hold a community meeting and provide in-
22 formation to all residents who occupy a dwelling unit
23 in public housing or assisted housing subject to the
24 transformation plan of—

1 (A) the applicant's intent to submit an ap-
2 plication for a grant under this title;

3 (B) their right to return and relocation
4 housing options; and

5 (C) all planned replacement housing units;
6 and

7 (2) solicit from each resident information re-
8 garding the resident's desire to return to the re-
9 placement housing units constructed upon the origi-
10 nal public or assisted housing location, interest in
11 moving to other neighborhoods or communities, or
12 interest in retaining a voucher for rental assistance.

13 (b) RESIDENT INVOLVEMENT.—

14 (1) IN GENERAL.—Each transformation plan
15 assisted under this title shall provide opportunities
16 for the active involvement and participation of, and
17 consultation with, residents of the public and as-
18 sisted housing that is subject to the transformation
19 plan during the planning process for the trans-
20 formation plan, including prior to submission of the
21 application, and during all phases of the planning
22 and implementation. Such opportunities for partici-
23 pation may include participation of members of any
24 resident council or tenant organization, but may not
25 be limited to such members, and shall include all

1 segments of the population of residents of the public
2 and assisted housing that is subject to the revitaliza-
3 tion plan, including single parent-headed households,
4 the elderly, young employed and unemployed adults,
5 teenage youth, and disabled persons. Such opportu-
6 nities shall include a process that provides oppor-
7 tunity for comment on specific proposals for redevel-
8 opment, any demolition and disposition involved, and
9 any proposed significant amendments or changes to
10 the transformation plan.

11 (2) PUBLIC MEETING.—The Secretary may not
12 make a grant under this title to an applicant unless
13 the applicant has convened and conducted a public
14 meeting regarding the transformation plan, includ-
15 ing the one-for-one replacement to occur under the
16 plan, not later than 30 days before submission of the
17 application for the grant under this section for such
18 plan, at a time and location that is convenient for
19 residents of the public and assisted housing subject
20 to the plan.

21 (3) SIGNIFICANT AMENDMENTS OR CHANGES
22 TO PLAN.—An applicant may not carry out any sig-
23 nificant amendment or change to a transformation
24 plan unless—

1 (A) the applicant has convened and con-
2 ducted a public meeting regarding the signifi-
3 cant amendment or change at a time and loca-
4 tion that is convenient for residents of the pub-
5 lic and assisted housing subject to the plan and
6 has provided each household occupying a dwell-
7 ing unit in such public and assisted housing
8 with written notice of such meeting not less
9 than 10 days before such meeting;

10 (B) after such meeting, the applicant
11 consults with the households occupying dwelling
12 units in the public and assisted housing that
13 are subject to, or to be subject to the plan, and
14 the agency submits a report to the Secretary
15 describing the results of such consultation; and

16 (C) the Secretary approves the significant
17 amendment or change.

18 (c) RIGHT TO RETURN.—The Secretary may not ap-
19 prove a transformation plan under this title unless the
20 plan provides that each resident of public or assisted hous-
21 ing displaced by activities under the transformation plan
22 who wishes to return to the on-site or off-site replacement
23 housing provided under the plan may return if the resi-
24 dent—

1 (1) was in compliance with the lease at the time
2 of departure from the housing subject to rehabilita-
3 tion or demolition; and

4 (2) would be eligible, as of the time of such re-
5 turn, for occupancy under the eligibility, screening,
6 and occupancy standards, policies, or practices appli-
7 cable to the housing from which the resident was
8 displaced, as in effect at such time of displacement.

9 (d) RELOCATION, NOTICE, APPLICATION FOR
10 VOUCHERS, AND DATA.—All relocation activities resulting
11 from, or that will result from, demolition, disposition, or
12 both demolition and disposition, to be carried out under
13 a transformation plan relating to a grant under this title
14 shall be subject to the following requirements:

15 (1) UNIFORM RELOCATION AND REAL PROP-
16 erty ACQUISITION ACT.—The Uniform Relocation
17 and Real Property Acquisition Policies Act of 1970
18 (42 U.S.C. 4601 et seq.) shall apply. To the extent
19 the provisions of this subsection and such Act con-
20 flict, the provisions that provide greater protection
21 to residents displaced by the demolition, disposition,
22 or demolition and disposition, shall apply.

23 (2) RELOCATION PLAN.—The applicant shall
24 submit to the Secretary, together with the applica-
25 tion for a grant under this title, a relocation plan

1 providing for the relocation of residents occupying
2 the public or assisted housing for which the demoli-
3 tion or disposition is proposed, which shall include—

4 (A) a statement of the estimated number
5 of vouchers for rental assistance under section
6 307 that will be needed for such relocation;

7 (B) identification of the location of the re-
8 placement dwelling units that will be made
9 available for permanent occupancy; and

10 (C) a statement of whether any temporary,
11 off-site relocation of any residents is necessary
12 and a description of the plans for such reloca-
13 tion.

14 (3) NOTICE UPON APPROVAL OF APPLICA-
15 TION.—Within a reasonable time after notice to the
16 applicant of the approval of an application for a
17 grant under this section, the applicant shall provide
18 notice in writing, in plain and non-technical lan-
19 guage, to the residents of the public and assisted
20 housing subject to the approved transformation plan
21 that—

22 (A) states that the application and trans-
23 formation plan has been approved;

24 (B) describes the process involved to relo-
25 cate the residents, including a statement that

1 the residents may not be relocated until the
2 conditions set forth in section 309 have been
3 met;

4 (C) provides information regarding reloca-
5 tion options; and

6 (D) advises residents of the availability of
7 relocation counseling as required in paragraph
8 (7).

