116TH CONGRESS
2D Session

H. R. _____

To provide assistance to public housing agencies that have distressed properties in their inventories in order to protect the health and safety of public housing residents, to allow consortia to enter into single annual contributions contracts, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M__.__________ introduced the following bill; which was referred to the
Committee on __________________

A BILL

To provide assistance to public housing agencies that have distressed properties in their inventories in order to protect the health and safety of public housing residents, to allow consortia to enter into single annual contributions contracts, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Averting Crises in
Housing Assistance Act” or the “ACHA Act”.

(Original Signature of Member)
SEC. 2. OVERSIGHT OF DISTRESSED PROPERTIES.

Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended by adding at the end the following:

“(u) OVERSIGHT OF DISTRESSED PROPERTIES.—

“(1) DEFINITIONS.—In this subsection:

“(A) APPLICABLE PUBLIC HOUSING AGENCY.—The term ‘applicable public housing agency’ means a public housing agency that has a public housing inventory that includes a distressed property.

“(B) EARLY INTERVENTION MECHANISM.—The term ‘early intervention mechanism’ means the early intervention mechanism developed by the Secretary under paragraph (2)(A).

“(C) DISTRESSED PROPERTY.—The term ‘distressed property’ means any facility—

“(i) with a uniform physical condition score that is less than 60;

“(ii) that has a failure that would disqualify the facility under the physical condition standards described in section 5.703 of title 24, Code of Federal Regulations, or any successor regulation; or
“(iii) for which not less than 25 percent of the residents of the facility or a resident advisory board established under section 5A(e) has submitted to Secretary a complaint described paragraph (2)(D).

“(D) GOOD CONDITION.—The term ‘good condition’, with respect to a property in the public housing inventory of a public housing agency, means a condition that does not have any of the criteria described in clause (i), (ii), or (iii) of subparagraph (C).

“(E) PERFORMANCE INDICATORS.—The term ‘performance indicators’ means the indicators described in subsection (j)(1).

“(2) ESTABLISHMENT OF EARLY INTERVENTION MECHANISM.—

“(A) IN GENERAL.—Not later than 60 days after the date of enactment of this subsection, the Secretary shall establish an early intervention mechanism under which the Secretary shall—

“(i) identify properties in the public housing inventory of public housing agencies that are not in good condition; and
“(ii) partner with public housing agencies to which properties identified under clause (i) belong to assist those public housing agencies in—

“(I) preserving to the greatest extent possible, the public housing stock of each public housing agency as public housing; and

“(II) rehabilitating the public housing stock of each public housing agency in a manner that qualifies the public housing agency, with respect to each property described in clause (i), as meeting a satisfactory standard of performance under the performance indicators.

“(B) IDENTIFICATION OF DISTRESSED PROPERTIES.—

“(i) IDENTIFICATION.—Not later than 60 days after the date on which the Secretary establishes the early intervention mechanism, and every year thereafter, the Secretary shall, under the early intervention mechanism—
“(I) identify each property of each public housing agency that is not in good condition; and

“(II) designate each property identified under subclause (I) as a distressed property.

“(ii) APPEAL AND PETITION.—Not later than 60 days after the date on which the Secretary establishes the early intervention mechanism, the Secretary shall establish procedures for an applicable public housing agency to—

“(I) appeal a designation made under clause (i)(II);

“(II) petition for removal of a designation made under clause (i)(II); and

“(III) appeal any refusal to remove a designation made under clause (i)(II).

“(iii) PUBLICATION.—The Secretary shall—

“(I) publish a list of each distressed property on the internet
website of the Department of Housing and Urban Development;

“(II) update the list described in subclause (I) not less frequently than every 60 days; and

“(III) require each applicable public housing agency to post a notice on the internet website of the public housing agency, if applicable, and in each common area and at each entrance of each distressed property of the public housing agency to alert residents of any such designation.

“(C) AGREEMENT AND NOTIFICATION.—

Not later than 90 days after the date on which the Secretary designates a property as a distressed property, or, if an applicable public housing agency makes an appeal or a petition under subparagraph (B)(ii) and that appeal or petition is denied, not later than 90 days after the date on which the appeal or petition is denied, the Secretary shall—

“(i) enter into an agreement with the public housing agency to which the distressed property belongs—
“(I) under which the public housing agency shall establish an action plan to restore the distressed property to good condition; and

“(II) that provides—

“(aa) a timeline for preserving the distressed property in a manner consistent with subclauses (I) and (II) of subparagraph (A)(ii); and

“(bb) a deadline by which the distressed property shall be required to be restored in a manner that qualifies the applicable public housing agency the public housing inventory of which includes the distressed property, with respect to the distressed property, as meeting a satisfactory standard of performance under the performance indicators;

“(ii) notify the residents of the distressed property of the timeline and deadline described in clause (i) by requiring the
public housing agency to post a notice of
the timeline and deadline on the internet
website of the public housing agency, if ap-
applicable, and in each common area and at
each entrance of the distressed property;
and
“(iii) provide technical assistance and
other resources to the public housing agen-
cy, including assistance and resources
that—

“(I) prioritize preserving the dis-
tressed property as public housing if
it is financially feasible to bring the
property into good condition;

“(II) minimize, to the greatest
extent possible, the dislocation of ten-
ants who wish to remain in the dis-
tressed property;

“(III) provide housing vouchers
to tenants who wish to relocate during
the rehabilitation of the distressed
property, and pay for any associated
moving costs;

“(IV) permit a tenant who relo-
cated under subclause (III) to return
to the distressed property after the property has been restored to good condition, and pay for any associated moving costs; and

“(V) restore the distressed property in a manner that qualifies the public housing agency, with respect to the distressed property, as meeting a satisfactory standard of performance under the performance indicators and in accordance with the agreement entered into under clause (i).

