

118TH CONGRESS  
2D SESSION

# S. 3871

To establish a whole-home repairs program for eligible homeowners and eligible landlords, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MARCH 5, 2024

Mr. FETTERMAN (for himself and Ms. LUMMIS) 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 establish a whole-home repairs program for eligible homeowners and eligible landlords, 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 “Whole-Home Repairs  
5 Act of 2024”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **AFFORDABLE UNIT.**—The term “affordable  
9 unit” means a unit with a rental payment that is af-  
10 fordable to a tenant with an income at or below 80

1 percent of the area median income, as defined by the  
2 Secretary.

3 (2) ELIGIBLE HOMEOWNER.—The term “eligi-  
4 ble homeowner” means a homeowner—

5 (A) with a household income that—

6 (i) is not more than 80 percent of the  
7 area median income;

8 (ii) is not more than 200 percent of  
9 the Federal poverty guidelines, as deter-  
10 mined by the Secretary of Health and  
11 Human Services; or

12 (iii) meets the income eligibility cri-  
13 teria of another program used by a Fed-  
14 eral agency for programs focusing on fami-  
15 lies of limited means, as determined by the  
16 Secretary; and

17 (B) who is—

18 (i) an owner of record as evidenced by  
19 a publicly recorded deed and occupies the  
20 home on which repairs are to be conducted  
21 as their principal residence;

22 (ii) an owner-occupant of the manu-  
23 factured home on which repairs are to be  
24 conducted; or

1 (iii) an equitable owner who can dem-  
2 onstrate an ownership interest in the prop-  
3 erty on which repairs are to be conducted,  
4 including a person who has inherited an in-  
5 terest in that property.

6 (3) ELIGIBLE LANDLORD.—The term “eligible  
7 landlord” means an individual—

8 (A) who owns, as determined by the rel-  
9 evant implementing organization, fewer than 10  
10 residential rental properties operated as a pri-  
11 mary residence in which a majority ownership  
12 interest is held by the individual, the spouse of  
13 the individual, or the dependent children of the  
14 individual, or any closely held legal entity con-  
15 trolled by the individual, the spouse of the indi-  
16 vidual, or the dependent children of the indi-  
17 vidual, either individually or collectively; and

18 (B) who agrees to the provisions described  
19 in section 3(e).

20 (4) ELIGIBLE RENTAL PROPERTY.—The term  
21 “eligible rental property” is a residential property  
22 that is leased, or offered exclusively for lease, as a  
23 primary residence.

24 (5) FORGIVABLE LOAN.—The term “forgivable  
25 loan” means a loan—

1 (A) made to an eligible landlord;

2 (B) that is secured by a lien recorded  
3 against a residential property in a mortgage se-  
4 curity; and

5 (C) that shall be forgiven by the imple-  
6 menting organization not later than the date  
7 that is 3 years after the date on which the loan  
8 is made if the eligible landlord has maintained  
9 compliance with the loan agreement described  
10 in section 3(e).

11 (6) IMPLEMENTING ORGANIZATION.—The term  
12 “implementing organization”—

13 (A) means a unit of local government or a  
14 State that will administer a whole-home repairs  
15 program through a State agency, department,  
16 or other State-level entity or enter into agree-  
17 ments with 1 or more local governments, mu-  
18 nicipal authorities, other governmental authori-  
19 ties, or qualified nonprofits to administer a  
20 whole-home repairs program as a sub-recipient;  
21 and

22 (B) does not include a redundant entity in  
23 a jurisdiction already served by a grantee under  
24 section 3.

1           (7) INDIAN TRIBE.—The term “Indian Tribe”  
2           has the meaning given the term “Indian tribe” in  
3           section 4 of the Native American Housing Assist-  
4           ance and Self-Determination Act of 1996 (25 U.S.C.  
5           4103).

