116TH CONGRESS  
1ST SESSION  

H. R. 3685  

To reform the screening and eviction policies for Federal housing assistance in order to provide fair access to housing, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES  
JULY 10, 2019  

Ms. OCASIO-CORTEZ introduced the following bill; which was referred to the Committee on Financial Services

A BILL  

To reform the screening and eviction policies for Federal housing assistance in order to provide fair access to housing, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.  

4 This Act may be cited as the “Fair Chance at Housing Act of 2018”.

5 SEC. 2. DEFINITIONS.  

6 Section 579 of the Quality Housing and Work Re-
7 sponsibility Act of 1998 (42 U.S.C. 13664) is amended—
8 (1) by striking “(a) DEFINITIONS.—”;

9
(2) by striking paragraph (1) and inserting the following new paragraph:

“(1) CONVICTION.—

“(A) IN GENERAL.—The term ‘conviction’ means judgment of guilt or nolo contendere or any disposition arising therefrom.

“(B) EXCLUSIONS.—Such term does not include—

“(i) an arrest or any disposition therefrom that did not result in a conviction;

“(ii) any criminal disposition for an offense committed prior to the defendant’s 18th birthday;

“(iii) a conviction that has been expunged, sealed, or subject to similar judicial relief;

“(iv) a disposition received through successful completion of diversion, deferred adjudication, deferred entry of judgment, drug court, or similar judicial program under State law; or

“(v) any other criminal disposition not deemed a conviction under State or Federal law.”; and
(3) in paragraph (3), by adding after the period at the end the following: “For purposes of sections 576 and 577, such term does not include an owner of federally assisted housing specified in paragraph (3)(B).”.

SEC. 3. SCREENING OF APPLICANTS FOR FEDERALLY ASSISTED HOUSING.

(a) DEFINITION OF COVERED CRIMINAL CONDUCT.—Section 579 of the Quality Housing and Work Responsibility Act of 1998 (42 U.S.C. 13664), as amended by the preceding provisions of this Act, is further amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

“(2) COVERED CRIMINAL CONDUCT.—

“(A) ADMISSION TO FEDERALLY ASSISTED HOUSING.—

“(i) IN GENERAL.—The term ‘covered criminal conduct’ means, with respect to admission to federally assisted housing, criminal conduct—

“(I) for which the applicant or a member of the applicant’s household
has been convicted of a felony under
State or Federal criminal law; and

“(II) that threatens the health,
or safety of other tenants, the employ-
ees, or the owner or public housing
agency.

“(ii) EXCLUSIONS.—Notwithstanding
any other provision of law, such term does
not include, with respect to admission to
federally assisted housing—

“(I) a conviction for a drug of-
fense for which the individual served a
sentence of less than ten years;

“(II) an offense or offenses re-
lated to fees or back payments associ-
ated with incarceration;

“(III) any other legal financial
obligation; or

“(IV) a conviction for which the
individual was sentenced only to pro-
bation.”.

(b) SCREENING OF APPLICANTS.—Section 576 of the
Quality Housing and Work Responsibility Act of 1998 (42
U.S.C. 13661) is amended to read as follows:
“SEC. 576. SCREENING OF APPLICANTS FOR FEDERALLY ASSISTED HOUSING.

“(a) Authority To Deny Admission for Criminal Conduct.—Except as otherwise provided by this section and in addition to any other authority to screen applicants, in selecting among applicants for admission to federally assisted housing or a federally assisted housing program, including individuals seeking to join a household currently receiving Federal housing assistance, a public housing agency or owner of such housing (as applicable) may deny an applicant admission to the program or to federally assisted housing based on any criminal conduct only if the agency or owner determines, based on an individualized review of the totality of the circumstances, that such applicant or any member of the applicant’s household was engaged in covered criminal conduct, within a reasonable period of time preceding the date when the applicant household would otherwise be admitted to the federally assisted housing or to the program.

“(b) Individualized Review of the Totality of the Circumstances.—

“(1) Requirement.—Before denying admission to an applicant pursuant to subsection (a), a public housing agency or owner of federally assisted housing shall conduct an individualized review of the
totality of the circumstances regarding the criminal conduct at issue.

“(2) REVIEW PANEL FOR PUBLIC HOUSING AND TENANT-BASED RENTAL ASSISTANCE APPLICANTS.—

“(A) REQUIREMENT.—The Secretary shall issue guidance requiring each public housing agency to establish a review panel to conduct the individualized review required under paragraph (1) with respect to applications for federally assisted housing specified in subparagraphs (A) and (B) of section 579B(3). An applicant may present mitigating evidence for the review panel to determine whether the applicant should be admitted.