“(D) COMPLAINT PROCESS.—The Secretary shall establish a process by which residents of public housing or a resident advisory board established under section 5A(e) may submit to the Secretary a complaint that provides that the public housing—

“(i) is in a distressed condition; and

“(ii) does not meet the physical condition standards described in section 5.703 of title 24, Code of Federal Regulations, or any successor regulation.

“(3) PRIVATE CAUSE OF ACTION.—
‘‘(A) IN GENERAL.—If the Secretary and an applicable public housing agency fail to restore a distressed property included in the public housing inventory of the applicable public housing agency to good condition by the date that is 1 year after the date on which the public housing agency establishes an action plan relating to the failed property under paragraph (2)(C), or, if an applicable public housing agency makes an appeal or a petition under paragraph (2)(B) and that appeal or petition is denied, not later than 1 year after the date on which that appeal or petition is denied, a resident of the distressed property may maintain an action against the Secretary in an appropriate district court of the United States.

‘‘(B) RELIEF.—Upon proof that the Secretary and an applicable public housing agency have failed to restore a distressed property to good condition by a preponderance of the evidence in an action under subparagraph (A), the court may award appropriate relief to the resident of the distressed property who brought the action, including—
“(i) injunctive relief to require the Secretary to restore the distressed property to good condition;

“(ii) compensatory damages;

“(iii) the costs of suit; and

“(iv) reasonable fees for any attorney and expert witness of the resident.

“(4) AUTHORIZATION OF APPROPRIATIONS.—

“(A) IN GENERAL.—There is authorized to be appropriated to the Capital Fund under section 9(d) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d)) such sums as may be necessary to carry out this subsection.

“(B) PRIORITY.—The Secretary shall give priority for providing assistance with amounts made available pursuant to this section to small public housing agencies (as such term is defined in section 38(a) of the United States Housing Act of 1937 (42 U.S.C. 1437z-10(a))).”.

SEC. 3. RECEIVERSHIP PROCESS.

(a) Amendment to the United States Housing Act of 1937.—Section 6(j)(3) of the United States Housing Act of 1937 (42 U.S.C. 1437d(j)(3)) is amended by adding at the end the following:
“(I) Consultation With Public Housing Residents.—

“(i) In general.—If the Secretary (or an administrative receiver appointed by the Secretary) takes possession of a public housing agency (including all or part of any project or program of the agency), or if a receiver is appointed by a court, in carrying out the duties of the Secretary or receiver under this paragraph, the Secretary or receiver shall consult with the public housing residents of the public housing agency.

“(ii) Requirements.—The consultation conducted under clause (i) shall include—

“(I) providing notice to the residents of the receivership, including the contact information for an individual or entity that residents may contact for maintenance requests and other property management responsibilities and file complaints;

“(II) holding 1 informational meeting for the residents before the Secretary takes possession of the public housing agency or another receiver is appointed; and
“(III) holding in-person meetings with the residents on not less frequently than a monthly basis regarding the receivership.

“(J) PURPOSE OF RECEIVERSHIP PROCESS.—The purpose of the receivership process under this paragraph is to—

“(i) preserve, without demolition or disposition, the public housing of each public housing agency;

“(ii) preserve the health and safety of public housing residents of the public housing agency; and

“(iii) minimize, to the greatest extent possible, the dislocation of tenants who wish to remain in their dwelling units.”.

(b) GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Housing and Urban Development shall revise any relevant regulation, policy, or guideline of the Department of Housing and Urban Development to conform with the amendment made by subsection (a).

SEC. 4. ABILITY OF CONSORTIA TO ENTER INTO SINGLE ANNUAL CONTRIBUTIONS CONTRACTS.

(a) IN GENERAL.—Section 13(a) of the United States Housing Act of 1937 (42 U.S.C. 1437k(a)) is amended by adding at the end the following:
“(4) SINGLE ANNUAL CONTRIBUTIONS CONTRACTS.—

“(A) IN GENERAL.—On and after the date on which the Secretary promulgates regulations under subparagraph (B), subject to the approval of the Secretary, each consortium described in paragraph (1) may enter into a single annual contributions contract under which the consortium—

“(i) shall be a separate legal entity from each public housing agency participating in the consortium; and

“(ii) shall be deemed a single public housing agency for purposes of this Act.

“(B) REGULATIONS.—Not later than 1 year after the date of enactment of the Averting Crises in Housing Assistance Act, the Secretary shall promulgate regulations relating to requirements for any consortium described in paragraph (1) desiring to enter into a single annual contributions contract under subparagraph (A) of this paragraph, including requirements relating to obtaining the approval of the Secretary to enter into such a single annual contributions contract under that subparagraph.”.
(b) **CLERICAL AMENDMENT.**—Section 3(b)(6)(B)(i) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6)(B)(i)) is amended by striking “consortia” and inserting “consortium”.