6           (8) QUALIFIED NONPROFIT.—The term “quali-  
7           fied nonprofit” means a nonprofit organization that  
8           has—

9                   (A) received funding, as a recipient or sub-  
10                  recipient, through—

11                           (i) the Community Development Block  
12                           Grant program under title I of the Hous-  
13                           ing and Community Development Act of  
14                           1974 (42 U.S.C. 5301 et seq.);

15                           (ii) the HOME Investment Partner-  
16                           ships program under subtitle A of title II  
17                           of the Cranston-Gonzalez National Afford-  
18                           able Housing Act (42 U.S.C. 12741 et  
19                           seq.);

20                           (iii) the Lead-Based Paint Hazard  
21                           Reduction grant program under section  
22                           1011 of the Residential Lead-Based Paint  
23                           Hazard Reduction Act of 1992 (42 U.S.C.  
24                           4852) or a grant under the Healthy  
25                           Homes Initiative administered by the Sec-

1           retary pursuant to sections 501 and 502 of  
2           the Housing and Urban Development Act  
3           of 1970 (12 U.S.C. 1701z-1, 1701z-2);

4           (iv) the Self-Help and Assisted Home-  
5           ownership Opportunity program authorized  
6           under section 11 of the Housing Oppor-  
7           tunity Program Extension Act of 1996 (42  
8           U.S.C. 12805 note);

9           (v) a rural housing program under  
10          title V of the Housing Act of 1949 (42  
11          U.S.C. 1471 et seq.);

12          (vi) the Neighborhood Reinvestment  
13          Corporation established under the Neigh-  
14          borhood Reinvestment Corporation Act (42  
15          U.S.C. 8101 et seq.); or

16          (vii) any other program as determined  
17          by the Secretary;

18          (B) coordinated, performed, or otherwise  
19          been engaged in weatherization, lead remedi-  
20          ation, or home-repair work for not less than 2  
21          years; or

22          (C) been certified by the Environmental  
23          Protection Agency, or by a State authorized by  
24          the Environmental Protection Agency to admin-  
25          ister a certification program, as—

1 (i) eligible to carry out activities  
2 under the lead renovation, repair and  
3 painting program; or

4 (ii) a Home Certification Organization  
5 under the Energy Star program estab-  
6 lished by section 324A of the Energy Pol-  
7 icy and Conservation Act (42 U.S.C.  
8 6294a) or the WaterSense program under  
9 section 324B of that Act (42 U.S.C.  
10 6294b), or recognized or otherwise ap-  
11 proved by the Environmental Protection  
12 Agency as a Home Certification Organiza-  
13 tion under either of those programs.

14 (9) SECRETARY.—The term “Secretary” means  
15 the Secretary of Housing and Urban Development.

16 (10) STATE.—The term “State” means—

17 (A) each State of the United States;

18 (B) the District of Columbia;

19 (C) the Commonwealth of Puerto Rico;

20 (D) any territory or possession of the  
21 United States; and

22 (E) an Indian Tribe.

23 (11) WHOLE-HOME REPAIRS.—The term  
24 “whole-home repairs” means modifications, repairs,

1 or updates to homeowner or renter-occupied units to  
2 address—

3 (A) physical and sensory accessibility for  
4 individuals with disabilities and older adults,  
5 such as bathroom and kitchen modifications, in-  
6 stallation of grab bars and handrails, guards  
7 and guardrails, lifting devices, ramp additions  
8 or repairs, sidewalk addition or repair, or door-  
9 way or hallway widening;

10 (B) habitability and safety concerns, such  
11 as repairs needed to ensure residential units are  
12 fit for human habitation and free from defective  
13 conditions or health and safety hazards;

14 (C) energy and water efficiency, resilience,  
15 and weatherization; or

16 (D) other conditions as determined by the  
17 Secretary.

18 **SEC. 3. PILOT PROGRAM.**

19 (a) ESTABLISHMENT.—Not later than 1 year after  
20 the date of enactment of this Act, the Secretary shall es-  
21 tablish a pilot program to provide grants to implementing  
22 organizations to administer a whole-home repairs program  
23 for eligible homeowners and eligible landlords.