“(B) MEMBERSHIP.—Each committee review panel shall include at least one resident representative.

“(C) NOTICE.—Applicants shall be notified in writing of their panel review at least 14 days before date of the review. Notice shall be provided in accordance with subsection (c) of this section.

“(D) CONVICTION INFORMATION.—A public housing agency shall produce a detailed criminal conviction report to be used by the
panel in the review process. If an applicant identifies an error on the criminal conviction report used by the panel, the applicant shall have the opportunity to defer his or her application prior to panel review to correct the report. The report shall be shared only with the applicant and members of the review panel.

“(E) BURDEN OF PROOF.—A public housing agency may not deny admission to an applicant unless the agency determines, by a preponderance of the evidence, that the applicant’s criminal conduct renders the applicant unfit for housing.

“(F) CONFIDENTIALITY.—All information gathered in the process of screening for criminal convictions shall be kept confidential and shall not be released unless the applicant agrees in writing or such release is otherwise required by law. Public housing agencies shall establish a formal confidentiality policy.

“(G) DECISION-MAKING PROCESS.—The panel shall review the applicant’s circumstances and other available information, including any information the applicant chooses to bring to the panel’s attention. Within 7 days, the panel
shall review all relevant information and members shall determine whether, by a preponderance of the evidence, the applicant’s criminal record renders the applicant unfit for housing.

“(H) APPEALS.—Each applicant shall have a right to appeal a decision by the panel to deny admission, in accordance with current regulations. An applicant shall have 14 days to appeal the determination and a request for such an appeal shall be made in writing. Pursuant to such a request, the public housing agency shall hold an informal hearing and decide whether to uphold the initial determination within 7 days after the hearing. The public housing agency shall hold the dwelling unit open or shall reserve the assistance under the federally assisted housing program, as the case may be during the entire time of the appeals process.

“(3) NON-DISCRIMINATION.—When conducting an individualized review under this section, a public housing agency or owner of federally assisted housing shall comply with applicable civil rights requirements under the Fair Housing Act, title VI of the Civil Rights Act of 1964, section 504 of the Reha-

“(4) REVIEW FACTORS.—In conducting the reviews required under paragraph (1), the public housing agency or owner which shall consider the following factors holistically, such that no single factor is dispositive:

“(A) SEVERITY.—The severity of the criminal offense or offenses committed.

“(B) TIME ELAPSED.—The amount of time elapsed since the criminal offense or offenses were committed.

“(C) EVIDENCE OF REHABILITATION.—Evidence of rehabilitation, including—

“(i) a person’s satisfactory compliance with all terms and conditions of parole or probation, provided that the person’s failure to pay fines, fees, and restitution shall not be considered noncompliance with terms and conditions of parole or probation;

“(ii) educational attainment or vocational or professional training, or employment since conviction, including training received or employment while incarcerated;
“(iii) completion of or active participation in rehabilitative treatment, including alcohol or drug treatment;

“(iv) letters of recommendation from community organizations, counselors, case managers, teachers, community leaders, parole officers, and probation officers who have observed the person;

“(v) a person’s familial relationship with a person who may be currently residing in the dwelling unit in federally assisted housing that the applicant is applying for residence in; or

“(vi) the age of the person at the time of the conviction.

“(D) REDUCTION IN SENTENCE.—Whether the applicant received a reduced sentence for the criminal offense or offenses committed.

“(E) NATURE OF OFFENSE.—The nature of the criminal offense, which shall include the following:

“(i) OFFENSES RELATED TO AN INDIVIDUAL’S DISABILITY STATUS.—Whether the criminal offense or offenses—
“(I) were committed by a member of the household who is an individual with disabilities who is entitled to a reasonable accommodation under the Fair Housing Act or section 504 of the Rehabilitation Act of 1974; and

“(II) are related to or resulted from a symptom of a disability of the member of the household who committed the criminal offense or offenses.

“(ii) PROXIMITY TO ASSISTED HOUSING.—Whether the criminal offense or offenses occurred on or near the federally assisted housing to which the applicant’s application relates (if applicable).

