

[DISCUSSION DRAFT]115TH CONGRESS
2D SESSION**H. R.**

To provide priority under certain federally assisted housing programs to assisting youths who are aging out of foster care, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. TURNER introduced the following bill; which was referred to the Committee on _____

A BILL

To provide priority under certain federally assisted housing programs to assisting youths who are aging out of foster care, 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 “Fostering Stable Hous-

5 ing Opportunities Act of 2018”.

1 SEC. 2. DEFINITION OF FAMILY.

2 Subparagraph (A) of section 3(b)(3) of the United
3 States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(A))
4 is amended—

5 (1) in the first sentence—

6 (A) by striking “(v)” and inserting “(vi)”;
7 and

8 (B) by inserting after “tenant family,” the
9 following: “(v) a child who is in foster care and
10 has attained an age such that the provision of
11 foster care for such child will end by reason of
12 the age of the child within 6 months;”; and

13 (2) in the second sentence, by inserting “or
14 (vi)” after “clause (v)”.

**15 SEC. 3. PRIORITY FOR PUBLIC HOUSING OCCUPANCY AND
16 SECTION 8 ASSISTANCE.**

17 (a) PUBLIC HOUSING.—Subparagraph (A) of section
18 6(c)(4) of the United States Housing Act of 1937 (42
19 U.S.C. 1437d(c)(4)(A)) is amended—

20 (1) by striking “may establish a system for
21 making dwelling units available that provides pref-
22 erences” and inserting the following: “shall establish
23 a system for making dwelling units available that—
24 “(i) shall provide preferences”;

1 (2) by striking “each system of preferences es-
2 tablished pursuant to this subparagraph shall be
3 based” and inserting the following:

4 “(ii) except as provided in clause (iii),
5 shall be based”;

6 (3) by adding at the end the following new
7 clause:

8 “(iii) except for projects or portions of
9 projects designated for occupancy pursuant
10 to section 7(a), shall provide that the high-
11 est preference for occupancy shall be given
12 to otherwise eligible children who are in
13 foster care, have attained an age such that
14 the provision of foster care for such child
15 will end by reason of the age of the child
16 within 6 months, meet the requirements
17 under clauses (i) and (ii) of paragraph (1)
18 of the definition of ‘at risk of homeless-
19 ness’ in section 91.5 of the Secretary’s reg-
20 ulations (24 C.F.R. 91.5), as in effect on
21 September 1, 2016, and have agreed to
22 comply with the requirements under sec-
23 tion 37(c); and

24 “(iv) may provide highest preference
25 for occupancy to, in addition to eligible

1 children described in clause (iii), not more
2 than two other types of families.”.

3 (b) VOUCHER ASSISTANCE.—Subparagraph (A) of
4 section 8(o)(6) of the United States Housing Act of 1937
5 (42 U.S.C. 1437f(o)(6)(A)) is amended—

6 (1) in clause (i), by striking “may” and insert-
7 ing “shall”;

8 (2) by redesignating clause (ii) as clause (iii);

9 (3) by inserting before clause (iii), as so redes-
10 gnated by paragraph (1) of this subsection, the fol-
11 lowing new clause:

12 “(ii) HIGHEST PREFERENCE.—Each
13 system of preferences established pursuant
14 to this subparagraph—

15 “(I) shall provide that the high-
16 est preference for assistance shall be
17 given to otherwise eligible children
18 who are in foster care, have attained
19 an age such that the provision of fos-
20 ter care for such child will end by rea-
21 son of the age of the child within 6
22 months, meet the requirements under
23 clauses (i) and (ii) of paragraph (1) of
24 the definition of ‘at risk of homeless-
25 ness’ in section 91.5 of the Sec-

5 “(II) may provide highest pref-
6 erence for assistance to, in addition to
7 eligible children described in subclause
8 (I), not more than two other types of
9 eligible families.”; and

14 (c) PHA PROJECT-BASED VOUCHER ASSISTANCE.—

15 Subparagraph (J) of section 8(o)(13) of the United States
16 Housing Act of 1937 (42 U.S.C. 1437f(o)(13)(J)) is
17 amended—

20 "(J) TENANT SELECTION.—

“(i) SELECTION AND ELIGIBILITY.—A
public”;

23 (2) by striking “The agency or owner may es-
24 tablish preferences or criteria for selection for a unit

1 assisted under this section that” and inserting the
2 following:

3 “(ii) PREFERENCES FOR OCCU-
4 PANCY.—The agency or owner shall estab-
5 lish a system of preferences or criteria for
6 selection for a unit assisted under this sec-
7 tion that—

