

112TH CONGRESS
1ST SESSION

H. R. 762

To transform neighborhoods of extreme poverty by revitalizing distressed housing, to reform public housing demolition and disposition rules to require one for one replacement and tenant protections, to provide public housing agencies with additional resources and flexibility to preserve public housing units, and to create a pilot program to train public housing residents to provide home-based health services.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 2011

Ms. WATERS (for herself, Mr. FRANK of Massachusetts, and Ms. VELÁZQUEZ) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To transform neighborhoods of extreme poverty by revitalizing distressed housing, to reform public housing demolition and disposition rules to require one for one replacement and tenant protections, to provide public housing agencies with additional resources and flexibility to preserve public housing units, and to create a pilot program to train public housing residents to provide home-based health services.

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

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

2 (a) SHORT TITLE.—This Act may be cited as the
 3 “Public Housing Reinvestment and Tenant Protection Act
 4 of 2011”.

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

Sec. 1. Short title and table of contents.

TITLE I—CHOICE NEIGHBORHOODS INITIATIVE

- Sec. 101. Short title.
- Sec. 102. Findings and purposes.
- Sec. 103. Grant authority.
- Sec. 104. Eligible entities.
- Sec. 105. Eligible neighborhoods.
- Sec. 106. Authorized activities.
- Sec. 107. Submission and selection of transformation plans.
- Sec. 108. Right of residents to return; relocation.
- Sec. 109. One-for-One replacement of public and assisted housing dwelling units.
- Sec. 110. Other program requirements.
- Sec. 111. Demolition and disposition.
- Sec. 112. Phase-specific underwriting.
- Sec. 113. Administration by other entities.
- Sec. 114. Withdrawal of funding.
- Sec. 115. Annual report; public availability of grant information.
- Sec. 116. Definitions.
- Sec. 117. Funding.
- Sec. 118. Regulations.

TITLE II—PUBLIC HOUSING ONE-FOR-ONE REPLACEMENT AND
 TENANT PROTECTION

- Sec. 201. Short title.
- Sec. 202. Demolition and disposition of public housing.
- Sec. 203. Authority to convert public housing to vouchers.
- Sec. 204. Required conversion of distressed public housing to tenant-based assistance.
- Sec. 205. Regulations.

TITLE III—PUBLIC HOUSING PRESERVATION AND
 REHABILITATION

- Sec. 301. Short title.
- Sec. 302. Leveraging of other assistance.
- Sec. 303. Capital Fund flexibility.
- Sec. 304. Grants for conversion of public housing projects to assisted living facilities and service-enriched housing.
- Sec. 305. Increase of threshold for exemption from asset management requirements.

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

Sec. 401. Short title.

Sec. 402. Findings and purpose.

Sec. 403. Pilot grant program to train public housing residents to provide covered home-based health services.

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

3 **SEC. 101. SHORT TITLE.**

4 This title may be cited as the “Choice Neighborhoods
5 Initiative Act of 2011”.

6 **SEC. 102. FINDINGS AND PURPOSES.**

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

8 (1) the spatial concentration of poverty remains
9 a serious and often unrecognized challenge to the
10 ability of poor families and children to access oppor-
11 tunity and move up the economic ladder;

12 (2) the HOPE VI program, authorized by sec-
13 tion 24 of the United States Housing Act of 1937
14 (42 U.S.C. 1437v), presented one model for trans-
15 forming neighborhoods of extreme poverty with se-
16 verely distressed housing into revitalized mixed-in-
17 come neighborhoods;

18 (3) there remains a large amount of severely
19 distressed public and privately owned assisted hous-
20 ing concentrated in neighborhoods of extreme pov-
21 erty; and

1 (4) a broader approach is now needed using
2 concentrated and coordinated neighborhood invest-
3 ment from multiple sources to transform neighbor-
4 hoods of extreme poverty into communities that will
5 improve the quality of life of current and future resi-
6 dents.

7 (b) PURPOSES.—The purposes of this title are to—

8 (1) transform neighborhoods of extreme poverty
9 into mixed-income neighborhoods by revitalizing se-
10 verely distressed housing, improving access to eco-
11 nomic opportunities, and investing and leveraging in-
12 vestments in well-functioning services, education
13 programs, public assets, public transportation, and
14 improved access to jobs;

15 (2) provide for the one-for-one replacement of
16 public and assisted housing dwelling units that are
17 demolished or disposed of;

18 (3) grow communities and metropolitan areas
19 by concentrating, leveraging, and coordinating Fed-
20 eral, State, local, and private funding for public
21 transportation, education, housing, energy, health
22 and mental health services, supportive services, pub-
23 lic safety; and environmental programs and initia-
24 tives;

1 (4) support positive outcomes for displaced and
2 returning residents, including improvements in edu-
3 cational achievements, and economic self-sufficiency;
4 and

5 (5) ensure that current residents benefit from
6 transformation by preserving affordable housing in
7 the neighborhood and, to the maximum extent pos-
8 sible, providing residents the choice to move to af-
9 fordable housing in another neighborhood of oppor-
10 tunity.

11 **SEC. 103. GRANT AUTHORITY.**

12 The Secretary of Housing and Urban Development
13 may make competitive grants to eligible entities that sub-
14 mit transformation plans for eligible neighborhoods that
15 will further the purposes of this title in such neighbor-
16 hoods.

17 **SEC. 104. ELIGIBLE ENTITIES.**

18 (a) PRIMARY APPLICANTS.—A grant under this title
19 may be made only to a unit of local government, a public
20 housing agency, or a nonprofit entity that owns a major
21 housing project that is proposed to be assisted under a
22 grant under this title, either as a sole applicant or as a
23 co-applicant with another unit of local government or pub-
24 lic housing agency or with an entity specified in subsection

1 (b). A nonprofit entity may be a sole applicant only if the
2 application has the support of a local government.

3 (b) CO-APPLICANTS.—

4 (1) COMMUNITY DEVELOPMENT CORPORA-
5 TIONS.—A community development corporation (as
6 such term is defined in section 204(b) of the Depart-
7 ments of Veterans Affairs and Housing and Urban
8 Development, and Independent Agencies Appropria-
9 tions Act, 1997 (12 U.S.C. 1715z–11a(b))) may, at
10 the request of an entity specified in subsection (a),
11 be a co-applicant for a grant under this title.

12 (2) FOR-PROFIT ENTITIES.—A for-profit entity
13 that owns a major housing project that is proposed
14 to be assisted under a grant under this title made
15 in fiscal year 2014 or thereafter and that has an es-
16 tablished presence in the community may be a co-ap-
17 plicant for a grant under this title.

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

24 (c) PARTNERS.—Nothing in this section may be con-
25 strued to limit the ability of an applicant to partner with

1 any entity in carrying out activities with a grant under
2 this title.

3 **SEC. 105. ELIGIBLE NEIGHBORHOODS.**

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

6 (1) a concentration of extreme poverty (as such
7 term is defined in section 116); and

8 (2) housing that is severely distressed housing
9 (as such term is defined in section 116).

10 **SEC. 106. AUTHORIZED ACTIVITIES.**

11 (a) **IN GENERAL.**—Amounts from a grant under this
12 title may be used only for transformational programs and
13 activities in accordance with a transformation plan ap-
14 proved under section 107 that will further the purposes
15 of this title.

16 (b) **REQUIRED ACTIVITIES.**—Each transformation
17 plan submitted pursuant to section 107 and implemented
18 by a grantee under this title shall include the following
19 activities:

20 (1) The transformation of housing through re-
21 habilitation, preservation, or demolition and replace-
22 ment of severely distressed housing projects, expan-
23 sion of affordable housing opportunities, or any com-
24 bination thereof, which may incorporate energy-effi-
25 cient design principles.

1 (2) The one-for-one replacement of any public
2 and assisted housing units demolished or disposed of
3 in accordance with the requirements under section
4 109.

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

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

13 (5) Activities that demonstrate that each resi-
14 dent of housing assisted by the grant who is dis-
15 placed by the transformation plan and who wishes to
16 return to the revitalized on-site housing in the neigh-
17 borhood or to replacement housing outside of the
18 neighborhood, can return, and shall be provided a
19 preference in accordance with the program require-
20 ments under section 108.

21 (6) Activities that meet the program require-
22 ments for replacement of housing units under sec-
23 tion 109.

1 (7) Activities that meet the fair housing pro-
2 gram requirements under section 110(a) and the ac-
3 cessibility requirements under section 110(b).

4 (8) Appropriate service coordination and sup-
5 portive services.

6 (9) Resident involvement, as described in sec-
7 tion 108, in planning and implementation of the
8 transformation plan, including reasonable steps to
9 help ensure meaningful participation for residents
10 who, as a result of their national origin, are limited
11 in their English language proficiency.

12 (10) Monitoring, under section 108(g), of resi-
13 dents relocated during redevelopment throughout the
14 term of the grant or until full occupancy of replace-
15 ment housing, whichever is completed later.

16 (11) Relocation assistance, including tenant-
17 based rental assistance renewable under section 8 of
18 the United States Housing Act of 1937 (42 U.S.C.
19 1437f), mobility or relocation counseling over mul-
20 tiple years, reasonable moving costs, and security de-
21 posits.

22 (12) Establishment of links to local education
23 efforts, as described in subsection (c)(3) of this sec-
24 tion.

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

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

6 (1) Construction, acquisition, or rehabilitation
7 of affordable housing (as such term is defined in
8 section 116), which may include energy efficiency
9 improvements and sustainable design features for
10 such housing.

11 (2) Acquisition or disposition of residential
12 properties, including properties subject to a mort-
13 gage previously insured, and foreclosed upon, by the
14 Federal Housing Administration, and demolition.

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

24 (4) Providing supportive services (as such term
25 is defined in section 116) which have a significant

1 benefit to residents of housing assisted under this
2 title, primarily focused on services described in sub-
3 paragraphs (B) and (C) of section 116(14).

4 (5) Rehabilitation and physical improvement of
5 community facilities that are primarily intended to
6 facilitate the delivery of community and supportive
7 services which have a significant benefit to residents
8 of housing assisted by the grant and residents of off-
9 site replacement housing.

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

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

17 (8) Activities that promote sustainable housing
18 by incorporating principles of sustainable design and
19 development, including energy efficiency.

20 (9) Critical community improvements (as such
21 term is defined in section 116 of this title) under-
22 taken at sites that are adjacent to, or in the imme-
23 diate vicinity of, housing assisted under this title.

24 (10) Loss reserves to protect residents of hous-
25 ing assisted by the grant and continue the project in

1 the case of default, foreclosure, or any other adverse
2 financial event.

3 The Secretary shall require any grantee under this title
4 that will provide benefits under paragraph (3), (4), (5),
5 or (7) to any residents who are not living in housing as-
6 sisted with a grant under this title, to submit to the Sec-
7 retary a plan identifying how such services will be pro-
8 vided.