“(iii) OFFENSES RELATED TO AN INDIVIDUAL’S STATUS AS A VICTIM OF DOMESTIC VIOLENCE.—Whether the criminal offense or offenses committed arose from a household member’s status as a victim of domestic violence, dating violence, sexual assault, or stalking, as such terms are defined in section 40002 of the Violence

“(F) Other mitigating information.— Any other mitigating information provided by the applicant, or provided on the applicant’s behalf, including any information regarding the rehabilitation or good conduct of the member of the household who committed the criminal offense or offenses.

“(5) Guidance.—The Secretary shall issue guidance for public housing agencies and owners to implement the requirement to conduct individualized reviews in accordance with this section.

“(c) Notices.—The Secretary shall require each public housing agency and owner of federally assisted housing to provide—

“(1) to each new applicant and each applicant upon selection from the wait list for admission to federally assisted housing or to a federally assisted housing program, at the time of application and selection from the wait list, written notice of the policy of such agency or owner pursuant to this subtitle or any other provision of law regarding denial of admission for criminal conduct, which shall include—
“(A) notice of the authority under subsection (a) to deny admission based on covered criminal conduct and notice of the specific reasonable time period to which such authority applies;

“(B) notice of the requirement under subsection (b) to consider the totality of the circumstances and the right under subsection (b)(4) to present mitigating evidence; and

“(C) when applicable, a criminal conviction report that the public housing agency plans to provide to the review panel to be used in its individualized review of the applicant or a member of the applicant’s household, and notice of a tenant’s rights to appear at the review panel and correct inaccuracies in his or her criminal conviction report; and

“(2) to an applicant, upon denial of an application for admission to federally assisted housing or to a federally assisted housing program—

“(A) written notice of—

“(i) the reason for such denial, including the specific criminal conduct on which the denial is based; and
“(ii) the actions that the applicant may take to appeal such denial; and
“(B) a copy of any documents that the public housing agency or owner used to support its determination of criminal conduct.

“(d) Opportunity To Remove Culpable Household Member.—
“(1) In General.—In the case of any covered criminal conduct described in subsection (a) warranting denial of admission to federally assisted housing, the public housing agency or owner shall, before denying admission to the entire applicant household, provide the applicant household with the option of removing from the household the member or members who would be cause for such denial in order for the remainder of the household to be eligible for admission, and may only deny such admission if the applicant household refuses to exercise such option.

“(2) Notice.—A public housing agency or owner shall provide the applicant household with written notice of the option required under paragraph (1) within a reasonable time before notice of an adverse action relating to covered criminal conduct described in subsection (a).
“(e) Prohibition on Drug and Alcohol Testing.—Notwithstanding any other provision of law, a public housing agency or owner of federally assisted housing may not require drug or alcohol testing of any applicant for admission to federally assisted housing or a federally assisted housing program as a condition of such housing assistance.

“(f) Compliance With Limited English Proficiency Requirements.—Any notice required under this section to be provided to an applicant or applicant household shall be provided in multiple languages, consistent with guidance issued by the Secretary in accordance with Executive Order 13166 (42 U.S.C. 2000d–1 note; relating to access to services for persons with limited English proficiency).”.

(e) Guidance.—Not later than the expiration of the 180-day period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development, after consultation with the Attorney General of the United States and an opportunity for public comment on the proposed guidance, shall issue the following guidance:

(1) Individualized Reviews Regarding the Totality of the Circumstances.—Guidance required under paragraph (5) of section 576(b) of the Quality Housing and Work Responsibility Act of
1998, as such subsection is amended by subsection (b) of this section, regarding reviews required under paragraph (1) of such section 576(b).

(2) MODEL NOTICE TO APPLICANTS.—Guidance setting forth model notification forms for use by public housing agencies and owners of federally assisted housing in meeting the requirements of subsection (c) of section 576 of the Quality Housing and Work Responsibility Act of 1998, as added by the amendment made by subsection (b) of this section.

SEC. 4. REQUIREMENTS FOR TERMINATION OF TENANCY AND ASSISTANCE FOR COVERED CRIMINAL CONDUCT BY TENANTS OF FEDERALLY ASSISTED HOUSING.

(a) DEFINITION OF COVERED CRIMINAL CONDUCT.—Paragraph (2) of section 579 of the Quality Housing and Work Responsibility Act of 1998 (42 U.S.C. 13664), as added by the preceding provisions of this Act, is further amended by adding at the end the following new subparagraph:

“(B) TERMINATION OF TENANCY OR ASSISTANCE.—

“(i) IN GENERAL.—The term ‘covered criminal conduct’ means, with respect to
termination of tenancy or assistance, criminal conduct committed by the tenant or any member of the tenant’s household while receiving Federal housing assistance, that threatens the health or safety of other tenants, the employees, or the owner or public housing agency. Such term includes criminal conduct described in section 16(f)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437n(f)(1)).