9 (4) NOTICE BEFORE RELOCATION.—Except in
10 cases of a substantial and imminent threat to health
11 or safety, not later than 90 days before the date on
12 which residents will be relocated, the grantee shall
13 provide notice in writing, in plain and non-technical
14 language, to each family residing in a public or as-
15 sisted housing project that is subject to an approved
16 transformation plan, and in accordance with such
17 guidelines as the Secretary may issue governing such
18 notifications, that—

19 (A) the public or assisted housing project
20 will be demolished or disposed of;

21 (B) the demolition of the building in which
22 the family resides will not commence until each
23 resident of the building is relocated; and

1 (C) if temporary, off-site relocation is nec-
2 essary, each family displaced by such action
3 shall be offered comparable housing—

4 (i) that meets housing quality stand-
5 ards;

6 (ii) that is located in an area that is
7 generally not less desirable than the loca-
8 tion of the displaced family's housing,
9 which shall include at least one unit lo-
10 cated in an area of low poverty or one unit
11 located within the neighborhood of the
12 original public or assisted housing site;

13 (iii) that is identified and available to
14 the family; and

15 (iv) which shall include—

16 (I) tenant-based assistance, ex-
17 cept that the requirement under this
18 subparagraph regarding offering of
19 comparable housing shall be fulfilled
20 by use of tenant-based assistance only
21 upon the relocation of the family into
22 such housing;

23 (II) project-based assistance;

24 (III) occupancy in a unit oper-
25 ated or assisted by the public housing

1 agency or the owner of the assisted
2 project demolished or disposed of
3 under this section, at a rental rate
4 paid by the family that is comparable
5 to the rental rate applicable to the
6 unit from which the family is relo-
7 cated; or

8 (IV) other comparable housing.

9 (5) SEARCH PERIOD.—Notwithstanding any
10 other provision of law, in the case of a household
11 that is provided tenant-based assistance for reloca-
12 tion of the household under this section, the period
13 during which the household may lease a dwelling
14 unit using such assistance shall not be shorter in du-
15 ration than the 150-day period that begins at the
16 time a comparable replacement unit is made avail-
17 able to the family. If the household is unable to lease
18 a dwelling unit using such assistance during such
19 period, the grantee shall extend the period during
20 which the household may lease a dwelling unit using
21 such assistance, or at the resident's request, shall
22 provide the resident with the next available com-
23 parable public housing unit or comparable housing
24 unit for which project-based assistance is provided.

1 (6) PAYMENT OF RELOCATION EXPENSES.—

2 The grantee shall provide for the payment of the ac-
3 tual and reasonable relocation expenses, including
4 security deposits, of each resident to be displaced
5 and any other relocation expenses as are required by
6 the Uniform Relocation Assistance and Real Prop-
7 erty Acquisition Policies Act of 1970.

8 (7) COMPREHENSIVE RELOCATION COUN-

9 SELING.—The grantee shall provide all advisory pro-
10 grams and services as required by the Uniform Relo-
11 cation Assistance and Real Property Acquisition
12 Policies Act of 1970 and counseling for residents
13 who are displaced that shall fully inform residents to
14 be displaced of all relocation options, which may in-
15 clude relocating to housing in a neighborhood with
16 a lower concentration of poverty than their current
17 residence, a neighborhood where relocation will not
18 increase racial segregation, or remaining in the cur-
19 rent neighborhood. Such counseling shall also in-
20 clude providing school options for children and com-
21 prehensive housing search assistance for households
22 that receive a voucher for tenant-based assistance.

23 (8) TIMING OF DEMOLITION OR DISPOSITION.—

24 The grantee shall not commence demolition or com-
25 plete disposition of a building subject to the ap-

1 proved transformation plan until all residents resid-
2 ing in the building are relocated.

3 (9) TIMING OF RELOCATION.—The applicant
4 shall not commence relocation before approval by the
5 Secretary of the transformation plan providing for
6 the demolition or disposition, unless the applicant
7 generally relocates residents in accordance with this
8 section, as determined by the Secretary, except in
9 the case of a substantial and imminent threat to
10 health or safety.

11 (e) MONITORING OF DISPLACED HOUSEHOLDS.—

12 (1) GRANTEE RESPONSIBILITIES.—To facilitate
13 compliance with the requirement under subsection
14 (a) (relating to right of residents to return), the Sec-
15 retary shall, by regulation, require each grantee of
16 a grant under this section, during the period of the
17 transformation plan assisted with the grant and
18 until all funding under the grant has been ex-
19 pended—

20 (A) to maintain a current address of resi-
21 dence and contact information for each house-
22 hold affected by the transformation plan who
23 was occupying a dwelling unit in the housing
24 that is subject to the plan; and

1 (B) to provide such updated information to
2 the Secretary on at least a quarterly basis.

3 (2) CERTIFICATION.—The Secretary may not
4 close out any grant made under this section before
5 the grantee has certified to the Secretary that the
6 agency has complied with subsection (a) (relating to
7 right of residents to return) with respect to each
8 resident displaced as a result of the transformation
9 plan, including providing occupancy in a replacement
10 dwelling unit for each resident who requested such
11 a unit in accordance with such subsection.

12 (f) PREFERENCE.—A returning resident shall be pro-
13 vided a preference for occupancy of on-site or off-site re-
14 placement units before such units are made available for
15 occupancy by any other eligible households, or the resident
16 may choose to retain tenant-based voucher assistance pro-
17 vided under section 8(o) of the United States Housing Act
18 of 1937 (42 U.S.C. 1437f(o)) for relocation from the prop-
19 erties revitalized under a transformation plan assisted
20 with a grant under this title.

21 (g) PROHIBITION ON RE-SCREENING.—A public
22 housing agency or any other manager of on-site or off-
23 site replacement housing shall not, through the application
24 of any additional eligibility, screening, occupancy, or other
25 policy or practice, prevent any person otherwise eligible

1 under subsection (a) from occupying a replacement hous-
2 ing unit.

