

118TH CONGRESS
1ST SESSION

H. R. 1431

To amend the Fair Housing Act, to prohibit discrimination based on use of section 8 vouchers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 7, 2023

Ms. VELÁZQUEZ introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committees on Ways and Means, and the Judiciary, 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 amend the Fair Housing Act, to prohibit discrimination based on use of section 8 vouchers, 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 “Landlord Account-
5 ability Act of 2023”.

6 **SEC. 2. PROHIBITING HOUSING DISCRIMINATION BASED**
7 **ON SOURCE OF INCOME.**

8 (a) IN GENERAL.—The Fair Housing Act (42 U.S.C.
9 3601 et seq.) is amended—

1 (1) in section 802 (42 U.S.C. 3602), by adding
2 at the end the following:

3 “(p) ‘Source of income’ includes—

4 “(1) current and future use of a tenant- or
5 project-based housing voucher under section 8 of the
6 United States Housing Act of 1937 (42 U.S.C.
7 1437f) and any form of Federal, State, or local
8 housing assistance provided to a person or family or
9 provided to a housing owner on behalf of a person
10 or family, including rental vouchers, rental assist-
11 ance, down payment assistance, other homeownership
12 assistance, assistance to cover housing costs,
13 and other rental and homeownership subsidies, or
14 guarantees or financial assistance provided through
15 government and nongovernment organizations, in-
16 cluding both receipt of such assistance and compli-
17 ance with its terms thereof;

18 “(2) income received as a monthly benefit
19 under title II of the Social Security Act (42 U.S.C.
20 401 et seq.), as a supplemental security income ben-
21 efit under title XVI of the Social Security Act (42
22 U.S.C. 1381 et seq.), or as a benefit under the Rail-
23 road Retirement Act of 1974 (45 U.S.C. 231 et
24 seq.) or income provided through Federal, State, or
25 local governments or nongovernment organizations,

1 or through any public or State-supported general or
2 disability income assistance program or the terms of
3 such income;

4 “(3) income received by court order, including
5 spousal support and child support;

6 “(4) any payment from a trust, guardian, con-
7 servator, co-signer, or relative; and

8 “(5) any other source of income or funds, in-
9 cluding savings accounts and investments.”;

10 (2) in section 804 (42 U.S.C. 3604)—

11 (A) by inserting “source of income,” after
12 “familial status,” each place that term appears;
13 and

14 (3) in section 805 (42 U.S.C. 3605)—

15 (A) in subsection (a), by inserting “source
16 of income,” after “familial status,”; and

17 (B) in subsection (c), by inserting “source
18 of income,” after “handicap,”;

19 (4) in section 806 (42 U.S.C. 3606), by insert-
20 ing “source of income,” after “familial status,”;

21 (5) in section 807 (42 U.S.C. 3607), by adding
22 at the end the following new subsection:

23 “(c) Nothing under this title shall be construed to
24 prohibit any entity from providing a preference for vet-
25 erans or based on veteran status in the sale or rental of

1 a dwelling or in the provision of services or facilities in
2 connection therewith.”;

3 (6) in section 808(e)(6) (42 U.S.C. 3608(e)(6)),
4 by inserting “source of income,” after “handicap,”;
5 and

6 (7) in section 810(f) (42 U.S.C. 3610(f)), by
7 striking paragraph (4) and inserting the following:

8 “(4) During the period beginning on the date of en-
9 actment of the Landlord Accountability Act of 2023 and
10 ending on the date that is 40 months after such date of
11 enactment, each agency certified for purposes of this title
12 on the day before such date of enactment shall, for pur-
13 poses of this subsection, be considered certified under this
14 subsection with respect to those matters for which the
15 agency was certified on that date. If the Secretary deter-
16 mines in an individual case that an agency has not been
17 able to meet the certification requirements within this 40-
18 month period due to exceptional circumstances, such as
19 the infrequency of legislative sessions in that jurisdiction,
20 the Secretary may extend such period by not more than
21 6 months.”.

22 (b) PREVENTION OF INTIMIDATION IN FAIR HOUS-
23 ING CASES.—Section 901 of the Civil Rights Act of 1968
24 (42 U.S.C. 3631) is amended by inserting “source of in-

1 come (as defined in section 802),” before “or national ori-
2 gin” each place that term appears.