“(ii) EXCLUSIONS.—Such term does not include, with respect to termination of tenancy or assistance—

“(I) a misdemeanor;

“(II) an arrest for an offense for which the applicant was not subsequently adjudicated or convicted;

“(III) any juvenile adjudication or conviction, including convictions where a juvenile was tried as an adult;

“(IV) a conviction that has been expunged, sealed, or subject to similar judicial relief under State law;

“(V) criminal citations or infractions regardless of classification;
“(VI) non-criminal citations;

“(VII) a disposition received through successful completion of diversion, deferred adjudication, deferred entry of judgment, drug court, or similar judicial program under State law;

“(VIII) a conviction for which the individual was sentenced only to probation;

“(IX) an offense or offenses related to fees or back payments associated with incarceration;

“(X) child support payments or back pay associated with barriers, including incarceration, homelessness, unemployment, or disability; or

“(XI) disciplinary infractions committed by elementary or secondary school students, or school related issues that are not criminal in nature, but may have led to justice involvement.”
(b) Requirements for Termination.—Section 577 of the Quality Housing and Work Responsibility Act of 1998 (42 U.S.C. 13662) is amended to read as follows:

“SEC. 577. REQUIREMENTS FOR TERMINATION OF TENANCY AND ASSISTANCE FOR COVERED CRIMINAL CONDUCT BY TENANTS OF FEDERALLY ASSISTED HOUSING.

“(a) Authority To Terminate for Criminal Conduct.—A public housing agency or owner of federally assisted housing may not terminate the tenancy of any tenant of federally assisted housing, or assistance for a household under any federally assisted housing program, based on any criminal conduct unless the agency or owner, as applicable, determines in accordance with this section that such conduct is covered criminal conduct (as such term is defined in section 579b).

“(b) Individualized Review of the Totality of the Circumstances.—

“(1) Requirement.—In determining whether to terminate tenancy or assistance to any household based on covered criminal conduct by a household member or any guest or other person under the control of a household member, a public housing agency or an owner of federally assisted housing shall conduct an individualized review of the totality of the
circumstances regarding the criminal conduct at
issue, taking into consideration the household’s need
for housing and the health and safety of the commu-
nity.

“(2) Mitigating factors.—In conducting re-
views required under paragraph (1), a public hous-
ing agency or owner shall consider all factors pre-
sented, including all of the factors specified in sec-
tion 576(b)(4), as appropriate, except that, for pur-
poses of this paragraph—

“(A) subparagraph (C)(v) of such section
shall be applied by substituting ‘a member of
the household’ for ‘the applicant’; and

“(B) subparagraph (E)(ii) of such section
shall be applied by substituting ‘in which the
household resides’ for ‘to which the applicant’s
application relates (if applicable)’.

“(3) Nondiscrimination.—When conducting
an individualized review under this section, a public
housing agency or owner of federally assisted hous-
ing shall comply with applicable civil rights require-
ments under the Fair Housing Act, title VI of the
Civil Rights Act of 1964, section 504 of the Reha-
bilitation Act of 1973, and titles II and III of the
“(4) **Investigations and Evidence Presented by Public Housing Agency or Owner of Federally Assisted Housing.**—

“(A) **Forced Entry.**—If conducting an investigation into alleged criminal conduct committed by a tenant or member of the tenant’s household, the public housing agency or owner of federally assisted housing may not enter the rental property unless entry is authorized by the tenant or a member of the tenant’s household.

“(B) **Evidence Presented by Public Housing Agency or Owner of Federally Assisted Housing.**—If presenting evidence during the individualized review to demonstrate that a household member or any guest or other person under the control of a household member engaged in covered criminal conduct, the public housing agency or owner of federally assisted housing may only present substantiated evidence.

“(5) **Guidance.**—The Secretary shall issue guidance for public housing agencies and owners to implement the requirement to conduct individualized reviews in accordance with this subsection.
“(c) Option To Remove Culpable Household Member.—

“(1) In General.—In the case of any covered criminal conduct warranting termination of tenancy or assistance, the public housing agency or owner shall, before proceeding with eviction or termination proceedings against the entire tenant household, provide the tenant with the option of removing from the household the member that is culpable for the conduct that warrants the termination in order for the remainder of the household to continue to reside in the assisted unit, and may only proceed with eviction proceedings if the tenant refuses to exercise such option.

