

116TH CONGRESS
2D SESSION

H. R. _____

To transform neighborhoods of extreme poverty by reforming the public housing demolition and disposition rules to require one-for-one replacement and tenant protections, and to provide public housing agencies with additional resources and flexibility to preserve public housing units, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To transform neighborhoods of extreme poverty by reforming the public housing demolition and disposition rules to require one-for-one replacement and tenant protections, and to provide public housing agencies with additional resources and flexibility to preserve public housing units, 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 “The Public Housing
5 Tenant Protection Act of 2020”.

1 **TITLE I—PUBLIC HOUSING ONE-**
2 **FOR-ONE REPLACEMENT AND**
3 **TENANT PROTECTION**

4 **SEC. 101. SHORT TITLE.**

5 This title may be cited as the “Public Housing One-
6 for-One Replacement and Tenant Protection Act of
7 2017”.

8 **SEC. 102. DEMOLITION AND DISPOSITION OF PUBLIC HOUS-**
9 **ING.**

10 (a) AMENDMENTS TO SECTION 18.—Section 18 of
11 the United States Housing Act of 1937 (42 U.S.C. 1437p)
12 is amended—

13 (1) by redesignating subsections (a) through (h)
14 as subsections (b) through (i), respectively;

15 (2) by inserting before subsection (b) (as so re-
16 designated by paragraph (1) of this subsection) the
17 following new subsection:

18 “(a) APPLICABILITY.—Notwithstanding any other
19 provision of law, this section shall apply to—

20 “(1) demolition, disposition, or demolition or
21 disposition or both pursuant to conversion under
22 section 22 or 33 of any public housing unit; and

23 “(2) the taking of public housing units, directly
24 or indirectly, through the use of eminent domain.”;

1 (3) in subsection (b) (as so redesignated by
2 paragraph (1) of this subsection)—

3 (A) in the matter preceding paragraph
4 (1)—

5 (i) by striking “subsection (b)” and
6 inserting “subsection (c)”; and

7 (ii) by striking “if the public housing
8 agency certifies” and inserting “only if the
9 Secretary determines that”;

10 (B) in paragraph (2)(A)(ii), by striking
11 “low-income housing” and inserting “housing
12 for low-income, very-low income, and extremely
13 low-income families consistent with the needs
14 identified pursuant to section 5A(d)(1) in the
15 public housing agency plan for the agency and
16 with targeting requirements under section 16(a)
17 for public housing”;

18 (C) by striking paragraph (4);

19 (D) in paragraph (5)(B)(ii), by striking
20 “and” at the end;

21 (E) in paragraph (6), by striking “sub-
22 section (c)” and inserting “subsection (d)”;

23 (F) by redesignating paragraphs (5) and
24 (6) as paragraphs (4) and (5), respectively; and

1 (G) by inserting after paragraph (5) (as so
2 redesignated) the following new paragraph:

3 “(6) that the public housing agency has ob-
4 tained from each resident information pursuant to
5 subsection (f)(3)(B) and has established a replace-
6 ment housing preference for each such resident.”;

7 (4) in subsection (c) (as so redesignated by
8 paragraph (1) of this subsection)—

9 (A) in the matter preceding paragraph (1),
10 by striking “subsection (a)” and inserting “sub-
11 section (b)”;

12 (B) in paragraph (1), by striking “or” at
13 the end;

14 (C) in paragraph (2)(C), by striking the
15 period at the end and inserting a semicolon;
16 and

17 (D) by adding at the end the following new
18 paragraphs:

19 “(3) the application does not provide for the ac-
20 tive involvement and participation of, and consulta-
21 tion with, residents, resident advisory boards, and
22 resident councils of the public housing development
23 that is subject to the application during the planning
24 and implementation of the plan for demolition, relo-
25 cation, and replacement of the units;