9 (d) ELIGIBLE METHODS OF SUPPORT.—Activities
10 carried out with amounts from a grant under this title
11 may be carried out through—

12 (1) endowments or revolving loan funds; or

13 (2) land assembly, land banking, and other ac-
14 tivities, except that no amounts made available for
15 use under this title may be used to acquire any
16 property by means of the exercise of the power of
17 eminent domain.

18 (e) FUNDING LIMITATIONS.—

19 (1) SCHOOL BUILDINGS.—No amounts from a
20 grant under this title may be used for construction
21 or rehabilitation of an elementary school or sec-
22 ondary school (as such terms are defined in section
23 9101 of the Elementary and Secondary Education
24 Act of 1965 (20 U.S.C. 7801)) or an institution of
25 higher education (as such term is defined in section

1 102 of the Higher Education Act of 1965 (20
2 U.S.C. 1002)), except that such amounts may be
3 used to construct common infrastructure that is
4 shared by such a school or institution and by hous-
5 ing assisted under this title, or community facilities
6 authorized under subsection (c)(5), but only if costs
7 are shared on a pro rata basis and the grantee cer-
8 tifies, and the Secretary determines, that such use
9 of funds will not promote or further segregation.

10 (2) NON-HOUSING ACTIVITIES AND SUPPORTIVE
11 SERVICES.—For each grant under this title, the
12 grantee shall comply with each of the following re-
13 quirements:

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

18 (B) Of the amount of the grant, not more
19 than 5 percent may be used for eligible activi-
20 ties under paragraphs (8) and (9) of subsection
21 (c).

22 (3) CONSULTATION.—With respect to activities
23 assisted pursuant to paragraph (2), the Secretary
24 shall consult with the Secretary of Labor, the Sec-
25 retary of Health and Human Services, the Secretary

1 of Energy, the Secretary of Transportation, the Sec-
2 retary of Education, and the Attorney General in
3 identifying funding resources that may be provided
4 to supplement amounts from grants under this title.

5 **SEC. 107. SUBMISSION AND SELECTION OF TRANS-**
6 **FORMATION PLANS.**

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

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

24 (2) demonstrates how the required activities
25 under section 106(b) will be carried out, including a

1 detailed description of the housing transformation
2 activities under paragraphs (1) and (2) of such sec-
3 tion;

4 (3) describes the other eligible activities under
5 section 106(c) that will be carried out in support of
6 the housing transformation;

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

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

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

1 (b) SELECTION CRITERIA.—The Secretary shall es-
2 tablish criteria for the award of grants under this title,
3 which shall include the extent to which the transformation
4 plan—

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

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

15 (3) coordinates multiple funding resources, in-
16 cluding public, private, and philanthropic funding,
17 and emphasizes collaboration between the units of
18 local government, early learning programs and pub-
19 lic schools, or a public housing agency, or all three;

20 (4) includes current data showing that the
21 neighborhood targeted for revitalization is in need of
22 and can benefit from the authorized activities de-
23 scribed in section 106 and proposed in the trans-
24 formation plan;

1 (5) demonstrates the capability and record of
2 the applicant and its partners for managing housing
3 redevelopment or modernization projects, success-
4 fully working with public and assisted housing resi-
5 dents during the planning and redesign process, and
6 meeting performance benchmarks;

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

11 (7) demonstrates that the neighborhood will
12 have, within a reasonable time, improved access to
13 public transportation that provides access to eco-
14 nomic opportunities and commercial and public serv-
15 ices;

16 (8) demonstrates that the residents of revital-
17 ized housing developments will have improved access
18 to high-quality educational opportunities, including
19 early learning and effective elementary and sec-
20 ondary public schools, in or outside of the neighbor-
21 hood;

22 (9) demonstrates that the transformation plan
23 includes the provision of appropriate supportive serv-
24 ices and activities that promote economic self-suffi-

1 ciency of residents of housing assisted under the
2 grant, and a plan to sustain such services;

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

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

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

19 (13) demonstrates the ability to leverage funds
20 from other programs of the Department of Housing
21 and Urban Development, from other Federal, State,
22 or local programs, or from the private sector, includ-
23 ing donations of land or services;

1 (14) demonstrates the compliance with the re-
2 quirements of section 109, regarding one-for-one re-
3 placement of public and assisted housing units;

4 (15) demonstrates how the applicant will use
5 indicators of housing redevelopment, neighborhood
6 quality, resident well-being, and other outcomes to
7 measure success, manage program implementation,
8 and engage stakeholders, consistent with require-
9 ments established by the Secretary;

10 (16) demonstrates, if feasible, phased redevelop-
11 ment that provides for demolition and construction
12 of dwelling units in phases, to limit disruptions to
13 residents;

14 (17) demonstrates that the neighborhood will
15 improve its long-term viability through the revitaliza-
16 tion of severely distressed housing, improved access
17 to economic opportunities, improved investment and
18 leveraging in well-functioning services, and improved
19 education programs, public assets, public transpor-
20 tation and access to jobs; and

21 (18) demonstrates compliance with any other
22 factors and priorities that further the purposes of
23 this title, as the Secretary may, by regulation, pre-
24 scribe.

1 **SEC. 108. RIGHT OF RESIDENTS TO RETURN; RELOCATION.**

2 (a) DETERMINATION OF RESIDENT PREF-
3 ERENCES.—An applicant shall, not later than 15 days be-
4 fore submitting an application to the Secretary for a grant
5 under this title—

6 (1) hold a community meeting and provide in-
7 formation to all residents who occupy a dwelling unit
8 in public housing or assisted housing subject to the
9 transformation plan of—

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

12 (B) their right to return and relocation
13 housing options; and

14 (C) all planned replacement housing units;
15 and

16 (2) solicit from each resident information re-
17 garding the resident's desire to return to the re-
18 placement housing units constructed upon the origi-
19 nal public or assisted housing location, interest in
20 moving to other neighborhoods or communities, or
21 interest in retaining a voucher for rental assistance.

22 (b) RESIDENT INVOLVEMENT.—

23 (1) IN GENERAL.—Each transformation plan
24 assisted under this title shall provide opportunities
25 for the active involvement and participation of, and
26 consultation with, residents of the public and as-

1 sisted housing that is subject to the transformation
2 plan during the planning process for the trans-
3 formation plan, including prior to submission of the
4 application, and during all phases of the planning
5 and implementation. Such opportunities for partici-
6 pation may include participation of members of any
7 resident council or tenant organization, but may not
8 be limited to such members, and shall include all
9 segments of the population of residents of the public
10 and assisted housing that is subject to the revitaliza-
11 tion plan, including single parent-headed households,
12 the elderly, young employed and unemployed adults,
13 teenage youth, and disabled persons. Such opportu-
14 nities shall include a process that provides oppor-
15 tunity for comment on specific proposals for redevelop-
16 ment, any demolition and disposition involved, and
17 any proposed significant amendments or changes to
18 the transformation plan.

19 (2) PUBLIC MEETING.—The Secretary may not
20 make a grant under this title to an applicant unless
21 the applicant has convened and conducted a public
22 meeting regarding the transformation plan, includ-
23 ing the one-for-one replacement to occur under the
24 plan, not later than 15 days before submission of the
25 application for the grant under this section for such

1 plan, at a time and location that is convenient for
2 residents of the public and assisted housing subject
3 to the plan.

4 (3) SIGNIFICANT AMENDMENTS OR CHANGES
5 TO PLAN.—An applicant may not carry out any sig-
6 nificant amendment or change to a transformation
7 plan unless—

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

17 (B) after such meeting, the applicant
18 consults with the households occupying dwelling
19 units in the public and assisted housing that
20 are subject to, or to be subject to the plan, and
21 the agency submits a report to the Secretary
22 describing the results of such consultation; and

23 (C) the Secretary approves the significant
24 amendment or change.

1 Notwithstanding subparagraph (C), if the Secretary
2 does not approve or disapprove a request for a sig-
3 nificant amendment or change to a revitalization
4 plan before the expiration of the 30-day period be-
5 ginning upon the receipt by the Secretary of the re-
6 port referred to in subparagraph (B), such request
7 shall be considered to have been approved.

8 (c) RIGHT TO RETURN.—The Secretary may not ap-
9 prove a transformation plan under this title unless the
10 plan provides that each resident of public or assisted hous-
11 ing displaced by activities under the transformation plan
12 who wishes to return to the on-site or off-site replacement
13 housing provided under the plan may return if the resi-
14 dent—

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

18 (2) would be eligible, as of the time of such re-
19 turn, for occupancy under the eligibility, screening,
20 and occupancy standards, policies, or practices appli-
21 cable to the housing from which the resident was
22 displaced, as in effect at such time of displacement.

23 (d) RELOCATION, NOTICE, APPLICATION FOR
24 VOUCHERS, AND DATA.—All relocation activities resulting
25 from, or that will result from, demolition, disposition, or

1 both demolition and disposition, to be carried out under
2 a transformation plan relating to a grant under this title
3 shall be subject to the following requirements:

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

12 (2) RELOCATION PLAN.—The applicant shall
13 submit to the Secretary, together with the applica-
14 tion for a grant under this title, a relocation plan
15 providing for the relocation of residents occupying
16 the public or assisted housing for which the demoli-
17 tion or disposition is proposed, which shall include—

18 (A) a statement of the estimated number
19 of vouchers for rental assistance under section
20 108 that will be needed for such relocation;

21 (B) identification of the location of the re-
22 placement dwelling units that will be made
23 available for permanent occupancy; and

24 (C) a statement of whether any temporary,
25 off-site relocation of any residents is necessary

1 and a description of the plans for such reloca-
2 tion.

3 (3) NOTICE UPON APPROVAL OF APPLICA-
4 TION.—Within a reasonable time after notice to the
5 applicant of the approval of an application for a
6 grant under this section, the applicant shall provide
7 notice in writing, in plain and non-technical lan-
8 guage, to the residents of the public and assisted
9 housing subject to the approved transformation plan
10 that—

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

13 (B) describes the process involved to relo-
14 cate the residents, including a statement that
15 the residents may not be relocated until the
16 conditions set forth in section 110 have been
17 met;

18 (C) provides information regarding reloca-
19 tion options; and

20 (D) advises residents of the availability of
21 relocation counseling as required in paragraph
22 (7).