“(2) Lease or Voucher Bifurcation.—A public housing agency or owner or manager of federally assisted housing may bifurcate a lease for the housing or voucher in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant of the housing and who engages in covered criminal conduct without evicting, removing, terminating assistance to, or otherwise penalizing other household members who are tenants or lawful occupants of the housing.
“(3) Effect of Eviction on Other Tenants.—If public housing agency or owner or manager of federally assisted housing evicts, removes, or terminates assistance to an individual under paragraph (2), and the individual is the sole tenant eligible to receive assistance under a federally assisted housing program, the public housing agency or owner or manager of the federally assisted housing shall provide any remaining tenant an opportunity to establish eligibility for the federally assisted housing.

If a tenant described in the preceding sentence cannot establish eligibility, the public housing agency or owner or manager of the housing shall provide the tenant a reasonable time of not less than 120 days, as determined by the Secretary, to find new housing or to establish eligibility for housing under another Federal housing program.

“(4) Availability of Remedies.—Paragraphs (1) through (3) shall not supersede any protections or remedies available under the Violence Against Women Act of 1994 (42 U.S.C. 13925 et seq.).

“(d) Prohibition on Drug and Alcohol Testing.—Notwithstanding any other provision of law, a public housing agency or owner of federally assisted housing may not require drug or alcohol testing of any tenant of
federally assisted housing or member of a tenant’s house-
hold as a condition of tenancy in such housing or contin-
ued receipt of such assistance.”.

(c) Effective Date.—Section 577 of the Quality
Housing and Work Responsibility Act of 1998, as amend-
ed by subsection (b) of this section, shall take effect and
apply on the date of the enactment of this Act.

SEC. 5. EVICTION STANDARDS, LEASE TERMS, AND OTHER
LIMITATIONS FOR PUBLIC HOUSING.

(a) Administrative Grievance Procedures.—
Subsection (k) of section 6 of the United States Housing
Act of 1937 (42 U.S.C. 1437d(k)) is amended by striking
the matter after and below paragraph (6).

(b) Lease Terms.—Subsection (l) of section 6 of the
United States Housing Act of 1937 (42 U.S.C. 1437d(l))
is amended—

(1) in paragraph (5), by inserting “, subject to
paragraph (6)” before the semicolon at the end;

(2) by striking paragraph (6) and inserting the
following new paragraph:

“(6) provide that the public housing agency
may not terminate the tenancy based on any crimi-
nal conduct unless the agency determines, in accord-
ance with section 577 of the Quality Housing and
Work Responsibility Act of 1998, that such conduct

•HR 3685 IH
is covered criminal conduct (as such term is defined in section 579B of such Act);’’;

(3) in the second paragraph designated as paragraph (7) (relating to occupancy in violation of section 576(b) of the Quality Housing and Work Responsibility Act of 1998; as added by section 575(b)(4) of such Act (Public Law 105–276; 112 Stat. 2635))—

(A) by striking “any occupancy in violation of section 576(b) of the Quality Housing and Work Responsibility Act of 1998 (relating to ineligibility of illegal drug users and alcohol abusers) or’’;

(B) by striking “(relating to termination of tenancy and assistance for illegal drug users and alcohol abusers)”;

(C) by redesignating such paragraph as paragraph (8); and

(4) in paragraph (9)—

(A) in subparagraph (A), by striking “; or” at the end and inserting a period;

(B) by striking “if such tenant—” in the matter preceding subparagraph (A) and all that follows through “(A) is fleeing” and inserting “if such tenant is fleeing”; and
(e) Prohibition on Obtaining Information from Drug Abuse Treatment Facilities.—Subsection (t) of section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d(t)) is amended—

(1) in the subsection heading, by striking “Obtaining” and inserting “Prohibition on Obtaining”;

(2) by striking paragraphs (1), (2), and (3) and inserting the following new paragraphs:

“(1) Prohibition.—A public housing agency may not require a person who applies for admission to public housing to provide consent that authorizes the agency to receive information from a drug abuse treatment facility that is related to whether the applicant is currently engaging in the illegal use of a controlled substance or the applicant’s progress in rehabilitation, and may not request such an applicant to provide such consent. Such an applicant may voluntarily provide such information, provide signed written consent for the agency to receive such information, or provide signed written consent for such a facility to provide such information to an agency, for purposes of an individualized review under section 576(b) of the Quality Housing and Work Re-
sponsibility Act of 1998 (42 U.S.C. 13661(b)) and
an agency provided such information shall consider
such information in conducting such a review. Noth-
ing in this paragraph may be construed to penalize
or to authorize any penalty for an applicant for not
providing such information or consent.

