

118TH CONGRESS
1ST SESSION

H. R. 3207

To establish a grant program to address the crises in accessing affordable housing and child care through the co-location of housing and child care, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2023

Ms. BONAMICI (for herself, Mr. EVANS, Mr. KILMER, Ms. JACOBS, Ms. JAYAPAL, Ms. TITUS, Ms. NORTON, Ms. LEE of California, Ms. DEAN of Pennsylvania, Mr. NICKEL, Ms. TLAIB, Ms. CASTOR of Florida, Mr. LYNCH, Mr. CARTER of Louisiana, Mr. NADLER, Ms. BARRAGÁN, and Ms. KUSTER) introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish a grant program to address the crises in accessing affordable housing and child care through the co-location of housing and child care, 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 “Build Housing with
5 Care Act of 2023”.

1 **SEC. 2. PURPOSE.**

2 The purpose of this Act is to expand access to afford-
3 able housing and child care through the establishment of
4 a grant program to promote the co-location of housing and
5 child care providers.

6 **SEC. 3. HOUSING AND CHILD CARE PROVIDER CO-LOCA-**
7 **TION GRANT PROGRAM.**

8 (a) **ESTABLISHMENT.**—The Secretary of Housing
9 and Urban Development shall establish a program (here-
10 after in this section referred to as “the Program”) to
11 award grants, on a competitive basis, to eligible entities
12 to facilitate the design, planning, construction, conversion,
13 retrofitting, preservation, or renovation of a co-location fa-
14 cility.

15 (b) **CONSULTATION.**—In developing the Program, the
16 Secretary shall consult with—

17 (1) the Secretary of Health and Human Serv-
18 ices, acting through the Assistant Secretary of the
19 Administration for Children and Families;

20 (2) the Secretary of the Treasury, acting
21 through the Director of the Community Develop-
22 ment Financial Institutions Fund; and

23 (3) the Secretary of Agriculture, acting through
24 the Under Secretary for Rural Development.

25 (c) **APPLICATION.**—To be eligible to receive a grant
26 under the Program, an eligible entity shall submit to the

1 Secretary an application at such time, in such manner,
2 and containing such information as the Secretary deter-
3 mines appropriate, including the following:

4 (1) A certification that the eligible child care
5 provider associated with such application is eligible
6 to receive vouchers or assistance under the Child
7 Care and Development Block Grant Act of 1990 (42
8 U.S.C. 9857 et seq.), or in the case of an application
9 to construct a new facility, or an application when
10 the eligible entity intends to subgrant or capitalize
11 amounts provided, a commitment to—

12 (A) establish a partnership with an eligible
13 child care provider not later than 1 year after
14 the date on which funding is received;

15 (B) submit to the Secretary a certification
16 of such eligibility of said provider to receive
17 vouchers or assistance under the Child Care
18 and Development Block Grant Act of 1990 (42
19 U.S.C. 9857 et seq.); and

20 (C) clearly establish a project pipeline, and
21 submission of a certification to the Secretary
22 that a child care provider associated with a co-
23 location facility project receives vouchers or as-
24 sistance under the Child Care and Development
25 Block Grant Act of 1990 (42 U.S.C. 9857 et

1 seq.) or the Head Start Act (42 U.S.C. 9831 et
2 seq.).

3 (2) A certification that activities funded by
4 grant amounts will not result in the eviction of resi-
5 dents of the housing facility associated with such ap-
6 plication.

7 (3) A description of a plan to inform and en-
8 gage residents of the housing facility associated with
9 such application about the proposed use of grant
10 amounts.

11 (4) A certification of compliance with required
12 Federal, State, and local environmental laws and
13 State and local land use policies, unless the eligible
14 entity—

15 (A) intends to use grant amounts to facili-
16 tate the planning or design required for permit
17 approval; or

18 (B) demonstrates that the construction,
19 preservation, conversion, retrofitting, or renova-
20 tion of an existing facility does not require envi-
21 ronmental review.

