

114TH CONGRESS
2D SESSION

H. R. 5085

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

APRIL 27, 2016

Ms. MAXINE WATERS of California 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 Hous-
5 ing Act of 2016”.

6 **SEC. 2. DEFINITION OF COVERED CRIMINAL ACTIVITY.**

7 Section 579(a) of the Quality Housing and Work Re-
8 sponsibility Act of 1998 (42 U.S.C. 13664(a)) is amended
9 by striking paragraph (1) and inserting the following new
10 paragraph:

1 “(1) COVERED CRIMINAL ACTIVITY.—The term
2 ‘covered criminal activity’ means, with respect to
3 federally assisted housing—

4 “(A) any criminal activity that threatens
5 the health, safety, or right to peaceful enjoy-
6 ment of the premises by other tenants, the em-
7 ployees, or the owner or public housing agency,
8 including any violent criminal activity on such
9 premises, engaged in by a tenant, any member
10 of the tenant’s household, or any guest or other
11 person under the tenant’s control and acting
12 with the tenant’s knowledge; or

13 “(B) any violent criminal activity off such
14 premises engaged in by a tenant or any member
15 of the tenant’s household that poses risk of fu-
16 ture harm to other tenants, employees, or the
17 public housing agency or owner.

18 Such term includes criminal activity that has re-
19 sulted in a lifetime registration requirement specified
20 in section 578(a) (42 U.S.C. 13663(a)) and criminal
21 activity described in section 16(f)(1) of the United
22 States Housing Act of 1937 (42 U.S.C.
23 1437n(f)(1)).”.

1 **SEC. 3. SCREENING OF APPLICANTS FOR FEDERALLY AS-**
2 **SISTED HOUSING.**

3 (a) IN GENERAL.—Section 576 of the Quality Hous-
4 ing and Work Responsibility Act of 1998 (42 U.S.C.
5 13661) is amended to read as follows:

6 **“SEC. 576. SCREENING OF APPLICANTS FOR FEDERALLY**
7 **ASSISTED HOUSING.**

8 “(a) AUTHORITY TO DENY ADMISSION FOR CERTAIN
9 CRIMINAL ACTIVITY.—Except as otherwise provided by
10 this section and in addition to any other authority to
11 screen applicants, in selecting among applicants for admis-
12 sion to federally assisted housing or to the program, only
13 if the public housing agency or owner of such housing (as
14 applicable) determines that an applicant or any member
15 of the applicant’s household was, during a reasonable time
16 preceding the date when the applicant household would
17 otherwise be admitted to the federally assisted housing or
18 the program, engaged in covered criminal activity, the
19 public housing agency or owner shall conduct an individ-
20 ualized review of the totality of the circumstances before
21 denying such applicant admission to the program or to
22 federally assisted housing.

23 “(b) TOTALITY OF THE CIRCUMSTANCES REVIEW.—

24 “(1) REQUIREMENT.—Before denying admis-
25 sion to an applicant pursuant to subsection (a), a
26 public housing agency or owner shall conduct an in-

1 dividualized review of the totality of the cir-
2 cumstances regarding the criminal background at
3 issue, taking into consideration the applicant’s need
4 for housing and the health and safety of the commu-
5 nity.

6 “(2) GUIDANCE; MITIGATING FACTORS.—The
7 Secretary shall issue guidance for public housing
8 agencies and owners regarding reviews required
9 under paragraph (1), which shall provide for appli-
10 cants to submit mitigating evidence and shall include
11 consideration of all mitigating factors presented, in-
12 cluding the following factors:

13 “(A) SEVERITY.—The severity of the of-
14 fense or offenses committed.

15 “(B) FREQUENCY.—The frequency of the
16 offense or offenses committed and the amount
17 of time since such offense or offenses.

18 “(C) NATURE OF OFFENSE.—

19 “(i) DISABILITY-RELATED OF-
20 FENSES.—Whether the offense or of-
21 fenses—

22 “(I) were committed by a mem-
23 ber of the household who is an indi-
24 vidual with disabilities who is entitled
25 to a reasonable accommodation under

1 the Fair Housing Act or section 504
2 of the Rehabilitation Act of 1974; or

3 “(II) are related to a symptom of
4 a disability of the member of the
5 household who committed the offense
6 or offenses.