1 “(4) the proposed relocation, demolition, dis-
2 position, demolition or disposition or both pursuant
3 to conversion under section 22 or 33, or the provi-
4 sion of replacement housing will not be carried out
5 in a manner that affirmatively furthers fair housing,
6 as described in section 808(e) of the Civil Rights Act
7 of 1968 (42 U.S.C. 3608(e)), or that the measures
8 proposed by the public housing agency to mitigate
9 potential adverse impacts of the proposed relocation,
10 demolition, disposition, demolition or disposition or
11 both pursuant to conversion under section 22 or 33,
12 or the provision of replacement housing on persons
13 protected by section 804 of the Civil Rights Act of
14 1968 (42 U.S.C. 3604), are clearly insufficient or
15 inappropriate; or

16 “(5) the proposed plan for relocation, demoli-
17 tion, disposition, demolition or disposition or both
18 subsequent to conversion pursuant to section 22 or
19 33, or the provision of replacement housing does
20 not—

21 “(A) comply with the requirements of sub-
22 section (e) of this section;

23 “(B) include such certifications as the Sec-
24 retary shall require of compliance with the re-
25 quirements of subsection (f)(3); or

1 “(C) include a relocation plan that meets
2 the requirements of subsection (h)(2).”;

3 (5) by striking subsection (e) (as so redesign-
4 nated by paragraph (1) of this subsection) and in-
5 serting the following new subsection:

6 “(e) REPLACEMENT UNITS.—

7 “(1) REQUIREMENT TO REPLACE OR MAINTAIN
8 EACH UNIT.—

9 “(A) REPLACEMENT.—Except for demoli-
10 tion pursuant to subsection (g) or as provided
11 in paragraph (2) of this subsection, each public
12 housing dwelling unit that undergoes demoli-
13 tion, disposition, or demolition or disposition or
14 both pursuant to conversion under section 22 or
15 33, or that is the subject of a taking, directly
16 or indirectly, through the use of eminent do-
17 main, after the date of the enactment of the
18 Public Housing Tenant Protection and Rein-
19 vestment Act of 2017, shall be replaced with a
20 newly constructed, rehabilitated, acquired, or
21 converted rental unit that complies with all of
22 the requirements of this subsection.

23 “(B) REQUIREMENTS APPLICABLE TO RE-
24 PLACEMENT UNITS.—Such replacement or con-
25 verted units shall be subject to the same re-

1 requirements regarding eligibility for occupancy
2 (including income eligibility), tenant contribu-
3 tion toward rent (including tenant authority to
4 select rental payment determination method),
5 eviction protections and procedures, and afford-
6 ability restrictions that are applicable to public
7 housing dwelling units. Such requirements shall
8 not terminate unless units are replaced with a
9 comparable number of units that are subject to
10 the same requirements.

11 “(C) TENANT PROTECTION VOUCHERS TO
12 REPLACE DEMOLISHED, DISPOSED OF, OR CON-
13 VERTED UNITS ON ONE-FOR-ONE BASIS.—Sub-
14 ject only to the availability of amounts provided
15 in appropriation Acts, the Secretary shall pro-
16 vide replacement vouchers for rental assistance
17 under section 8 for all dwelling units in projects
18 that are demolished or disposed of pursuant to
19 this section or converted pursuant to section 22
20 or 33.

21 “(D) INAPPLICABILITY OF CERTAIN
22 PROJECT-BASED VOUCHER REQUIREMENTS.—
23 Subparagraphs (B) and (D) of section 8(o)(13)
24 of the United States Housing Act of 1936 (re-
25 lating to percentage limitation and income mix-

1 ing requirement of project-based assistance)
2 shall not apply with respect to vouchers used to
3 comply with the requirements of this para-
4 graph.