3 **SEC. 308. ONE-FOR-ONE REPLACEMENT OF PUBLIC AND AS-**
4 **SISTED HOUSING DWELLING UNITS.**

5 (a) ONE-FOR-ONE REPLACEMENT OF PUBLIC OR AS-
6 SISTED HOUSING UNITS.—The Secretary may not ap-
7 prove a transformation plan that provides for dwelling
8 units to be demolished or disposed of unless the plan pro-
9 vides as follows:

10 (1) REQUIREMENT TO REPLACE EACH UNIT.—

11 One hundred percent of the public and assisted
12 housing dwelling units and units described in section
13 315(1)(E) that are demolished or disposed of pursu-
14 ant to the transformation plan shall be replaced with
15 a newly constructed, rehabilitated, or purchased pub-
16 lic or assisted housing unit or with a newly con-
17 structed, rehabilitated, or purchased unit (including
18 through project-based assistance) that is subject to
19 requirements regarding eligibility for occupancy, ten-
20 ant contribution toward rent, and long-term afford-
21 ability restrictions that are consistent with such re-
22 quirements for public and assisted housing dwelling
23 units or for State units, as applicable, except that
24 subparagraphs (B) and (D) of section 8(o)(13) of
25 the United States Housing Act of 1936 (relating to

1 percentage limitation and income mixing require-
2 ment of project-based assistance) shall not apply
3 with respect to vouchers used to comply with the re-
4 quirements of this paragraph.

5 (2) OTHER REQUIREMENTS.—Admission to, ad-
6 ministration of, and eviction from replacement hous-
7 ing units that replaced public housing units, but
8 that are not public housing dwelling units, shall be
9 subject to the following provisions to the same ex-
10 tent as public housing dwelling units:

11 (A) Section 578 of the Quality Housing
12 and Work Responsibility Act of 1998 (42
13 U.S.C. 13663; relating to ineligibility of dan-
14 gerous sex offenders).

15 (B) Section 16(f) of the United States
16 Housing Act of 1937 (42 U.S.C. 1437n(f); re-
17 lating to ineligibility of certain drug offenders).

18 (C) Sections 20 and 21 of the United
19 States Housing Act of 1937 (42 U.S.C. 1437r,
20 1437s; relating to resident management).

21 (D) Section 25 of the United States Hous-
22 ing Act of 1937 (42 U.S.C. 1437w; relating to
23 transfer of management at request of resi-
24 dents).

1 (E) Section 6(k) of the United States
2 Housing Act of 1937 (42 U.S.C. 1437d(k); re-
3 lating to administrative grievance procedure).

4 (F) Section 6(f) of the United States
5 Housing Act of 1937 (42 U.S.C. 1437d(f); re-
6 lating to housing quality requirements).

7 (G) Part 964 of title 24, Code of Federal
8 Regulations (relating to tenant participation
9 and opportunities).

10 (3) RETENTION OF RIGHTS.—Tenants occu-
11 pying a replacement housing unit shall have all
12 rights provided to tenants of the housing from which
13 the tenants were relocated.

14 (4) SIZE.—

15 (A) IN GENERAL.—Replacement units shall
16 be of comparable size, unless a market analysis
17 shows a need for other-sized units, in which
18 case such need shall be addressed.

19 (B) BEDROOMS.—The number of bed-
20 rooms within each replacement unit shall be
21 sufficient to serve families displaced as a result
22 of the demolition or disposition.

23 (5) LOCATION ON SITE.—At least one-third of
24 all replacement units for public and assisted housing
25 units demolished shall be public or assisted housing

1 units constructed within the immediate area of the
2 original public or assisted housing location, unless
3 the Secretary determines that—

4 (A) construction on such location would re-
5 sult in the violation of a consent decree; or

6 (B) the land on which the public and as-
7 sisted housing is located is environmentally un-
8 safe or geologically unstable.

9 (6) LOCATION IN THE NEIGHBORHOOD.—Any
10 replacement housing units provided in addition to
11 dwelling units provided pursuant to paragraph (5)
12 shall—

13 (A) be provided in areas within the neigh-
14 borhood, except that if rebuilding the units
15 within the neighborhood is not feasible, units
16 shall be provided within the jurisdiction of the
17 public housing agency—

18 (i) in a manner that furthers the eco-
19 nomic and educational opportunities for
20 residents; and

21 (ii) in areas offering access to public
22 transportation; and

23 (B) have access to social, recreational, edu-
24 cational, commercial, and health facilities and
25 services, including municipal services and facili-

1 ties, that are comparable to services provided to
2 the revitalized neighborhood from which resi-
3 dents were displaced.

4 (7) LOCATION OUTSIDE OF JURISDICTION.—If
5 rebuilding replacement housing units within the ju-
6 risdiction, in a manner that complies with the re-
7 quirements of clauses (i) through (iv) of subpara-
8 graph (A) and subparagraph (B) of paragraph (6)
9 is not feasible, units may be provided outside of the
10 jurisdiction of the public housing agency, but within
11 the metropolitan area of such jurisdiction, provided
12 the grantee requests, and the public housing agency
13 or unit of local government in which such units shall
14 be located, agrees to such transfer of units. All such
15 units shall comply with the requirements of clauses
16 (i) through (iv) of subparagraph (A) and subpara-
17 graph (B) of paragraph (6).