7 “(ii) PROXIMITY TO ASSISTED HOUS-
8 ING.—Whether the offense or offenses oc-
9 curred on or near the federally assisted
10 housing to which the applicant’s applica-
11 tion relates (if applicable).

12 “(iii) EMPLOYMENT; EDUCATION; VO-
13 CATION.—The employment, educational, or
14 vocational status of the member of the
15 household who committed the offense or
16 offenses.

17 “(iv) COMMUNITY AND FAMILIES
18 TIES.—The nature and extent of commu-
19 nity and family ties of the member of the
20 household who committed the offense or
21 offenses.

22 “(c) PROHIBITION OF DENIALS ON THE BASIS OF
23 PREVIOUS EVICTIONS OR INCONCLUSIVE EVIDENCE.—A
24 public housing agency or owner may not deny admission

1 to federally assisted housing or to the program based sole-
2 ly on—

3 “(1) a previous eviction for criminal activity;

4 “(2) an arrest for an offense for which the ap-
5 plicant was not subsequently convicted;

6 “(3) any juvenile adjudication or conviction;

7 “(4) a conviction that has been expunged,
8 sealed, or subject to similar judicial relief under
9 State law the purpose of which is to remove the col-
10 lateral consequences of a criminal conviction;

11 “(5) non-criminal citations, such as traffic and
12 municipal citations; or

13 “(6) whether the offense or offenses committed
14 arose from a household member’s status as a victim
15 of domestic violence, dating violence, sexual assault,
16 or stalking, as such terms are defined in section
17 40002 of the Violence Against Women Act of 1994
18 (42 U.S.C. 13925(a)).

19 “(d) OPPORTUNITY TO REMOVE CULPABLE HOUSE-
20 HOLD MEMBER.—

21 “(1) IN GENERAL.—In the case of any covered
22 criminal activity described in subsection (a) war-
23 ranting denial of admission to federally assisted
24 housing, the public housing agency or owner shall,
25 before denying admission to the entire applicant

1 household, provide the applicant household with the
2 option of removing from the household the member
3 or members who would be cause for such denial in
4 order for the remainder of the household to be eligi-
5 ble for admission, and may only deny such admis-
6 sion if the applicant household refuses to exercise
7 such option.

8 “(2) NOTICE.—A public housing agency or
9 owner shall provide the applicant household with
10 written notice of the option required under para-
11 graph (1) within a reasonable time before notice of
12 an adverse action relating to covered criminal activ-
13 ity described in subsection (a).

14 “(e) PROHIBITION ON SUSPICIONLESS DRUG AND
15 ALCOHOL TESTING.—Notwithstanding any other provi-
16 sion of law, a public housing agency or owner of federally
17 assisted housing may not require drug or alcohol testing,
18 without individualized suspicion, of any applicant for ad-
19 mission to federally assisted housing or a program of
20 housing assistance as a condition of such housing assist-
21 ance.

22 “(f) NOTICES.—The Secretary shall require each
23 public housing agency and owner of federally assisted
24 housing to provide—

1 “(1) to each applicant for admission to federally
2 assisted housing or to the program, at the time of
3 application, written notice of the policy of such agen-
4 cy or owner pursuant to this subtitle or any other
5 provision of law regarding denial of admission for
6 criminal activity, which shall include—

7 “(A) notice of the authority under sub-
8 section (a) to deny admission based on covered
9 criminal activity and notice of the specific rea-
10 sonable time period to which such authority ap-
11 plies; and

12 “(B) notice of the requirement under sub-
13 section (b) to consider the totality of the cir-
14 cumstances and the right under subsection
15 (b)(2) to present mitigating evidence;

16 “(2) to each applicant, upon selection from the
17 waiting list for admission to federally assisted hous-
18 ing or to the program, written notice of the policy
19 specified in paragraph (1); and

20 “(3) to an applicant, upon denial of an applica-
21 tion for admission to federally assisted housing or to
22 the program—

23 “(A) written notice of—

1 “(i) the reason for such denial, includ-
2 ing the specific criminal activity on which
3 the denial is based;

4 “(ii) the actions that the applicant
5 may take to appeal such denial; and

6 “(iii) the requirement under sub-
7 section (b) to consider the totality of the
8 circumstances and the right under sub-
9 section (b)(2) to present mitigating evi-
10 dence; and

11 “(B) a copy of any documents that the
12 public housing agency or owner used to support
13 its determination of criminal activity.