22 (5) A business plan for the eligible child care
23 provider associated with such application, submitted
24 at the time of application or not later than 1 year

1 after the date on which the application is submitted,
2 including—

3 (A) a budget or, in the case of a new eligi-
4 ble child care provider, a proposed budget;

5 (B) appropriate State and local licensing
6 or, in the case of a new eligible child care pro-
7 vider, a copy of the application of such provider
8 for appropriate State and local licensing; and

9 (C) copies of contracts between such pro-
10 vider and a local, county, regional, State, or
11 Federal governmental entity, to facilitate—

12 (i) the business operations of such
13 provider; or

14 (ii) the enrollment of children from
15 low-income families with such provider.

16 (d) AWARDING OF GRANTS.—

17 (1) PRIORITY.—In awarding grants under the
18 Program, the Secretary shall give priority to each el-
19 igible entity that demonstrates that the eligible child
20 care provider associated with the application of such
21 entity will—

22 (A) operate in a child care desert, in a low-
23 income community, or a rural area as deter-
24 mined by the Secretary;

1 (B) certify designation as a Head Start
2 provider, Early Head Start Provider, Migrant
3 and Seasonal Head Start Provider, American
4 Indian and Alaska Native Head Start Provider,
5 or enroll at least 10 percent of children from
6 very-low income families; or

7 (C) demonstrate a partnership with a com-
8 munity development financial institution, in-
9 cluding through the provision of financial or
10 technical assistance.

11 (2) GRANT AMOUNTS.—An eligible entity may
12 be awarded not more than \$10,000,000 under this
13 Act.

14 (e) USE OF AMOUNTS.—

15 (1) An eligible entity may only use grant
16 amounts provided under the Program to facilitate
17 the design, planning, construction, acquisition, pres-
18 ervation, conversion, retrofitting, long-term leasing,
19 or renovation of a new or existing co-location facil-
20 ity.

21 (2) An eligible entity receiving a grant under
22 this section may distribute grant amounts to a gov-
23 ernment entity, a nonprofit organization that devel-
24 ops housing, a public housing agency, a Tribally des-
25 igned housing entity, or other appropriate entity

1 as determined by the Secretary, to carry out activi-
2 ties in accordance with this section.

3 (3) A community development financial institu-
4 tion receiving a grant under this section may cap-
5 italize amount received to create financial products,
6 including loans, to carry out activities in accordance
7 with this section.

8 (4) An eligible entity may use—

9 (A) not more than 10 percent of amounts
10 awarded to facilitate the pre-development phase
11 of a new facility, including planning and design;
12 and

13 (B) not more than 10 percent of amounts
14 awarded to partner with a community develop-
15 ment financial institution that provides tech-
16 nical assistance and capacity building to help
17 the eligible entity to submit applications to the
18 Program, support an eligible child care provider
19 that is home-based with meeting relevant State
20 and local licensing and quality standards, and
21 conduct pre-development activities.

22 (f) ASSISTANCE.—The Secretary shall provide tech-
23 nical assistance and publish best practices online to facili-
24 tate the operation of co-location facilities.

1 (g) REPORT TO CONGRESS.—Not later than 1 year
2 after the date of the enactment of this Act, and annually
3 thereafter for the duration of the Program, the Secretary
4 shall submit a report to the Committees on Financial
5 Services and Education and the Workforce of the House
6 of Representatives and the Committees on Banking, Hous-
7 ing, and Urban Affairs and Health, Education, Labor, and
8 Pensions of the Senate regarding the implementation of
9 the Program, including—

10 (1) the number of grants awarded;

11 (2) a description of the activities funded;

12 (3) the number of child care slots created, in-
13 cluding the number of child care slots serving chil-
14 dren from low-income families or children who are
15 dual language learners;

16 (4) the number of child care slots preserved
17 that were at risk of elimination due to a child care
18 center closing or proposed price increases;

19 (5) the number and percentage of residents in
20 a co-location facility that use or are employed by the
21 associated child care program;

22 (6) the number of staff employed by the child
23 care provider;

24 (7) demographic data of residents of housing
25 facilities associated with the Program;

1 (8) the number and type of projects facilitated
2 through eligible uses of amounts described in sub-
3 sections (e)(2) and (e)(3);

4 (9) the number of early childhood providers
5 supported with funds from the program; and

6 (10) the number of eligible entities of each type
7 that receive grant funding under the Program.