“(2) Expiration of Written Consent.—An
applicant’s signed written consent provided pursuant
to paragraph (1) shall expire automatically after the
public housing agency has made a final decision to
either approve or deny the applicant’s application for
admittance to public housing.”;

(3) by striking paragraph (6); and

(4) by redesignating paragraphs (4), (5), (7),
and (8) as paragraphs (3), (4), (5), and (6), respec-
tively.

(d) Visitations Rights.—Section 6 of the United
States Housing Act of 1937 (42 U.S.C. 1437d) is amend-
ed by adding at the end the following new subsection:

“(u) Visitations Rights.—A public housing agency
may prohibit visitation of a public housing dwelling unit
by a non-tenant on the basis of criminal conduct by such
non-tenant only if—
“(1) such conduct is covered criminal conduct, as such term is defined in section 579B of the Quality Housing and Work Responsibility Act of 1998;

“(2) the agency has thoroughly considered—

“(A) all mitigating factors, including the same factors with respect to the non-tenant as are required under subsection (b) of such section 576 to be considered with respect to an applicant for federally assisted housing; and

“(B) the familial relationship between the tenant and the non-tenant as mitigating factors;

“(3) in the case of any such prohibition of visitation by a non-tenant, the agency provides the tenant and non-tenant involved with an opportunity, not less frequently than annually, to request a redetermination with respect to such prohibition at which the tenant and non-tenant may present any new mitigating evidence;

“(4) the agency has provided the non-tenant with written notice of the agency’s decision to prohibit visitation, that—

“(A) includes statements identifying the basis for prohibition and setting forth the non-
tenant’s right to present mitigating factors to
overturn the agency’s decision; and
“(B) is provided in multiple languages,
consistent with guidance issued by the Sec-
retary in accordance with Executive Order
13166 (42 U.S.C. 2000d–1 note; relating to ac-
cess to services for persons with limited English
proficiency); and
“(5) such prohibition ends after a period of
time that does not exceed three years.”.

(e) Privately Managed Public Housing and
Housing Funded Under Certain Demonstration
Programs.—Section 6 of the United States Housing Act
of 1937 (42 U.S.C. 1437d), as amended by the preceding
provisions of this section, is further amended by adding
at the end the following new subsection:
“(v) Screening and Eviction Policies for Pri-
vately Managed Public Housing and Housing
Funded Under Certain Demonstration Pro-
grams.—Notwithstanding any other provision of law, in-
cluding subtitle F of the Quality Housing and Work Re-
sponsibility Act of 1998, in the case of any public housing
dwelling units or projects that are managed by an entity
other than the public housing agency that owns the units
or project, any units or projects subject to the Moving to
Work demonstration program authorized under section 204 of the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321), and any units with assistance converted under the Rental Assistance Demonstration program authorized under title II of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2012 (division C of Public Law 112–55; 125 Stat. 673), such units and projects shall be subject to the screening and eviction policies established pursuant to this section and subtitle F of the Quality Housing and Work Responsibility Act of 1998 (42 U.S.C. 13661 et seq.) by the agency that owns the units or projects.”.

SEC. 6. TERMINATION OF TENANCY AND TENANT SELECTION UNDER SECTION 8 RENTAL ASSISTANCE PROGRAM.

(a) Termination of Tenancy in Projects With Project-Based Assistance.—Subparagraph (B) of section 8(d)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437f(d)(1)(B)) is amended—

(1) in clause (ii), by inserting “, subject to clause (iii)” before the semicolon at the end; and

(2) by striking clause (iii) and inserting the following new clause:
“(iii) during the term of the lease, the owner may not terminate the tenancy based on any criminal conduct unless the owner determines, in accordance with section 577 of the Quality Housing and Work Responsibility Act of 1998, that such conduct is covered criminal conduct (as such term is defined in section 579B of such Act).”

