AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 5196
OFFERED BY MR. MCHENRY OF NORTH
CAROLINA

Page 1, strike line 4 and all that follows through page 25, line 2, and insert the following (and redesignate succeeding sections accordingly):

SEC. 2. SIMPLIFYING AND EXPEDITING THE DELIVERY OF RENTAL ASSISTANCE.

(a) CONSOLIDATION OF EMERGENCY RENTAL ASSISTANCE PROGRAMS.—Notwithstanding any inconsistent provision of section 3201 of the American Rescue Plan Act of 2021 (15 U.S.C. 9058c), amounts made available under subsection (a)(1) of such section shall be subject to the following requirements:

(1) PAYMENT.—Any amounts allocated to an eligible grantee that, as of July 1, 2021, have not been paid to the eligible grantee shall be paid (but not reallocated) to the eligible grantee in accordance with section 501(b) of subtitle A of title V of division N of the Consolidated Appropriations Act, 2021 (15 U.S.C. 9058a(b)), except that such section 501(b)(1)(A)(i) shall be applied to such amounts by
substituting “Expediting Assistance to Renters and Landlords Act of 2021” for “this section”.

(2) TREATMENT.—Any amounts described in paragraph (1) and any amounts that have been paid to an eligible grantee under such section 3201 but have not been used, as of July 1, 2021, to assist an eligible household, shall be treated as having been paid to such eligible grantee pursuant to such section 501(a) and shall be subject to the provisions of such section 501, as amended by this section, except to the extent inconsistent with this section.

(b) AVAILABILITY OF FUNDS.—Paragraph (1) of section 501(e) of subtitle A of title V of division N of the Consolidated Appropriations Act, 2021 (15 U.S.C. 9058a(e)(1)), is amended by striking “September 30, 2022” and inserting “December 31, 2021”.

(e) EXPEDITING THE DELIVERY OF ASSISTANCE.—Section 501(d) of subtitle A of title V of division N of the Consolidated Appropriations Act, 2021 (15 U.S.C. 9058a(d)) is amended by striking “the Secretary shall re-capture excess funds, as determined by the Secretary, not obligated by a grantee” and inserting “each month the Secretary shall recapture from the pool of grantees who comprise the lowest 10 percent of all grantees, as measured by the percentage of funds obligated from amounts
originally allocated and paid to such grantee under sub-
section (b)(1), an amount equal to not less than 25 per-
cent of funds not currently obligated by a grantee”.

SEC. 3. ENDING THE THREAT OF EVICTIONS BY ELIMI-
NATING RENT ARREARS.

(a) REQUIREMENT TO USE CONSOLIDATED APPROP-
RIATIONS ACT FUNDS FOR RENTAL ARREARS.—

(1) IN GENERAL.—Subsection (c) of section
501 of subtitle A of title V of division N of the Con-
9058a(c)), is amended by adding at the end the fol-
lowing new paragraph:

“(6) REQUIREMENT TO USE ASSISTANCE FOR
RENTAL ARREARS.—Notwithstanding any other pro-
vision of this subsection, effective on the date of en-
actment of this paragraph, any funds paid to an eli-
gible grantee pursuant to subsection (a) that have
not been used to assist an eligible household shall be
used only to provide financial assistance to eligible
households solely for the payment of rent arrears
under paragraph (2)(A)(ii) of this subsection.”.

(2) ARPA FUNDS.—Any amounts described in
section 2(a)(1) of this Act and any amounts that
have been paid to an eligible grantee under such sec-
tion 3201 but have not been used, as of July 1,
2021, to assist an eligible household, shall be used only to provide financial assistance specified in paragraph (6) of section 501(c) of subtitle A of title V of division N of the Consolidated Appropriations Act, 2021 (15 U.S.C. 9058a(e)(6)), as added by subsection (a) of this section.

(b) Fully Eliminating Rent Arrears.—Section 501(c)(2) of subtitle A of title V of division N of the Consolidated Appropriations Act, 2021 (15 U.S.C. 9058a(e)(2)) is amended by adding at the end the following new subparagraph:

“(D) Requirement to extinguish rental arrears.—For any financial assistance provided by an eligible grantee to an eligible household pursuant to paragraph (2)(A)(ii) of this subsection, such assistance must fully extinguish all eligible rental arrears for which an application has been submitted.”.

SEC. 4. TARGETING ASSISTANCE TO HOUSEHOLDS WITH THE HIGHEST NEED.

(a) Direct COVID Impact.—

(1) Consolidated Appropriations Act.—

by striking “due, directly or indirectly, to” and inserting “due directly to”.


(b) Prioritization of Hardest Hit Households.—Section 501(e)(4) of subtitle A of title V of division N of the Consolidated Appropriations Act, 2021 (15 U.S.C. 9058a(e)(4)) is amended by adding at the end the following new subparagraph:

“(C) In approving applications for financial assistance and housing stability services to eligible households from a payment made under this section, an eligible grantee shall prioritize approval of those applications by eligible households which include a valid copy of a submitted Federal or State tax return for calendar year 2020 for purposes of income verification under subsection (k)(3)(C)(i)(I).”.

SEC. 5. INCENTIVIZING ROBUST LANDLORD PARTICIPATION.