24 (b) USE OF FUNDS.—An implementing organization  
25 that receives a grant under this section—



1           (1) shall provide grants to eligible homeowners  
2 to implement whole-home repairs up to a maximum  
3 amount per unit, which maximum amount should—

4                   (A) reflect local construction costs;

5                   (B) be calculated by the implementing or-  
6 ganization; and

7                   (C) be approved by the Secretary;

8           (2) shall provide loans, which may be forgivable  
9 loans, to eligible landlords to implement whole-home  
10 repairs for individual units and for public and com-  
11 mon use areas within the property up to a maximum  
12 amount per unit, which maximum amount should—

13                   (A) reflect local construction costs;

14                   (B) be calculated by the implementing or-  
15 ganization; and

16                   (C) be approved by the Secretary;

17           (3) shall provide layered subsidy review of, or  
18 provide assistance to eligible homeowners and eligi-  
19 ble landlords in that review of, whole-home repair  
20 program funds provided under this section with Fed-  
21 eral, State, and local home repair programs to pro-  
22 vide the greatest benefit to the greatest number of  
23 eligible landlords and eligible homeowners and avoid  
24 redundancy;

1           (4) may use not more than 10 percent of the  
2           awarded funds to carry out related functions, includ-  
3           ing workforce training, which shall be related to ef-  
4           forts to increase the number of home repairs per-  
5           formed and approved by the Secretary;

6           (5) may use not more than 10 percent of the  
7           awarded funds for administrative expenses; and

8           (6) shall comply with Federal accessibility re-  
9           quirements and standards under applicable Federal  
10          fair housing and civil rights laws and regulations, in-  
11          cluding section 504 of the Rehabilitation Act of  
12          1973 (29 U.S.C. 794).

13          (c) LOAN AGREEMENT.—In a loan agreement with  
14          an eligible landlord under this section, an implementing  
15          organization shall include provisions establishing that the  
16          eligible landlord shall, for each eligible rental property for  
17          which a loan is used to fund repairs under this section—

18               (1) offer to extend the lease of current tenants  
19               on current terms, other than the terms described in  
20               paragraph (4)(A), for not less than 3 years begin-  
21               ning after the completion of the repairs, unless the  
22               lease is terminated due to failure to pay rent, prop-  
23               erty damage, performance of an illegal act within  
24               the rental unit, a direct threat to the safety of the

1 tenants, or a violation of an obligation of tenancy  
2 that the tenants failed to correct after notice;

3 (2) provide documentation verifying that the  
4 property, upon completion of approved renovations,  
5 has met all applicable State and local housing and  
6 building codes;

7 (3) attest that the landlord has no known seri-  
8 ous violations of renter protections that have re-  
9 sulted in fines, penalties, or judgments during the  
10 preceding 10 years;

11 (4)(A) cap annual rent increases for each as-  
12 sisted unit at 5 percent of base rent or inflation,  
13 whichever is lower; or

14 (B) rent each assisted unit to tenants receiving  
15 tenant-based rental assistance under section 8(o) of  
16 the United States Housing Act of 1937 (42 U.S.C.  
17 1437f(o)), under another tenant-based rental assist-  
18 ance program administered by the Secretary or the  
19 Secretary of Agriculture, or under a tenant-based  
20 rental subsidy provided by a State or local govern-  
21 ment;

22 (5) comply with Federal accessibility require-  
23 ments and standards under applicable Federal fair  
24 housing and civil rights laws and regulations, includ-

1 ing section 504 of the Rehabilitation Act of 1973  
2 (29 U.S.C. 794); and

3 (6) ensure that—

4 (A) all repairs funded or facilitated  
5 through an award under this section have been  
6 completed;

7 (B) if repairs are not completed and the  
8 plan for whole-home repairs is not updated to  
9 reflect the new scope of work, that the loan or  
10 grant is repaid on a prorated basis based on  
11 completed work; and

12 (C) any unused grant or loan balance is re-  
13 turned to the implementing organization.