23 (4) NOTICE BEFORE RELOCATION.—Except in
24 cases of a substantial and imminent threat to health
25 or safety, not later than 90 days before the date on

1 which residents will be relocated, the grantee shall
2 provide notice in writing, in plain and non-technical
3 language, to each family residing in a public or as-
4 sisted housing project that is subject to an approved
5 transformation plan, and in accordance with such
6 guidelines as the Secretary may issue governing such
7 notifications, that—

8 (A) the public or assisted housing project
9 will be demolished or disposed of;

10 (B) the demolition of the building in which
11 the family resides will not commence until each
12 resident of the building is relocated; and

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

16 (i) that meets housing quality stand-
17 ards;

18 (ii) that is located in an area that is
19 generally not less desirable than the loca-
20 tion of the displaced family's housing,
21 which shall include at least one unit lo-
22 cated in an area of low-poverty or one unit
23 located within the neighborhood of the
24 original public or assisted housing site;

1 (iii) that is identified and available to
2 the family; and

3 (iv) which shall include—

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

11 (II) project-based assistance;

12 (III) occupancy in a unit oper-
13 ated or assisted by the public housing
14 agency or the owner of the assisted
15 project demolished or disposed of
16 under this section, at a rental rate
17 paid by the family that is comparable
18 to the rental rate applicable to the
19 unit from which the family is relo-
20 cated; or

21 (IV) other comparable housing.

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

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

13 (6) PAYMENT OF RELOCATION EXPENSES.—
14 The grantee shall provide for the payment of the ac-
15 tual and reasonable relocation expenses, including
16 security deposits, of each resident to be displaced
17 and any other relocation expenses as are required by
18 the Uniform Relocation Assistance and Real Prop-
19 erty Acquisition Policies Act of 1970.

20 (7) COMPREHENSIVE RELOCATION COUN-
21 SELING.—The grantee shall provide all advisory pro-
22 grams and services as required by the Uniform Relo-
23 cation Assistance and Real Property Acquisition
24 Policies Act of 1970 and counseling for residents
25 who are displaced that shall fully inform residents to

1 be displaced of all relocation options, which may in-
2 clude relocating to housing in a neighborhood with
3 a lower concentration of poverty than their current
4 residence or remaining in the current neighborhood.
5 Such counseling shall also include providing school
6 options for children and comprehensive housing
7 search assistance for household that receive a vouch-
8 er for tenant-based assistance.

9 (8) TIMING OF DEMOLITION OR DISPOSITION.—
10 The grantee shall not commence demolition or com-
11 plete disposition of a building subject to the ap-
12 proved transformation plan until all residents resid-
13 ing in the building are relocated.

14 (9) TIMING OF RELOCATION.—The applicant
15 shall not commence relocation before approval by the
16 Secretary of the transformation plan providing for
17 the demolition or disposition, unless the applicant
18 generally relocates residents in accordance with this
19 section, as determined by the Secretary, except in
20 the case of a substantial and imminent threat to
21 health or safety.

22 (e) MONITORING OF DISPLACED HOUSEHOLDS.—

23 (1) GRANTEE RESPONSIBILITIES.—To facilitate
24 compliance with the requirement under subsection
25 (a) (relating to right of residents to return), the Sec-

1 retary shall, by regulation, require each grantee of
2 a grant under this section, during the period of the
3 transformation plan assisted with the grant and
4 until all funding under the grant has been ex-
5 pended—

6 (A) to maintain a current address of resi-
7 dence and contact information for each house-
8 hold affected by the transformation plan who
9 was occupying a dwelling unit in the housing
10 that is subject to the plan; and

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

13 (2) CERTIFICATION.—The Secretary may not
14 close out any grant made under this section before
15 the grantee has certified to the Secretary that the
16 agency has complied with subsection (a) (relating to
17 right of residents to return) with respect to each
18 resident displaced as a result of the transformation
19 plan, including providing occupancy in a replacement
20 dwelling unit for each resident who requested such
21 a unit in accordance with such subsection.

22 (f) PREFERENCE.—A returning resident shall be pro-
23 vided a preference for occupancy of on-site or off-site re-
24 placement units before such units are made available for
25 occupancy by any other eligible households, or the resident

1 may choose to retain tenant-based voucher assistance pro-
2 vided under section 8(o) of the United States Housing Act
3 of 1937 for relocation from the properties revitalized
4 under a transformation plan assisted with a grant under
5 this title.

6 (g) PROHIBITION ON RE-SCREENING.—A public
7 housing agency or any other manager of on-site or off-
8 site replacement housing shall not, through the application
9 of any additional eligibility, screening, occupancy, or other
10 policy or practice, prevent any person otherwise eligible
11 under subsection (a) from occupying a replacement hous-
12 ing unit.

13 **SEC. 109. ONE-FOR-ONE REPLACEMENT OF PUBLIC AND AS-**
14 **SISTED HOUSING DWELLING UNITS.**

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

20 (1) REQUIREMENT TO REPLACE EACH UNIT.—

21 One hundred percent, or such lower percentage as is
22 provided pursuant to subsection (b), of the public
23 and assisted housing dwelling units and units de-
24 scribed in section 116(1)(E) that are demolished or
25 disposed of pursuant to the transformation plan

1 shall be replaced with a newly constructed, rehabili-
2 tated, or purchased public or assisted housing unit
3 or with a newly constructed, rehabilitated, or pur-
4 chased unit (including through project-based assist-
5 ance) that is subject to requirements regarding eligi-
6 bility for occupancy, tenant contribution toward
7 rent, and long-term affordability restrictions that are
8 consistent with such requirements for public and as-
9 sisted housing dwelling units or for State units, as
10 applicable, except that—

11 (A) subparagraph (D) of section 8(o)(13)
12 of the United States Housing Act of 1937 (re-
13 lating to income-mixing requirement of project-
14 based assistance) shall not apply with respect to
15 vouchers used to comply with the requirements
16 of this paragraph; and

17 (B) for purposes of this paragraph, sub-
18 paragraph (B) of such section 8(o)(13) (relat-
19 ing to percentage limitation) shall be applied by
20 substituting “50 percent” for “20 percent”.

21 (2) OTHER REQUIREMENTS.—Admission to, ad-
22 ministration of, and eviction from replacement hous-
23 ing units that replaced public housing units, but
24 that are not public housing dwelling units, shall be

1 subject to the following provisions to the same ex-
2 tent as public housing dwelling units:

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

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

10 (C) Sections 20 and 21 of the United
11 States Housing Act of 1937 (42 U.S.C. 1437r,
12 1437s; relating to resident management).

13 (D) Section 25 of the United States Hous-
14 ing Act of 1937 (42 U.S.C. 1437w; relating to
15 transfer of management at request of resi-
16 dents).

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

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

23 (G) Part 964 of title 24, Code of Federal
24 regulations (relating to tenant participation and
25 opportunities).

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

5 (4) SIZE.—

6 (A) IN GENERAL.—Replacement units shall
7 be of comparable size, unless a market analysis
8 shows a need for other-sized units, in which
9 case such need shall be addressed.

10 (B) BEDROOMS.—The number of bed-
11 rooms within each replacement unit shall be
12 sufficient to serve families displaced as a result
13 of the demolition or disposition. Replacement
14 units may include a greater number of bed-
15 rooms than the number of bedrooms in units
16 replaced if an analysis of the waiting list of the
17 public housing agency shows that more bed-
18 rooms are needed to accommodate families on
19 the waiting list.

20 (5) LOCATION ON SITE.—At least one-third of
21 all replacement units for public and assisted housing
22 units demolished shall be public or assisted housing
23 units constructed within the immediate area of the
24 original public or assisted housing location, unless
25 the Secretary determines that—

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

3 (B) the land on which the public and as-
4 sisted housing is located is environmentally un-
5 safe, geologically unstable, or otherwise is un-
6 suitable for the construction of housing.

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

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

16 (i) in areas having low concentrations
17 of poverty;

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

21 (iii) in a manner that does not in-
22 crease racial segregation; and

23 (iv) in areas offering access to public
24 transportation; and

1 (B) have access to social, recreational, edu-
2 cational, commercial, and health facilities and
3 services, including municipal services and facili-
4 ties, that are comparable to services provided to
5 the revitalized neighborhood from which resi-
6 dents were displaced.

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

21 (b) WAIVER.—

22 (1) AUTHORITY.—Upon the written request of
23 an applicant for a grant under this title submitted
24 as part of the transformation plan pursuant to sec-
25 tion 107, the Secretary may reduce the percentage

1 applicable under subsection (a)(1) to the trans-
2 formation plan of the applicant to not less than 80
3 percent, but only if—

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

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

12 (i) at least 80 percent of vouchers
13 issued under section 8(o) of the United
14 States Housing Act of 1937 over the last
15 24 months to comparable families were
16 successfully used to lease a dwelling unit
17 within 120 days of issuance or, if a suffi-
18 cient number of comparable families have
19 not received vouchers, an alternative meas-
20 ure, as the Secretary shall design, is met;

21 (ii) existing voucher holders are widely
22 dispersed geographically in areas of low
23 poverty with access to public transpor-
24 tation, education, and other amenities, as

1 determined by the Secretary, among the
2 available private rental housing stock; and
3 (iii) the applicant provides a market
4 analysis demonstrating that—

5 (I) there is a relatively high va-
6 cancy rate among units that would
7 meet or exceed housing quality stand-
8 ards, as determined by the Secretary,
9 within the market area with rent and
10 utility costs not exceeding the applica-
11 ble payment standard under section
12 8(o) of the United States Housing Act
13 of 1937 (42 U.S.C. 1437f(o)); and

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

17 **SEC. 110. OTHER PROGRAM REQUIREMENTS.**

18 (a) FAIR HOUSING.—The demolition or disposition,
19 relocation, replacement, and reoccupancy of housing units
20 in connection with a grant under this title shall be carried
21 out in a manner that affirmatively furthers fair housing,
22 as required by section 808 of the Civil Rights Act of 1968
23 (42 U.S.C. 3608(e)). Grantees shall adopt affirmative
24 marketing procedures, and require affirmative marketing
25 activities of project owners and managers. Such special

1 outreach efforts shall be targeted to those who are least
2 likely to apply for the housing, to ensure that all persons
3 regardless of their race, color, national origin, religion,
4 sex, disability, or familial status are aware of the housing
5 opportunities in each project funded with a grant under
6 this title.

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

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

24 (d) COST LIMITS.—Subject to the provisions of this
25 title, the Secretary shall establish cost limits on eligible

1 activities under this title sufficient to provide for effective
2 transformation programs.

3 (e) ENVIRONMENTAL REVIEW.—For purposes of en-
4 vironmental review, assistance and projects under this title
5 shall be treated as assistance for special projects that are
6 subject to section 305(c) of the Multifamily Housing Prop-
7 erty Disposition Reform Act of 1994 (42 U.S.C. 3547),
8 and shall be subject to the regulations issued by the Sec-
9 retary to implement such section.