3 (c) AUTHORIZATION OF APPROPRIATIONS FOR EN-
4 FORCEMENT.—There is authorized to be appropriated for
5 contracts, grants, and other assistance—

6 (1) \$90,000,000 for each of fiscal years 2024
7 through 2033 for the Fair Housing Initiatives Pro-
8 gram under section 561 of the Housing and Com-
9 munity Development Act of 1987 (42 U.S.C.
10 3616a);

11 (2) \$47,000,000 for each of fiscal years 2024
12 through 2033 for the Fair Housing Assistance Pro-
13 gram under the Fair Housing Act (42 U.S.C. 3601
14 et seq.); and

15 (3) \$3,000,000 for each of fiscal years 2024
16 through 2026 to the Secretary of Housing and
17 Urban Development for a carrying out national
18 media campaign to raise public awareness to help in-
19 dividuals understand their expanded rights under
20 the Fair Housing Act and learn how to report inci-
21 dents of housing discrimination.

1 **SEC. 3. PENALTIES FOR INTENTIONAL ACTS TO DIS-**
2 **QUALIFY DWELLING UNITS FROM ELIGI-**
3 **BILITY FOR FEDERAL HOUSING PROGRAMS.**

4 (a) VIOLATION.—An owner of a dwelling unit that
5 is available for rental may not take any action, or fail to
6 take any action, with the intent to make the dwelling unit
7 insufficiently decent, safe, sanitary, or inhabitable, or
8 cause such other physical condition, so that the dwelling
9 does not qualify for assistance within the jurisdiction of
10 the Department (as such term is defined in section 102(m)
11 of the Department of Housing and Urban Development
12 Reform Act of 1989 (42 U.S.C. 3545(m))).

13 (b) CIVIL MONEY PENALTIES.—Any person who is
14 found by the Secretary of Housing and Urban Develop-
15 ment, after notice and opportunity for a hearing in accord-
16 ance with section 554 of title 5, United States Code, to
17 have violated subsection (a) shall be assessed a civil money
18 penalty by the Secretary in the amount of \$100,000 for
19 each such action or failure to act.

20 (c) LIABILITY TO TENANTS.—A tenant who, at the
21 time of a violation under subsection (a), occupies the
22 dwelling unit to which the violation relates may bring a
23 civil action for damages in the following amounts:

24 (1) \$50,000 for each action or failure to act in
25 violation of subsection (a).

1 (2) Any actual damages and costs to the tenant
2 resulting from the violation, including any costs of
3 finding a replacement dwelling unit.

4 **SEC. 4. PENALTIES FOR VACANT UNITS.**

5 (a) VIOLATION; PENALTY.—In the case of a dwelling
6 unit that is located in a multifamily housing project, quali-
7 fies for assistance within the jurisdiction of the Depart-
8 ment (as such term is defined in section 102(m) of the
9 Department of Housing and Urban Development Reform
10 Act of 1989 (42 U.S.C. 3545 (m))), is available for rental,
11 and is found, after notice and opportunity for a hearing
12 in accordance with section 554 of title 5, United States
13 Code, to be intentionally left vacant by the owner for a
14 period of more than 60 days that begins as provided under
15 subsection (b), the owner shall be assessed a civil money
16 penalty in the amount of \$100,000 for every 30 days that
17 the unit is found to be intentionally left vacant.

18 (b) TIMING.—

19 (1) NEW UNITS.—In the case of a dwelling unit
20 that has not previously been occupied, such 60-day
21 period shall commence on the day that the unit is
22 first habitable for occupancy, as determined by the
23 Secretary.

24 (2) EXISTING UNITS.—In the case of a dwelling
25 unit that has previously been occupied, such 60-day

1 period shall commence on the day that the unit was
2 vacated by the most recent tenant.

3 (c) TREATMENT OF REPAIRS.—In making a deter-
4 mination with respect to a violation under subsection
5 (a)—

6 (1) the Secretary shall presume, subject to
7 paragraph (2), that a dwelling unit that is vacant
8 during any period between tenancies that the unit is
9 being repaired, updated, renovated, or refurbished is
10 not available for rental during such period; and

11 (2) the Secretary shall treat such presumption
12 as having been rebutted upon a showing by a pro-
13 spective tenant, or agent thereof, that a reasonable
14 period of time for such updating, renovation, or re-
15 furbishment elapsed.