14 (d) APPLICATION.—

15 (1) IN GENERAL.—An implementing organiza-  
16 tion desiring an award under this section shall sub-  
17 mit to the Secretary an application that includes—

18 (A) the geographic scope of the whole-  
19 home repairs program to be administered by  
20 the implementing organization, including the  
21 plan to address need in any rural, suburban, or  
22 urban area within a jurisdiction;

23 (B) a plan for selecting sub-recipients, if  
24 applicable;

1 (C) how the implementing organization  
2 plans to execute the coordination of Federal,  
3 State, and local home repair programs, includ-  
4 ing programs administered by the Department  
5 of Energy or the Department of Agriculture, to  
6 increase efficiency and reduce redundancy;

7 (D) available data on the need for afford-  
8 able and quality housing, and any plans to pre-  
9 serve affordability through the term of the  
10 award;

11 (E) how the implementing organization  
12 plans to process and verify applications for  
13 grants from eligible homeowners and applica-  
14 tions for loans from eligible landlords; and

15 (F) such other information as the Sec-  
16 retary requires to determine the ability of an  
17 applicant to carry out a program under this  
18 section.

19 (2) CONSIDERATIONS.—In making awards  
20 under this section, the Secretary shall—

21 (A) with respect to applications submitted  
22 by States other than the District of Columbia  
23 and the territories of the United States,  
24 prioritize those applications with a dem-  
25 onstrated plan to—

1 (i) make a good faith effort to imple-  
2 ment the pilot program in every jurisdic-  
3 tion; and

4 (ii) provide non-metropolitan areas, or  
5 sub-recipients serving non-metropolitan  
6 areas if applicable, with a share of total  
7 funds commensurate to their population;

8 (B) aim to select applicants so that the  
9 awardees collectively span diverse geographies,  
10 with an intent to understand the impact of the  
11 pilot program under this section in urban, sub-  
12 urban, rural, and Tribal settings; and

13 (C) not disqualify implementing organiza-  
14 tions that were awarded grants under the pilot  
15 program in prior application cycles.

16 (e) PROGRAM INFORMATION.—The Secretary shall  
17 make available to grant recipients under this section infor-  
18 mation regarding existing Federal programs for which  
19 grant recipients may coordinate or provide assistance in  
20 coordinating applications for those programs in accord-  
21 ance with subsection (b)(3).

22 (f) GRANT NUMBER.—In each year in which an  
23 award is made under this section, the Secretary shall  
24 award assistance to—

1           (1) not less than 2, and not more than 10, im-  
2           plementing organizations, as application numbers  
3           and funding permit; and

4           (2) not more than 1 implementing organization  
5           in any State.

6           (g) LOANS THAT ARE NOT FORGIVEN.—If a loan  
7           made by an implementing organization under subsection  
8           (b)(2) is not forgiven, the loan repayment funds may be  
9           reused by the implementing organization for a new whole-  
10          home repair grant or loan under this section.

11          (h) SUPPLEMENT, NOT SUPPLANT.—Amounts  
12          awarded under this section to implementing organizations  
13          shall supplement, not supplant, other Federal, State, and  
14          local funds made available to those entities.

15          (i) STREAMLINING PROGRAM DELIVERY AND ENSUR-  
16          ING EFFICIENCY.—To the extent possible, in carrying out  
17          the pilot program under this section, the Secretary shall—

18               (1) endeavor to improve efficiency of service de-  
19               livery, as well as the experience of and impact on the  
20               taxpayer, by encouraging programmatic collabora-  
21               tion and information sharing across Federal, State,  
22               and local programs for home repair or improvement,  
23               including programs administered by the Department  
24               of the Agriculture; and

1           (2) enhance collaboration and cross-agency  
2 streamlining efforts that reduce the burdens of mul-  
3 tiple income verification processes and applications  
4 on the eligible homeowner, the eligible landlord, the  
5 implementing organization, and the Federal Govern-  
6 ment, including by establishing assistance applica-  
7 tion procedures for income eligibility under this Act  
8 that recognize income eligibility determinations for  
9 assistance using any of the criteria under section  
10 2(2)(A) that have been used for assistance applica-  
11 tions during the 1-year period preceding the date on  
12 which an eligible homeowner or eligible landlord ap-  
13 plies for assistance under this Act.

