To authorize appropriations for the Home Investment Partnerships Program to respond to the coronavirus emergency, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. Clay introduced the following bill; which was referred to the Committee on ________________________

A BILL

To authorize appropriations for the Home Investment Partnerships Program to respond to the coronavirus emergency, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Supporting HOMES During Health Emergency Act of 2020”.

SEC. 2. HOME INVESTMENT PARTNERSHIPS.

(a) Authorization of Appropriations.—There is authorized to be appropriated for an additional amount
for fiscal year 2020 for assistance under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.) $9,000,000,000, to remain available until September 30, 2022, of which—

(1) $7,000,000,000 shall be available for operating costs incurred by rental housing owners in responding to the public health emergency relating to the Coronavirus Disease 2019 (COVID-19) pandemic, which shall include costs for increased cleaning and disinfecting of buildings and units, for personal protective equipment, for services for residents to address food access, health care, and other urgent needs, for hazard pay for workers, and for additional security and front line staff time, as determined by the Secretary of Housing and Urban Development; and

(2) $2,000,000,000 shall be available for costs associated with delays in construction and leasing dwelling units in housing eligible for such assistance under subsection (c)(1), including increased costs of constructing affordable rental housing due to construction stoppages, delays, and changes to terms, conditions, and pricing, as determined by the Secretary of Housing and Urban Development.

(b) OPERATING FUNDS.—
(1) ELIGIBLE HOUSING.—Amounts made available pursuant to subsection (a)(1) may be used only for housing that—

(A) is assisted under the HOME Investment Partnerships Act (42 U.S.C. 12721 et seq.);

(B) is receiving a tax credit under section 42 of the Internal Revenue Code of 1986 (26 U.S.C. 42); or

(C) bears rents for dwelling units in the housing that do not exceed 80 percent of fair market rent for comparable units in the area, as established by the Secretary under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(2) TIMING.—Notwithstanding any other provision of law, amounts made available pursuant to subsection (a)(1) may be used to reimburse for operating costs described in such subsection incurred after March 13, 2020.

(3) TENANT PROTECTIONS.—Amounts made available pursuant to subsection (a)(1) may be used only for housing for which the owner enters into such binding agreements as the Secretary considers sufficient to ensure that the owner will not—
(A) during the covered period (as such term is defined in subsection (g) for the State in which such housing is located—

(i) evict any tenant of such housing for nonpayment of rent;

(ii) evict any tenant of such housing other than for good cause; or

(iii) provide any eviction notice to any tenant of such housing during the covered period for the State in which such housing is located, except when a tenant perpetrates a serious criminal act that threatens the health, life, or safety of other tenants or staff of the property in which the covered dwelling is located;

(B) impose or collect any fees and penalties for late payment of rent during the covered period for the State in which such housing is located;

(C) evict any tenant except pursuant notice to vacate provided not less than 30 days in advance.

(4) ELIGIBILITY.—Amounts made available pursuant to subsection (a)(1) may be used only for housing for which costs described in paragraph (1)
or (2) of subsection (a) have increased as a result
of the public health emergency described in sub-
section (g)(1).

(5) NONCOMPLIANCE.—If the Secretary finds
after reasonable notice and opportunity for a hear-
ing that an owner of housing for which assistance is
provided from amounts made available pursuant to
subsection (a)(1) has failed to comply with any pro-
vision of this subsection, the Secretary may require
such owner to repay to the Secretary an amount not
exceeding the amount of such assistance so provided.

(c) CONSTRUCTION FUNDS.—

(1) ELIGIBILITY.—Amounts made available
pursuant to subsection (a)(2) may be used only for
housing that is—

(A) qualified housing under section 215(a)
of the Cranston-Gonzalez National Affordable
Housing Act (42 U.S.C. 12745);

(B) public housing (as such term is defined
in section 3(b) of the United States Housing
Act of 1937 (42 U.S.C. 1437a(b))); or

(C) receiving a tax credit under section 42
of the Internal Revenue Code of 1986 (26
(2) PRIORITY.—The Secretary shall provide priority for assistance with amounts made available pursuant to subsection (a)(2) for projects in which not less than 20 percent of the dwelling units are reserved for occupancy by extremely low-income families (as such term is defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437fa(b))).