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

16 **SEC. 111. DEMOLITION AND DISPOSITION.**

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

24 (b) APPLICABILITY OF PUBLIC HOUSING DEMOLI-
25 TION AND DISPOSITION REQUIREMENTS TO REPLACE-

1 MENT PUBLIC HOUSING.—Nothing in this title may be
2 construed to exempt any replacement public housing
3 dwelling units provided under a transformation plan in ac-
4 cordance with the requirements under section 109 (relat-
5 ing to one-for-one replacement of public housing dwelling
6 units) from the provisions of section 18 of the United
7 States Housing Act of 1937.

8 **SEC. 112. PHASE-SPECIFIC UNDERWRITING.**

9 To the extent that a transformation plan provides for
10 different phases of activities, the Secretary may allow for
11 the various phases of such plan to be underwritten on a
12 separate basis.

13 **SEC. 113. ADMINISTRATION BY OTHER ENTITIES.**

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

19 (1) the original grantee has failed to meet per-
20 formance benchmarks relating to implementation of
21 the transformation plan; and

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

1 **SEC. 114. WITHDRAWAL OF FUNDING.**

2 If a grantee under this title does not proceed within
3 a reasonable timeframe in implementing its trans-
4 formation plan or does not otherwise comply with the re-
5 quirements of this title and the grant agreement, as deter-
6 mined by the Secretary, the Secretary may withdraw any
7 grant amounts under this title that have not been obli-
8 gated by the grantee. The Secretary may redistribute any
9 withdrawn amounts to one or more other eligible entities
10 capable of proceeding expeditiously in the same locality in
11 carrying out the transformation plan of the original grant-
12 ee, or as such plan may be modified and approved by the
13 Secretary, or, if that is not feasible, to one or more other
14 applicants that has already received assistance under this
15 title.

16 **SEC. 115. ANNUAL REPORT; PUBLIC AVAILABILITY OF**
17 **GRANT INFORMATION.**

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

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

1 (2) the amount and type of financial assistance
2 provided under and in conjunction with this title, in-
3 cluding a specification of the amount and type of as-
4 sistance provided for educational opportunities, serv-
5 ices, public assets, public transportation, and access
6 to jobs;

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

11 (4) all information submitted to the Secretary
12 pursuant to section 108(g)(1) by all grantees and
13 summaries of the extent of compliance by grantees
14 with the requirements under subsections (a) and (g)
15 of section 108; and

16 (5) any information related to grantees imple-
17 mentation of the requirements under section 109
18 (relating to one-for-one replacement of public hous-
19 ing dwelling units) and the efforts of the Secretary
20 to coordinate funding pursuant to section 106(d)(3).

21 (b) PUBLIC AVAILABILITY OF GRANT INFORMA-
22 TION.—To the extent not inconsistent with any other pro-
23 visions of law, the Secretary shall make publicly available
24 through a World Wide Web site of the Department of
25 Housing and Urban Development all documents of, or

1 filed with, the Department relating to the program under
2 this title, including applications, grant agreements, plans,
3 budgets, reports, and amendments to such documents; ex-
4 cept that in carrying out this subsection, the Secretary
5 shall take such actions as may be necessary to protect the
6 privacy of any residents and households displaced from
7 public or assisted housing as a result of a transformation
8 plan assisted under a grant under this title.

9 **SEC. 116. DEFINITIONS.**

10 For purposes of this title, the following definitions
11 shall apply:

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

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

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

19 (C) housing assisted under an affordable
20 housing program administered by the Secretary
21 of Agriculture through Rural Housing Service;

22 (D) rental housing that utilizes tax credits
23 under section 42 or the Internal Revenue Code
24 of 1986;

1 (E) affordable rental housing owned, devel-
2 oped, or assisted through a State or local gov-
3 ernment or State housing finance agency, in-
4 cluding State-assisted public housing, which is
5 subject to a long-term affordability restriction
6 requiring occupancy by low-income households;
7 and

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

15 (i) contained in a legally enforceable
16 document recorded in the appropriate
17 records; and

18 (ii) consistent with the long-term via-
19 bility of the project as rental or homeown-
20 ership housing.

21 (2) APPLICANT.—The term “applicant” means
22 an eligible entity under section 104(a) that submits
23 an application for a grant under this title pursuant
24 to section 107.

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

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

5 (B) section 221(d)(3) or 236 of the Na-
6 tional Housing Act (12 U.S.C. 1715l, 1715z-
7 1);

8 (C) section 202 of the Housing Act of
9 1959 (12 U.S.C. 1701q); or

10 (D) section 811 of Cranston-Gonzalez Na-
11 tional Affordable Housing Act (42 U.S.C.
12 8013).

13 (4) CRITICAL COMMUNITY IMPROVEMENTS.—
14 The term “critical community improvements”
15 means—

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

23 (B) activities to promote economic develop-
24 ment, such as development or improvement of
25 transit, retail, community financial institutions,

1 public services, facilities, assets, or other com-
2 munity resources.

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

6 (A) has a high percentage of residents who
7 are—

8 (i) estimated to be in poverty; or

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

12 (B) is experiencing distress related to one
13 or more of the following:

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

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

22 (iii) A low-performing public school.

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

1 (6) FAMILIES.—The term “families” has the
2 meaning given such term in section 3(b) of the
3 United States Housing Act of 1937 (42 U.S.C.
4 1437a(b)).

5 (7) GRANTEE.—The term “grantee” means an
6 eligible entity under section 104 that is awarded a
7 grant under this title, pursuant to selection under
8 section 107.

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

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

15 (A) has distinguishing characteristics;

16 (B) represents the geographical distribu-
17 tion of targeted populations; and

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

21 (10) PUBLIC HOUSING; PUBLIC HOUSING AGEN-
22 CY.—The terms “public housing” and “public hous-
23 ing agency” have the meanings given such terms in
24 section 3(b) of the United States Housing Act of
25 1937 (42 U.S.C. 1437a(b)).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **SEC. 117. FUNDING.**

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

4 (1) GRANTS.—\$575,000,000 for fiscal year
5 2012 and such sums as may be necessary in each of
6 fiscal years 2013, 2014, 2015, and 2016, for grants
7 under this title, of which, in any fiscal year—

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

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

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

24 (2) RENTAL ASSISTANCE.—Such sums as may
25 be necessary for each of fiscal years 2012 through
26 2016 for providing tenant-based assistance for relo-

1 cation and for rental assistance under section 8 of
2 the United States Housing Act of 1937 for the pur-
3 poses of complying with section 108(c) of this title,
4 but not to exceed the amount of assistance for the
5 number of units demolished or disposed of under
6 section 108(c)(1).

7 **SEC. 118. REGULATIONS.**

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

12 (1) Subsections (c) and (e) of section 106.

13 (2) Section 109(b).

14 (3) Paragraphs (4), (5), (8), (9), and (12) of
15 section 116.

16 **TITLE II—PUBLIC HOUSING ONE-**
17 **FOR-ONE REPLACEMENT AND**
18 **TENANT PROTECTION**

19 **SEC. 201. SHORT TITLE.**

20 This title may be cited as the “Public Housing One-
21 for-One Replacement and Tenant Protection Act of
22 2011”.

1 **SEC. 202. DEMOLITION AND DISPOSITION OF PUBLIC HOUS-**
2 **ING.**

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

6 (1) by redesignating subsections (a) through (h)
7 as subsections (b) through (i), respectively;

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

11 “(a) APPLICABILITY.—Notwithstanding any other
12 provision of law, this section shall apply to—

13 “(1) demolition, disposition, or demolition or
14 disposition or both pursuant to conversion under
15 section 22 or 33 of any public housing unit; and

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

18 (3) in subsection (b) (as so redesignated by
19 paragraph (1) of this subsection)—

20 (A) in the matter preceding paragraph

21 (1)—

22 (i) by striking “subsection (b)” and
23 inserting “subsection (c)”; and

24 (ii) by striking “if the public housing
25 agency certifies” and inserting “only if the
26 Secretary determines that”;

1 (B) in paragraph (2)(A)(ii), by striking
2 “low-income housing” and inserting “housing
3 for low-income, very-low income, and extremely
4 low-income families consistent with the needs
5 identified pursuant to section 5A(d)(1) in the
6 public housing agency plan for the agency and
7 with targeting requirements under section 16(a)
8 for public housing”;

9 (C) by striking paragraph (4);

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

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

15 (F) by redesignating paragraphs (5) and
16 (6) as paragraphs (4) and (5), respectively; and

17 (G) by inserting after paragraph (5) (as so
18 redesignated) the following new paragraph:

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

23 (4) in subsection (c) (as so redesignated by
24 paragraph (1) of this subsection)—

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

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

6 (C) in paragraph (2)(C) by striking the pe-
7 riod at the end and inserting a semicolon; and

8 (D) by adding at the end the following new
9 paragraphs:

10 “(3) the application does not provide for the ac-
11 tive involvement and participation of, and consulta-
12 tion with, residents, resident advisory boards, and
13 resident councils of the public housing development
14 that is subject to the application during the planning
15 and implementation of the plan for demolition, relo-
16 cation, and replacement of the units;

17 “(4) the proposed relocation, demolition, dis-
18 position, demolition or disposition or both pursuant
19 to conversion under section 22 or 33, or the provi-
20 sion of replacement housing will not be carried out
21 in a manner that affirmatively furthers fair housing,
22 as described in section 808(e) of the Civil Rights Act
23 of 1968 (42 U.S.C. 3608(e)), or that the measures
24 proposed by the public housing agency to mitigate
25 potential adverse impacts of the proposed relocation,

1 demolition, disposition, demolition or disposition or
2 both pursuant to conversion under section 22 or 33,
3 or the provision of replacement housing on persons
4 protected by section 804 of the Civil Rights Act of
5 1968 (42 U.S.C. 3604), are clearly insufficient or
6 inappropriate; or

7 “(5) the Secretary determines that the proposed
8 plan for relocation, demolition, disposition, demoli-
9 tion or disposition or both subsequent to conversion
10 pursuant to section 22 or 33, or the provision of re-
11 placement housing does not comply with the require-
12 ments of subsection (e) of this section.”;

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

16 “(e) REPLACEMENT UNITS.—

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

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

1 or indirectly, through the use of eminent do-
2 main, after August 1, 2008, shall be replaced
3 with a newly constructed, rehabilitated, ac-
4 quired, or converted rental unit that complies
5 with all of the requirements of this subsection.

6 “(B) REQUIREMENTS APPLICABLE TO RE-
7 PLACEMENT UNITS.—Such replacement or con-
8 verted units shall be subject to requirements re-
9 garding eligibility for occupancy, tenant con-
10 tribution toward rent, and affordability restric-
11 tions that are consistent with such requirements
12 for public housing dwelling units, and such re-
13 quirements shall not terminate unless units are
14 replaced with a comparable number of units
15 that are subject to the same requirements.