14 (j) REPORTING REQUIREMENTS.—

15           (1) ANNUAL REPORT.—An implementing orga-  
16 nization that receives a grant under this section  
17 shall submit to the Secretary an annual report that  
18 includes—

19                   (A) the number of units served, including  
20 reporting on both homeownership and rental  
21 units;

22                   (B) the average cost per unit for modifica-  
23 tions or repairs and the nature of those modi-  
24 fications or repairs, including reporting on both  
25 homes and rental units;



1 (C) the number of applications received,  
2 served, denied, or not completed;

3 (D) the aggregated demographic data of  
4 grant recipients, which may include data on in-  
5 come range, urban suburban, and rural resi-  
6 dency, age, and racial and ethnic identity;

7 (E) the aggregated demographic data of  
8 loan recipients, which may include data on in-  
9 come range, urban suburban, and rural resi-  
10 dency, age, and racial and ethnic identity;

11 (F) in the first year of receiving a grant,  
12 and as certified in subsequent reports, a com-  
13 prehensive plan to prevent waste, fraud, and  
14 abuse in the administration of the pilot pro-  
15 gram, which shall include, at a minimum—

16 (i) a policy enacted and enforced by  
17 the implementing organization to monitor  
18 ongoing expenditures under this title and  
19 ensure compliance with applicable regula-  
20 tions, including compliance with Federal  
21 accessibility requirements;

22 (ii) a policy enacted and enforced by  
23 the implementing organization to detect  
24 and deter fraudulent activity, including  
25 fraud occurring in individual projects and

1 patterns of fraud by parties involved in the  
2 expenditure of funds under this section;

3 (iii) a statement setting forth any vio-  
4 lations detected by the implementing orga-  
5 nization during the previous calendar year,  
6 including details about steps taken to  
7 achieve compliance and any remedial meas-  
8 ures; and

9 (iv) a certification by the chief execu-  
10 tive or most senior compliance officer of  
11 the organization that the organization  
12 maintains sufficient staff and resources to  
13 effectively carry out the above-mentioned  
14 policies; and

15 (G) such other information as the Sec-  
16 retary may require.

17 (2) REPORTING REQUIREMENT ALIGNMENT.—

18 To limit the costs of implementing the pilot program  
19 under this section, the Secretary shall endeavor, to  
20 the extent possible, to structure reporting require-  
21 ments such that they align with the data reporting  
22 requirements in place for funding streams that im-  
23 plementing organizations are likely to use in part-  
24 nership with funding from this section, including the  
25 reporting requirements under—

1 (A) the Community Development Block  
2 Grant program under title I of the Housing and  
3 Community Development Act of 1974 (42  
4 U.S.C. 5301 et seq.);

5 (B) the HOME Investment Partnerships  
6 program under subtitle A of title II of the  
7 Cranston-Gonzalez National Affordable Hous-  
8 ing Act (42 U.S.C. 12741 et seq.);

9 (C) the Weatherization Assistance Pro-  
10 gram for low-income persons established under  
11 part A of title IV of the Energy Conservation  
12 and Production Act (42 U.S.C. 6861 et seq.);  
13 and

14 (D) the Native American Housing Assist-  
15 ance and Self-determination Act of 1996 (25  
16 U.S.C. 4101 et seq.).

17 (3) PILOT PROGRAM PERIOD REPORTS.—Not  
18 less frequently than twice during the period in which  
19 the pilot program established under this section op-  
20 erates, the Office of the Inspector General of the  
21 Department of Housing and Urban Development  
22 shall complete an assessment of the implementation  
23 of measures to ensure the fair and legitimate use of  
24 the pilot program.

1           (4) SUMMARY TO CONGRESS.—The Secretary  
2           shall submit to the Committee on Banking, Housing,  
3           and Urban Affairs of the Senate and the Committee  
4           on Financial Services of the House of Representa-  
5           tives an annual report providing a summary of the  
6           data provided under paragraphs (1) and (3) during  
7           the 1-year period preceding the report and all data  
8           previously provided under those paragraphs.

9           (k) FUNDING.—The Secretary is authorized to use up  
10          to \$25,000,000 of funds made available as provided in ap-  
11          propriations Acts for programs administered by the Office  
12          of Lead Hazard Control and Healthy Housing to carry  
13          out the pilot program under this section.

14          (l) TERMINATION.—The pilot program established  
15          under this section shall terminate on October 1, 2029.

○