8 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated to carry out this section
10 \$100,000,000 for each of fiscal years 2023 through 2028.

11 (i) DEFINITIONS.—In this section:

12 (1) CAREGIVER.—The term “caregiver” has the
13 meaning given such term in section 658P of the
14 Child Care and Development Block Grant Act of
15 1990 (42 U.S.C. 9858n).

16 (2) ELIGIBLE CHILD CARE PROVIDER.—The
17 term “eligible child care provider” has the meaning
18 given that term under section 658P of the Child
19 Care and Development Block Grant Act of 1990 (42
20 U.S.C. 9858n).

21 (3) CHILD CARE DESERT.—The term “child
22 care desert” means a census tract that contains not
23 less than 3 times more children than the licensed
24 child care providers in such census tract have the ca-

1 capacity to care for, or a census tract where there are
2 no licensed child care providers.

3 (4) CO-LOCATION FACILITY.—The term “co-lo-
4 cation facility” means a housing facility that con-
5 tains an eligible child care provider within, on the
6 premises of such facility or nearby such facility,
7 where such provider serves the residents of such
8 housing facility.

9 (5) COMMUNITY DEVELOPMENT FINANCIAL IN-
10 STITUTION.—The term “community development fi-
11 nancial institution” has the meaning given such
12 term in section 103 of the Community Development
13 Banking and Financial Institutions Act of 1994 (12
14 U.S.C. 4702).

15 (6) COMMUNITY DEVELOPMENT CORPORA-
16 TION.—The term “community development corpora-
17 tion” has the same meaning as when used in the
18 Cranston-Gonzalez National Affordable Housing
19 Act.

20 (7) COMMUNITY HOUSING DEVELOPMENT OR-
21 GANIZATION.—The term “community housing devel-
22 opment organization” has the meaning given in the
23 Cranston-Gonzalez National Affordable Housing Act
24 of 1990.

1 (8) ELIGIBLE ENTITY.—The term “eligible enti-
2 ty” means—

3 (A) a community development financial in-
4 stitution;

5 (B) an eligible child care provider;

6 (C) a public housing authority;

7 (D) a government entity including a public
8 housing agency;

9 (E) an Indian Tribe or a Tribal organiza-
10 tion;

11 (F) a community development corporation;

12 (G) a housing developer using—

13 (i) low income housing tax credits; or

14 (ii) new market tax credits;

15 (H) a nonprofit organization that develops
16 housing;

17 (I) community housing development orga-
18 nization;

19 (J) a consortia of 2 or more entities under
20 this paragraph; or

21 (K) another entity identified as appro-
22 priate by the Secretary.

23 (9) INDIAN TRIBE; TRIBAL ORGANIZATION.—

24 The terms “Indian Tribe” and “Tribal organiza-
25 tion” have the meanings given such terms in section

1 4 of the Indian Self-Determination and Education
2 Assistance Act (25 U.S.C. 5304) and shall include
3 tribally designated housing entities (as such term is
4 defined in section 4 of the Native American Housing
5 Assistance and Self-Determination Act of 1996 (25
6 U.S.C. 4103)) and entities that serve Native Hawai-
7 ians (as such term is defined in section 338K(e) of
8 the Public Health Service Act (42 U.S.C. 254s(c))).

9 (10) **LOW-INCOME FAMILY.**—The term “low-in-
10 come family” has the meaning given such term in
11 section 3(b) of the United States Housing Act of
12 1937 (42 U.S.C. 1437a(b)).

13 (11) **PUBLIC HOUSING AGENCY.**—The term
14 “public housing agency” has the meaning given such
15 term in section 3(b)(6) of the United States Hous-
16 ing Act of 1937 (42 U.S.C. 1437a(b)(6)).

17 (12) **VERY LOW-INCOME FAMILY.**—The term
18 “very low-income family” has the meaning given
19 such term in section 3(b) of the United States Hous-
20 ing Act of 1937 (42 U.S.C. 1437a(b)).