14 “(g) RESPONSIBILITY FOR COMPLIANCE.—A public
15 housing agency or owner, as applicable, shall be solely re-
16 sponsible for compliance with the requirements of this sub-
17 title, notwithstanding the use of any third party for such
18 purposes.

19 “(h) COMPLIANCE WITH LIMITED ENGLISH PRO-
20 FICIENCY REQUIREMENTS.—Any notice or document re-
21 quired under this section to be provided to an applicant
22 or applicant household shall be provided in multiple lan-
23 guages, consistent with guidance issued by the Secretary
24 in accordance with Executive Order 13166 (42 U.S.C.

1 2000d–1 note; relating to access to services for persons
2 with limited English proficiency).”.

3 (b) GUIDANCE.—Not later than the expiration of the
4 180-day period beginning on the date of the enactment
5 of this Act, the Secretary of Housing and Urban Develop-
6 ment, after consultation with the Attorney General of the
7 United States and an opportunity for public comment on
8 the proposed guidance, shall issue the following guidance:

9 (1) INDIVIDUALIZED REVIEWS REGARDING THE
10 TOTALITY OF THE CIRCUMSTANCES.—Guidance re-
11 quired under paragraph (2) of section 576(b) of the
12 Quality Housing and Work Responsibility Act of
13 1998, as such subsection is amended by subsection
14 (a) of this section, regarding reviews required under
15 paragraph (1) of such section 576(b).

16 (2) MODEL NOTICE TO APPLICANTS.—Guidance
17 setting forth model notification forms for use by
18 public housing agencies and owners of federally as-
19 sisted housing in meeting the requirements of sub-
20 section (f) of section 576 of the Quality Housing
21 and Work Responsibility Act of 1998, as added by
22 the amendment made by subsection (a) of this sec-
23 tion.

1 **SEC. 4. REQUIREMENTS FOR TERMINATION OF TENANCY**
2 **AND ASSISTANCE FOR COVERED CRIMINAL**
3 **ACTIVITY BY TENANTS OF FEDERALLY AS-**
4 **SISTED HOUSING.**

5 (a) IN GENERAL.—Section 577 of the Quality Hous-
6 ing and Work Responsibility Act of 1998 (42 U.S.C.
7 13662) is amended to read as follows:

8 **“SEC. 577. REQUIREMENTS FOR TERMINATION OF TEN-**
9 **ANCY AND ASSISTANCE FOR COVERED CRIMI-**
10 **NAL ACTIVITY BY TENANTS OF FEDERALLY**
11 **ASSISTED HOUSING.**

12 “(a) TOTALITY OF THE CIRCUMSTANCES REVIEW.—

13 “(1) REQUIREMENT.—In determining whether
14 to terminate tenancy or assistance to any household
15 based on covered criminal activity by a household
16 member or any guest or other person under the con-
17 trol of a household member, a public housing agency
18 or an owner shall conduct an individualized review of
19 the totality of the circumstances regarding the crimi-
20 nal activity at issue, taking into consideration the
21 household’s need for housing and the health and
22 safety of the community.

23 “(2) GUIDANCE; MITIGATING FACTORS.—The
24 Secretary shall issue guidance for public housing
25 agencies and owners regarding reviews required
26 under paragraph (1), which shall provide for tenants

1 to submit mitigating evidence and shall include con-
2 sideration of all mitigating factors presented, includ-
3 ing all of the factors specified in section 576(b)(2);
4 except that, for purposes of this paragraph—

5 “(A) subparagraph (B) of such section
6 shall be applied without considering ‘the
7 amount of time since such offense or offenses’;
8 and

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

13 “(b) PROHIBITION OF EVICTIONS BASED ON INCON-
14 CLUSIVE EVIDENCE.—A public housing agency or owner
15 may not deny admission to federally assisted housing or
16 to the program based solely on—

17 “(1) an arrest for an offense for which the ap-
18 plicant was not subsequently convicted;

19 “(2) any juvenile adjudication or conviction;

20 “(3) a conviction that has been expunged,
21 sealed, or subject to similar judicial relief under
22 State law the purpose of which is to remove the col-
23 lateral consequences of a criminal conviction;

24 “(4) non-criminal citations, such as traffic and
25 municipal citations; or

1 “(5) whether the offense or offenses committed
2 arose from a household member’s status as a victim
3 of domestic violence, dating violence, sexual assault,
4 or stalking, as such terms are defined in section
5 40002 of the Violence Against Women Act of 1994
6 (42 U.S.C. 13925(a)).