16 “(C) TENANT PROTECTION VOUCHERS TO
17 REPLACE DEMOLISHED, DISPOSED OF, OR CON-
18 VERTED UNITS ON 1-FOR-1 BASIS.—Subject
19 only to the availability of amounts provided in
20 appropriation Acts, the Secretary shall provide
21 replacement vouchers for rental assistance
22 under section 8 for all dwelling units in projects
23 that are demolished or disposed of pursuant to
24 this section or converted pursuant to section 22
25 or 33.

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

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

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

18 “(B) the public housing agency dem-
19 onstrates that there is an excess supply of af-
20 fordable rental housing in areas of low poverty
21 and provides data showing that, in the area
22 surrounding the project or projects in which
23 such units are located—

24 “(i) at least 80 percent of vouchers
25 issued under section 8(o) of the United

1 States Housing Act of 1937 over the last
2 24 months to comparable families were
3 successfully used to lease a dwelling unit
4 within 120 days of issuance or, if a suffi-
5 cient number of comparable families have
6 not received vouchers, an alternative meas-
7 ure, as the Secretary shall design, is met;

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

14 “(iii) the applicant provides a market
15 analysis demonstrating that—

16 “(I) there is a relatively high va-
17 cancy rate among units that would
18 meet or exceed housing quality stand-
19 ards, as determined by the Secretary,
20 within the market area with rent and
21 utility costs not exceeding the applica-
22 ble payment standard under section
23 8(o) of the United States Housing Act
24 of 1937 (42 U.S.C. 1437f(o)); and

1 “(II) such high vacancy rate
2 within the market area is expected to
3 continue for the next 5 years or
4 longer.

5 “(3) CONTINUATION OF USE RESTRICTIONS.—

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

21 “(4) OTHER REQUIREMENTS.—Admission to,
22 administration of, and eviction from replacement
23 housing units that are not public housing dwelling
24 units shall be subject to the following provisions to
25 the same extent as public housing dwelling units:

1 “(A) Section 578 of the Quality Housing
2 and Work Responsibility Act of 1998 (42
3 U.S.C. 13663; relating to ineligibility of dan-
4 gerous sex offenders).

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

8 “(C) Sections 20 and 21 of the United
9 States Housing Act of 1937 (42 U.S.C. 1437r,
10 1437s; relating to resident management).

11 “(D) Section 25 of the United States
12 Housing Act of 1937 (42 U.S.C. 1437w; relat-
13 ing to transfer of management at request of
14 residents).

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

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

21 “(G) Part 964 of title 24, Code of Federal
22 regulations (relating to tenant participation and
23 opportunities).

24 “(5) RETENTION OF RIGHTS.—Tenants occu-
25 pying a replacement housing unit shall have all

1 rights provided to tenants of public housing under
2 this Act.

3 “(6) SIZE.—

4 “(A) IN GENERAL.—Replacement units
5 shall be of comparable size, unless a market
6 analysis shows a need for other sized units, in
7 which case such need shall be addressed.

8 “(B) BEDROOMS.—The number of bed-
9 rooms within each replacement unit shall be
10 sufficient to serve families displaced as a result
11 of the demolition or disposition. Replacement
12 units may include a greater number of bed-
13 rooms than the number of bedrooms in units
14 replaced if an analysis of the waiting list of the
15 public housing agency shows that more bed-
16 rooms are needed to accommodate families on
17 the waiting list.

18 “(7) LOCATION ON SITE.—At least one-third of
19 all replacement units for public housing units demol-
20 ished shall be public housing units constructed on
21 the original public housing location, unless the Sec-
22 retary determines that—

23 “(A) construction on such location would
24 result in the violation of a consent decree; or

1 “(B) the land on which the public housing
2 is located is environmentally unsafe, geologically
3 unstable, or otherwise is unsuitable for the con-
4 struction of housing.

5 “(8) LOCATION IN OTHER AREAS.—Any re-
6 placement housing units provided in addition to
7 dwelling units provided pursuant to paragraph (3)
8 shall be provided in areas within the jurisdiction of
9 the public housing agency having low concentrations
10 of poverty, in a manner that furthers the economic
11 and educational opportunities for residents.”;

12 (6) in subsection (f) (as so redesignated by
13 paragraph (1) of this subsection)—

14 (A) by striking the subsection designation
15 and all that follow through “Nothing” and in-
16 serting the following:

17 “(f) TREATMENT OF OCCUPANCY.—

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

20 (B) by inserting before the period at the
21 end the following: “, except that, a public hous-
22 ing agency submitting an application for demo-
23 lition or disposition pursuant to this section
24 may not consolidate any units during the period
25 that begins upon submission of such application

1 and ends upon approval of the application by
2 the Secretary, except in cases of an imminent
3 and substantial threat to health or safety”; and

4 (C) by adding at the end the following new
5 paragraphs:

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

17 “(3) RESIDENT PREFERENCES.—A public hous-
18 ing agency shall, not later than 30 days before sub-
19 mitting an application to the Secretary for demoli-
20 tion, disposition, or demolition or disposition or both
21 pursuant to conversion under section 22 or 33—

22 “(A) meet with and inform in writing all
23 residents who occupied a public housing unit on
24 the date determined in accordance with para-
25 graph (2) of this subsection of—

1 “(i) the public housing agency’s intent
2 to submit an application for demolition,
3 disposition, or both;

4 “(ii) their right to return and reloca-
5 tion housing options; and

6 “(iii) all planned replacement housing
7 units; and

8 “(B) solicit from each resident information
9 regarding the resident’s desire to return to the
10 replacement housing units constructed upon the
11 original public housing location, interest in
12 moving to other neighborhoods or communities,
13 or interest in retaining a voucher for rental as-
14 sistance.”;

15 (7) by striking subsection (h) (as so redesign-
16 ated by paragraph (1) of this subsection) and in-
17 serting the following new subsection:

18 “(h) RELOCATION, NOTICE, APPLICATION FOR
19 VOUCHERS, AND DATA.—In the case of all relocation ac-
20 tivities resulting from, or that will result from, demolition,
21 disposition, or demolition or disposition or both pursuant
22 to conversion under section 22 or 33 of this Act, of public
23 housing dwelling units:

24 “(1) UNIFORM RELOCATION AND REAL PROP-
25 ERTY ACQUISITION ACT.—The Uniform Relocation

1 and Real Property Acquisition Policies Act of 1970
2 (42 U.S.C. 4601 et seq.) shall apply. To the extent
3 the provisions of this subsection and such Act con-
4 flict, the provisions that provide greater protection
5 to residents displaced by the demolition, disposition,
6 or demolition and disposition, shall apply.

7 “(2) RELOCATION PLAN.—The public housing
8 agency shall submit to the Secretary, together with
9 the application for demolition or disposition, a relo-
10 cation plan providing for the relocation of residents
11 occupying the public housing for which the demoli-
12 tion or disposition application is proposed, which
13 shall include—

14 “(A) a statement of the estimated number
15 of vouchers for rental assistance under section
16 8 that will be needed for such relocation;

17 “(B) identification of the location of the
18 replacement dwelling units that will be made
19 available for permanent occupancy; and

20 “(C) a statement of whether any tem-
21 porary, off-site relocation of any residents is
22 necessary and a description of the plans for
23 such relocation.

24 “(3) NOTICE UPON APPROVAL OF APPLICA-
25 TION.—Within a reasonable time after notice to the

1 public housing agency of the approval of an applica-
2 tion for demolition or disposition, the public housing
3 agency shall provide notice in writing, in plain and
4 non-technical language, to the residents of the public
5 housing subject to the approved application that—

6 “(A) states that the application has been
7 approved;

8 “(B) describes the process involved to relo-
9 cate the residents, including a statement that
10 the residents may not be relocated until the
11 conditions set forth in paragraph (10) have
12 been met;

13 “(C) provides information regarding relo-
14 cation options;

15 “(D) advises residents of the availability of
16 relocation counseling as required in paragraph
17 (8); and

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

20 “(4) NOTICE BEFORE RELOCATION.—Except in
21 cases of a substantial and imminent threat to health
22 or safety, not later than 90 days before the date on
23 which residents will be relocated, the public housing
24 agency shall provide notice in writing, in plain and
25 non-technical language, to each family residing in a

1 public housing project that is subject to an approved
2 demolition or disposition application, and in accord-
3 ance with such guidelines as the Secretary may issue
4 governing such notifications, that—

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

7 “(B) the demolition of the building in
8 which the family resides will not commence
9 until each resident of the building is relocated;
10 and

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

14 “(i) that meets housing quality stand-
15 ards;

16 “(ii) that is located in an area that is
17 generally not less desirable than the loca-
18 tion of the displaced family’s housing,
19 which shall include at least one unit lo-
20 cated in an area of low-poverty and one
21 unit located within the neighborhood of the
22 original public housing site;

23 “(iii) that is identified and available
24 to the family; and

25 “(iv) which shall include—

1 “(I) tenant-based assistance, ex-
2 cept that the requirement under this
3 subparagraph regarding offering of
4 comparable housing shall be fulfilled
5 by use of tenant-based assistance only
6 upon the relocation of the family into
7 such housing;

8 “(II) project-based assistance;

9 “(III) occupancy in a unit oper-
10 ated or assisted by the public housing
11 agency at a rental rate paid by the
12 family that is comparable to the rent-
13 al rate applicable to the unit from
14 which the family is relocated; and

15 “(IV) other comparable housing.

16 “(5) SEARCH PERIOD.—Notwithstanding any
17 other provision of law, in the case of a household
18 that is provided tenant-based assistance for reloca-
19 tion of the household under this section, the period
20 during which the household may lease a dwelling
21 unit using such assistance shall not be shorter in du-
22 ration than the 150-day period that begins at the
23 time a comparable replacement unit is made avail-
24 able to the family. If the household is unable to lease
25 a dwelling unit using such assistance during such

1 period, the public housing agency shall extend the
2 period during which the household may lease a
3 dwelling unit using such assistance, or at the ten-
4 ant's request, shall provide the tenant with the next
5 available comparable public housing unit or com-
6 parable housing unit for which project-based assist-
7 ance is provided.

8 “(6) PAYMENT OF RELOCATION EXPENSES.—

9 The public housing agency shall provide for the pay-
10 ment of the actual and reasonable relocation ex-
11 penses, including security deposits, of each resident
12 to be displaced and any other relocation expenses as
13 are required by the Uniform Relocation Assistance
14 and Real Property Acquisition Policies Act of 1970.

15 “(7) COMPARABLE HOUSING.—The public hous-

16 ing agency shall ensure that each displaced resident
17 is offered comparable housing in accordance with the
18 notice under paragraph (4).