8 “(I) shall provide that the high-
9 est preference shall be given to other-
10 wise eligible children who are in foster
11 care, have attained an age such that
12 the provision of foster care for such
13 child will end by reason of the age of
14 the child within 6 months, meet the
15 requirements under clauses (i) and (ii)
16 of paragraph (1) of the definition of
17 ‘at risk of homelessness’ in section
18 91.5 of the Secretary’s regulations
19 (24 C.F.R. 91.5), as in effect on Sep-
20 tember 1, 2016, and have agreed to
21 comply with the requirements under
22 section 37(c); and

23 “(II) may provide highest pref-
24 erence to, in addition to eligible chil-
25 dren described in subclause (I), not

1 more than two other types of eligible
2 families; and

3 “(III) except as provided under
4 subclause (I),”; and

5 (3) by striking “Any family that” and inserting
6 the following:

7 “(iii) WAITING LISTS.—Any family
8 that”.

9 (d) PROJECT-BASED SECTION 8 RENTAL ASSIST-
10 ANCE.—Subparagraph (A) of section 8(d)(1) of the
11 United States Housing Act of 1937 (42 U.S.C.
12 1437f(d)(1)(A)) is amended—

13 (1) by striking “except that with respect” and
14 inserting the following: “except that—

15 “(i) with respect to assisted dwelling
16 units in a project assisted with project-
17 based assistance under this section, the
18 tenant selection criteria used by the
19 owner—

20 “(I) shall provide that the high-
21 est preference shall be given to other-
22 wise eligible children who are in foster
23 care, have attained an age such that
24 the provision of foster care for such
25 child will end by reason of the age of

the child within 6 months, meet the requirements under clauses (i) and (ii) of paragraph (1) of the definition of ‘at risk of homelessness’ in section 91.5 of the Secretary’s regulations (24 C.F.R. 91.5), as in effect on September 1, 2016, and have agreed to comply with the requirements under section 37(c); and

10 “(II) may provide highest prefer-
11 ence to, in addition to eligible chil-
12 dren described in subclause (I), not
13 more than two other types of eligible
14 families; and

“(ii) with respect”; and

16 (2) by inserting “who are not eligible for high-
17 est preference pursuant to clause (i)(I)” after “to be
18 assisted”.

19 (e) TERMS AND CONDITIONS ON PRIORITY.—Title I
20 of the United States Housing Act of 1937 (42 U.S.C.
21 1437 et seq.) is amended by adding at the end the fol-
22 lowing new section:

1 **“SEC. 37. TERMS AND CONDITIONS ON PREFERENCE FOR**
2 **ASSISTANCE FOR CHILDREN AGING OUT OF**
3 **FOSTER CARE.**

4 “(a) PREFERENCE.—For purposes of this section,
5 the term ‘preference for housing assistance’ means pref-
6 erence, for an otherwise eligible child in foster care, for—

7 “(1) occupancy in a public housing dwelling
8 unit, pursuant to section 6(c)(4)(A)(iii);

9 “(2) tenant-based assistance under section 8(o),
10 pursuant to paragraph (6)(A)(ii)(I) of such section;

11 “(3) project-based assistance under section
12 8(o)(13), pursuant to subparagraph (J)(ii)(I) of
13 such section; and

14 “(4) occupancy in a dwelling unit in a project
15 assisted with project-based assistance under section
16 8, pursuant to subsection (d)(1)(A)(i)(I) of such sec-
17 tion.

18 “(b) EARLY APPLICATION FOR ASSISTANCE.—Not-
19 withstanding the period during which a preference for
20 housing assistance is provided for a person, an otherwise
21 eligible person may apply for such occupancy or assistance
22 at any time after such person attains 16 years of age.

23 “(c) REQUIREMENT FOR EMPLOYMENT, EDUCATION,
24 OR TRAINING.—

25 “(1) IN GENERAL.—Except as provided in para-
26 graph (2), each person occupying a dwelling unit

1 pursuant to a preference for housing assistance shall
2 be, not later than 12 months after such initial occu-
3 pacy and for at least 9 months of each successive
4 12-month period thereafter—

5 “(A) employed on average at least 35
6 hours of service per week;

7 “(B) engaged in vocational, technical, or
8 workforce development training or in an ap-
9 prenticeship, on a full-time basis, as classified
10 by a vocational, technical, workforce develop-
11 ment training institution or entity;

12 “(C) enrolled in a secondary school, an in-
13 stitution of higher education, or other institu-
14 tion providing post-secondary education, on a
15 full-time basis, as classified by an educational
16 institution; or

17 “(D) engaged in a combination of activities
18 described in subparagraphs (A) through (C) to
19 such an extent that, in the aggregate, such en-
20 gagement is on such a full-time basis.

