AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5187
OFFERED BY MS. WATERS OF CALIFORNIA

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Housing is Infrastructure Act of 2020”.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Affordable housing is a critical part of the national infrastructure of the United States but there is a severe shortage of affordable housing in the United States and the existing stock is badly in need of repair.

(2) According to a 2010 study sponsored by the Department of Housing and Urban Development, there was a $26 billion backlog of capital needs for public housing; that figure is likely higher today, with some groups estimating the backlog of capital needs for public housing to be as high as $70 billion.

(3) There are 14,000 units supported by Rural Rental Housing Loans under section 515 of the
Housing Act of 1949 and Farm Labor Housing

Loans under section 514 of the Housing Act of 1949. According to National Rural Housing Coalition, it would take an estimated $1 billion in the Multi-Family Housing Revitalization Demonstration Program (MPR) funding to fully address the capital backlog for rural housing properties.

(4) Federal investment in housing helps to create jobs and stimulate the economy.

(5) When the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) was enacted, which included funding for public housing, researchers found that for each $1.00 in direct spending on public housing, there was an additional $2.12 of indirect and induced economic activity nationwide for a total economic impact of $3.12 for each $1.00 in direct spending on public housing.

(6) According to the National Association of Home Builders, building 100 affordable rental homes generates $11.7 million in local income, $2,200,000 in taxes and revenue for local governments, and 161 local jobs.

(7) Researchers estimate that the growth in the gross domestic product from 1964–2009 would have been 13.5 percent higher if families had better ac-
cess to affordable housing, which in turn could have led to an additional $1.7 trillion increase in income, equivalent to $8,775 in additional wages for each worker.

SEC. 3. PUBLIC HOUSING CAPITAL FUND.

(a) IN GENERAL.—There is authorized to be appropriated for the Capital Fund under section 9(d) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d)) $70,000,000,000 and any amounts appropriated pursuant to this subsection shall remain available until the expiration of the 5-year period beginning upon the date of such appropriation.

(b) REQUIREMENTS.—The Secretary of Housing and Urban Development (in this Act referred to as the “Secretary”) shall—

(1) distribute not less than 35 percent and not more than 75 percent of any amounts appropriated pursuant to subsection (a) under the same formula used for amounts made available for the Capital Fund for fiscal year 2019; and

(2) make available all remaining amounts by competition for priority investments, including investments that address lead hazards, other urgent health and safety concerns, and such other priorities as the Secretary may identify.
(c) TIMING.—The Secretary shall obligate amounts—

(1) made available under subsection (b)(1)
within 30 days of enactment of the Act appropriating such funds; and

(2) made available under subsection (b)(2)
within 12 months of enactment of the Act appropriating such funds.

(d) LIMITATION.—Amounts provided pursuant to this section may not be used for operating costs or rental assistance.

(e) USE OF FUNDS.—Not more than 0.5 percent of any amount appropriated pursuant to this section shall be used by the Secretary for costs associated with staff, training, technical assistance, technology, monitoring, travel, enforcement, research, and evaluation.

(f) SUPPLEMENT NOT SUPPLANT.—The Secretary shall ensure that amounts provided pursuant to this section shall serve to supplement and not supplant other amounts generated by a recipient of such amounts or amounts provided by other Federal, State, or local sources.

(g) WATER AND ENERGY EFFICIENCY.—In distributing any amounts pursuant to subsection (b), the Secretary shall give priority to public housing agencies located in States and localities that have a plan to increase water
and energy efficiency when developing or rehabilitating

SEC. 4. RURAL MULTIFAMILY PRESERVATION AND REVITALIZATION DEMONSTRATION PROGRAM.

(a) In General.—There is authorized to be appropriated for carrying out the Multifamily Preservation and Revitalization Demonstration program of the Rural Housing Service (as authorized under sections 514, 515, and 516 of the Housing Act of 1949 (42 U.S.C. 1484; 1485; 1486)) $1,000,000,000 and any amounts appropriated pursuant to this section shall remain available until expended.

(b) Water and Energy Efficiency.—Not less than 10 percent of all amounts made available pursuant to this section shall be used only for activities relating to water and energy efficiency and, at the Secretary’s discretion, other strategies to enhance the environmental sustainability of housing production and design.

SEC. 5. FLOOD MITIGATION ASSISTANCE GRANT PROGRAM.

(a) In General.—There is authorized to be appropriated for carrying out the Flood Mitigation Assistance Grant Program under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) $1,000,000,000 and any amounts appropriated pursuant to this section shall remain available until expended.
(b) MULTIFAMILY RESIDENCES AND ATTACHED AND SEMI-ATTACHED HOMES.—With regard to any structure that is a multifamily residence or an attached or semi-attached residence, the Administrator shall consult with the Secretary of Housing and Urban Development and establish alternative forms of mitigation.

c) DEFINITIONS.—For the purposes of this section, the term “multifamily residence” has the same meaning as in the Flood Disaster Protection Act of 1973 and the National Flood Insurance Act of 1968.