21 **SEC. 4. GAO STUDY AND REPORT REGARDING CHILD CARE**
22 **ACCESS FOR RESIDENTS OF PUBLIC HOUS-**
23 **ING.**

24 (a) **STUDY.**—The Comptroller General of the United
25 States shall conduct a study regarding the availability and

1 affordability of child care for residents of public housing
2 dwelling units, that shall include—

3 (1) a description of how amounts from the fol-
4 lowing programs have been used by eligible child
5 care providers to establish, renovate, or improve fa-
6 cilities—

7 (A) Community Development Block Grant
8 funds;

9 (B) New Market Tax Credits;

10 (C) Community Development Financial In-
11 stitution Program funds;

12 (D) Low Income Housing Tax Credits;

13 (E) Capital Management Fund funds; or

14 (F) HOME Investment Partnerships Pro-
15 gram funds;

16 (2) an evaluation of the effects of housing and
17 child care costs on the economic outlook of residents
18 of public housing dwelling units;

19 (3) an evaluation of what percentage of resi-
20 dents of public housing dwelling units are both—

21 (A) cost-burdened, as defined by the Sec-
22 retary of Housing and Urban Development; and

23 (B) part of a household where not less
24 than 7 percent of the income of such household
25 is spent on child care;

1 (4) identification and analysis of State or local
2 laws that are barriers to building or maintaining a
3 facility for use by eligible child care providers within
4 or near a public housing dwelling unit;

5 (5) an assessment of how housing assistance
6 provided under the program for rental assistance
7 under section 8 of the United States Housing Act of
8 1937 (42 U.S.C. 1437f) affects the ability of resi-
9 dents of public housing dwelling units to afford child
10 care and other essential expenses, including—

11 (A) food;

12 (B) telecommunications services and equip-
13 ment such as broadband internet connectivity
14 and cellular phones; and

15 (C) means of transportation such as auto-
16 mobiles, bicycles, or public transportation;

17 (6) an evaluation of the efficacy of the Child
18 and Dependent Care Tax Credit, Earned Income
19 Tax Credit, Child Tax Credit, and Dependent Care
20 Flexible Spending Account for residents of public
21 housing dwelling units, including—

22 (A) the degree of public knowledge about
23 such programs;

1 (B) the degree of success of outreach or
2 public education programs regarding such pro-
3 grams; and

4 (C) an assessment of the sufficiency of
5 each program to cover the costs of child care;

6 (7) an evaluation of the extent that residents of
7 public housing dwelling units receive information re-
8 garding child care resources from Federal agencies
9 or public housing agencies; and

10 (8) recommendations to improve access to child
11 care within and near public housing dwelling units
12 and to improve awareness of the availability of Fed-
13 eral programs to assist with the costs of housing and
14 child care.

15 (b) REPORT.—Not later than 12 months after the
16 date of the enactment of this Act, the Comptroller General
17 shall submit a report to the Committees on Financial
18 Services and Education and the Workforce of the House
19 of Representatives and the Committees on Banking, Hous-
20 ing, and Urban Affairs and Health, Education, Labor, and
21 Pensions of the Senate, describing the results and conclu-
22 sions of the study required in subsection (a).

23 (c) DEFINITIONS.—In this section:

24 (1) ELIGIBLE CHILD CARE PROVIDER.—The
25 term “eligible child care provider” has the meaning

1 given such term in section 658P of the Child Care
2 and Development Block Grant Act of 1990 (42
3 U.S.C. 9858n).

4 (2) PUBLIC HOUSING DWELLING UNIT.—The
5 term “public housing dwelling unit” means a dwell-
6 ing unit assisted under the public housing program
7 under the United States Housing Act of 1937 (42
8 U.S.C. 1437 et seq.).

9 (3) PUBLIC HOUSING AGENCY.—The term
10 “public housing agency” has the meaning given such
11 term in section 3(b)(6) of the United States Hous-
12 ing Act of 1937 (42 U.S.C. 1437a(b)(6)).

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