7 “(c) OPTION TO REMOVE CULPABLE HOUSEHOLD
8 MEMBER.—

9 “(1) IN GENERAL.—In the case of any covered
10 criminal activity warranting termination of tenancy
11 or assistance, the public housing agency or owner
12 shall, before proceeding with eviction or termination
13 proceedings against the entire tenant household, pro-
14 vide the tenant with the option of removing from the
15 household the member that is culpable for the activ-
16 ity that warrants the termination in order for the re-
17 mainder of the household to continue to reside in the
18 assisted unit, and may only proceed with eviction
19 proceedings if the tenant refuses to exercise such op-
20 tion.

21 “(2) AVAILABILITY OF REMEDIES.—Paragraph
22 (1) shall not supersede any protections or remedies
23 available under the Violence Against Women Act of
24 1994 (42 U.S.C. 13925 et seq.).

1 “(d) PROHIBITION ON SUSPICIONLESS DRUG AND
2 ALCOHOL TESTING.—Notwithstanding any other provi-
3 sion of law, a public housing agency or owner of federally
4 assisted housing may not require drug or alcohol testing,
5 without individualized suspicion, of any tenant of federally
6 assisted housing or member of a tenant’s household, as
7 a condition of tenancy in such housing or continued re-
8 ceipt of such assistance.”.

9 (b) EFFECTIVE DATE.—Section 577 of the Quality
10 Housing and Work Responsibility Act of 1998, as amend-
11 ed by subsection (a) of this section, shall take effect and
12 apply on the date of the enactment of this Act.

13 **SEC. 5. DATA COLLECTION.**

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

17 (1) by redesignating section 579, as amended
18 by the preceding provisions of this Act, as section
19 580; and

20 (2) by inserting after section 578 (42 U.S.C.
21 13663) the following new section:

22 **“SEC. 579. DATA COLLECTION.**

23 “(a) APPLICATIONS.—The Secretary shall require
24 each public housing agency and owner to submit a report
25 to the Secretary on an annual basis that contains the fol-

1 lowing information for the preceding 12-month reporting
2 period:

3 “(1) The number of applications for admission
4 to federally assisted housing or the program re-
5 viewed by the public housing agency or owner.

6 “(2) The number of applications for admission
7 to federally assisted housing or the program re-
8 viewed by the public housing agency or owner for
9 covered criminal activity.

10 “(3) For each applicant for which the public
11 housing agency or owner reviewed covered criminal
12 activity, the specific type or types of covered crimi-
13 nal activity reviewed by the public housing agency or
14 owner, including the disposition of any criminal
15 charges against the applicant.

16 “(4) The number of denials of applications for
17 admission to federally assisted housing or the pro-
18 gram rendered by the public housing agency or
19 owner on the basis of covered criminal activity.

20 “(5) The number of such denials pursuant to
21 which the applicant filed a request for informal re-
22 view.

23 “(6) The number of such denials that were
24 overturned following informal review.

1 “(7) The information required under para-
2 graphs (1) through (5) disaggregated by the race of
3 the applicant, the ethnicity of the applicant, and
4 whether the applicant had a disability as defined by
5 section 504 of the Rehabilitation Act of 1973 (29
6 U.S.C. 794).

7 “(b) TERMINATIONS.—The Secretary shall require
8 each public housing agency and owner to submit a report
9 to the Secretary on an annual basis that contains the fol-
10 lowing information for the preceding 12-month reporting
11 period:

12 “(1) The number of terminations of tenancy
13 and terminations of assistance initiated by the public
14 housing agency or owner.

15 “(2) For each termination of tenancy or assist-
16 ance based on covered criminal activity, the specific
17 type or types of covered criminal activity involved,
18 including the disposition of any criminal charges
19 against the tenant or participant.