19 “(8) COMPREHENSIVE RELOCATION COUN-

20 SELING.—The public housing agency shall provide
21 all advisory programs and services as required by
22 the Uniform Relocation Assistance and Real Prop-
23 erty Acquisition Policies Act of 1970 and counseling
24 for residents who are displaced that shall fully in-
25 form residents to be displaced of all relocation op-

1 tions, which may include relocating to housing in a
2 neighborhood with a lower concentration of poverty
3 than their current residence or remaining in the cur-
4 rent neighborhood. Such counseling shall also in-
5 clude providing school options for children and com-
6 prehensive housing search assistance for household
7 that receive a voucher for tenant-based assistance.

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

13 “(10) AFFIRMATIVE FURTHERANCE OF FAIR
14 HOUSING.—The public housing agency shall have ob-
15 tained data regarding, and analyzed the potential
16 impact of, the proposed demolition or disposition
17 and relocation on persons protected by section 804
18 of the Civil Rights Act of 1968 (42 U.S.C. 3604),
19 including the tenants residing in the public housing
20 project, occupants of the surrounding neighborhood,
21 and neighborhoods into which project tenants are
22 likely to be relocated, and persons on the agency’s
23 waiting list, has described in the application for
24 demolition or disposition actions that the public
25 housing agency has taken or will take to mitigate

1 those adverse impacts, and has certified in the pub-
2 lic housing agency plan for the agency, with sup-
3 porting information, that the proposed demolition or
4 disposition, relocation, or replacement housing will
5 be carried out in a manner that affirmatively fur-
6 thers fair housing, as described in section 808(e) of
7 the Civil Rights Act of 1968 (42 U.S.C. 3608(e)).

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

13 “(12) APPLICATION FOR VOUCHERS.—The pub-
14 lic housing agency shall submit to the Secretary an
15 application for vouchers consistent with the obliga-
16 tions in subsection (e) (relating to replacement
17 units) and the relocation obligations of this sub-
18 section at the same time that the agency submits the
19 application for demolition or disposition.”;

20 (8) in subsection (i) (as so redesignated by
21 paragraph (1) of this subsection), by striking “may”
22 the first place such term appears and inserting
23 “shall”; and

24 (9) by adding at the end the following new sub-
25 sections:

1 “(j) RIGHT OF RETURN.—

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

11 “(2) REQUIREMENT TO ALLOW RETURN.—A
12 public housing agency or any other manager of re-
13 placement housing units shall not, through the appli-
14 cation of any additional eligibility, screening, occu-
15 pancy, or other policy or practice, prevent any per-
16 son otherwise eligible under paragraph (1) from oc-
17 cupying a replacement housing unit. Such replace-
18 ment dwelling unit shall be made available to each
19 household displaced as a result of a demolition, dis-
20 position, or demolition or disposition or both pursu-
21 ant to conversion under section 22 or 33 before any
22 replacement dwelling unit is made available to any
23 other eligible household.

24 “(k) ENFORCEMENT.—Any affected person shall
25 have the right to enforce this section pursuant to section

1 1979 of the Revised Statutes of the United States (42
 2 U.S.C. 1983). Nothing in this section may be construed
 3 to limit the rights and remedies available under State or
 4 local law to any affected person.”.

5 (b) EFFECTIVE DATE.—The amendments made by
 6 subsection (a) shall take effect upon the date of the enact-
 7 ment of this Act and shall apply to any demolition, disposi-
 8 tion, or demolition and disposition, or both pursuant to
 9 conversion under section 22 or 33 of the United States
 10 Housing Act of 1937 (42 U.S.C. 1437t, 1437z–5) that
 11 is approved by the Secretary after such date of the enact-
 12 ment.

13 **SEC. 203. AUTHORITY TO CONVERT PUBLIC HOUSING TO**
 14 **VOUCHERS.**

15 Section 22 of the United States Housing Act of 1937
 16 (42 U.S.C. 1437t) is amended by adding at the end the
 17 following new subsection:

18 “(g) ADMINISTRATION.—

19 “(1) IN GENERAL.—The Secretary may require
 20 a public housing agency to provide to the Secretary
 21 or to public housing residents such information as
 22 the Secretary considers to be necessary for the ad-
 23 ministration of this section.

24 “(2) APPLICABILITY OF SECTION 18.—Section
 25 18 shall apply to the subsequent demolition or dis-

1 position of public housing dwelling units removed
2 from the inventory of the public housing agency pur-
3 suant to this section.”.

4 **SEC. 204. REQUIRED CONVERSION OF DISTRESSED PUBLIC**
5 **HOUSING TO TENANT-BASED ASSISTANCE.**

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

11 **SEC. 205. REGULATIONS.**

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

17 **TITLE III—PUBLIC HOUSING**
18 **PRESERVATION AND REHA-**
19 **BILITATION**

20 **SEC. 301. SHORT TITLE.**

21 This title may be cited as the “Public Housing Pres-
22 ervation and Rehabilitation Act of 2011”.

23 **SEC. 302. LEVERAGING OF OTHER ASSISTANCE.**

24 (a) CAPITAL FUND LOAN GUARANTEES.—Subsection
25 (d) of section 9 of the United States Housing Act of 1937

1 (42 U.S.C. 1437g(d)) is amended by adding at the end
2 the following new paragraph:

3 “(4) LOAN GUARANTEES.—

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

10 “(i) the rehabilitation of public hous-
11 ing owned by the agency;

12 “(ii) the modernization, through en-
13 ergy efficiency improvements, of public
14 housing units owned by the agency; or

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

20 “(B) LIMITATION.—A guarantee under
21 this paragraph may be used to assist a public
22 housing agency in obtaining financing only if
23 the housing agency provides evidence sufficient,
24 in the determination of the Secretary, to dem-
25 onstrate that—

1 “(i) it is not able to finance the im-
2 provements without such a guarantee; or

3 “(ii) the use of such a guarantee will
4 result in substantially lower financing costs
5 or interest rate.

6 “(C) TERMS.—Notes or other obligations
7 guaranteed pursuant to this section shall be in
8 such form and denominations, have such matu-
9 rities, and be subject to such conditions as may
10 be prescribed by regulations issued by the Sec-
11 retary. The term of such loan guarantee shall
12 not exceed 20 years.

13 “(D) USE OF CAPITAL FUNDS.—Funds al-
14 located to an issuer pursuant to section 9(d)
15 may be used for payment of principal and inter-
16 est due (including such servicing, underwriting,
17 or other costs as may be specified in regulations
18 of the Secretary) on notes or other obligations
19 guaranteed pursuant to this paragraph.

20 “(E) REPAYMENT.—

21 “(i) CONTRACT; PLEDGE.—To ensure
22 the repayment of notes or other obligations
23 guaranteed under this paragraph and
24 charges incurred under this paragraph and
25 as a condition for receiving such guaran-

1 tees, the Secretary shall require the issuer
2 of any such note or obligation to—

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

7 “(II) pledge any grant or alloca-
8 tion for which the issuer is or may be-
9 come eligible under this Act for the
10 repayment of notes or other obliga-
11 tions so guaranteed.

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

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

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

3 “(G) AMOUNT.—Subject only to the ab-
4 sence of qualified requests for guarantees and
5 to the availability of amounts to cover the costs
6 (as such term is defined in section 502 of the
7 Federal Credit Reform Act of 1990 (2 U.S.C.
8 661a)), as are provided in advance in appro-
9 priation Acts, the Secretary shall enter into
10 commitments to guarantee notes and obliga-
11 tions under this paragraph having an aggregate
12 principal amount of \$500,000,000 each for fis-
13 cal years 2012, 2013, and 2014.”.

14 (b) UTILITY AND WASTE MANAGEMENT COST SAV-
15 INGS.—Subparagraph (C) of section 9(e)(2) of the United
16 States Housing Act of 1937 (42 U.S.C. 1437g(e)(2)(C))
17 is amended—

18 (1) by striking the subparagraph designation
19 and heading and all that follows through “Contracts
20 described in clause (i)” in clause (ii) and inserting
21 the following:

22 “(C) TREATMENT OF UTILITY AND WASTE
23 MANAGEMENT COST SAVINGS.—

24 “(i) IN GENERAL.—The treatment of
25 utility and waste management costs under

1 the formula shall provide that a public
2 housing agency shall receive the full finan-
3 cial benefit from any reduction in the cost
4 of utilities or waste management resulting
5 from energy conservation improvements in
6 one or more of its public housing projects,
7 subject to the following:

8 “(I) THIRD PARTY CON-
9 TRACTS.—In the case of energy con-
10 servation improvements in public
11 housing undertaken pursuant to a
12 contract with a third party, such con-
13 tracts”;

14 (2) in clauses (iii) and (iv), by striking “clause
15 (i)” each place such term appears and inserting
16 “subclause (I)”;

17 (3) in clause (iv), by striking “the date of en-
18 actment of this clause” and inserting “December 26,
19 2007”;

20 (4) by redesignating clauses (iii) and (iv) as
21 subclauses (II) and (III), respectively, and realigning
22 such subclauses, as so redesignated, so as to be in-
23 dented 8 ems from the left margin; and

24 (5) by adding at the end the following new
25 clauses:

1 “(ii) FINANCING OF IMPROVE-
2 MENTS.—Energy conservation improve-
3 ments may be undertaken pursuant to a
4 contract for the improvements only, and
5 the public housing agency may finance
6 such improvements for a period of up to
7 20 years. A public housing agency may
8 pledge operating assistance under this sub-
9 section as security for such financings in
10 an amount not to exceed the lesser of—

11 “(I) the amount of the debt serv-
12 ice, plus such appropriate debt service
13 coverage factor as the Secretary may
14 establish; and

15 “(II) the amount of the reason-
16 ably anticipated utility cost savings
17 resulting from the improvements, as
18 determined by the Secretary.

19 The Secretary may also permit the pledg-
20 ing of the installed equipment related to
21 such improvements.

22 “(iii) FREEZE OF CONSUMPTION LEV-
23 ELS.—

24 “(I) IN GENERAL.—A public
25 housing agency may elect to be paid

1 for its utility costs, including utility
2 allowances, under the formula for a
3 period, at the discretion of the agency,
4 of not longer than 20 years based on
5 the agency's average annual consump-
6 tion during the 3-year period pre-
7 ceding the year in which the election
8 is made (in this clause referred to as
9 the 'consumption base level').

10 “(II) INITIAL ADJUSTMENTS IN
11 CONSUMPTION BASE LEVEL.—The
12 Secretary shall make an initial one-
13 time adjustment in the consumption
14 base level to account for differences in
15 the heating degree day average over
16 the most recent 20-year period com-
17 pared to the average in the consump-
18 tion base level.

19 “(III) ONGOING ADJUSTMENTS
20 IN CONSUMPTION BASE LEVEL.—The
21 Secretary shall make adjustments in
22 the consumption base level to account
23 for an increase or reduction in units,
24 a change in fuel source, a change in
25 resident-controlled electricity con-

1 sumption, or for such other reasons as
2 the Secretary considers appropriate.