16 **SEC. 5. RESOURCES FOR RECEIVING AND RESOLVING COM-**
17 **PLAINTS REGARDING MULTIFAMILY HOUS-**
18 **ING PROJECTS.**

19 (a) INCREASED HUD STAFFING FOR COMPLAINT
20 CALL STAFFING.—

21 (1) INCREASED STAFFING.—The Secretary
22 shall, not later than the expiration of the 180-day
23 period beginning on the date of the enactment of
24 this Act, increase the staffing level for the Multi-
25 family Housing Complaint Line established and op-

1 erated by the Multifamily Housing Clearinghouse of
2 the Department so that it is sufficient and appro-
3 priate to handle the volume of calls received without
4 unreasonable waiting periods.

5 (2) AUTHORIZATION OF APPROPRIATIONS.—For
6 carrying out paragraph (1), there are authorized to
7 be appropriated to the Secretary such sums as may
8 be necessary for each fiscal year for carrying out
9 paragraph (1).

10 (b) MULTIFAMILY HOUSING COMPLAINT RESOLU-
11 TION PROGRAM.—

12 (1) IN GENERAL.—The Secretary shall carry
13 out a Multifamily Housing Complaint Resolution
14 Program for receiving complaints about multifamily
15 housing projects from voucher users who reside in
16 such projects and local governmental officials, under
17 which the Secretary shall provide for—

18 (A) gathering of information regarding
19 each such complaint;

20 (B) determining whether there is a likeli-
21 hood that there is any violation of the require-
22 ments under the rental assistance voucher pro-
23 gram relating to such complaint;

24 (C) informing the owner or landlord of the
25 complaint and any violations; and

1 (D) attempting to resolve the complaint
2 and violations, including through mediation.

3 (2) RESOLUTION.—The Secretary may provide
4 for carrying out the activities required under para-
5 graph (1)(D) through regional or field offices of the
6 Department or through such local or private organi-
7 zations or agencies as the Secretary determines have
8 appropriate capabilities and expertise to carry out
9 such activities.

10 (3) FUNDING.—Amounts made available for ad-
11 ministrative fees under section 8(q) of the United
12 States Housing Act of 1937 (42 U.S.C. 1437f(q))
13 shall be available for carrying out the program
14 under this subsection.

15 (4) REGULATIONS.—Not later than the expira-
16 tion of the 12-month period beginning on the date
17 of the enactment of this Act, the Secretary shall
18 issue any regulations necessary to establish the Pro-
19 gram required under this subsection.

20 **SEC. 6. HUD DISCLOSURE OF LANDLORD COMPLAINTS.**

21 (a) PUBLIC DISCLOSURE.—The Secretary shall pub-
22 licly disclose, on a website of the Department and on a
23 timely basis, information regarding each complaint re-
24 ceived under the Program establish pursuant to section
25 5(b), which shall include for each such complaint—

1 (1) the nature of the complaint;

2 (2) the date on which such complaint was sub-
3 mitted to the Department;

4 (3) the disposition, as of the time of such dis-
5 closure, of such complaint; and

6 (4) information identifying the multifamily
7 housing project to which such complaint relates.

8 (b) **REPORTS TO CONGRESS.**—The Secretary of
9 Housing and Urban Development shall submit a report
10 annually to the Committee on Financial Services of the
11 House of Representatives and the Committee on Banking,
12 Housing, and Urban Affairs of the Senate summarizing
13 the complaints described in subsection (a) that were re-
14 ceived by the Department during the preceding year and
15 describing the disposition to such date of such complaints.

16 **SEC. 7. TAX CREDIT INCENTIVE FOR MAINTENANCE OF**
17 **MULTIFAMILY HOUSING WITH VOUCHER**
18 **USER TENANTS.**

19 (a) **IN GENERAL.**—Subpart D of part IV of sub-
20 chapter A of chapter 1 of the Internal Revenue Code of
21 1986 is amended by adding at the end the following new
22 section:

23 **“SEC. 45AA. LOW-INCOME HOUSING MAINTENANCE CREDIT.**

24 “(a) **IN GENERAL.**—For purposes of section 38, in
25 the case of an eligible landlord, the low-income housing

1 maintenance credit determined under this section for the
2 taxable year is an amount equal to the amount of the tax-
3 payer’s low-income housing maintenance expenses for such
4 taxable year.

5 “(b) LIMITATIONS.—

6 “(1) PER UNIT LIMITATION.—The credit al-
7 lowed under subsection (a) with respect to any tax-
8 payer for any taxable year shall not exceed the prod-
9 uct of \$2,500 multiplied by the number of low-in-
10 come housing units owned by the taxpayer.

11 “(2) PER BUILDING LIMITATION.—The credit
12 allowed under subsection (a) with respect to any tax-
13 payer for any taxable year shall not exceed the prod-
14 uct of \$100,000 multiplied by the number of eligible
15 low-income housing projects owned by the taxpayer.