5 “(2) WAIVER.—The requirement under para-
6 graph (1) may be waived by the Secretary with re-
7 spect to up to 10 percent of the total number of
8 public housing units owned by a public housing
9 agency in any 10-year period, if—

10 “(A) a judgment, consent decree, or other
11 order of a court limits the ability of the appli-
12 cant to comply with such requirements; or

13 “(B) the public housing agency dem-
14 onstrates that there is an excess supply of af-
15 fordable rental housing in areas of low poverty
16 and provides data showing that, in the area
17 surrounding the project or projects in which
18 such units are located—

19 “(i) at least 90 percent of vouchers
20 issued under section 8(o) of the United
21 States Housing Act of 1937 over the last
22 24 months to comparable families were
23 successfully used to lease a dwelling unit
24 within 120 days of issuance or, if a suffi-
25 cient number of comparable families have

1 not received vouchers, an alternative meas-
2 ure, as the Secretary shall design, is met;

3 “(ii) existing voucher holders are
4 widely dispersed geographically in areas of
5 low poverty with access to public transpor-
6 tation, education, and other amenities, as
7 determined by the Secretary, among the
8 available private rental housing stock; and

9 “(iii) the applicant provides a market
10 analysis demonstrating that—

11 “(I) there is a relatively high va-
12 cancy rate among units that would
13 meet or exceed housing quality stand-
14 ards, as determined by the Secretary,
15 within the market area with rent and
16 utility costs not exceeding the applica-
17 ble payment standard under section
18 8(o) of the United States Housing Act
19 of 1937 (42 U.S.C. 1437f(o)); and

20 “(II) such high vacancy rate
21 within the market area is expected to
22 continue for the next 5 years or
23 longer.

24 “(3) CONTINUATION OF USE RESTRICTIONS.—

25 In the event of a foreclosure or bankruptcy of an

1 owner of such a property, notwithstanding any other
2 provision of State or Federal law, such property
3 shall remain subject to the requirements of any
4 project-based rental assistance contract in existence
5 at the time of the foreclosure or bankruptcy, the
6 lease between the prior owner and tenants assisted
7 under such contract, and any use agreement in ef-
8 fect immediately before the foreclosure or bank-
9 ruptcy filing, and a successor in interest in such
10 property shall assume such contract, extensions,
11 leases, and use agreement obligations, provided that
12 the Secretary may modify this requirement if the
13 Secretary determines that the converted units are
14 not physically viable.

15 “(4) OTHER REQUIREMENTS.—Admission to,
16 administration of, and eviction from replacement
17 housing units that are not public housing dwelling
18 units shall be subject to the following provisions to
19 the same extent as public housing dwelling units:

20 “(A) Section 578 of the Quality Housing
21 and Work Responsibility Act of 1998 (42
22 U.S.C. 13663; relating to ineligibility of dan-
23 gerous sex offenders).

1 “(B) Section 16(f) of the United States
2 Housing Act of 1937 (42 U.S.C. 1437n(f); re-
3 lating to ineligibility of certain drug offenders).

4 “(C) Sections 20 and 21 of the United
5 States Housing Act of 1937 (42 U.S.C. 1437r,
6 1437s; relating to resident management).

7 “(D) Section 25 of the United States
8 Housing Act of 1937 (42 U.S.C. 1437w; relat-
9 ing to transfer of management at request of
10 residents).

11 “(E) Section 6(k) of the United States
12 Housing Act of 1937 (42 U.S.C. 1437d(k); re-
13 lating to administrative grievance procedure).

14 “(F) Section 6(f) of the United States
15 Housing Act of 1937 (42 U.S.C. 1437d(f); re-
16 lating to housing quality requirements).

17 “(G) Part 964 of title 24, Code of Federal
18 regulations (relating to tenant participation and
19 opportunities).

20 “(5) RETENTION OF RIGHTS.—Tenants occu-
21 pying a replacement housing unit shall have all
22 rights provided to tenants of public housing under
23 this Act.

24 “(6) SIZE.—

1 “(A) IN GENERAL.—Replacement units
2 shall be of comparable size, unless a market
3 analysis shows a need for other sized units, in
4 which case such need shall be addressed.

5 “(B) BEDROOMS.—The number of bed-
6 rooms within each replacement unit shall be
7 sufficient to serve families displaced as a result
8 of the demolition or disposition.

