

116TH CONGRESS  
2D SESSION

# S. 3212

To authorize additional monies to the Public Housing Capital Fund of the Department of Housing and Urban Development, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 16, 2020

Ms. WARREN (for herself, Mrs. GILLIBRAND, Mr. SANDERS, Mr. DURBIN, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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## A BILL

To authorize additional monies to the Public Housing Capital Fund of the Department of Housing and Urban Development, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Public Housing Emer-  
5 gency Response Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1           (1) Housing is a foundational determinant of  
2 health and has been recognized as such since the  
3 early days of public health.

4           (2) Poor housing conditions contribute to a  
5 broad range of infectious diseases, chronic diseases,  
6 injuries, childhood development complications, nutri-  
7 tion issues, and mental health challenges.

8           (3) The United States Housing Act of 1937 (42  
9 U.S.C. 1437 et seq.) charges the Department of  
10 Housing and Urban Development (referred to in this  
11 section as “HUD”) with providing residents with a  
12 decent, safe, and affordable place to live, including  
13 those that live in public housing.

14           (4) While public housing is a federally created  
15 program overseen by HUD, the properties are owned  
16 and managed at the local level by quasi-govern-  
17 mental public housing authorities under contract  
18 with the Federal Government.

19           (5) Thus, the public housing program is gov-  
20 erned in part by Federal rules and regulations and  
21 in part by policies enacted at the local level.

22           (6) Passage of the United States Housing Act  
23 of 1937 (42 U.S.C. 1437 et seq.) sought to address  
24 the needs of low-income people through public hous-  
25 ing. At the time of passage of such Act, the Nation’s

1 housing stock was of very poor quality. Public hous-  
2 ing was a significant improvement for those who had  
3 access to it.

4 (7) However, over the years, the living condi-  
5 tions in public housing began to deteriorate as the  
6 operational needs of the units and costs necessary to  
7 remedy major capital deficiencies began to outpace  
8 the level of funding provided by the Federal Govern-  
9 ment and the residents' rent contributions.

10 (8) By 1990, no significant investment in hous-  
11 ing affordable to the lowest-income individuals had  
12 been made by the Federal Government in more than  
13 30 years.

14 (9) In 1998, the enactment of the Quality  
15 Housing and Work Responsibility Act of 1998 (Pub-  
16 lic Law 105–276; 112 Stat. 2518) prohibited public  
17 housing authorities from using any Federal capital  
18 funding or operating funding to develop net new  
19 housing.

20 (10) More than a decade after the enactment of  
21 the Quality Housing and Work Responsibility Act of  
22 1998 (Public Law 105–276; 112 Stat. 2518), the  
23 number of public housing units nationally began to  
24 steadily decline, as more units were torn down than  
25 rebuilt.

1           (11) With the exception of an infusion of fund-  
2           ing from the economic stimulus legislation in 2009—  
3           the American Recovery and Reinvestment Act (Pub-  
4           lic Law 111–5; 123 Stat. 115)—Federal capital  
5           funding has remained relatively level for more than  
6           a decade, despite an increasing backlog in unmet  
7           capital needs.

8           (12) Today, there are approximately 1,200,000  
9           units of public housing across the country receiving  
10          Federal funding. The Nation’s largest public housing  
11          authority, the New York City Public Housing Au-  
12          thority, houses approximately 380,000 residents in  
13          316 developments across New York City.

14          (13) As of April 2019, the national public hous-  
15          ing capital repair backlog stood at more than  
16          \$70,000,000,000.

17          (14) In his Budget Request for fiscal year 2020  
18          for the Department of Housing and Urban Develop-  
19          ment, President Donald Trump requested \$0 for the  
20          Department’s Public Housing Capital Fund, which  
21          continues to be the primary source of funding public  
22          housing authorities rely on to address necessary in-  
23          frastructure upgrades and repairs.

24          (15) Federal disinvestment in public housing  
25          has forced many residents to live in accelerating sub-

1 standard living. For example, the New York City  
2 Housing Authority has a capital repair backlog of  
3 approximately \$32,000,000,000. New York City  
4 Housing Authority residents suffer from a consistent  
5 lack of hot water, insufficient heat during the winter  
6 months, rodent and insect infestations, broken ele-  
7 vators, and widespread and recurring lead and mold  
8 problems.

9 (16) Substandard housing conditions, such as  
10 poor ventilation, pest infestations, and water leaks,  
11 are directly associated with the development and ex-  
12 acerbation of respiratory diseases like asthma.

13 (17) The Centers for Disease Control and Pre-  
14 vention has made clear that no level of lead poi-  
15 soning is safe. Lead poisoning can result in irrevers-  
16 ible brain damage and affects every major bodily  
17 system. At high levels, lead poisoning can cause ane-  
18 mia, multi-organ damage, seizures, coma, and death  
19 in children. Even with the lowest levels of lead expo-  
20 sure, children experience physical, cognitive, and  
21 neurobehavioral impairment as well as lower IQ lev-  
22 els, lower class standing in high school, greater ab-  
23 senteeism, lower vocabulary and grammatical-rea-  
24 soning scores, and poorer hand-eye coordination rel-  
25 ative to other children.

1           (18) Exposure to cold indoor temperatures is  
2 associated with increased risk of cardiovascular dis-  
3 ease.

4           (19) Due to its aging infrastructure, the living  
5 conditions in public housing are causing severe  
6 health consequences for public housing residents  
7 throughout the Nation, including asthma, res-  
8 piratory illness, and elevated blood lead levels.

9           (20) This is a fixable public health crisis. Fed-  
10 eral disinvestment in public housing has con-  
11 sequences and aging infrastructure is, in many  
12 cases, the root cause of many of these health issues  
13 for residents.

14           (21) For example, one leading study found that  
15 children living in public housing have higher odds of  
16 asthma than children living in all types of private  
17 housing, even after adjusting for individual risk fac-  
18 tors such as minority ethnicity and race, living in a  
19 low-income household, and living in a low-income  
20 community.

21           (22) Therefore, it is necessary to reinvest in  
22 public housing, provide the money needed to fulfill  
23 outstanding capital needs, and to again ensure that  
24 all Americans have a decent home and suitable living  
25 environment, as is HUD's charge.

1 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

2       There is authorized to be appropriated for assistance  
3 from the Public Housing Capital Fund under section 9(d)  
4 of the United States Housing Act of 1937 (42 U.S.C.  
5 1437g(d)) \$70,000,000,000, which amount shall remain  
6 available until expended and, notwithstanding subsections  
7 (c)(1) and (d)(2) of such section 9, shall be allocated to  
8 public housing agencies based upon the extent of such  
9 agencies' capital need, as determined according to the  
10 agencies' most recent Physical Needs Assessment.

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