(a) Maximizing Landlord Participation.—Section 501(e) of subtitle A of title V of division N of the
Consolidated Appropriations Act, 2021 (15 U.S.C. 9058a(e)), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new paragraph:

“(7) PROHIBITION ON CONDITIONAL FINANCIAL ASSISTANCE.—Subject to the requirements of subsection (f)(2), for any payments made by an eligible grantee to a lessor or utility provider on behalf of an eligible household, the eligible grantee may not condition acceptance of any such payments on any future action or inaction by the lessor or utility provider.”.

(b) APPLICATIONS SUBMITTED ON BEHALF OF TENANT WITHOUT TENANT SIGNATURE.—Section 501(f) of subtitle A of title V of division N of the Consolidated Appropriations Act, 2021 (15 U.S.C. 9058a(f)) is amended—

(1) in paragraph (2), by striking subparagraph (A) and inserting the following:

“(A) either—

“(i) the landlord must obtain the signature of the tenant on such application, which may be documented electronically; or

“(ii) in the case of a landlord who has not obtained the signature of the tenant on
such application, the Secretary shall not later than 30 days after the date of the enactment of this subparagraph establish a process by which a landlord may submit such application after taking reasonable steps to obtain such signature, as determined by the Secretary;”.

(2) by adding at the end the following new paragraph:

“(3) NOTICE OF APPLICATION.—In the case of a landlord applying pursuant to paragraph (1)(A)(ii), the Secretary shall require the landlord to notify the renter of the intent of the landlord to submit such application not less than 7 days before such landlord submits such application.”.

(c) APPLICATIONS FOR RENT ARREARS ASSISTANCE ON VACATED UNITS.—Section 501(f) of subtitle A of title V of division N of the Consolidated Appropriations Act, 2021 (15 U.S.C. 9058a(f)), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new paragraph:

“(4) LANDLORD APPLICATION FOR ASSISTANCE ON VACATED UNITS.—Not later than 30 days after the date of the enactment of this paragraph, the Secretary shall establish a process for a landlord to
submit an application for assistance to eliminate the arrears incurred from a dwelling that has been vacated by a renter, which shall include the following requirements:

“(A) The dwelling had been occupied by a tenant or tenants with a written lease agreement for a period of not less than 90 days beginning on or after March 13, 2020, who have incurred arrears.

“(B) The tenant or tenants that have incurred arrears have vacated the dwelling for a period of not less than 30 days prior to application.

“(C) The landlord shall not be required to obtain the consent of the vacated tenant to submit an application for arrears.”.

(d) BULK APPLICATIONS FOR ASSISTANCE.—Section 501(f) of subtitle A of title V of division N of the Consolidated Appropriations Act, 2021 (15 U.S.C. 9058a(f)), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new paragraph:

“(5) BULK APPLICATIONS.—Not later than 30 days after the date of the enactment of this paragraph, the Secretary shall establish a process for a
landlord of a residential dwelling to submit a consolidated application for financial assistance on behalf of all eligible households within that dwelling.”

SEC. 6. REQUIRING ACCOUNTABILITY AND FIGHTING FRAUD.

(a) ELIGIBILITY VERIFICATION AND PROHIBITION OF FALSE STATEMENTS.—Section 501 of subtitle A of title V of division N of the Consolidated Appropriations Act, 2021 (15 U.S.C. 9058a) is amended by adding at the end the following new subsection:

“(m) PREVENTION OF FRAUD.—

“(1) IN GENERAL.—Any submission to establish eligibility pursuant to an application to an eligible grantee for financial assistance or housing stability services by an eligible household or by a lessor or utility provider on behalf of the eligible household, including an attestation of eligibility, shall be made in writing.

“(2) FALSE STATEMENTS DISCLAIMER.—Any application for assistance under this section or section 3201 of the American Rescue Plan Act of 2021 (15 U.S.C. 9058c) provided by an eligible grantee shall contain the following disclaimer displayed in a clear and conspicuous manner: ‘Falsification of paperwork or any material false-
hoods or omissions in the application, including knowingly seeking duplicative benefits, is subject to State and Federal criminal penalties. You are par-

icularly put on notice that section 1001 of title 18, United States Code, states that a person shall be fined or imprisoned for up to five (5) years for knowingly and willfully making any materially false or fraudulent statement or representation to any U.S. Department or Agency.’’.

(b) CONFIRMATION OF APPROVED ASSISTANCE.—Section 501(c) of subtitle A of title V of division N of the Consolidated Appropriations Act, 2021 (15 U.S.C. 9058a(c)), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new paragraph:

“(8) DOCUMENTATION OF USE.—For any pay-

ments made by an eligible grantee directly to an eligi-

ble household for the purpose of making payments to the lessor or utility provider, the eligible grantee shall require that the eligible household provide timely documentation that such payments were fully used by the eligible household only for the purpose for which the payments were provided.’’.

(c) COMPREHENSIVE INSPECTOR GENERAL OVER-
sight.—Section 501(i)(1) of subtitle A of title V of divi-
sion N of the Consolidated Appropriations Act, 2021 (15 U.S.C. 9058a(i)(1)) is amended by striking “under this section” and inserting “under this section and section 3201 of the American Rescue Plan Act of 2021 (15 U.S.C. 9058c)”.

Page 25, line 7, strike “is amended” and insert “, as amended by the preceding provisions of this Act, is further amended”.

Page 25, line 8, strike “(o)” and insert “(n)”.

Page 27, strike line 5 and all that follows through page 39, line 22.