9 “(7) LOCATION ON SITE AND IN NEIGHBOR-
10 HOOD.—

11 “(A) ON-SITE REQUIREMENT RELATING TO
12 DEMOLITION.—Subject to subparagraph (B), at
13 least one-third of all replacement units for pub-
14 lic housing units demolished shall be public
15 housing units constructed on the original public
16 housing location, unless the Secretary deter-
17 mines that—

18 “(i) construction on such location
19 would result in the violation of a consent
20 decree; or

21 “(ii) the land on which the public
22 housing is located is environmentally un-
23 safe or geologically unstable.

24 “(B) TENANT CHOICE.—A public housing
25 agency shall ensure that, in providing replace-

1 ment units pursuant to paragraph (1), suffi-
2 cient units are provided on the original location
3 of any public housing demolished or in the same
4 neighborhood of the public housing dwelling
5 units being replaced to accommodate all tenants
6 residing in the units demolished or disposed of
7 at the time of such demolition or disposition
8 who elect to remain in such location or neigh-
9 borhood.”;

10 (6) in subsection (f) (as so redesignated by
11 paragraph (1) of this subsection)—

12 (A) by striking the subsection designation
13 and all that follow through “Nothing” and in-
14 serting the following:

15 “(f) TREATMENT OF OCCUPANCY.—

16 “(1) CONSOLIDATION OF OCCUPANCY WITHIN
17 OR AMONG BUILDINGS.—Nothing”;

18 (B) by inserting before the period at the
19 end the following: “, except that, a public hous-
20 ing agency submitting an application for demo-
21 lition or disposition pursuant to this section
22 may not consolidate any units during the period
23 that begins upon submission of such application
24 and ends upon approval of the application by

1 the Secretary, except in cases of an imminent
2 and substantial threat to health or safety”; and

3 (C) by adding at the end the following new
4 paragraphs:

5 “(2) DETERMINATION OF OCCUPANCY.—For
6 purposes of this subsection, the number of public
7 housing residents residing in a development shall be
8 determined as of the date the initial public housing
9 agency plan or a proposed amendment thereto indi-
10 cating an intent to apply for a demolition application
11 pursuant to subsection (b) of this section is or
12 should have been presented to the resident advisory
13 board for consideration, or in the case of a demoli-
14 tion application due to a natural disaster, on the
15 date of the natural disaster.

16 “(3) RESIDENT PREFERENCES.—A public hous-
17 ing agency shall, not later than 90 days before sub-
18 mitting an application to the Secretary for demoli-
19 tion, disposition, or demolition or disposition or both
20 pursuant to conversion under section 22 or 33—

21 “(A) meet with and inform in writing all
22 residents who occupied a public housing unit on
23 the date determined in accordance with para-
24 graph (2) of this subsection of—

1 “(i) the public housing agency’s intent
2 to submit an application for demolition,
3 disposition, or both;

4 “(ii) their right to return and reloca-
5 tion housing options; and

6 “(iii) all planned replacement housing
7 units; and

8 “(B) solicit from each resident information
9 regarding the resident’s desire to return to the
10 replacement housing units constructed upon the
11 original public housing location or in the same
12 neighborhood, interest in moving to other neigh-
13 borhoods or communities, or interest in retain-
14 ing a voucher for rental assistance.”; and

15 (7) by striking subsection (h) (as so redesign-
16 nated by paragraph (1) of this subsection) and in-
17 serting the following new subsection:

18 “(h) RELOCATION, NOTICE, APPLICATION FOR
19 VOUCHERS, AND DATA.—In the case of all relocation ac-
20 tivities resulting from, or that will result from, demolition,
21 disposition, or demolition or disposition or both pursuant
22 to conversion under section 22 or 33 of this Act, of public
23 housing dwelling units:

24 “(1) UNIFORM RELOCATION AND REAL PROP-
25 erty ACQUISITION ACT.—The Uniform Relocation

1 and Real Property Acquisition Policies Act of 1970
2 (42 U.S.C. 4601 et seq.) shall apply. To the extent
3 the provisions of this subsection and such Act con-
4 flict, the provisions that provide greater protection
5 to residents displaced by the demolition, disposition,
6 or demolition and disposition, shall apply.

