

**AMENDMENT TO COMMITTEE PRINT OF MAY 14,
2008 [H.R. 3329]
OFFERED BY MS. WATERS OF CALIFORNIA AND
MR. AL GREEN OF TEXAS**

Page 3, strike lines 1 through 3.

Page 3, line 4, strike “(G)” and insert “(F)”.

Page 3, line 6, strike “(H)” and insert “(G)”.

Page 5, line 1, before “Assistance” insert “PLAN-
NING GRANTS.—”.

Page 5, line 4, before “Assistance” insert “CAPITAL
ADVANCES.—”.

Page 5, line 15, before “Assistance” insert
“PROJECT RENTAL ASSISTANCE.—”.

Page 6, line 3, before “any” insert “provides that”.

Page 6, line 5, strike “and”.

Page 6, strike lines 6 through 12 and insert the fol-
lowing:

- 1 (D) provides that upon the expiration of
- 2 each contract term, the Secretary shall adjust
- 3 the annual contract amount to provide for rea-

1 sonable project costs, and any increases, includ-
2 ing adequate reserves, supportive services, and
3 service coordinators, except that any contract
4 amounts not used by a project during a con-
5 tract term shall not be available for such ad-
6 justments upon renewal; and

7 (E) provides that in the event of emer-
8 gency situations that are outside the control of
9 the owner, the Secretary shall increase the an-
10 nual contract amount, subject to reasonable re-
11 view and limitations as the Secretary shall pro-
12 vide.

Page 7, line 8, before the period insert “FOR
PROJECT RENTAL ASSISTANCE”.

Page 7, lines 10 and 11, strike “subsection (c)(2)”
and insert “subsection (c)(3)”.

Page 7, strike lines 12 through 15 and insert the
following:

13 (B) EXTENSION.—The Secretary shall,
14 subject only to the availability of amounts pro-
15 vided in appropriation Acts, renew the contract
16 entered into under subsection (c)(3) for 10 con-
17 secutive one-year terms, the first such term be-

1 ginning upon the expiration of such 60-month
2 period.

Page 10, strike line 1 and insert the following:

3 (g) INITIAL SELECTION CRITERIA AND PROC-
4 ESSING.—

5 (1) SELECTION CRITERIA.—The Secretary shall
6 es-

Page 10, line 4, strike “(1)” and insert “(A)”.

Page 10, line 5, strike “(A)” and insert “(i)”.

Page 10, line 7, strike “(B)” and insert “(ii)”.

Page 10, line 10, strike “(C)” and insert “(iii)”.

Page 10, line 16, strike “(D)” and insert “(iv)”.

Page 10, line 17, strike “physical” and insert “serv-
ice-connected disability”.

Page 10, line 19, strike “(E)” and insert “(v)”.

Page 10, line 23, strike “(F)” and insert “(vi)”.

Page 11, line 3, strike “and”.

Page 11, after line 3, insert the following:

7 (vii) the extent to which the applicant
8 has ensured that a service coordinator will

1 be employed or otherwise retained for the
2 housing, who has the managerial capacity
3 and responsibility for carrying out the ac-
4 tions described in clauses (i) and (ii) of
5 subsection (h)(2)(A); and

Page 11, line 4, strike “(G)” and insert “(viii)”.

Page 11, line 8, strike “(2)” and insert “(B)”.

Page 11, line 14, strike “(3)” and insert “(C)”.

Page 11, after line 16, insert the following:

6 (2) DELEGATED PROCESSING.—
7 (A) DELEGATION TO STATE OR LOCAL
8 HOUSING AUTHORITY.—In issuing a capital ad-
9 vance under this subsection for any project for
10 which financing for the purposes described in
11 subsection (b)(2) is provided by a combination
12 of a capital advance under subsection (e)(2)
13 and sources other than this section, within 30
14 days of award of the capital advance, the Sec-
15 retary shall delegate review and processing of
16 such projects to a State or local housing agency
17 that—
18 (i) is in geographic proximity to the
19 property;

1 (ii) has demonstrated experience in
2 and capacity for underwriting multifamily
3 housing loans that provide housing and
4 supportive services;

5 (iii) may or may not be providing low-
6 income housing tax credits in combination
7 with the capital advance under this section;
8 and

9 (iv) agrees to issue a firm commit-
10 ment within 12 months of delegation.

11 (B) PROCESSING BY SECRETARY.—The
12 Secretary shall retain the authority to process
13 capital advances in cases in which no State or
14 local housing agency has applied to provide del-
15 egated processing pursuant to this paragraph or
16 no such agency has entered into an agreement
17 with the Secretary to serve as a delegated proc-
18 essing agency.

19 (C) PROCESSING FEES.—An agency to
20 which review and processing is delegated pursu-
21 ant to subparagraph (A) may assess a reason-
22 able fee which shall be included in the capital
23 advance amounts and may recommend project
24 rental assistance amounts in excess of those ini-
25 tially awarded by the Secretary. The Secretary

1 shall develop a schedule for reasonable fees
2 under this subparagraph to be paid to delegated
3 processing agencies, which shall take into con-
4 sideration any other fees to be paid to the agen-
5 cy for other funding provided to the project by
6 the agency, including bonds, tax credits, and
7 other gap funding.