20 “(3) The number of terminations of tenancy
21 and terminations of assistance rendered by the pub-
22 lic housing agency or owner on the basis of covered
23 criminal activity.

24 “(4) The information required under para-
25 graphs (1) through (3) disaggregated by the race of

1 the applicant, the ethnicity of the applicant, and
2 whether the applicant had a disability as defined by
3 section 504 of the Rehabilitation Act of 1973 (29
4 U.S.C. 794).”.

5 (b) CONFORMING AMENDMENT.—Subsection (c) of
6 section 578 of the Quality Housing and Work Responsi-
7 bility Act of 1998 (42 U.S.C. 13663(c)) is amended by
8 striking “section 579(a)(2)” and inserting “section
9 580(a)(2)”.

10 **SEC. 6. PUBLIC HOUSING EVICTION STANDARDS.**

11 (a) ADMINISTRATIVE GRIEVANCE PROCEDURES.—
12 Section 6(k) of the United States Housing Act of 1937
13 (42 U.S.C. 1437d(k)) is amended, in the first sentence
14 of the matter after and below paragraph (6)—

15 (1) by inserting “violent criminal” before “ac-
16 tivity that threatens”; and

17 (2) by striking “or drug-related”.

18 (b) LEASE TERMS.—Section 6(l) of the United States
19 Housing Act of 1937 (42 U.S.C. 1437d(l)) is amended—

20 (1) by striking paragraph (6) and inserting the
21 following new paragraph:

22 “(6) provide that any covered criminal activity
23 (as such term is defined in section 58(a) of the
24 Quality Housing and Work Responsibility Act of

1 1998) shall be cause for termination of tenancy, sub-
2 ject to section 577 of such Act (42 U.S.C. 13662);”;

3 (2) in the second paragraph designated as para-
4 graph (7) (relating to occupancy in violation of sec-
5 tion 576(b) of the Quality Housing and Work Re-
6 sponsibility Act of 1998; as added by section
7 575(b)(4) of such Act (Public Law 105–276; 112
8 Stat. 2635))—

9 (A) by striking “any occupancy in violation
10 of section 576(b) of the Quality Housing and
11 Work Responsibility Act of 1998 (relating to in-
12 eligibility of illegal drug users and alcohol abus-
13 ers) or”;

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

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

19 (3) in paragraph (9)—

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

22 (B) by striking “if such tenant—” in the
23 matter preceding subparagraph (A) and all that
24 follows through “(A) is fleeing” and inserting
25 “if such tenant is fleeing”; and

1 (C) by striking paragraph (2).

2 (c) PROHIBITION ON OBTAINING INFORMATION
3 FROM DRUG ABUSE TREATMENT FACILITIES.—Section
4 6(t) of the United States Housing Act of 1937 (42 U.S.C.
5 1437d(t)) is amended—

6 (1) in the subsection heading, by striking “OB-
7 TAINING” and inserting “PROHIBITION ON OBTAIN-
8 ING”;

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

11 “(1) PROHIBITION.—A public housing agency
12 may not require a person who applies for admission
13 to public housing to provide consent that authorizes
14 the agency to receive information from a drug abuse
15 treatment facility that is related to whether the ap-
16 plicant is currently engaging in the illegal use of a
17 controlled substance or the applicant’s progress in
18 rehabilitation, and may not request such an appli-
19 cant to provide such consent. Such an applicant may
20 voluntarily provide such information, provide signed
21 written consent for the agency to receive such infor-
22 mation, or provide signed written consent for such
23 a facility to provide such information to an agency,
24 for purposes of an individualized review under sec-
25 tion 576(b) of the Quality Housing and Work Re-

1 sponsibility Act of 1998 (42 U.S.C. 13661(b)) and
2 an agency provided such information shall consider
3 such information in conducting such a review. Noth-
4 ing in this paragraph may be construed to penalize
5 or to authorize any penalty for an applicant for not
6 providing such information or consent.”;

7 (3) by striking paragraph (2) and inserting the
8 following new paragraph:

9 “(2) EXPIRATION OF WRITTEN CONSENT.—An ap-
10 plicant’s signed written consent provided pursuant to
11 paragraph (1) shall expire automatically after the public
12 housing agency has made a final decision to either approve
13 or deny the applicant’s application for admittance to pub-
14 lic housing.”;