21 The Secretary shall require the public housing agen-
22 cy or project owner, as applicable, to verify compli-
23 ance with the requirement under this paragraph by
24 each person occupying a dwelling unit assisted or
25 administered by such agency or owner, as applicable,

1 pursuant to a preference for housing assistance an-
2 nually in conjunction with reviews of income for pur-
3 poses of determining eligibility for assistance de-
4 scribed in subsection (a).

5 “(2) EXCEPTIONS.—The requirement under
6 paragraph (1) shall not apply to—

7 “(A) a person physically or mentally unfit
8 for employment, as determined in accordance
9 with such standards as the Secretary shall es-
10 tablish;

11 “(B) a parent or other household member
12 responsible for the care of a dependent child
13 under 6 or an incapacitated person; and

14 “(C) a person who is regularly and actively
15 participating in a drug addiction or alcoholic
16 treatment and rehabilitation program.

17 “(d) LIMITATION ON BEDROOMS.—A dwelling unit
18 that is occupied by a person, or assisted with assistance
19 made available on behalf of a person, pursuant to a pref-
20 erence for housing assistance may contain more than one
21 bedroom only if such additional bedrooms are occupied
22 only by other persons who occupy such dwelling unit, or
23 receive assistance made available, pursuant to a preference
24 for housing assistance.

“(e) TERMINATION OF ASSISTANCE.—The public housing agency or project owner, as applicable, shall terminate any occupancy of, or assistance on behalf of, a person pursuant to any preference for housing assistance upon the person attaining 25 years of age or upon substantial noncompliance with the requirement under subsection (c), except that nothing in this subsection may be construed to prohibit the occupancy of housing assisted under this title by, or the provision of rental assistance under section 8 for, any person, or to affect the eligibility of any person for such occupancy or assistance, other than pursuant to a preference for housing assistance.”.

13 SEC. 4. PRIORITY FOR RURAL RENTAL ASSISTANCE.

14 Paragraph (2) of section 521(a) of the Housing Act
15 of 1949 (42 U.S.C. 1490a(a)(2)) is amended by adding
16 at the end the following new subparagraph:

17 “(F)(i) In making occupancy in a project assisted
18 under this paragraph, and rental assistance under this
19 paragraph, available on behalf of eligible families, the
20 project owner—

21 “(I) shall provide that the highest preference
22 shall be given to otherwise eligible children who—

23 “(aa) are in foster care;

24 “(bb) have attained an age such that
25 the provision of foster care for such child

1 will end by reason of the age of the child
2 within 6 months;

3 “(cc) meet the requirements under
4 clauses (i) and (ii) of paragraph (1) of the
5 definition of ‘at risk of homelessness’ in
6 section 91.5 of the Secretary of Housing
7 and Urban Development’s regulations (24
8 C.F.R. 91.5), as in effect on September 1,
9 2016; and—

10 “(dd) have agreed to comply with the
11 requirements under clause (iii); and

12 “(II) may provide highest preference to, in ad-
13 dition to eligible children described in subclause (I),
14 not more than two other types of eligible families

15 “(ii) Notwithstanding the period during which a pref-
16 erence pursuant to clause (i)(I) for occupancy in project
17 assisted under this paragraph or for rental assistance
18 under this paragraph is provided for a person, an other-
19 wise eligible person may apply for such occupancy or as-
20 sistance at any time after the person attains 16 years of
21 age.

22 “(iii)(I) Except as provided in subclause (II), each
23 person occupying a dwelling unit pursuant to a preference
24 under clause (i)(I) shall be, not later than 12 months after

1 such initial occupancy and for at least 9 months of each
2 successive 12-month period thereafter—

3 “(aa) employed on average at least 35 hours of
4 service per week;

5 “(bb) engaged in vocational, technical, or work-
6 force development training or in an apprenticeship,
7 on a full-time basis, as classified by a vocational,
8 technical, workforce development training institution
9 or entity;

10 “(cc) enrolled in a secondary school, an institu-
11 tion of higher education, or other institution pro-
12 viding post-secondary education, on a full-time basis,
13 as classified by an educational institution; or

14 “(dd) engaged in a combination of activities de-
15 scribed in items (aa) through (cc) to such an extent
16 that, in the aggregate, such engagement is on such
17 a full-time basis.

18 The Secretary shall require a project owner to verify com-
19 pliance with the requirement under this clause by each
20 person occupying a dwelling unit pursuant to a preference
21 under clause (i)(I) annually in conjunction with reviews
22 of income for purposes of determining eligibility for assist-
23 ance described in clause (i).