18 (b) WAIVER.—

19 (1) AUTHORITY.—Upon the written request of
20 an applicant for a grant under this title submitted
21 as part of the transformation plan pursuant to sec-
22 tion 306, the Secretary may reduce the percentage
23 applicable under subsection (a)(1) to the trans-
24 formation plan of the applicant to not less than 90
25 percent, but only if—

1 (A) a judgment, consent decree, or other
2 order of a court limits the ability of the appli-
3 cant to comply with such requirements; or

4 (B) the applicant demonstrates that there
5 is an excess supply of affordable rental housing
6 in areas of low poverty and provides data show-
7 ing that, in the area surrounding the revitalized
8 neighborhood—

9 (i) at least 90 percent of vouchers
10 issued under section 8(o) of the United
11 States Housing Act of 1937 over the last
12 24 months to comparable families were
13 successfully used to lease a dwelling unit
14 within 120 days of issuance or, if a suffi-
15 cient number of comparable families have
16 not received vouchers, an alternative meas-
17 ure, as the Secretary shall design, is met;

18 (ii) existing voucher holders are widely
19 dispersed geographically in areas of low
20 poverty with access to public transpor-
21 tation, education, and other amenities, as
22 determined by the Secretary, among the
23 available private rental housing stock; and

24 (iii) the applicant provides a market
25 analysis demonstrating that—

1 (I) there is a relatively high va-
2 cancy rate among units that would
3 meet or exceed housing quality stand-
4 ards, as determined by the Secretary,
5 within the market area with rent and
6 utility costs not exceeding the applica-
7 ble payment standard under section
8 8(o) of the United States Housing Act
9 of 1937 (42 U.S.C. 1437f(o)); and

10 (II) such high vacancy rate with-
11 in the market area is expected to con-
12 tinue for the next 5 years or longer.

13 **SEC. 309. OTHER PROGRAM REQUIREMENTS.**

14 (a) FAIR HOUSING.—The demolition or disposition,
15 relocation, replacement, and re-occupancy of housing units
16 in connection with a grant under this title shall be carried
17 out in a manner that affirmatively furthers fair housing,
18 as required by section 808 of the Civil Rights Act of 1968
19 (42 U.S.C. 3608(e)). Grantees shall adopt affirmative
20 marketing procedures, and require affirmative marketing
21 activities of project owners and managers. Such special
22 outreach efforts shall be targeted to those who are least
23 likely to apply for the housing, to ensure that all persons
24 regardless of their race, color, national origin, religion,
25 sex, disability, or familial status are aware of the housing

1 opportunities in each project funded with a grant under
2 this title.

3 (b) ACCESSIBILITY REQUIREMENTS.—All new con-
4 struction and alterations of existing buildings carried out
5 in connection with a grant under this title shall comply
6 with the requirements of the section 504 of Rehabilitation
7 Act of 1973 (29 U.S.C. 794), the Accessibility Standards
8 for Design, Construction, and Alteration of Publicly
9 Owned Residential Structures of the Department of Hous-
10 ing and Urban Development (24 C.F.R. part 40), the Fair
11 Housing Act (42 U.S.C. 3601 et seq.), and any other re-
12 quirements as determined by the Secretary.

13 (c) AFFORDABILITY REQUIREMENT.—Amounts from
14 a grant under this title may not be used for assistance
15 for any housing property unless the owner of the property
16 assisted agrees to a period of affordability for the property
17 which shall be not shorter than the period of affordability
18 to which the property is already subject and remains sub-
19 ject, or 20 years, whichever is longer.

20 (d) COST LIMITS.—Subject to the provisions of this
21 title, the Secretary shall establish cost limits on eligible
22 activities under this title sufficient to provide for effective
23 transformation programs.

24 (e) ENVIRONMENTAL REVIEW.—For purposes of en-
25 vironmental review, assistance and projects under this title

1 shall be treated as assistance for special projects that are
2 subject to section 305(c) of the Multifamily Housing Prop-
3 erty Disposition Reform Act of 1994 (42 U.S.C. 3547),
4 and shall be subject to the regulations issued by the Sec-
5 retary to implement such section.

6 (f) GRANTEE REPORTING.—The Secretary shall re-
7 quire grantees under this title to report the sources and
8 uses of all amounts expended and other information for
9 transformation plans for the Secretary’s annual report to
10 Congress or other purposes as determined by the Sec-
11 retary.

12 **SEC. 310. DEMOLITION AND DISPOSITION.**

13 (a) INAPPLICABILITY OF PUBLIC HOUSING DEMOLI-
14 TION AND DISPOSITION REQUIREMENTS TO TRANS-
15 FORMATION PLAN.—The demolition or disposition of se-
16 verely distressed public housing pursuant to a trans-
17 formation plan approved under this title shall exempt from
18 the provisions of section 18 of the United States Housing
19 Act of 1937 (42 U.S.C. 1437p).

20 (b) APPLICABILITY OF PUBLIC HOUSING DEMOLI-
21 TION AND DISPOSITION REQUIREMENTS TO REPLACE-
22 MENT PUBLIC HOUSING.—Nothing in this title may be
23 construed to exempt any replacement public housing
24 dwelling units provided under a transformation plan in ac-
25 cordance with the requirements under section 308 (relat-

1 ing to one-for-one replacement of public housing dwelling
2 units) from the provisions of section 18 of the United
3 States Housing Act of 1937.

4 **SEC. 311. PHASE-SPECIFIC UNDERWRITING.**

5 To the extent that a transformation plan provides for
6 different phases of activities, the Secretary may allow for
7 the various phases of such plan to be underwritten on a
8 separate basis.

9 **SEC. 312. ADMINISTRATION BY OTHER ENTITIES.**

10 The Secretary may require a grantee under this title
11 to make arrangements satisfactory to the Secretary for
12 use of an entity other than the original grantee to carry
13 out activities assisted under the transformation plan of the
14 grantee, if—

15 (1) the original grantee has failed to meet per-
16 formance benchmarks relating to implementation of
17 the transformation plan; and

18 (2) the Secretary determines that such action
19 will help to effectuate the purposes of this title.

20 **SEC. 313. WITHDRAWAL OF FUNDING.**

21 If a grantee under this title does not proceed within
22 a reasonable timeframe in implementing its trans-
23 formation plan or does not otherwise comply with the re-
24 quirements of this title and the grant agreement, as deter-
25 mined by the Secretary, the Secretary may withdraw any

1 grant amounts under this title that have not been obli-
2 gated by the grantee. The Secretary may redistribute any
3 withdrawn amounts to one or more other eligible entities
4 capable of proceeding expeditiously in the same locality in
5 carrying out the transformation plan of the original grant-
6 ee, or as such plan may be modified and approved by the
7 Secretary, or, if that is not feasible, to one or more other
8 applicants that has already received assistance under this
9 title.