15 (4) by striking paragraph (3);

16 (5) by striking paragraph (6); and

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

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

23 “(u) VISITATION RIGHTS.—A public housing agency
24 may prohibit visitation of a public housing dwelling unit

1 by a non-tenant on the basis of criminal activity by such
2 non-tenant only if—

3 “(1) such activity is covered criminal activity,
4 as such term is defined in section 580(a) of the
5 Quality Housing and Work Responsibility Act of
6 1998;

7 “(2) the agency has thoroughly considered all
8 mitigating factors, including the same factors with
9 respect to the non-tenant as are required under sub-
10 section (b) of such section 576 to be considered with
11 respect to an applicant for federally assisted hous-
12 ing;

13 “(3) in the case of any such prohibition of visi-
14 tation by a non-tenant, the agency provides the ten-
15 ant or non-tenant involved with an opportunity, not
16 less frequently than annually, to request a redeter-
17 mination with respect to such prohibition at which
18 the tenant or non-tenant may present any new miti-
19 gating evidence;

20 “(4) the agency has provided the non-tenant
21 with written notice of the agency’s decision to pro-
22 hibit visitation, that—

23 “(A) includes statements identifying the
24 basis for prohibition and setting forth the non-

1 tenant’s right to present mitigating factors to
2 overturn the agency’s decision; and

3 “(B) is provided in multiple languages,
4 consistent with guidance issued by the Sec-
5 retary in accordance with Executive Order
6 13166 (42 U.S.C. 2000d–1 note; relating to ac-
7 cess to services for persons with limited English
8 proficiency); and

9 “(5) such prohibition ends after of a period of
10 time that does not exceed three years.”.

11 (e) PRIVATELY MANAGED PUBLIC HOUSING AND
12 HOUSING FUNDED UNDER CERTAIN DEMONSTRATION
13 PROGRAMS.—Section 6 of the United States Housing Act
14 of 1937 (42 U.S.C. 1437d), as amended by the preceding
15 provisions of this section, is further amended by adding
16 at the end the following new subsection:

17 “(v) SCREENING AND EVICTION POLICIES FOR PRI-
18 VATELY MANAGED PUBLIC HOUSING AND HOUSING
19 FUNDED UNDER CERTAIN DEMONSTRATION PRO-
20 GRAMS.—In the case of any public housing dwelling units
21 or projects that are managed by an entity other than the
22 public housing agency that owns the units or project, any
23 units or projects subject to the Moving to Work dem-
24 onstration program authorized under section 204 of the
25 Departments of Veterans Affairs and Housing and Urban

1 Development and Independent Agencies Appropriations
2 Act, 1996 (Public Law 104–134; 110 Stat. 1321), and
3 any units funded under the Rental Assistance Demonstra-
4 tion program authorized under title II of the Transpor-
5 tation, Housing and Urban Development, and Related
6 Agencies Appropriations Act, 2012 (division C of Public
7 Law 112–55; 125 Stat. 673), such units and projects shall
8 be subject to the screening and eviction policies established
9 pursuant to this section and subtitle F of the Quality
10 Housing and Work Responsibility Act of 1998 (42 U.S.C.
11 13661 et seq.) by the agency that owns the units or
12 projects.”.

13 **SEC. 7. TERMINATION OF TENANCY AND TENANT SELEC-**
14 **TION UNDER SECTION 8 RENTAL ASSISTANCE**
15 **PROGRAM.**

16 (a) TERMINATION OF TENANCY.—

17 (1) PROJECT-BASED ASSISTANCE.—Clause (iii)
18 of section 8(d)(1)(B) of the United States Housing
19 Act of 1937 (42 U.S.C. 1437f(d)(1)(B)(iii)) is
20 amended to read as follows:

21 “(iii) during the term of the lease, any covered
22 criminal activity, as such term is defined in section
23 580(a) of the Quality Housing and Work Responsi-
24 bility Act of 1998, shall be cause for termination of

1 tenancy, subject to section 577 of such Act (42
2 U.S.C. 13662);”.