3 “(IV) THIRD PARTIES.—A public
4 housing agency making an election
5 under subclause (I) may use, but shall
6 not be required to use, the services of
7 a third party in its energy conserva-
8 tion program. The agency shall have
9 the sole discretion to determine the
10 source, terms, and conditions of any
11 financing used for its program.”.

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

16 “(n) REQUIREMENTS FOR PROPERTIES WITH HOUS-
17 ING TAX CREDITS.—Public housing agencies that utilize
18 tax credits under section 42 of the Internal Revenue Code
19 of 1986 for rental housing units that are currently or for-
20 merly assisted under subsection (d) or (e) with respect to
21 such units shall provide for—

22 “(1) an option for the public housing agency to
23 purchase limited partnership interests in a property
24 containing such units after the tax compliance pe-
25 riod under section 42;

1 “(2) a provision to give a public housing agency
2 an active role in property management decisions of
3 such housing; or

4 “(3) such other provision or provisions as the
5 Secretary may establish to ensure the preservation
6 of the interest of the public housing agency in the
7 property.”.

8 **SEC. 303. CAPITAL FUND FLEXIBILITY.**

9 (a) **NEW DEVELOPMENT FLEXIBILITY.**—Subsection
10 (g) of section 9 of the United States Housing Act of 1937
11 (42 U.S.C. 1437g(g)) is amended by striking paragraph
12 (3).

13 (b) **REHABILITATION FLEXIBILITY.**—Subsection (d)
14 of section 9 of the United States Housing Act of 1937
15 (42 U.S.C. 1437g(d)), as amended by the preceding provi-
16 sions of this Act, is further amended by adding at the end
17 the following new paragraph:

18 “(5) **USE FOR UNITS NOT INCLUDED IN FOR-**
19 **MULA.**—A public housing agency may use amounts
20 provided under this subsection for the purposes
21 specified in subparagraphs (A), (C), (I), and (K) of
22 paragraph (1) for public housing dwelling units not
23 included in the formula established pursuant to
24 paragraph (2), but only if—

25 “(A) the agency agrees—

1 “(i) to continue to operate and main-
2 tain any housing assisted with such funds
3 under the current terms and conditions for
4 a period not shorter than the 30-year pe-
5 riod that begins on the latest date on
6 which modernization using such amounts
7 was completed; or

8 “(ii) to return any amounts provided
9 under this paragraph to the Secretary; and

10 “(B) the agency certifies to the Secretary
11 that dwelling units owned and operated by the
12 public housing agency that are included in the
13 formula established pursuant to paragraph (2)
14 are being maintained and the funds amounts
15 being used under this authority will not be
16 needed for such maintenance.”.

17 **SEC. 304. GRANTS FOR CONVERSION OF PUBLIC HOUSING**
18 **PROJECTS TO ASSISTED LIVING FACILITIES**
19 **AND SERVICE-ENRICHED HOUSING.**

20 Title I of the United States Housing Act of 1937 (42
21 U.S.C. 1437 et seq.) is amended by adding at the end
22 the following new section:

1 **“SEC. 37. GRANTS FOR CONVERSION OF PUBLIC HOUSING**
2 **PROJECTS TO ASSISTED LIVING FACILITIES**
3 **AND SERVICE-ENRICHED HOUSING.**

4 “(a) **AUTHORITY.**—The Secretary may make grants
5 in accordance with this section to public housing agencies
6 for use for activities designed to convert dwelling units in
7 eligible projects described in subsection (b) to assisted liv-
8 ing facilities or service-enriched housing for elderly per-
9 sons.

10 “(b) **ELIGIBLE PROJECTS.**—An eligible project de-
11 scribed in this subsection is a public housing project (or
12 a portion thereof) that has been designated under section
13 7 for occupancy only by elderly persons.

14 “(c) **APPLICATIONS.**—Applications for grants under
15 this section shall be submitted to the Secretary in accord-
16 ance with such procedures as the Secretary shall establish.
17 Such applications shall contain—

18 “(1) a description of the proposed conversion
19 activities for an assisted living facility or service-en-
20 riched housing for which a grant under this section
21 is requested;

22 “(2) a statement of the amount of the grant re-
23 quested;

24 “(3) a description of the resources that are ex-
25 pected to be made available, if any, in conjunction
26 with the grant under this section; and

1 “(4) such other information or certifications
2 that the Secretary determines to be necessary or ap-
3 propriate.

4 “(d) REQUIREMENTS FOR SERVICES.—

5 “(1) FUNDING COMMITMENTS.—The Secretary
6 may not make a grant under this section for conver-
7 sion activities unless the application contains suffi-
8 cient evidence, in the determination of the Secretary,
9 of firm commitments for the funding of services to
10 be provided in the assisted living facility or service-
11 enriched housing, which may be provided by third
12 parties.

13 “(2) DISCLOSURE OF INFORMATION TO RESI-
14 DENTS.—The Secretary shall require evidence that
15 each recipient of a grant for service-enriched hous-
16 ing provides relevant and timely disclosure of infor-
17 mation to residents or potential residents of such
18 housing relating to—

19 “(A) the services that will be available at
20 the property to each resident, including—

21 “(i) the right to accept, decline, or
22 choose such services and to have the choice
23 of provider;

24 “(ii) the services made available by or
25 contracted through the grantee; and

1 “(iii) the identity of, and relevant in-
2 formation for, all agencies or organizations
3 providing any services to residents, which
4 agencies or organizations shall provide in-
5 formation regarding all procedures and re-
6 quirements to obtain services, any charges
7 or rates for the services, and the rights
8 and responsibilities of the residents related
9 to those services;

10 “(B) the availability, identity, contact in-
11 formation, and role of the service coordinator;
12 and

13 “(C) such other information as the Sec-
14 retary determines to be appropriate to ensure
15 that residents are adequately informed of the
16 services options available to promote resident
17 independence and quality of life.

18 “(e) SELECTION CRITERIA.—The Secretary shall se-
19 lect applications for grants under this section based upon
20 selection criteria, which shall be established by the Sec-
21 retary and shall include—

22 “(1) the extent to which the conversion is likely
23 to provide assisted living facilities or service-enriched
24 housing that are needed or are expected to be need-
25 ed by the categories of elderly persons that the as-

1 sisted living facility or service-enriched housing is in-
2 tended to serve, with a special emphasis on very low-
3 income elderly persons who need assistance with ac-
4 tivities of daily living;

5 “(2) the extent to which the public housing
6 agency is not able to fund the conversion activities
7 from existing financial resources, as evidenced by
8 the agency’s financial records;

9 “(3) the extent to which the agency has evi-
10 denced community support for the conversion, by
11 such indicators as letters of support from the local
12 community for the conversion and financial contribu-
13 tions from public and private sources;

14 “(4) the extent to which the applicant dem-
15 onstrates a strong commitment to promoting the au-
16 tonomy and independence of the elderly persons that
17 the assisted living facility or service-enriched housing
18 is intended to serve;

19 “(5) the quality, completeness, and managerial
20 capability of providing the services which the as-
21 sisted living facility or service-enriched housing in-
22 tends to provide to elderly residents, especially in
23 such areas as meals, 24-hour staffing, and on-site
24 health care; and

1 “(6) such other criteria as the Secretary deter-
2 mines to be appropriate to ensure that funds made
3 available under this section are used effectively.

4 “(f) DEFINITIONS.—For purposes of this section, the
5 following definitions shall apply:

6 “(1) ASSISTED LIVING FACILITY.—The term
7 ‘assisted living facility’ has the meaning given such
8 term in section 232(b) of the National Housing Act
9 (12 U.S.C. 1715w(b)).

10 “(2) SERVICE-ENRICHED HOUSING.—The term
11 ‘service-enriched housing’ means housing that—

12 “(A) makes available, through licensed or
13 certified third party service providers, sup-
14 portive services to assist the residents in car-
15 rying out activities of daily living, such as bath-
16 ing, dressing, eating, getting in and out of bed
17 or chairs, walking, going outdoors, using the
18 toilet, laundry, home management, preparing
19 meals, shopping for personal items, obtaining
20 and taking medication, managing money, using
21 the telephone, or performing light or heavy
22 housework, and which may make available to
23 residents home health care services, such as
24 nursing and therapy;

1 “(B) includes the position of service coord-
2 dinator, which may be funded as an operating
3 expense of the property;

4 “(C) provides separate dwelling units for
5 residents, each of which contains a full kitchen
6 and bathroom;

7 “(D) includes common rooms and other fa-
8 cilities appropriate for the provision of sup-
9 portive services to the residents of the housing;
10 and

11 “(E) provides residents with control over
12 health care and supportive services decisions,
13 including the right to accept, decline, or choose
14 such services.

15 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
16 is authorized to be appropriated for providing grants
17 under this section such sums as may be necessary for each
18 of fiscal years 2012, 2013, 2014, 2015, and 2016.”.

19 **SEC. 305. INCREASE OF THRESHOLD FOR EXEMPTION**
20 **FROM ASSET MANAGEMENT REQUIREMENTS.**

21 Any public housing agency that owns or operates
22 fewer than 500 public housing units under title I of the
23 United States Housing Act of 1937 may elect to be ex-
24 empt from any asset management requirement imposed by
25 the Secretary.

1 **TITLE IV—PILOT PROGRAM TO**
2 **TRAIN PUBLIC HOUSING**
3 **RESIDENTS TO PROVIDE**
4 **HOME-BASED HEALTH SERV-**
5 **ICES**

6 **SEC. 401. SHORT TITLE.**

7 This title may be cited as the “Together We Care
8 Act of 2011”.

9 **SEC. 402. FINDINGS AND PURPOSE.**

10 (a) FINDINGS.—The Congress finds the following:

11 (1) The “baby boom” generation will require
12 health care attention that will exceed the current
13 supply of health care providers.

14 (2) There is a shortage of training programs
15 specializing in health care and long-term services
16 that focus on home care instead of institutionalized
17 care.

18 (3) Although the need for home-based health
19 services transcends all income levels, the availability
20 of such services is more limited for residents of pub-
21 lic housing.

22 (4) Estimates indicate that there are
23 44,000,000 caregivers in the United States pro-
24 viding unpaid care to at least one adult, representing
25 22,900,000 households.

1 (5) Of working persons providing unpaid care,
2 62 percent have had to make adjustments to work
3 schedules or leave employment.

4 (6) Many low-income families in the United
5 States are placed in an untenable position of choos-
6 ing between work and caregiving responsibilities at
7 home.

8 (7) Many residents of public housing in the
9 United States are aging and in need of care.

