

[DISCUSSION DRAFT]116TH CONGRESS
2^D SESSION**H. R.** _____

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.

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 “Supporting HOMES
5 During Health Emergency Act of 2020”.

6 **SEC. 2. HOME INVESTMENT PARTNERSHIPS.**

7 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There is
8 authorized to be appropriated for an additional amount

1 for fiscal year 2020 for assistance under title II of the
2 Cranston-Gonzalez National Affordable Housing Act (42
3 U.S.C. 12721 et seq.) \$9,000,000,000, to remain available
4 until September 30, 2022, of which—

5 (1) \$7,000,000,000 shall be available for oper-
6 ating costs incurred by rental housing owners in re-
7 sponding to the public health emergency relating to
8 the Coronavirus Disease 2019 (COVID-19) pan-
9 demic, which shall include costs for increased clean-
10 ing and disinfecting of buildings and units, for per-
11 sonal protective equipment, for services for residents
12 to address food access, health care, and other urgent
13 needs, for hazard pay for workers, and for additional
14 security and front line staff time, as determined by
15 the Secretary of Housing and Urban Development;
16 and

17 (2) \$2,000,000,000 shall be available for costs
18 associated with delays in construction and leasing
19 dwelling units in housing eligible for such assistance
20 under subsection (c)(1), including increased costs of
21 constructing affordable rental housing due to con-
22 struction stoppages, delays, and changes to terms,
23 conditions, and pricing, as determined by the Sec-
24 retary of Housing and Urban Development.

25 (b) OPERATING FUNDS.—

1 (1) ELIGIBLE HOUSING.—Amounts made avail-
2 able pursuant to subsection (a)(1) may be used only
3 for housing that—

4 (A) is assisted under the HOME Invest-
5 ment Partnerships Act (42 U.S.C. 12721 et
6 seq.);

7 (B) is receiving a tax credit under section
8 42 of the Internal Revenue Code of 1986 (26
9 U.S.C. 42); or

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

16 (2) TIMING.—Notwithstanding any other provi-
17 sion of law, amounts made available pursuant to
18 subsection (a)(1) may be used to reimburse for oper-
19 ating costs described in such subsection incurred
20 after March 13, 2020.

21 (3) TENANT PROTECTIONS.—Amounts made
22 available pursuant to subsection (a)(1) may be used
23 only for housing for which the owner enters into
24 such binding agreements as the Secretary considers
25 sufficient to ensure that the owner will not—

1 (A) during the covered period (as such
2 term is defined in subsection (g) for the State
3 in which such housing is located—

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

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

8 (iii) provide any eviction notice to any
9 tenant of such housing during the covered
10 period for the State in which such housing
11 is located, except when a tenant per-
12 petrates a serious criminal act that threat-
13 ens the health, life, or safety of other ten-
14 ants or staff of the property in which the
15 covered dwelling is located;

16 (B) impose or collect any fees and pen-
17 alties for late payment of rent during the cov-
18 ered period for the State in which such housing
19 is located;

20 (C) evict any tenant except pursuant notice
21 to vacate provided not less than 30 days in ad-
22 vance.

23 (4) ELIGIBILITY.—Amounts made available
24 pursuant to subsection (a)(1) may be used only for
25 housing for which costs described in paragraph (1)

1 or (2) of subsection (a) have increased as a result
2 of the public health emergency described in sub-
3 section (g)(1).

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

12 (c) CONSTRUCTION FUNDS.—

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

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

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

22 (C) receiving a tax credit under section 42
23 of the Internal Revenue Code of 1986 (26
24 U.S.C. 42).

1 (2) **PRIORITY.**—The Secretary shall provide pri-
2 ority for assistance with amounts made available
3 pursuant to subsection (a)(2) for projects in which
4 not less than 20 percent of the dwelling units are re-
5 served for occupancy by extremely low-income fami-
6 lies (as such term is defined in section 3(b) of the
7 United States Housing Act of 1937 (42 U.S.C.
8 1437fa(b))).

9 (3) **LOANS.**—Amounts made available pursuant
10 to subsection (a)(2) may be used to provide assist-
11 ance for housing only in the form of loans, repay-
12 ment of which may be forgiven at the end of the pe-
13 riod under which the housing shall remain afford-
14 able, under section 215(a)(1)(E) of the Cranston-
15 Gonzalez National Affordable Housing Act (42
16 U.S.C. 12745(a)(1)(E)), subject to compliance with
17 the commitments entered into pursuant to such sec-
18 tion.

19 (d) **GENERALLY APPLICABLE PROVISIONS.**—

20 (1) **ALLOCATION.**—Amounts made available
21 pursuant to subsection (a) shall be allocated by the
22 Secretary only among jurisdictions that are partici-
23 pating jurisdictions for purposes of funds made
24 available for fiscal year 2020 for carrying out the
25 Home Investment Partnerships Act.