3 (2) VOUCHER ASSISTANCE.—Subparagraph (D)
4 of section 8(o)(7) of the United States Housing Act
5 of 1937 (42 U.S.C. 1437f(o)(7)(D)) is amended to
6 read as follows:

7 “(D) during the term of the lease, any cov-
8 ered criminal activity, as such term is defined
9 in section 580(a) of the Quality Housing and
10 Work Responsibility Act of 1998, shall be cause
11 for termination of tenancy, subject to section
12 577 of such Act (42 U.S.C. 13662);”.

13 (b) SELECTION OF TENANTS UNDER VOUCHER PRO-
14 GRAM.—Section 8(o)(6)(B) of the United States Housing
15 Act of 1937 (42 U.S.C. 1437f(o)(6)(B)) is amended—

16 (1) by striking “(B) SELECTION OF TEN-
17 ANTS.—Each” and inserting the following:

18 “(B) SELECTION OF TENANTS.—

19 “(i) FUNCTION OF OWNER.—Each”;

20 (2) by inserting after “shall be the function of
21 the owner.” the following: “Any owner that screens
22 applicants based on the criminal background of the
23 applicant or any member of the applicant household,
24 or other permissible grounds for denial under sub-
25 title F of title V of the Quality Housing and Work

1 Responsibility Act of 1998 (42 U.S.C. 13661 et seq.;
2 relating to safety and security in public and assisted
3 housing) or this section, shall provide each applicant,
4 at the time of application, the written notice re-
5 quired pursuant to section 576(f)(1) of such Act,
6 which notice shall be provided in multiple languages,
7 consistent with guidance issued by the Secretary in
8 accordance with Executive Order 13166 (42 U.S.C.
9 2000d–1 note; relating to access to services for per-
10 sons with limited English proficiency).”;

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

13 “(ii) SCREENING.—In addition”;

14 (4) by inserting after the period at the end the
15 following: “A public housing agency’s elective screen-
16 ing shall be limited to criteria that are directly re-
17 lated to an applicant’s ability to fulfill the obliga-
18 tions of an assisted lease and shall consider miti-
19 gating circumstances presented by such applicant.
20 The preceding sentence shall not limit the authority
21 of a public housing agency to deny assistance based
22 on the criminal background of the applicant or any
23 member of the applicant’s household, or any other
24 permissible grounds for denial under subtitle F of
25 title V of the Quality Housing and Work Responsi-

1 bility Act of 1998 (42 U.S.C. 13661 et seq.; relating
2 to safety and security in public and assisted hous-
3 ing), subject to the procedural requirements of this
4 section. Any applicant or participant determined to
5 be ineligible for admission or continued participation
6 to the program shall be promptly notified of the
7 basis for such determination and provided, within a
8 reasonable time after the determination, an oppor-
9 tunity for an informal hearing on such determina-
10 tion at which mitigating circumstances presented by
11 the applicant, including remedial conduct subsequent
12 to the conduct that is the basis of such determina-
13 tion, shall be considered. Such notice shall be pro-
14 vided in multiple languages, consistent with guidance
15 issued by the Secretary in accordance with Executive
16 Order 13166 (42 U.S.C. 2000d–1 note; relating to
17 access to services for persons with limited English
18 proficiency)”; and

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

21 “(iii) EXISTING ASSISTED FAMI-
22 LIES.—Previously assisted or subsidized
23 families being provided with tenant protec-
24 tion assistance authorized by law (includ-
25 ing tenant protection vouchers, enhanced

1 vouchers under subsection (t), or project-
2 based vouchers under subsection (o)(13)),
3 families who are porting their vouchers to
4 a new jurisdiction, and assisted families
5 who are moving to redeveloped public hous-
6 ing, shall not be considered new applicants
7 under this paragraph and shall not be sub-
8 ject to elective re-screening by a public
9 housing agency.”.

10 (c) ADMINISTRATIVE FEES.—Section 8(q)(2)(B) of
11 the United States Housing Act of 1937 (42 U.S.C.
12 1437f(q)(2)(B)) is amended by inserting before the semi-
13 colon the following: “, except that persons who have exited
14 a jail or prison shall be considered, for purposes of this
15 subparagraph, to be experiencing difficulty in obtaining
16 appropriate housing under the programs”.