16 “(3) PER TAXPAYER LIMITATION.—The credit
17 allowed under subsection (a) with respect to any tax-
18 payer for any taxable year shall not exceed
19 \$500,000.

20 “(c) ELIGIBLE LANDLORD.—For purposes of this
21 section, the term ‘eligible landlord’ means any taxpayer
22 for any taxable year if—

23 “(1) such taxpayer owns one or more eligible
24 low-income housing projects during such taxable
25 year, and

1 “(2) either—

2 “(A) each complaint that is filed, under
3 the program under section 5(b) of the Landlord
4 Accountability Act of 2023, during such taxable
5 year with respect to a dwelling unit in an eligi-
6 ble low-income housing project owned by such
7 taxpayer has been determined by the Secretary
8 of Housing and Urban Development to have
9 been remedied not later than the date which is
10 30 days after the date on which such complaint
11 is so filed, or

12 “(B) no such complaint has been filed with
13 respect to such a dwelling unit in such a hous-
14 ing project owned by such taxpayer during such
15 taxable year.

16 “(d) OTHER DEFINITIONS.—For purposes of this
17 section—

18 “(1) LOW-INCOME HOUSING MAINTENANCE EX-
19 PENSES.—The term ‘low-income housing mainte-
20 nance expenses’ means the aggregate amount paid
21 or incurred by the taxpayer during the taxable year
22 for maintenance or improvement of low-income hous-
23 ing units.

24 “(2) ELIGIBLE LOW-INCOME HOUSING
25 PROJECT.—The term ‘eligible low-income housing

1 project’ means, with respect to a taxable year, a
2 housing project—

3 “(A) that consists of five or more dwelling
4 units at least one of which was occupied during
5 such year by a family who rented the dwelling
6 unit using a voucher for rental assistance under
7 section 8(o) of the United States Housing Act
8 of 1937 (42 U.S.C. 1437f(o)); and

9 “(B) with respect to which the eligible
10 landlord has entered into such binding agree-
11 ments as the Secretary of Housing and Urban
12 Development shall require to ensure that rents
13 for dwelling units in the project do not, at any
14 time after the taxable year in which a low-in-
15 come housing maintenance credit under this
16 section is allowable, exceed the applicable fair
17 market rental under section 8(c) of the United
18 States Housing Act of 1937 (42 U.S.C.
19 1437f(c)) for the market area in which the
20 project is located.

21 “(3) LOW-INCOME HOUSING UNIT.—The term
22 ‘low-income housing unit’ means a dwelling unit
23 within an eligible low-income housing project.

24 “(e) AGGREGATION RULE.—All persons treated as a
25 single employer under subsection (a) or (b) of section 52

1 or subsection (m) or (o) of section 414 shall be treated
2 as one person for purposes of applying this section. The
3 credit determined under subsection (a) (after application
4 of subsection (b)) shall be allocated among such persons
5 in such manner as the Secretary may prescribe.

6 “(f) TERMINATION.—No credit shall be determined
7 under this section with respect to any taxable year begin-
8 ning after December 31, 2033.”

9 (b) CREDIT TO BE PART OF GENERAL BUSINESS
10 CREDIT.—Section 38(b) of such Code is amended by strik-
11 ing “plus” at the end of paragraph (37), by striking the
12 period at the end of paragraph (38) and inserting “, plus”,
13 and by adding at the end the following new paragraph:

14 “(39) in the case of an eligible landlord (as de-
15 fined in section 45AA(c)), the low-income housing
16 maintenance credit determined under section
17 45AA.”

18 (c) CLERICAL AMENDMENT.—The table of sections
19 for subpart D of part IV of subchapter A of chapter 1
20 of such Code is amended by adding at the end the fol-
21 lowing new item:

“Sec. 45AA. Low-income housing maintenance credit.”

22 (d) EFFECTIVE DATE.—The amendments made by
23 this section shall apply to taxable years beginning after
24 December 31, 2023.

