

118TH CONGRESS
1ST SESSION

S. 3350

To amend the Infrastructure Investment and Jobs Act to ensure consideration of affordable housing in the reconnecting communities pilot program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 28, 2023

Mr. FETTERMAN introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Infrastructure Investment and Jobs Act to ensure consideration of affordable housing in the reconnecting communities pilot program, 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 “Keeping Housing Af-
5 fordable in Forgotten Communities Act”.

1 **SEC. 2. RECONNECTING COMMUNITIES PILOT PROGRAM.**

2 Section 11509 of the Infrastructure Investment and
3 Jobs Act (23 U.S.C. 101 note; Public Law 117–58) is
4 amended—

5 (1) in subsection (a)—

6 (A) in paragraph (2)—

7 (i) by redesignating subparagraphs
8 (A) through (C) as clauses (i) through
9 (iii), respectively, and indenting appro-
10 priately; and

11 (ii) by striking the paragraph designa-
12 tion and heading and all that follows
13 through “the term” and inserting the fol-
14 lowing:

15 “(B) INCLUSIONS.—The term”; and

16 (B) by striking the subsection designation
17 and heading and all that follows through “the
18 term” in paragraph (1) and inserting the fol-
19 lowing:

20 “(a) DEFINITIONS.—In this section:

21 “(1) COMMUNITY LAND TRUST.—The term
22 ‘community land trust’ means a nonprofit entity or
23 a State or local government or instrumentality of a
24 State or local government that—

25 “(A) is not sponsored by a for-profit orga-
26 nization;

1 “(B) has as a primary purpose the provi-
 2 sion and maintenance of housing that provides
 3 long-term affordability for low- and moderate-
 4 income persons;

5 “(C) provides housing described in sub-
 6 paragraph (B) using a ground lease, deed cov-
 7 enant, or other similar legally enforceable meas-
 8 ure, as determined by the Secretary, that—

9 “(i) keeps the housing affordable to
 10 low- and moderate-income persons for a
 11 period of not less than 30 years; and

12 “(ii) enables low- and moderate-in-
 13 come persons to purchase the housing for
 14 homeownership; and

15 “(D) maintains preemptive purchase op-
 16 tions to purchase the property so the housing
 17 remains affordable to low- and moderate-income
 18 persons.

19 “(2) ELIGIBLE FACILITY.—

20 “(A) IN GENERAL.—The term”;

21 (2) in subsection (b)—

22 (A) in paragraph (2), by inserting “, or to
 23 create or preserve long-term affordable housing
 24 units around the existing eligible facility” after
 25 “facility”; and

1 (B) in paragraph (3), by inserting “and to
2 enable the creation or preservation of long-term
3 affordable housing units around the existing eli-
4 gible facility” after “facility”;

5 (3) in subsection (c)(2)—

6 (A) in subparagraph (A)—

7 (i) in clause (vii), by striking “and” at
8 the end;

9 (ii) in clause (viii), by adding “and”
10 after the semicolon at the end; and

11 (iii) by adding after clause (viii) the
12 following:

13 “(ix) the impact of the removal, ret-
14 rofit, or mitigation of the eligible facility
15 on the supply of affordable rental and
16 owner-occupied housing in the surrounding
17 area;”;

18 (B) in subparagraph (B), by striking
19 “and” at the end;

20 (C) redesignating subparagraph (C) as
21 subparagraph (D); and

22 (D) by inserting after subparagraph (B)
23 the following:

24 “(C) housing planning activities required
25 in advance of a project to remove, retrofit, or

1 mitigate an existing eligible facility in order to
2 preserve affordable housing around the existing
3 eligible facility, including—

4 “(i) the incorporation of long-term af-
5 fordability into such a project or the sur-
6 rounding area through new or existing—

7 “(I) community land trusts;

8 “(II) other shared equity home-
9 ownership programs that—

10 “(aa) have income require-
11 ments;

12 “(bb) require a resale for-
13 mula that limits the price for
14 which the property may be re-
15 sold; and

16 “(cc) are managed by a non-
17 profit affordable housing organi-
18 zation or developer;

19 “(III) resident-owned commu-
20 nities, including manufactured hous-
21 ing communities;

22 “(IV) housing cooperatives;

23 “(V) Tribal entities; or

1 “(VI) rental housing that will re-
2 main affordable for a period of not
3 less than 30 years;

4 “(ii) planning related to the use or
5 purchase of property around the existing
6 eligible facility by a community land trust,
7 nonprofit organization or developer, mu-
8 nicipality, or land bank for the purpose of
9 creating affordable housing; and

10 “(iii) planning related to the imple-
11 mentation of a land value tax or a tax in-
12 crement financing district for the purpose
13 of funding affordable housing; and”;

14 (4) in subsection (d)(4)(B)(viii)—

15 (A) in subclause (I), by striking “and” at
16 the end;

17 (B) in subclause (II), by striking the pe-
18 riod at the end and inserting “; and”; and

19 (C) by adding at the end the following:

20 “(III) preserving existing afford-
21 able housing and preventing displace-
22 ment of residents.”; and

23 (5) in subsection (e), by adding at the end the
24 following:

1 “(3) JOINT REPORT ON AFFORDABLE HOUS-
2 ING.—Not later than January 1, 2027, the Sec-
3 retary and the Secretary of Housing and Urban De-
4 velopment shall submit to the Committee on Envi-
5 ronment and Public Works of the Senate and the
6 Committee on Transportation and Infrastructure of
7 the House of Representatives a report that evaluates
8 the program under this section, including—

9 “(A) for the recipients of capital construc-
10 tion grants, data on—

11 “(i) rent and homeownership costs
12 during and after the award of a grant
13 under this section; and

14 “(ii) demographic changes in the sur-
15 rounding area after the award of a grant
16 under this section; and

17 “(B) information about partnerships that
18 recipients of grants under this section have en-
19 tered into with affordable housing organiza-
20 tions, including community land trusts or other
21 shared equity models, to preserve or develop af-
22 fordable housing.”.

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