10 **SEC. 314. ANNUAL REPORT; PUBLIC AVAILABILITY OF**
11 **GRANT INFORMATION.**

12 (a) ANNUAL REPORT.—Not less than 90 days before
13 the conclusion of each fiscal year, the Secretary shall sub-
14 mit to Committee on Financial Services of the House of
15 Representatives and the Committee on Banking, Housing,
16 and Urban Affairs of the Senate a report on the imple-
17 mentation and status of grants awarded under this title,
18 which shall include—

19 (1) the number, type, and cost of affordable
20 housing units revitalized pursuant to this title;

21 (2) the amount and type of financial assistance
22 provided under and in conjunction with this title, in-
23 cluding a specification of the amount and type of as-
24 sistance provided for educational opportunities, serv-

1 ices, public assets, public transportation, and access
2 to jobs;

3 (3) the impact of grants made under this title
4 on the original residents, the target neighborhoods,
5 and the larger communities within which they are lo-
6 cated;

7 (4) all information submitted to the Secretary
8 pursuant to section 307(e)(1) by all grantees and
9 summaries of the extent of compliance by grantees
10 with the requirements under subsections (a) and (g)
11 of section 307; and

12 (5) any information related to grantees imple-
13 mentation of the requirements under section 308
14 (relating to one-for-one replacement of public hous-
15 ing dwelling units) and the efforts of the Secretary
16 to coordinate funding pursuant to section 305(e)(3).

17 (b) PUBLIC AVAILABILITY OF GRANT INFORMA-
18 TION.—To the extent not inconsistent with any other pro-
19 visions of law, the Secretary shall make publicly available
20 through a World Wide Web site of the Department of
21 Housing and Urban Development all documents of, or
22 filed with, the Department relating to the program under
23 this title, including applications, grant agreements, plans,
24 budgets, reports, and amendments to such documents; ex-
25 cept that in carrying out this subsection, the Secretary

1 shall take such actions as may be necessary to protect the
2 privacy of any residents and households displaced from
3 public or assisted housing as a result of a transformation
4 plan assisted under a grant under this title.

5 **SEC. 315. DEFINITIONS.**

6 For purposes of this title, the following definitions
7 shall apply:

8 (1) AFFORDABLE HOUSING.—The term “afford-
9 able housing” includes—

10 (A) public housing assisted under section 9
11 of the United States Housing Act of 1937 (42
12 U.S.C. 1437g);

13 (B) assisted housing (as such term is de-
14 fined in this section);

15 (C) housing assisted under an affordable
16 housing program administered by the Secretary
17 of Agriculture through Rural Housing Service;

18 (D) rental housing that utilizes tax credits
19 under section 42 of the Internal Revenue Code
20 of 1986;

21 (E) affordable rental housing owned, devel-
22 oped, or assisted through a State or local gov-
23 ernment or State housing finance agency, in-
24 cluding State-assisted public housing, which is
25 subject to a long-term affordability restriction

1 requiring occupancy by low-income households;
2 and

3 (F) private housing for low- and moderate-
4 income households and for which the Secretary
5 requires the owner or purchaser of the project
6 to maintain affordability for no fewer than 20
7 years in accordance with use restrictions under
8 regulations issued by the Secretary, which re-
9 strictions shall be—

10 (i) contained in a legally enforceable
11 document recorded in the appropriate
12 records; and

13 (ii) consistent with the long-term via-
14 bility of the project as rental or homeown-
15 ership housing.

16 (2) APPLICANT.—The term “applicant” means
17 an eligible entity under section 303(a) that submits
18 an application for a grant under this title pursuant
19 to section 306.

20 (3) ASSISTED HOUSING.—The term “assisted
21 housing” means rental housing assisted under—

22 (A) section 8 of the United States Housing
23 Act of 1937 (42 U.S.C. 1437f, 1437g);

1 (B) section 221(d)(3) or 236 of the Na-
2 tional Housing Act (12 U.S.C. 1715l, 1715z-
3 1);

4 (C) section 202 of the Housing Act of
5 1959 (12 U.S.C. 1701q); or

6 (D) section 811 of Cranston-Gonzalez Na-
7 tional Affordable Housing Act (42 U.S.C.
8 8013).

9 (4) CRITICAL COMMUNITY IMPROVEMENTS.—
10 The term “critical community improvements”
11 means—

12 (A) development or improvement of com-
13 munity facilities to promote upward mobility,
14 self-sufficiency, or improved quality of life for
15 residents of the neighborhood, such as construc-
16 tion or rehabilitation of parks and community
17 gardens, environmental improvements, or site
18 remediation at affected sites; or

19 (B) activities to promote economic develop-
20 ment, such as development or improvement of
21 transit, retail, community financial institutions,
22 public services, facilities, assets, or other com-
23 munity resources.

1 (5) EXTREME POVERTY.—The term “extreme
2 poverty” means, with respect to a neighborhood,
3 that the neighborhood—

4 (A) has a high percentage of residents who
5 are—

6 (i) estimated to be in poverty; or

7 (ii) have extremely low incomes based
8 on the most recent data collected by the
9 United States Census Bureau; and

10 (B) is experiencing distress related to one
11 or more of the following:

12 (i) Per capita crime rates over 3 or
13 more years that are significantly higher
14 than the per capita crime rates of the city
15 or county in which the neighborhood is lo-
16 cated.

17 (ii) High rates of vacant, abandoned,
18 or substandard homes relative to the city
19 or county as a whole.

20 (iii) A low-performing public school.

21 (iv) Other such factors as determined
22 by the Secretary that further the purposes
23 of this title.

24 (6) FAMILIES.—The term “families” has the
25 meaning given such term in section 3(b) of the

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

3 (7) GRANTEE.—The term “grantee” means an
4 eligible entity under section 303 that is awarded a
5 grant under this title, pursuant to selection under
6 section 306.