1 **SEC. 8. PUBLIC DISPLAY OF TENANT'S RIGHTS AND COM-**
2 **PLAINT LINE.**

3 (a) **REQUIRED DISPLAY.**—An owner of a multifamily
4 housing project which qualifies for assistance within the
5 jurisdiction of the Department (as such term is defined
6 in section 102(m) of the Department of Housing and
7 Urban Reform Act of 1989 (42 U.S.C. 3545 (m)) shall
8 display, at all times and in clear and conspicuous location
9 on each floor of such project that contains any dwelling
10 unit, a written notice that includes—

11 (1) a statement describing the rights under
12 Federal law afforded to tenants of the project;

13 (2) the phone number for the Multifamily
14 Housing Complaint Line established and operated by
15 the Multifamily Housing Clearinghouse; and

16 (3) the phone number for a regional or local of-
17 fice of the Department which can provide tenants
18 additional information regarding State and local re-
19 sources for tenants.

20 (b) **CIVIL MONEY PENALTY.**—Any person who is
21 found by the Secretary of Housing and Urban Develop-
22 ment, after notice and opportunity for a hearing in accord-
23 ance with section 554 of title 5, United States Code, to
24 have failed to make a good faith effort to display notice
25 complying with subsection (a) may be assessed a civil
26 money penalty by the Secretary in the amount of \$500

1 for each day of each such failure, except that the Secretary
2 shall waive such penalty in any case in which an owner
3 cures such violation within the 5-day period beginning
4 upon notice by the Secretary of such violation.

5 (c) MODEL NOTICE.—

6 (1) DEVELOPMENT.—Not later than the expira-
7 tion of the 12-month period beginning on the date
8 of the enactment of this Act, the Secretary shall de-
9 velop and publish in the Federal Register a model
10 notice that fulfills the requirements under subsection
11 (a)(1).

12 (2) AVAILABILITY.—The Secretary shall make
13 copies of the notice developed pursuant to paragraph
14 (1) available, upon request, to owners of multifamily
15 housing projects.

16 (d) APPLICABILITY.—Subsections (a) and (b) shall
17 apply beginning upon the expiration of the 60-day period
18 that begins on the date that the Secretary publishes notice
19 in the Federal Register pursuant to subsection (c)(1).

20 (e) REGULATIONS.—Not later than the expiration of
21 the 180-day period beginning on the date of the enactment
22 of this Act, the Secretary shall issue regulations to carry
23 out this section.

1 **SEC. 9. GRANTS FOR TENANT HARASSMENT PREVENTION**
2 **PROGRAMS.**

3 (a) **AUTHORITY.**—The Secretary may, to the extent
4 amounts are made available for grants under this section,
5 make grants to States, Indian tribes, units of local govern-
6 ment, and nonprofit, nongovernmental affordable housing
7 organizations to develop, expand, or assist tenant harass-
8 ment prevention programs.

9 (b) **TENANT HARASSMENT PREVENTION PRO-**
10 **GRAM.**—For purposes of this section, the term “tenant
11 harassment prevention program” means any program or
12 activities designed to protect, assist, or educate tenants
13 of residential rental dwelling units regarding harassing or
14 illegal behavior by their landlords intended to force the
15 tenant to vacate the dwelling unit or surrender any of
16 their rights as tenants. Such term includes programs and
17 activities providing legal assistance, counseling, education,
18 intervention, complaint processes.

19 (c) **FEDERAL SHARE.**—The amount of a grant under
20 this section for any tenant harassment prevention pro-
21 gram may not exceed 75 percent of the total costs of the
22 program or activities to be carried out, including adminis-
23 trative costs.

24 (d) **APPLICATIONS.**—The Secretary shall provide for
25 eligible entities specified in subsection (a) to apply for
26 grants under this section, which applications shall describe

1 the tenant harassment prevention program to be assisted
2 with grant amounts, the activities to be carried out under
3 the program, and the projected costs of such activities.

4 (e) SELECTION.—The Secretary shall select appli-
5 cants to receive grants based on criteria that the Secretary
6 shall establish.

7 (f) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated \$25,000,000 for each
9 of fiscal years 2024 through 2028 for grants under this
10 section.

11 **SEC. 10. DEFINITIONS.**

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

14 (1) MULTIFAMILY HOUSING PROJECT.—The
15 term “multifamily housing project” means a housing
16 project consisting of five or more dwelling units.

17 (2) RENTAL ASSISTANCE VOUCHER.—The term
18 “rental assistance voucher” means a voucher for
19 rental assistance made available under section 8(o)
20 of the United States Housing Act of 1937 (42
21 U.S.C. 1437f(o)).

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

1 (4) VOUCHER USER.—The term “voucher user”
2 means a family who is renting a dwelling unit using
3 a rental assistance voucher.

4 **SEC. 11. REGULATIONS.**

5 The Secretary may issue any regulations necessary
6 to carry out this Act.

○