(3) LOANS.—Amounts made available pursuant to subsection (a)(2) may be used to provide assistance for housing only in the form of loans, repayment of which may be forgiven at the end of the period under which the housing shall remain affordable, under section 215(a)(1)(E) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(a)(1)(E)), subject to compliance with the commitments entered into pursuant to such section.

(d) GENERALLY APPLICABLE PROVISIONS.—

(1) ALLOCATION.—Amounts made available pursuant to subsection (a) shall be allocated by the Secretary only among jurisdictions that are participating jurisdictions for purposes of funds made available for fiscal year 2020 for carrying out the Home Investment Partnerships Act.
(2) Unused Amounts.—Amounts made available pursuant to paragraph (1) or (2) of subsection (a) that remain unexpended upon the expiration of the 2-year period beginning upon the date of the enactment of this Act shall be used by the Secretary to provide assistance under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.) for rental housing for the purpose of making occupancy in such housing affordable to families having lower incomes, including extremely low- and very low-income families.

(3) Waiver of Matching Requirement.—Section 220 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12750) shall not apply with respect to amounts made available pursuant to paragraph (1) or (2) of subsection (a) of this section.

(4) Waiver of Set-Aside for Community Housing Development Organizations.—Section 231 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12771) shall not apply with respect to amounts made available pursuant to paragraph (1) or (2) of subsection (a) of this section.

(5) General Waiver Authority.—The Secretary may waive, or specify alternative require-
ments for, any provision of any statute or regulation that the Secretary administers in connection with the HOME Investment Partnerships Program (except for requirements related to fair housing, non-discrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the safe and effective administration of amounts made available pursuant to subsection (a) to prevent, prepare for, and respond to coronavirus (COVID-19).

(6) AFFORDABILITY REQUIREMENTS.—

(A) IN GENERAL.—Any housing project for which assistance is provided with amounts made available under subsection (a) of this section shall be subject to affordability requirements imposed by a deed restriction, covenant running with the land, and agreement restricting the use of the property, which shall give the participating jurisdiction, tenants, and eligible applicants, the right to require specific performance and shall be recorded in accordance with State recordation laws.

(B) TERM.—Such affordability requirements shall have the following term:
(i) Operating Cost Assistance.—

For housing projects receiving assistance with funds made available under paragraph (1) of subsection (a), a term of not less than five years, except that for housing projects subject to an extended low-income housing commitment under section 42(h)(6) of the Internal Revenue Code of 1986, the affordability requirements shall have a term that is the longer of—

(I) five years; or

(II) the remaining term of the extended low-income housing commitment.

(ii) Assistance for Costs of Delays.—For housing projects receiving assistance with funds made available under paragraph (2) of subsection (a), a term of not less than 30 years.

(e) Performance Reports.—Each participating jurisdiction shall include in its annual performance reports under section 108 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12708) for the applicable years information describing the activities carried out with amounts provided under this section.
(f) Administration and Oversight.—Of the aggregate amounts made available pursuant to subsection (a)—

(1) the Secretary may use not more than the lesser of $9,000,000 or 0.5 percent for administration, information technology, and technical assistance in carrying out the program authorized under this section, and such amounts shall remain available until September 30, 2024; and

(2) not more than $1,000,000 shall be available to the Office of the Inspector General for audits and investigations of the program authorized under this section.

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

(1) Covered Period.—The term “covered period” means, with respect to a State, the period beginning on the date of enactment of this Act and ending upon the later of—

(A) the date of the expiration of the 6-month period that begins upon the end of the incident period for the emergency declared on March 13, 2020, by the President under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C.
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5191) relating to the Coronavirus Disease 2019 (COVID-19) pandemic; or

(B) the date of the expiration of the 6-month period that begins upon the termination by the Federal Emergency Management Agency of the major disaster declared by the President, with respect to such State, under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 4121 et seq.) relating to the Coronavirus Disease 2019 (COVID-19) pandemic.

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