(b) SELECTION OF TENANTS UNDER VOUCHER PROGRAM.—Subparagraph (B) of section 8(o)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(6)(B)) is amended—

(1) by striking “(B) SELECTION OF TENANTS.—Each” and inserting the following:

“(B) SELECTION OF TENANTS.—

“(i) FUNCTION OF OWNER.—Each”;

(2) by inserting after “shall be the function of the owner.” the following: “Any owner that screens applicants based on the criminal background of the applicant or any member of the applicant household, or other permissible grounds for denial under sub-title F of title V of the Quality Housing and Work Responsibility Act of 1998 (42 U.S.C. 13661 et seq.; relating to safety and security in public and assisted housing) or this section, shall provide each applicant, at the time of application, written notice that the
owner is conducting such screening, which notice shall be provided in multiple languages, consistent with guidance issued by the Secretary in accordance with Executive Order 13166 (42 U.S.C. 2000d–1 note; relating to access to services for persons with limited English proficiency).”;

(3) by striking “In addition” and inserting the following:

“(ii) SCREENING.—In addition”;

(4) by inserting before the period at the end the following: “, except that a public housing agency may not elect to screen applicants for the program based on criminal conduct. The preceding sentence may not be construed to limit or affect the authority of a public housing agency under section 576 of the Quality Housing and Work Responsibility Act of 1998”; and

(5) by adding at the end the following new clause:

“(iii) EXISTING ASSISTED FAMILIES.—Previously assisted or subsidized families being provided with tenant protection assistance authorized by law (including tenant protection vouchers, enhanced vouchers under subsection (t), or project-
based vouchers under subsection (o)(13)),
families who are porting their vouchers to
a new jurisdiction, and assisted families
who are moving to redeveloped public hous-
ing (including any units with assistance
converted under the Rental Assistance
Demonstration program authorized under
title II of the Transportation, Housing and
Urban Development, and Related Agencies
Appropriations Act, 2012 (division C of
Public Law 112–55; 125 Stat. 673)), shall
not be considered new applicants under
this paragraph and shall not be subject to
elective re-screening by a public housing
agency.”.

(e) ADMINISTRATIVE FEES.—Subparagraph (B) of
section 8(q)(2) of the United States Housing Act of 1937
(42 U.S.C. 1437f(q)(2)(B)) is amended by inserting be-
fore the semicolon the following: “, except that persons
who have exited a jail or prison shall be considered, for
purposes of this subparagraph, to be experiencing dif-
ficulty in obtaining appropriate housing under the pro-
grams as determined by the Secretary”.

•HR 3685 IH
SEC. 7. SCREENING AND TERMINATION OF TENANCY IN RURAL HOUSING PROGRAMS.

(a) REGULATIONS.—The Secretary of Agriculture shall—

(1) revise the regulations of the Secretary regarding screening of applicants for admission to housing assisted, and for housing assistance, under the covered rural housing programs (as such term is defined in subsection (b)) to provide that such regulations are substantially similar to the regulations of the Secretary of Housing and Urban Development relating to screening of applicants for admission to federally assisted housing and to federally assisted housing programs, pursuant to the United States Housing Act of 1937, subtitle F of the Quality Housing and Work Responsibility Act of 1998, and any other applicable laws; and

(2) revise the regulations of the Secretary regarding termination of tenancy in housing assisted, and termination of housing assistance, under the covered rural housing programs to provide that such regulations are substantially similar to the regulations of the Secretary of Housing and Urban Development relating to termination of tenancy in federally assisted housing, and termination of housing assistance, pursuant to the United States Housing Act
of 1937, subtitle F of the Quality Housing and
Work Responsibility Act of 1998, and any other ap-
licable laws.

(b) COVERED RURAL HOUSING PROGRAMS.—For
purposes of this section, the term “covered rural housing
programs” means—

(1) the program under section 515 of the Hous-
ing Act of 1949 (42 U.S.C. 1485) for rural rental
and cooperative housing;

(2) the loan and grant programs under sections
514 and 516 of such Act (42 U.S.C. 1484, 1486)
for farm labor housing;

(3) the program under section 533 of such Act
(42 U.S.C. 1490M) for housing preservation grants;

(4) the program under section 538 of such Act
(42 U.S.C. 1490p–2) for loan guarantees for multi-
family rural rental housing;

(5) the program under section 521(a) of such
Act (42 U.S.C. 1490a) for rural housing rental as-
sistance; and

(6) the program under section 542 of such Act
(42 U.S.C. 1490r) for rural housing rental voucher
assistance.
(c) TIMING; CONSULTATION.—The Secretary of Agri-
culture shall issue the revised regulations required under
paragraph (1)—

(1) after consultation with the Secretary of
Housing and Urban Development; and

(2) not later than the expiration of the 180-day
period that begins upon the conclusion of the period
specified in section 10 of this Act.