17 **SEC. 8. SCREENING AND TERMINATION OF TENANCY IN**
18 **RURAL HOUSING PROGRAMS.**

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

21 (1) revise the regulations of the Secretary re-
22 garding screening of applicants for admission to
23 housing assisted, and for housing assistance, under
24 the covered rural housing programs (as such term is
25 defined in subsection (b)) to provide that such regu-

1 lations are substantially similar to the regulations of
2 the Secretary of Housing and Urban Development
3 relating to screening of applicants for admission to
4 federally assisted housing, and to programs for
5 housing assistance; and

6 (2) revise the regulations of the Secretary re-
7 garding termination of tenancy in housing assisted,
8 and termination of housing assistance, under the
9 covered rural housing programs to provide that such
10 regulations are substantially similar to the regula-
11 tions of the Secretary of Housing and Urban Devel-
12 opment relating to termination of tenancy in feder-
13 ally assisted housing, and termination of housing as-
14 sistance.

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

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

21 (2) the loan and grant programs under sections
22 514 and 516 of such Act (42 U.S.C. 1484, 1486)
23 for farm labor housing;

24 (3) the program under section 533 of such Act
25 (42 U.S.C. 1490M) for housing preservation grants;

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

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

7 (6) the program under section 542 of such Act
8 (42 U.S.C. 1490r) for rural housing rental voucher
9 assistance.

10 (c) **TIMING; CONSULTATION.**—The Secretary of Agri-
11 culture shall issue the revised regulations required under
12 paragraph (1)—

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

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

18 **SEC. 9. CONTINUUM OF CARE PROGRAM UNDER MCKIN-**

19 **NEY-VENTO HOMELESS ASSISTANCE ACT.**

20 (a) **SELECTION CRITERIA.**—Section 427(b)(1)(B) of
21 the McKinney-Vento Homeless Assistance Act (42 U.S.C.
22 11386a(b)(1)(B)) is amended—

23 (1) in clause (iv)(VI), by striking “and” at the
24 end;

1 (2) in clause (v), by inserting “and” after the
2 period at the end; and

3 (3) by inserting after clause (v) the following
4 new clause:

5 “(vi) how the recipient will collaborate
6 with local criminal justice systems and the
7 coordinated entry system to create path-
8 ways to housing for those who are cycling
9 between homelessness and incarceration;”.

10 (b) INCENTIVES FOR INNOVATIVE SOLUTIONS FOR
11 FORMERLY INCARCERATED INDIVIDUALS.—

12 (1) IN GENERAL.—Section 428 of the McKin-
13 ney-Vento Homeless Assistance Act (42 U.S.C.
14 11386b) is amended by adding at the end the fol-
15 lowing new subsection:

16 “(f) INCENTIVES FOR INNOVATIVE SOLUTIONS FOR
17 FORMERLY INCARCERATED INDIVIDUALS.—In addition to
18 amounts authorized to be appropriated for any fiscal year
19 to carry out this subtitle, there is authorized to be appro-
20 priated for each fiscal year \$10,000,000 to provide bo-
21 nuses or other incentives to collaborative applicants and
22 public housing agencies (as such term is defined in section
23 3(b) of the United States Housing Act of 1937 (42 U.S.C.
24 1437a(b))) whose applications propose innovative solu-
25 tions for providing pathways to housing for formerly incar-

1 cerated individuals, to be used to carry out such activi-
2 ties.”.

3 (2) NOFA.—The Secretary of Housing and
4 Urban Development shall issue a notice of funding
5 availability for amounts made available pursuant to
6 subsection (f) of section 428 of the McKinney-Vento
7 Homeless Assistance Act, as added by the amend-
8 ment made by paragraph (1) of this section, not
9 later than the expiration of the 180-day period be-
10 ginning on the date of the enactment of this Act.

11 **SEC. 10. REGULATIONS.**

12 The Secretary of Housing and Urban Development
13 shall issue any regulations necessary to carry out the
14 amendments made by sections 2 through 7 of this Act not
15 later than the expiration of the 180-day period beginning
16 on the date of the enactment of this Act.

17 **SEC. 11. EFFECTIVE DATE.**

18 Except as specifically provided otherwise in this Act,
19 the amendments made by this Act shall be made on, and
20 shall apply beginning upon, the expiration of the 180-day
21 period beginning on the date of the enactment of this Act.

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