7 (8) LONG-TERM VIABILITY.—The term “long-
8 term viability” means, with respect to a neighbor-
9 hood, that the neighborhood is sustainable on an
10 economic, education, and environmental basis.

11 (9) NEIGHBORHOOD.—The term “neighbor-
12 hood” means an area that—

13 (A) has distinguishing characteristics;

14 (B) represents the geographical distribu-
15 tion of targeted populations; and

16 (C) is not exclusive of areas that are inte-
17 grally related to the composition of the commu-
18 nity.

19 (10) PUBLIC HOUSING; PUBLIC HOUSING AGEN-
20 CY.—The terms “public housing” and “public hous-
21 ing agency” have the meanings given such terms in
22 section 3(b) of the United States Housing Act of
23 1937 (42 U.S.C. 1437a(b)).

1 (11) SECRETARY.—The term “Secretary”
2 means the Secretary of Housing and Urban Develop-
3 ment.

4 (12) SEVERELY DISTRESSED HOUSING.—The
5 term “severely distressed housing” means a public
6 or assisted housing project (or building in a project)
7 that—

8 (A)(i) has been certified, by an engineer or
9 architect licensed by a State licensing board, as
10 meeting criteria for physical distress that indi-
11 cate that the project requires major redesign,
12 reconstruction, or redevelopment, or partial or
13 total demolition, to correct serious deficiencies
14 in the original design (including inappropriately
15 high-population density), deferred maintenance,
16 physical deterioration or obsolescence of major
17 systems, and other deficiencies in the physical
18 plant of the project; and

19 (ii) is a significant contributing factor to
20 the physical decline of and disinvestment by
21 public and private entities in the surrounding
22 neighborhood, as documented by evidence of
23 non-physical distress, such as extreme poverty,
24 including census data and past surveys of
25 neighborhood stability conducted by an appli-

1 cant or co-applicant or their qualified designee;
2 or

3 (B) was a project described in subpara-
4 graph (A) that has been legally vacated or de-
5 molished, but for which the Secretary has not
6 yet provided replacement housing assistance
7 other than tenant-based assistance.

8 (13) SIGNIFICANT AMENDMENT OR CHANGE.—
9 The term “significant” means, with respect to an
10 amendment or change to a transformation plan, that
11 the amendment or change—

12 (A) changes the use of 20 percent or more
13 of the total amount of the grant provided under
14 this title from use for one activity to use for an-
15 other;

16 (B) eliminates an activity that is a re-
17 quired activity that, notwithstanding the
18 change, would otherwise be carried out under
19 the plan; or

20 (C) significantly changes the scope, loca-
21 tion, or beneficiaries of the project carried out
22 under the plan.

23 (14) SUPPORTIVE SERVICES.—The term “sup-
24 portive services” includes all activities that will pro-

1 mote upward mobility, self-sufficiency, or improved
2 quality of life, including—

3 (A) such activities as literacy training, re-
4 medial and continuing education, job training,
5 financial literacy instruction, daycare, youth
6 services, aging-in-place, physical and mental
7 health services, and other programs for which
8 such residents demonstrate need;

9 (B) case management and service coordi-
10 nation services, including providing coordinators
11 for the Family Self-Sufficiency program under
12 section 23 of the United States Housing Act of
13 1937 (42 U.S.C. 1437u) and the Resident Op-
14 portunity and Supportive Services program
15 under section 34 of such Act (42 U.S.C.
16 1437z–6); and

17 (C) technical assistance to enable residents
18 to access programs from other key agencies and
19 local service providers in order to help residents
20 be stably housed, improve outcomes for chil-
21 dren, and enhance adults' capacity for self-suf-
22 ficiency and economic security, and services for
23 the elderly and persons with disabilities to
24 maintain independence.

1 **SEC. 316. FUNDING.**

2 There are authorized to be appropriated the following
3 amounts:

4 (1) GRANTS.—\$1,000,000,000 for fiscal year
5 2018 and such sums as may be necessary in each of
6 fiscal years 2019, 2020, 2021, and 2022, for grants
7 under this title, of which, in any fiscal year—

8 (A) up to 10 percent of such amount au-
9 thorized may be used for planning grants, ex-
10 cept that in awarding planning grants, the Sec-
11 retary may elect to base selection on a subset
12 of the required provisions of this title;

13 (B) up to 5 percent of the amount author-
14 ized may be used for technical assistance and
15 program evaluation efforts related to grants
16 awarded under this title, or under predecessor
17 programs; and

18 (C) not less than 80 percent shall be used
19 for, or 80 percent of the number of housing
20 units assisted under this title shall be, public
21 housing units, subject to de minimis variations
22 as may result from the grantee selection proc-
23 ess.

24 (2) RENTAL ASSISTANCE.—Such sums as may
25 be necessary for each of fiscal years 2018 through
26 2022 for providing tenant-based assistance for relo-

1 cation and for rental assistance under section 8 of
2 the United States Housing Act of 1937 for the pur-
3 poses of complying with section 307(c) of this title,
4 but not to exceed the amount of assistance for the
5 number of units demolished or disposed of under
6 section 307(c)(1).

7 **SEC. 317. REGULATIONS.**

8 Not later than the expiration of the 180-day period
9 beginning on the date of the enactment of this Act, the
10 Secretary shall issue regulations to carry out the following
11 provisions of this title:

12 (1) Subsections (c) and (e) of section 305.

13 (2) Section 308(b).

14 (3) Paragraphs (4), (5), (8), (9), and (12) of
15 section 315.