10 (8) The Department of Housing and Urban De-
11 velopment estimates the percentage of households
12 assisted by the Department that are elderly house-
13 holds is 35 percent in New York, 33 percent in Bos-
14 ton, 35 percent in Chicago, 24 percent in Cleveland,
15 40 percent in Los Angeles, and 20 percent in Puerto
16 Rico.

17 (9) New service programs are needed to provide
18 home-based health services to residents of public
19 housing and to provide job training and job place-
20 ment for persons receiving assistance from the De-
21 partment of Housing and Urban Development need-
22 ing employment.

23 (10) The Department of Housing and Urban
24 Development should establish a home-based health
25 services pilot program to meet the challenges of the

1 increasing number of elderly persons and persons
2 with disabilities in public housing, which would si-
3 multaneously create an opportunity to train job
4 seekers in a trade that provides home-based health
5 services.

6 (b) PURPOSES.—The purposes of this title are—

7 (1) to give flexibility to the Department of
8 Housing and Urban Development and other entities
9 to establish training programs in home-based health
10 services for public housing residents; and

11 (2) to provide needed home care options to el-
12 derly and disabled public housing residents (includ-
13 ing elderly and disabled veterans who are public
14 housing residents) and elderly and disabled residents
15 of federally-assisted rental housing to allow them to
16 remain in their homes and their communities.

17 **SEC. 403. PILOT GRANT PROGRAM TO TRAIN PUBLIC HOUS-**
18 **ING RESIDENTS TO PROVIDE COVERED**
19 **HOME-BASED HEALTH SERVICES.**

20 Section 34 of the United States Housing Act of 1937
21 (42 U.S.C. 1437z-6) is amended by adding at the end
22 the following new subsections:

23 “(f) PILOT GRANT PROGRAM TO TRAIN PUBLIC
24 HOUSING RESIDENTS TO PROVIDE COVERED HOME-
25 BASED HEALTH SERVICES.—

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

11 “(A) residents of public housing who are
12 elderly or disabled, or both (including elderly
13 and disabled veterans who are residents of pub-
14 lic housing); and

15 “(B) subject to the criteria set forth pur-
16 suant to paragraph (3), residents of federally-
17 assisted rental housing who are elderly or dis-
18 abled, or both.

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

21 “(A) is a public housing agency or other
22 unit of State or local government (including an
23 agency of such unit), community health center,
24 home care provider organization, faith-based or-
25 ganization, labor organization, or other organi-

1 zation determined to be qualified by the Sec-
2 retary; and

3 “(B) demonstrates to the satisfaction of
4 the Secretary that it has established, or pro-
5 vides such assurances that it will establish, an
6 employment training program to train public
7 housing residents to provide covered home-
8 based health services that complies with regula-
9 tions that the Secretary shall issue.

10 “(3) RESIDENTS OF FEDERALLY-ASSISTED
11 RENTAL HOUSING.—The Secretary may set forth
12 criteria under which an entity receiving funding
13 under this subsection may train public housing resi-
14 dents to provide covered home-based health services
15 to elderly and disabled residents of federally-assisted
16 rental housing.

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

22 “(5) COMPETITIVE GRANT AWARDS.—

23 “(A) GENERAL CRITERIA FOR SELEC-
24 TION.—The Secretary shall establish policies
25 and procedures for reviewing and approving

1 funding for eligible entities through a competi-
2 tive process taking into consideration—

3 “(i) with respect to the service area in
4 which public housing residents trained
5 under an employment training program de-
6 scribed in paragraph (2)(B) will provide
7 covered home-based health services—

8 “(I) the percentage of residents
9 age 62 and older;

10 “(II) the percentage of disabled
11 residents; and

12 “(III) the percentage of unem-
13 ployed or underemployed residents;

14 “(ii) the ability of an eligible entity to
15 provide training that leads to the provision
16 of quality care;

17 “(iii) the record of the quality of care
18 of an eligible entity; and

19 “(iv) such other criteria as determined
20 by the Secretary.

21 “(B) GEOGRAPHIC CONSIDERATION.—In
22 awarding grants, the Secretary shall consider a
23 geographic mix of a variety of eligible entities
24 so that the grant program will include at
25 least—

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

4 “(ii) one employment training pro-
5 gram described in paragraph (2)(B) that
6 primarily serves a rural population;

7 “(iii) one employment training pro-
8 gram described in paragraph (2)(B) that
9 primarily serves an Indian population; and

10 “(iv) one employment training pro-
11 gram described in paragraph (2)(B) that
12 primarily serves a population in the Com-
13 monwealth of Puerto Rico, the United
14 States Virgin Islands, Guam, American
15 Samoa, or the Commonwealth of the
16 Northern Mariana Islands.

17 “(6) USE OF GRANT FUNDS.—An entity receiv-
18 ing funding under this subsection may use such
19 funds—

20 “(A) to establish (or maintain) and carry-
21 out an employment training program to train
22 public housing residents to provide covered
23 home-based health care services to elderly and
24 disabled public housing residents and elderly

1 and disabled residents of federally-assisted rent-
2 al housing;

3 “(B) for the transportation expenses of
4 public housing residents in training under such
5 an employment training program;

6 “(C) for the child care expenses of public
7 housing residents in training under such an em-
8 ployment training program;

9 “(D) for the administrative expenses of
10 carrying out such an employment training pro-
11 gram; and

12 “(E) for any other activity the Secretary
13 determines appropriate.

14 “(7) REPORT TO CONGRESS.—Not later than
15 24 months after the date of the enactment of the
16 Together We Care Act of 2011, the Secretary shall
17 submit to Congress a report on the use and impact
18 of the grant program established by this subsection.
19 The report shall include—

20 “(A) a review of the effectiveness of the
21 program in—

22 “(i) providing jobs for public housing
23 residents;

24 “(ii) meeting the unmet health and
25 long-term care needs of elderly and dis-

1 abled residents of public housing and elder-
2 ly and disabled residents of federally-as-
3 sisted rental housing; and

4 “(iii) enabling the provision of quality
5 care; and

6 “(B) any recommendations the Secretary
7 determines appropriate regarding the grant pro-
8 gram.

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

11 “(A) HOME-BASED HEALTH SERVICES.—
12 The term ‘home-based health services’ means
13 health care and long-term services provided to
14 an individual in a place of residence used as
15 such individual’s home and includes—

16 “(i) home health services described in
17 section 1861(m) of the Social Security Act
18 (42 U.S.C. 1395x(m));

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

22 “(iii) home-based services which may
23 be covered under a waiver under subsection
24 (c) or (d) of section 1915 of such Act (42
25 U.S.C. 1396n).

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

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

8 “(i) for which medical assistance is
9 available under a State plan under title
10 XIX of the Social Security Act; or

11 “(ii) for which financial assistance is
12 available under subsection (g).

13 “(D) FEDERALLY-ASSISTED RENTAL
14 HOUSING.—The term ‘federally-assisted rental
15 housing’ means—

16 “(i) housing assisted under section
17 202 of the Housing Act of 1959 (12
18 U.S.C. 1701q);

19 “(ii) housing assisted under section
20 515 of the Housing Act of 1949 (42
21 U.S.C. 1485);

22 “(iii) housing assisted under section 8
23 of the United States Housing Act of 1937
24 (42 U.S.C. 1437f) (including project-based
25 and tenant-based assistance);

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

5 “(v) housing financed by a mortgage
6 insured under section 221(d)(3) of the Na-
7 tional Housing Act (12 U.S.C.
8 1715l(d)(3)) or held by the Secretary, a
9 State, or State agency; and

10 “(vi) housing assisted under section
11 811 of the Cranston-Gonzalez National Af-
12 fordable Housing Act (42 U.S.C. 8013).

13 “(9) INAPPLICABILITY OF PREVIOUS SUB-
14 SECTIONS.—Subsections (a) through (e) shall not
15 apply to this subsection, subsection (g), and sub-
16 section (h).

17 “(10) RULE OF CONSTRUCTION.—This sub-
18 section and subsection (g) may not be construed as
19 affecting any requirement under State law for train-
20 ing, licensure, or any other certification as a home
21 health aide or as a provider of any home-based
22 health service under this subsection and subsection
23 (g).

24 “(11) REGULATIONS.—Not later than 6 months
25 after the date of enactment of the Together We Care

1 Act of 2011, the Secretary shall issue regulations to
2 carry out this subsection.

3 “(12) AUTHORIZATION OF APPROPRIATIONS.—

4 There are authorized to be appropriated \$2,500,000
5 for each of the fiscal years 2012, 2013, and 2014,
6 for grants under this subsection.

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

9 “(1) FINANCIAL ASSISTANCE.—The Secretary,
10 in consultation with the Secretary of Health and
11 Human Services, may provide financial assistance
12 under this subsection to entities receiving grant
13 funds under the pilot program established under
14 subsection (f) that provide training for public hous-
15 ing residents as home health aides and as providers
16 of home-based health services and provide (or pay
17 for) such services for use only for their costs in pro-
18 viding (or paying for) such services to—

19 “(A) residents of public housing who are
20 elderly or disabled, or both (including elderly or
21 disabled veterans who are residents of public
22 housing); or

23 “(B) at the discretion of the Secretary,
24 residents of federally-assisted rental housing
25 who are elderly or disabled, or both.

1 “(2) REQUIREMENTS.—

2 “(A) LOCATION.—Assistance under para-
3 graph (1) may be provided only for services fur-
4 nished in locations in which medical assistance
5 for home-based health services is not available
6 under a State plan under title XIX of the So-
7 cial Security Act.

8 “(B) TRAINED PUBLIC HOUSING RESI-
9 DENTS.—Assistance under paragraph (1) may
10 be used only for costs of services described in
11 paragraph (1) that are provided by public hous-
12 ing residents trained by an entity receiving
13 grant funds under the pilot program established
14 under subsection (f).

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

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

20 “(B) submit to the Secretary an applica-
21 tion at such time, in such manner, and con-
22 taining such information as the Secretary re-
23 quires; and

1 “(C) comply with such other terms and
2 conditions as the Secretary shall establish to
3 carry out this subsection.

4 “(4) AUTHORIZATION OF APPROPRIATIONS.—
5 There are authorized to be appropriated \$2,500,000
6 for each of the fiscal years 2012, 2013, and 2014,
7 for financial assistance under this subsection.

8 “(h) IMPACT OF INCOME ON ELIGIBILITY FOR HOUS-
9 ING BENEFITS.—For any resident of public housing who
10 is trained as a home health aide or as a provider of home-
11 based health services pursuant to the program under sub-
12 section (f), any income received by such resident for pro-
13 viding covered home-based health services shall apply to-
14 wards eligibility for benefits under Federal housing pro-
15 grams as follows:

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

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

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

1 “(4) One hundred percent of income received
2 shall apply for any period that begins after 36
3 months after the completion of the training of such
4 resident.”.

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