SEC. 6. HOUSING TRUST FUND.

(a) IN GENERAL.—There is authorized to be appropriated for the Housing Trust Fund under section 1338 of the Housing and Urban Development Act of 1992 (12 U.S.C. 4568) $5,000,000,000 and any amounts appropriated pursuant to this subsection shall remain available until expended. The Secretary shall ensure that priority for occupancy in dwelling units assisted with amounts made available pursuant to this section that become available for occupancy shall be given to persons and households who are homeless (as such term is defined in section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302)) or at risk of homelessness (as such term is defined in section 401 of such Act (42 U.S.C. 11360)).
(b) Water and Energy Efficiency.—Not less than 10 percent of all amounts made available pursuant to this section shall be used only for activities relating to water and energy efficiency and, at the Secretary’s discretion, other strategies to enhance the environmental sustainability of housing production and design.

SEC. 7. SINGLE-FAMILY HOUSING REPAIR LOANS AND GRANTS.

(a) In General.—There is authorized to be appropriated for carrying out single family housing repair loans and grants under section 504 of the Housing Act of 1949 (42 U.S.C. 1474) $100,000,000 and any amounts appropriated pursuant to this section shall remain available until expended.

(b) Water and Energy Efficiency.—Not less than 10 percent of all amounts made available pursuant to this section shall be used only for activities relating to water and energy efficiency and, at the Secretary’s discretion, other strategies to enhance the environmental sustainability of housing production and design.

SEC. 8. NATIVE AMERICAN HOUSING BLOCK GRANT PROGRAM.

(a) In General.—There is authorized to be appropriated for carrying out the Native American housing block grant program under title I of the Native American
Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.) $1,000,000,000 and any amounts appropriated pursuant to this section shall remain available until expended.

(b) Water and Energy Efficiency.—Not less than 10 percent of all amounts made available pursuant to this section shall be used only for activities relating to water and energy efficiency and, at the Secretary’s discretion, other strategies to enhance the environmental sustainability of housing production and design.

SEC. 9. HOME INVESTMENT PARTNERSHIPS PROGRAM.

(a) In General.—There is authorized to be appropriated for carrying out the HOME Investment Partnership Program under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.) $5,000,000,000 and any amounts appropriated pursuant to this section shall remain available until expended.

(b) Water and Energy Efficiency.—Not less than 10 percent of all amounts made available pursuant to this section shall be used only for activities relating to water and energy efficiency and, at the Secretary’s discretion, other strategies to enhance the environmental sustainability of housing production and design.
SEC. 10. PROGRAM FOR SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES.

(a) In General.—There is authorized to be appropriated $2,500,000,000 for project rental assistance under the program for supportive housing for persons with disabilities under section 811(b)(3) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(b)(3)) for State housing finance agencies and any amounts appropriated pursuant to this section shall remain available until expended.

(b) Water and Energy Efficiency.—Not less than 10 percent of all amounts made available pursuant to this section shall be used only for activities relating to water and energy efficiency and, at the Secretary’s discretion, other strategies to enhance the environmental sustainability of housing production and design.

SEC. 11. PROGRAM FOR SUPPORTIVE HOUSING FOR THE ELDERLY.

(a) In General.—There is authorized to be appropriated $2,500,000,000 for—

(1) capital advances pursuant to section 202(c)(1) of the Housing Act of 1959 (12 U.S.C. 1701q(c)(1)), including amendments to capital advance contracts for housing for the elderly as authorized by section 202 of such Act;
(2) project rental assistance for the elderly under section 202(e)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term;

(3) senior preservation rental assistance contracts, including renewals, as authorized by section 811(e) of the American Housing and Economic Opportunity Act of 2000 (12 U.S.C. 1701g note); and

(4) supportive services associated with housing assisted under paragraph (1), (2), or (3).

(b) Availability of Amounts.—Any amounts appropriated pursuant to this section shall remain available until September 30, 2023.

(c) Water and Energy Efficiency.—Not less than 10 percent of all amounts made available pursuant to this section shall be used only for activities relating to water and energy efficiency and, at the Secretary’s discretion, other strategies to enhance the environmental sustainability of housing production and design.


(a) There is authorized to be appropriated for the Capital Magnet Fund under section 1339 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4569) $2,500,000,000 and any
amounts appropriated pursuant to this subsection shall remain available until expended.