16 **TITLE IV—PILOT PROGRAM TO**
17 **TRAIN PUBLIC HOUSING**
18 **RESIDENTS TO PROVIDE**
19 **HOME-BASED HEALTH SERV-**
20 **ICES**

21 **SEC. 401. SHORT TITLE.**

22 This title may be cited as the “Together We Care
23 Act of 2017”.

1 **SEC. 402. PILOT GRANT PROGRAM TO TRAIN PUBLIC HOUS-**
2 **ING RESIDENTS TO PROVIDE COVERED**
3 **HOME-BASED HEALTH SERVICES.**

4 Section 34 of the United States Housing Act of 1937
5 (42 U.S.C. 1437z-6) is amended by adding at the end
6 the following new subsections:

7 “(f) PILOT GRANT PROGRAM TO TRAIN PUBLIC
8 HOUSING RESIDENTS TO PROVIDE COVERED HOME-
9 BASED HEALTH SERVICES.—

10 “(1) ESTABLISHMENT OF PILOT GRANT PRO-
11 GRAM.—The Secretary, in consultation with the Sec-
12 retary of Health and Human Services, shall estab-
13 lish a competitive grant program to make grants to
14 eligible entities under paragraph (2) for use for the
15 training of public housing residents as home health
16 aides and as providers of home-based health services
17 (including as personal and home care aides) to en-
18 able such residents to provide covered home-based
19 health services to—

20 “(A) residents of public housing who are
21 elderly or disabled, or both (including elderly
22 and disabled veterans who are residents of pub-
23 lic housing); and

24 “(B) subject to the criteria set forth pur-
25 suant to paragraph (3), residents of federally-

1 assisted rental housing who are elderly or dis-
2 abled, or both.

3 “(2) ELIGIBLE ENTITIES.—A grant under this
4 subsection may be made only to an entity that—

5 “(A) is a public housing agency or other
6 unit of State or local government (including an
7 agency of such unit), community health center,
8 home care provider organization, faith-based or-
9 ganization, labor organization, or other organi-
10 zation determined to be qualified by the Sec-
11 retary; and

12 “(B) demonstrates to the satisfaction of
13 the Secretary that it has established, or pro-
14 vides such assurances that it will establish, an
15 employment training program to train public
16 housing residents to provide covered home-
17 based health services that complies with regula-
18 tions that the Secretary shall issue.

19 “(3) RESIDENTS OF FEDERALLY-ASSISTED
20 RENTAL HOUSING.—The Secretary may set forth
21 criteria under which an entity receiving funding
22 under this subsection may train public housing resi-
23 dents to provide covered home-based health services
24 to elderly and disabled residents of federally-assisted
25 rental housing.

1 “(4) APPLICATION.—To be eligible for a grant
2 under this subsection an eligible entity under para-
3 graph (2) shall submit to the Secretary an applica-
4 tion at such time, in such manner, and containing
5 such information as the Secretary shall require.

6 “(5) COMPETITIVE GRANT AWARDS.—

7 “(A) GENERAL CRITERIA FOR SELEC-
8 TION.—The Secretary shall establish policies
9 and procedures for reviewing and approving
10 funding for eligible entities through a competi-
11 tive process taking into consideration—

12 “(i) with respect to the service area in
13 which public housing residents trained
14 under an employment training program de-
15 scribed in paragraph (2)(B) will provide
16 covered home-based health services—

17 “(I) the percentage of residents
18 age 62 and older;

19 “(II) the percentage of disabled
20 residents; and

21 “(III) the percentage of unem-
22 ployed or underemployed residents;

23 “(ii) the ability of an eligible entity to
24 provide training that leads to the provision
25 of quality care;

1 “(iii) the record of the quality of care
2 of an eligible entity; and

3 “(iv) such other criteria as determined
4 by the Secretary.

5 “(B) GEOGRAPHIC CONSIDERATION.—In
6 awarding grants, the Secretary shall consider a
7 geographic mix of a variety of eligible entities
8 so that the grant program will include at
9 least—

10 “(i) one employment training program
11 described in paragraph (2)(B) that pri-
12 marily serves an urban population;

13 “(ii) one employment training pro-
14 gram described in paragraph (2)(B) that
15 primarily serves a rural population;

16 “(iii) one employment training pro-
17 gram described in paragraph (2)(B) that
18 primarily serves an Indian population; and

19 “(iv) one employment training pro-
20 gram described in paragraph (2)(B) that
21 primarily serves a population in the Com-
22 monwealth of Puerto Rico, the United
23 States Virgin Islands, Guam, American
24 Samoa, or the Commonwealth of the
25 Northern Mariana Islands.

1 “(6) USE OF GRANT FUNDS.—An entity receiv-
2 ing funding under this subsection may use such
3 funds—

4 “(A) to establish (or maintain) and carry-
5 out an employment training program to train
6 public housing residents to provide covered
7 home-based health care services to elderly and
8 disabled public housing residents and elderly
9 and disabled residents of federally-assisted rent-
10 al housing;

11 “(B) for the transportation expenses of
12 public housing residents in training under such
13 an employment training program;

14 “(C) for the child care expenses of public
15 housing residents in training under such an em-
16 ployment training program;

17 “(D) for the administrative expenses of
18 carrying out such an employment training pro-
19 gram; and

20 “(E) for any other activity the Secretary
21 determines appropriate.

22 “(7) REPORT TO CONGRESS.—Not later than
23 24 months after the date of the enactment of the
24 Together We Care Act of 2017, the Secretary shall
25 submit to Congress a report on the use and impact

1 of the grant program established by this subsection.

2 The report shall include—

3 “(A) a review of the effectiveness of the
4 program in—

5 “(i) providing jobs for public housing
6 residents;

7 “(ii) meeting the unmet health and
8 long-term care needs of elderly and dis-
9 abled residents of public housing and elder-
10 ly and disabled residents of federally-as-
11 sisted rental housing; and

12 “(iii) enabling the provision of quality
13 care; and

14 “(B) any recommendations the Secretary
15 determines appropriate regarding the grant pro-
16 gram.

17 “(8) DEFINITIONS.—As used in this subsection,
18 subsection (g), and subsection (h):

19 “(A) HOME-BASED HEALTH SERVICES.—
20 The term ‘home-based health services’ means
21 health care and long-term services provided to
22 an individual in a place of residence used as
23 such individual’s home and includes—

1 “(i) home health services described in
2 section 1861(m) of the Social Security Act
3 (42 U.S.C. 1395x(m));

4 “(ii) personal care services described
5 in section 1905(a)(24) of such Act (42
6 U.S.C. 1396d(a)(24)); and

7 “(iii) home-based services which may
8 be covered under a waiver under subsection
9 (c) or (d) of section 1915 of such Act (42
10 U.S.C. 1396n).