8 (D) AUTHORITY RETAINED BY SEC-
9 RETARY.—Under such delegated system, the
10 Secretary shall retain the authority to approve
11 rents and development costs and to execute a
12 capital advance within 60 days of receipt of the
13 commitment from the State or local agency.
14 The Secretary shall provide to such agency and
15 the project sponsor, in writing, the reasons for
16 any reduction in capital advance amounts or
17 project rental assistance and such reductions
18 shall be subject to appeal.

Page 13, line 19, after “subsection” insert “relating to the coordination of services”.

Page 13, line 23, after “establish” insert “reasonable”.

Page 15, line 9, strike “CONGREGATE” and insert “COMMUNITY”.

Page 15, line 10, strike “paragraph (1), a congregate” and insert “paragraph (2), a community”.

Page 20, line 23, after the period insert the following: “Such amount shall be used only to cover operating deficits during the first three years of operations and shall not be used to cover construction shortfalls or inadequate initial project rental assistance amounts.”.

Page 25, after line 2, insert the following:

1 (9) REPAYMENT OF ASSISTANCE AND PREVEN-
2 TION OF UNDUE BENEFITS.—

3 (A) REPAYMENT.—If a recipient, or a
4 project sponsor receiving funds from the recipi-
5 ent, receives assistance under subsection (b) for
6 use pursuant to paragraph (2) of such sub-
7 section for the construction, acquisition, or re-
8 habilitation of supportive housing for very low-
9 income veteran families and the project ceases
10 to provide permanent housing, the Secretary
11 shall require the recipient, or such project spon-
12 sor, to repay the following percentage of such
13 assistance:

14 (i) In the case of a project that ceases
15 to be used for such supportive housing be-
16 fore the expiration of the 10-year period

1 beginning upon commencement of the op-
2 eration of the project, 100 percent.

3 (ii) In the case of a project that
4 ceases to be used for such supportive hous-
5 ing on or after the expiration of the 10-
6 year period beginning upon commencement
7 of the operation of the project, but before
8 the expiration of the 15-year period begin-
9 ning upon such commencement, 20 percent
10 of the assistance for each of the years dur-
11 ing such 15-year period for which the
12 project fails to provide permanent housing.

13 (B) PREVENTION OF UNDUE BENEFITS.—
14 Except as provided in paragraph (C), if any
15 property is used for a project that receives as-
16 sistance under subsection (b) for use pursuant
17 to paragraph (2) of such subsection for the con-
18 struction, acquisition or rehabilitation of sup-
19 portive housing for very low-income veteran
20 families, and the sale or other disposition of the
21 property occurs before the expiration of the 15-
22 year period beginning upon commencement of
23 the operation of the project, the recipient (or
24 the project sponsor receiving funds from the re-
25 cipient) shall comply with such terms and con-

1 conditions as the Secretary may prescribe to pre-
2 vent the recipient (or such project sponsor)
3 from unduly benefitting from such sale or dis-
4 position.

5 (C) EXCEPTION.—A recipient, or a project
6 sponsor receiving funds from the recipient, shall
7 not be required to make repayments, and com-
8 ply with the terms and conditions, required
9 under subparagraph (A) or (B) if—

10 (i) the sale or disposition of the prop-
11 erty used for the project results in the use
12 of the property for the direct benefit of
13 very-low income persons;

14 (ii) all of the proceeds of the sale or
15 disposition are used to provide permanent
16 housing for very-low income veteran fami-
17 lies meeting the requirements of this sec-
18 tion;

19 (iii) project-based rental assistance or
20 operating cost assistance from any Federal
21 program or an equivalent State or local
22 program is no longer made available and
23 the project is meeting applicable perform-
24 ance standards, provided that the portion
25 of the project that had benefitted from

1 such assistance continues to meet the ten-
2 ant income and rent restrictions for low-in-
3 come units under section 42(g) of the In-
4 ternal Revenue Code of 1986; or
5 (iv) there are no low-income veteran
6 families in the geographic area of the prop-
7 erty who meet the program criteria, in
8 which case the project may serve non-vet-
9 eran individuals and families having in-
10 comes described in subsection (l)(2) of this
11 section.

Page 26, line 17, after “sole” insert “or managing”.

Page 26, line 19, before the semicolon insert “or a corporation meeting the requirements of subparagraph (C)”.

Page 34, line 14, strike the period and insert a semicolon.

Page 34, after line 14, insert the following:

12 (17) low-income housing credits allocated pur-
13 suant to section 42 of the Internal Revenue Code of
14 1986; and

1 (18) tax-exempt bonds issued for qualified resi-
2 dential rental projects pursuant to section 142(d) of
3 the Internal Revenue Code of 1986.