1 (2) UNUSED AMOUNTS.—Amounts made avail-
2 able pursuant to paragraph (1) or (2) of subsection
3 (a) that remain unexpended upon the expiration of
4 the 2-year period beginning upon the date of the en-
5 actment of this Act shall be used by the Secretary
6 to provide assistance under title II of the Cranston-
7 Gonzalez National Affordable Housing Act (42
8 U.S.C. 12721 et seq.) for rental housing for the pur-
9 pose of making occupancy in such housing afford-
10 able to families having lower incomes, including ex-
11 tremely low- and very low-income families.

12 (3) WAIVER OF MATCHING REQUIREMENT.—
13 Section 220 of the Cranston-Gonzalez National Af-
14 fordable Housing Act (42 U.S.C. 12750) shall not
15 apply with respect to amounts made available pursu-
16 ant to paragraph (1) or (2) of subsection (a) of this
17 section.

18 (4) WAIVER OF SET-ASIDE FOR COMMUNITY
19 HOUSING DEVELOPMENT ORGANIZATIONS.—Section
20 231 of the Cranston-Gonzalez National Affordable
21 Housing Act (42 U.S.C. 12771) shall not apply with
22 respect to amounts made available pursuant to para-
23 graph (1) or (2) of subsection (a) of this section.

24 (5) GENERAL WAIVER AUTHORITY.—The Sec-
25 retary may waive, or specify alternative require-

1 ments for, any provision of any statute or regulation
2 that the Secretary administers in connection with
3 the HOME Investment Partnerships Program (ex-
4 cept for requirements related to fair housing, non-
5 discrimination, labor standards, and the environ-
6 ment), upon a finding by the Secretary that any
7 such waivers or alternative requirements are nec-
8 essary for the safe and effective administration of
9 amounts made available pursuant to subsection (a)
10 to prevent, prepare for, and respond to coronavirus
11 (COVID-19).

12 (6) AFFORDABILITY REQUIREMENTS.—

13 (A) IN GENERAL.—Any housing project for
14 which assistance is provided with amounts
15 made available under subsection (a) of this sec-
16 tion shall be subject to affordability require-
17 ments imposed by a deed restriction, covenant
18 running with the land, and agreement restrict-
19 ing the use of the property, which shall give the
20 participating jurisdiction, tenants, and eligible
21 applicants, the right to require specific perform-
22 ance and shall be recorded in accordance with
23 State recordation laws.

24 (B) TERM.—Such affordability require-
25 ments shall have the following term:

1 (i) OPERATING COST ASSISTANCE.—
2 For housing projects receiving assistance
3 with funds made available under para-
4 graph (1) of subsection (a), a term of not
5 less than five years, except that for hous-
6 ing projects subject to an extended low-in-
7 come housing commitment under section
8 42(h)(6) of the Internal Revenue Code of
9 1986, the affordability requirements shall
10 have a term that is the longer of—

11 (I) five years; or

12 (II) the remaining term of the
13 extended low-income housing commit-
14 ment.

15 (ii) ASSISTANCE FOR COSTS OF
16 DELAYS.—For housing projects receiving
17 assistance with funds made available under
18 paragraph (2) of subsection (a), a term of
19 not less than 30 years.

20 (e) PERFORMANCE REPORTS.—Each participating
21 jurisdiction shall include in its annual performance reports
22 under section 108 of the Cranston-Gonzalez National Af-
23 fordable Housing Act (42 U.S.C. 12708) for the applicable
24 years information describing the activities carried out with
25 amounts provided under this section.

1 (f) ADMINISTRATION AND OVERSIGHT.—Of the ag-
2 gregate amounts made available pursuant to subsection
3 (a)—

4 (1) the Secretary may use not more than the
5 lesser of \$9,000,000 or 0.5 percent for administra-
6 tion, information technology, and technical assist-
7 ance in carrying out the program authorized under
8 this section, and such amounts shall remain avail-
9 able until September 30, 2024; and

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

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

16 (1) COVERED PERIOD.—The term “covered pe-
17 riod” means, with respect to a State, the period be-
18 ginning on the date of enactment of this Act and
19 ending upon the later of—

20 (A) the date of the expiration of the 6-
21 month period that begins upon the end of the
22 incident period for the emergency declared on
23 March 13, 2020, by the President under section
24 501 of the Robert T. Stafford Disaster Relief
25 and Emergency Assistance Act (42 U.S.C.

1 5191) relating to the Coronavirus Disease 2019
2 (COVID-19) pandemic; or

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

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