11 “(B) HOME HEALTH AIDE.—The term
12 ‘home health aide’ has the meaning given the
13 term in section 1891(a)(3)(E) of the Social Se-
14 curity Act (42 U.S.C. 1395bbb(a)(3)(E)).

15 “(C) COVERED.—The term ‘covered’
16 means, with respect to home-based health serv-
17 ices, such services—

18 “(i) for which medical assistance is
19 available under a State plan under title
20 XIX of the Social Security Act; or

21 “(ii) for which financial assistance is
22 available under subsection (g).

23 “(D) FEDERALLY-ASSISTED RENTAL
24 HOUSING.—The term ‘federally-assisted rental
25 housing’ means—

1 “(i) housing assisted under section
2 202 of the Housing Act of 1959 (12
3 U.S.C. 1701q);

4 “(ii) housing assisted under section
5 515 of the Housing Act of 1949 (42
6 U.S.C. 1485);

7 “(iii) housing assisted under section 8
8 of the United States Housing Act of 1937
9 (42 U.S.C. 1437f) (including project-based
10 and tenant-based assistance);

11 “(iv) housing assisted under the block
12 grant program under the Native American
13 Housing Assistance and Self-Determina-
14 tion Act of 1996 (25 U.S.C. 4101 et seq.);

15 “(v) housing financed by a mortgage
16 insured under section 221(d)(3) of the Na-
17 tional Housing Act (12 U.S.C.
18 1715l(d)(3)) or held by the Secretary, a
19 State, or State agency; and

20 “(vi) housing assisted under section
21 811 of the Cranston-Gonzalez National Af-
22 fordable Housing Act (42 U.S.C. 8013).

23 “(9) INAPPLICABILITY OF PREVIOUS SUB-
24 SECTIONS.—Subsections (a) through (e) shall not

1 apply to this subsection, subsection (g), and sub-
2 section (h).

3 “(10) RULE OF CONSTRUCTION.—This sub-
4 section and subsection (g) may not be construed as
5 affecting any requirement under State law for train-
6 ing, licensure, or any other certification as a home
7 health aide or as a provider of any home-based
8 health service under this subsection and subsection
9 (g).

10 “(11) REGULATIONS.—Not later than 6 months
11 after the date of enactment of the Together We Care
12 Act of 2017, the Secretary shall issue regulations to
13 carry out this subsection.

14 “(12) AUTHORIZATION OF APPROPRIATIONS.—
15 There are authorized to be appropriated \$2,500,000
16 for each of the fiscal years 2018, 2019, and 2020,
17 for grants under this subsection.

18 “(g) FINANCIAL ASSISTANCE FOR HOME-BASED
19 HEALTH SERVICES IN CERTAIN JURISDICTIONS.—

20 “(1) FINANCIAL ASSISTANCE.—The Secretary,
21 in consultation with the Secretary of Health and
22 Human Services, may provide financial assistance
23 under this subsection to entities receiving grant
24 funds under the pilot program established under
25 subsection (f) that provide training for public hous-

1 ing residents as home health aides and as providers
2 of home-based health services and provide (or pay
3 for) such services for use only for their costs in pro-
4 viding (or paying for) such services to—

5 “(A) residents of public housing who are
6 elderly or disabled, or both (including elderly or
7 disabled veterans who are residents of public
8 housing); or

9 “(B) at the discretion of the Secretary,
10 residents of federally-assisted rental housing
11 who are elderly or disabled, or both.

12 “(2) REQUIREMENTS.—

13 “(A) LOCATION.—Assistance under para-
14 graph (1) may be provided only for services fur-
15 nished in locations in which medical assistance
16 for home-based health services is not available
17 under a State plan under title XIX of the So-
18 cial Security Act.

19 “(B) TRAINED PUBLIC HOUSING RESI-
20 DENTS.—Assistance under paragraph (1) may
21 be used only for costs of services described in
22 paragraph (1) that are provided by public hous-
23 ing residents trained by an entity receiving
24 grant funds under the pilot program established
25 under subsection (f).

1 “(3) ELIGIBILITY.—To be eligible for financial
2 assistance under this subsection an entity shall—

3 “(A) provide such assurances as the Sec-
4 retary shall require that it will use the funds
5 only as provided in paragraphs (1) and (2);

6 “(B) submit to the Secretary an applica-
7 tion at such time, in such manner, and con-
8 taining such information as the Secretary re-
9 quires; and

10 “(C) comply with such other terms and
11 conditions as the Secretary shall establish to
12 carry out this subsection.

13 “(4) AUTHORIZATION OF APPROPRIATIONS.—
14 There are authorized to be appropriated \$2,500,000
15 for each of the fiscal years 2018, 2019, and 2020,
16 for financial assistance under this subsection.

17 “(h) IMPACT OF INCOME ON ELIGIBILITY FOR HOUS-
18 ING BENEFITS.—For any resident of public housing who
19 is trained as a home health aide or as a provider of home-
20 based health services pursuant to the program under sub-
21 section (f), any income received by such resident for pro-
22 viding covered home-based health services shall apply to-
23 wards eligibility for benefits under Federal housing pro-
24 grams as follows:

1 “(1) No income received shall apply for the 12
2 months after the completion of the training of such
3 resident.

4 “(2) Twenty-five percent of income received
5 shall apply for the period that is 12 to 24 months
6 after the completion of the training of such resident.

7 “(3) Fifty percent of income received shall
8 apply for the period that is 24 to 36 months after
9 the completion of the training of such resident.

10 “(4) One hundred percent of income received
11 shall apply for any period that begins after 36
12 months after the completion of the training of such
13 resident.”.

○