(d) CONFORMING AMENDMENT.—Paragraph (3) of
section 579 of the Quality Housing and Work Responsibility Act of 1998 (42 U.S.C. 13664), as so redesignated
by the amendments made by section 3 of this Act, is fur-
ther amended—

(1) in subparagraph (G), by inserting “or”
after the semicolon at the end;

(2) in subparagraph (H), by striking “; or” and
inserting a period; and

(3) by striking subparagraph (I).

SEC. 8. DATA COLLECTION.

(a) IN GENERAL.—Subtitle F of the Quality Housing
and Work Responsibility Act of 1998 (42 U.S.C. 13661
et seq.) is amended—

(1) by redesignating section 579, as amended
by the preceding provisions of this Act, as section
579B; and
(2) by inserting after section 578 (42 U.S.C. 13663) the following new section:

“SEC. 579. DATA COLLECTION.

“(a) APPLICATIONS.—

“(1) IN GENERAL.—The Secretary shall require each public housing agency and owner to submit a report to the Secretary on an annual basis that contains the following information for the preceding 12-month reporting period:

“(A) The number of applications for admission to federally assisted housing or a federally assisted housing program reviewed by the public housing agency, including its review panel, or owner.

“(B) The number of applications for admission to federally assisted housing or a federally assisted housing program reviewed by the public housing agency, including its review panel, or owner for covered criminal conduct.

“(C) The number of denials of applications for admission to federally assisted housing or a federally assisted housing program rendered by the public housing agency or owner on the basis of covered criminal conduct.
“(D) The number of such denials pursuant to which the applicant filed a request for informal review.

“(E) The number of such denials that were overturned following informal review.

“(F) The information required under subparagraphs (A) through (E) disaggregated by the race of the applicant, the ethnicity of the applicant, the sex of the applicant, and whether the applicant had a disability as defined by section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

“(2) CONFIDENTIALITY.—The information collected pursuant to paragraph (1) shall be subject to the same confidentiality requirements of section 576(b)(2)(F) that are applicable to information gathered in the process of screening for criminal convictions.

“(b) TERMINATIONS.—The Secretary shall require each public housing agency and owner to submit a report to the Secretary on an annual basis that contains the following information for the preceding 12-month reporting period:
“(1) The number of terminations of tenancy and terminations of assistance initiated by the public housing agency or owner.

“(2) The number of terminations of tenancy and terminations of assistance rendered by the public housing agency or owner on the basis of covered criminal activity.

“(3) For each termination of tenancy or assistance based on covered criminal conduct, the specific type or types of covered criminal conduct involved, including the disposition of any criminal charges against the tenant or participant.

“(4) The information required under paragraphs (1) through (3) disaggregated by the race of the applicant, the ethnicity of the applicant, the sex of the applicant, and whether the applicant had a disability as defined by section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).”.

(b) CONFORMING AMENDMENT.—Subsection (c) of section 578 of the Quality Housing and Work Responsibility Act of 1998 (42 U.S.C. 13663(c)) is amended by striking “section 579(a)(2)” and inserting “section 579B(3)”.
SEC. 9. COMPLIANCE.

Subtitle F of the Quality Housing and Work Responsibility Act of 1998 (42 U.S.C. 13661 et seq.), as amended by the preceding provisions of this Act, is further amended by inserting after section 579 (as added by section 8 of this Act) the following new section:

"SEC. 579A. COMPLIANCE.

“A public housing agency or owner of federally assisted housing, as applicable, shall be solely responsible for compliance with the requirements of this subtitle, notwithstanding the use of any third party for such purposes. In a case of failure of a public housing agency or owner to comply with the requirements of this subtitle, the Secretary may withhold funds made available for the federally assisted housing program under which the failure to comply occurred from the agency or owner.”.

SEC. 10. NO INTERFERENCE WITH STATE OR LOCAL REGULATORY AUTHORITY.

This Act and the amendments made by this Act may not be construed to preempt any State or local regulations or requirements that do not prevent the application of the provisions of this Act or such amendments.

SEC. 11. REGULATIONS.

The Secretary of Housing and Urban Development shall issue any regulations necessary to carry out the amendments made by sections 2 through 6 and section
8 of this Act not later than the expiration of the 12-month period beginning on the date of the enactment of this Act.

SEC. 12. EFFECTIVE DATE.

Except as specifically provided otherwise in this Act, the amendments made by this Act shall be made on, and shall apply beginning upon, the effective date of the regulations issued pursuant to section 11.