(b) Water and Energy Efficiency.—Not less than 10 percent of all amounts made available pursuant to this section shall be used only for activities relating to water and energy efficiency and, at the Secretary’s discretion, other strategies to enhance the environmental sustainability of housing production and design.

SEC. 13. COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR AFFORDABLE HOUSING AND INFRASTRUCTURE.

(a) Authorization of Appropriations.—

(1) In general.—Subject to the provisions of this section, there is authorized to be appropriated for assistance under the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) $10,000,000,000 and any amounts appropriated pursuant to this section shall remain available until expended.

(2) Administrative and Planning Costs.—Not more than 15 percent of any amounts appropriated pursuant to paragraph (1) may be used for administrative and planning costs.
(b) **ELIGIBLE ACTIVITIES.**—Amounts made available for assistance under this section may be used only for—

(1) the development and preservation of qualified affordable housing, including the construction of such housing;

(2) the responsible elimination or waiving of zoning requirements and other requirements that limit affordable housing development, including high density and multifamily development restrictions, off-street parking requirements, and height limitations; or

(3) any project or entity eligible for a discretionary grant provided by the Department of Transportation.

(c) **LIMITATION.**—With respect to amounts used pursuant to subsection (b)(2), the Secretary shall ensure that recipients of amounts provided pursuant to this section are not incentivized or otherwise rewarded for eliminating or undermining the intent of the zoning regulations or other regulations or policies that—

(1) establish fair wages for labors;

(2) ensure the health and safety of buildings for residents and the general public;

(3) protect fair housing;

(4) provide environmental protections;
(5) prevent tenant displacement; or

(6) protect any other interest that the Secretary determines is in the public interest to preserve.

(d) COMPETITION.—Amounts made available for assistance under this section shall be awarded to States, units of general local government, and Indian tribes on a competitive basis, based on the extent to which the applicant—

(1) demonstrates that the applicant is responsibly streamlining the process for development of qualified affordable housing;

(2) is eliminating or reducing impact fees for housing within boundaries of the State, unit of local government, or Indian tribe, as applicable, and other assessments by State or local governments upon the owners of new housing development projects that offset governmental capital expenditures for infrastructure required to serve or made necessary by the new housing developments, except for fees that are invested exclusively for housing; and

(3) provides assurances that the applicant will supplement assistance provided under this section with amounts from non-Federal sources for costs of the qualified affordable housing or infrastructure eligible under subsection (b) to be funded with assist-
ance under this section, and the extent of such supple-mental assistance to be provided.

(e) Water and Energy Efficiency.—Not less than 10 percent of all amounts made available for assistance pursuant to this section shall be used only for eligible activities relating to water and energy efficiency and, at the Secretary’s discretion, other strategies to enhance the environmental sustainability of housing production and design.

(f) Qualified Affordable Housing.—For purposes of this section, the term “qualified affordable housing” means a housing development that—

(1) is either—

(A) funded in any part by assistance provided by the Department of Housing and Urban Development or the Rural Housing Service of the Department of Agriculture; or

(B) includes a qualified low income building as such term is defined in section 42 of the Internal Revenue Code of 1986; or

(2) consists of 5 or more dwelling units of which 20 percent or more are made available—

(A) for rental only by a low-income family (as defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)));
(B) at a monthly rent amount that does not exceed 30 percent of the monthly adjusted income (as defined in such section 3(b)) of the tenant low-income family; and

(C) maintains affordability for residents who are low-income families for a period of not less than 30 years.

SEC. 14. INCLUSION OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES.

(a) Duty.—It shall be the duty of each relevant agency head—

(1) to consult and cooperate with grantees and recipients, when utilizing funds made available pursuant to this Act, to promote the inclusion of minority and women’s business enterprises, as defined in subsection (b) including to establish—

(A) special consideration to increasing grantee and recipient outreach to minority and women’s business enterprises to inform such businesses of hiring opportunities created through such funds; and

(B) procurement goals for the utilization of minority and women’s business enterprises; and

(2) to convene meetings with leaders and officials of State and local governments, tribal entities,
and public housing authorities for the purpose of recommending and promoting funding opportunities and initiatives needed to advance the position of minority and women’s business enterprises when competing for funds provided in this Act.

(b) DEFINITIONS.—For the purposes of this section, the following definitions shall apply:

(1) MINORITY.—The term “minority” has the meaning given such term in section 308(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note) and also includes any indigenous person in the United States or its territories.

(2) MINORITY AND WOMEN’S BUSINESS ENTERPRISE.—The term “minority and women’s business enterprise” means a business at least 51 percent owned and controlled by minority group members or women.

(3) RELEVANT AGENCY HEAD.—The term “relevant agency head” means, with respect to funds made available pursuant to any section of this Act, the head of the Federal agency responsible for administering the program under which such funds are to be expended.