24 “(II) The requirement under subclause (I) shall not
25 apply to—

1 “(aa) a person physically or mentally unfit for
2 employment, as determined in accordance with such
3 standards as the Secretary shall establish;

4 “(bb) a parent or other household member re-
5 sponsible for the care of a dependent child under 6
6 or an incapacitated person; and

7 “(cc) a person who is regularly and actively
8 participating in a drug addiction or alcoholic treat-
9 ment and rehabilitation program.

10 “(iv) A dwelling unit that is occupied by a person
11 pursuant to a preference under clause (i)(I) may contain
12 more than one bedroom only if such additional bedrooms
13 are occupied only by other persons who occupy such dwell-
14 ing unit pursuant to a preference under clause (i)(I).

15 “(v) The project owner shall terminate any occupancy
16 of a person pursuant to the preference under clause (i)(I)
17 upon the person attaining 25 years of age or upon sub-
18 stantial noncompliance with the requirement under clause
19 (iii), except that nothing in this clause may be construed
20 to prohibit the occupancy in a project assisted under this
21 paragraph by, or the provision of rental assistance under
22 this paragraph for, any person, or to affect the eligibility
23 of any person for such occupancy or assistance, other than
24 pursuant to a preference under clause (i)(I).”.

1 SEC. 5. EXCEPTIONS TO LIMITATIONS FOR PROJECT-BASED**2 VOUCHER ASSISTANCE.**

3 (a) PERCENTAGE LIMITATION.—The first sentence of
4 clause (ii) of section 8(o)(13)(B) of the United States
5 Housing Act of 1937 (42 U.S.C. 1437f(o)(13)(B)(ii)) is
6 amended by inserting before “or that” the following: “that
7 house eligible children described in section 6(c)(4)(A)(iii)
8 who comply with the requirements under section 37(c),”.

9 (b) INCOME-MIXING REQUIREMENT.—Subclause (I)
10 of section 8(o)(13)(D)(ii) of the United States Housing
11 Act of 1937 (42 U.S.C. 1437f(o)(13)(D)(ii)(I)) is amend-
12 ed by inserting after “elderly families” the following: “,
13 to eligible children described in section 6(c)(4)(A)(iii),”.

14 SEC. 6. REPORTS TO CONGRESS.

15 (a) REQUIREMENT.—The Secretary of Housing and
16 Urban Development and the Secretary of Agriculture (in
17 this section referred to as the “Secretaries”) shall jointly
18 submit reports to the Congress regarding the status and
19 outcomes of individuals provided preference for housing
20 assistance, or an exception to a limitation on housing as-
21 sistance, pursuant to the amendments made by sections
22 2 through 5 of this Act.

23 (b) CONTENTS.—Reports under this section shall in-
24 clude such information as may be necessary to assess and
25 evaluate the long-term success of providing preference for
26 housing assistance, and exceptions to limitations on hous-

1 ing assistance, pursuant to such amendments and to iden-
2 tify any changes to facilitate improving such success. Such
3 reports shall include information regarding the outcomes
4 for individuals provided such preference or exception with
5 respect to the period beginning upon initial provision of
6 such housing assistance on behalf of such individual and
7 ending 10 years after termination of such assistance and
8 shall include the following information regarding such in-
9 dividuals

10 (1) Employment and career status.

11 (2) Housing situation.

12 (3) Educational, training, or vocational attain-
13 ment.

14 (4) Physical, mental, and emotional well-being
15 (including any instances of substance abuse).

16 (5) Instances of arrests, incarcerations, and
17 other interactions with the criminal justice system.

18 (6) Marital and familial status.

19 (7) Any other relevant information as the Sec-
20 retaries consider appropriate to facilitate successful
21 operation of the program under the amendments
22 made by this Act.

23 (c) ONLINE DATABASE.—To obtain the information
24 required under subsection (b), the Secretaries shall jointly
25 establish and maintain a secure online database through

1 which individuals referred to in subsection (b) may input
2 the information described in subsection (b) regarding their
3 outcomes.

4 (d) FORMAT; PROTECTION OF PRIVACY.—Reports
5 under this section—

6 (1) shall contain aggregate information regard-
7 ing outcomes described in subsection (b);

8 (2) shall provide such aggregate information in
9 a sortable and searchable format; and

10 (3) shall not contain any personally identifiable
11 information.

12 (e) TIMING.—The first report under this section shall
13 be submitted to the Congress not later than the expiration
14 of the 10-year period beginning on the date of the enact-
15 ment of this Act and the Secretaries referred to in sub-
16 section (a) shall submit a report not later than the expira-
17 tion of each successive 5-year period thereafter.