7 “(2) RELOCATION PLAN.—The public housing
8 agency shall submit to the Secretary, together with
9 the application for demolition or disposition, a relo-
10 cation plan providing for the relocation of residents
11 occupying the public housing for which the demoli-
12 tion or disposition application is proposed, which
13 shall include—

14 “(A) a statement of the estimated number
15 of vouchers for rental assistance under section
16 8 that will be needed for such relocation;

17 “(B) identification of the location of the
18 replacement dwelling units that will be made
19 available for permanent occupancy; and

20 “(C) a statement of whether any tem-
21 porary, off-site relocation of any residents is
22 necessary and a description of the plans for
23 such relocation.

24 “(3) NOTICE UPON APPROVAL OF APPLICA-
25 TION.—Within a reasonable time after notice to the

1 public housing agency of the approval of an applica-
2 tion for demolition or disposition, the public housing
3 agency shall provide notice in writing, in plain and
4 non-technical language, to the residents of the public
5 housing subject to the approved application that—

6 “(A) states that the application has been
7 approved;

8 “(B) describes the process involved to relo-
9 cate the residents, including a statement that
10 the residents may not be relocated until the
11 conditions set forth in paragraph (10) have
12 been met;

13 “(C) provides information regarding relo-
14 cation options;

15 “(D) advises residents of the availability of
16 relocation counseling as required in paragraph
17 (8); and

18 “(E) provides information on the location
19 of tenant-based vouchers issued by the agency.

20 “(4) NOTICE BEFORE RELOCATION.—Except in
21 cases of a substantial and imminent threat to health
22 or safety, not later than 90 days before the date on
23 which residents will be relocated, the public housing
24 agency shall provide notice in writing, in plain and
25 non-technical language, to each family residing in a

1 public housing project that is subject to an approved
2 demolition or disposition application, and in accord-
3 ance with such guidelines as the Secretary may issue
4 governing such notifications, that—

5 “(A) the public housing project will be de-
6 molished or disposed of;

7 “(B) the demolition of the building in
8 which the family resides will not commence
9 until each resident of the building is relocated;
10 and

11 “(C) if temporary, off-site relocation is
12 necessary, each family displaced by such action
13 shall be offered comparable housing—

14 “(i) that meets housing quality stand-
15 ards;

16 “(ii) that is located in an area that is
17 generally not less desirable than the loca-
18 tion of the displaced family’s housing,
19 which shall include at least one unit lo-
20 cated in an area of low poverty and one
21 unit located within the neighborhood of the
22 original public housing site;

23 “(iii) that is identified and available
24 to the family; and

25 “(iv) which shall include—

1 “(I) tenant-based assistance, ex-
2 cept that the requirement under this
3 subparagraph regarding offering of
4 comparable housing shall be fulfilled
5 by use of tenant-based assistance only
6 upon the relocation of the family into
7 such housing;

8 “(II) project-based assistance;

9 “(III) occupancy in a unit oper-
10 ated or assisted by the public housing
11 agency at a rental rate paid by the
12 family that is comparable to the rent-
13 al rate applicable to the unit from
14 which the family is relocated; and

15 “(IV) other comparable housing.

16 “(5) SEARCH PERIOD.—Notwithstanding any
17 other provision of law, in the case of a household
18 that is provided tenant-based assistance for reloca-
19 tion of the household under this section, the period
20 during which the household may lease a dwelling
21 unit using such assistance shall not be shorter in du-
22 ration than the 150-day period that begins at the
23 time a comparable replacement unit is made avail-
24 able to the family. If the household is unable to lease
25 a dwelling unit using such assistance during such

1 period, the public housing agency shall extend the
2 period during which the household may lease a
3 dwelling unit using such assistance, or at the ten-
4 ant's request, shall provide the tenant with the next
5 available comparable public housing unit or com-
6 parable housing unit for which project-based assist-
7 ance is provided.

8 “(6) PAYMENT OF RELOCATION EXPENSES.—
9 The public housing agency shall provide for the pay-
10 ment of the actual and reasonable relocation ex-
11 penses, including security deposits, of each resident
12 to be displaced and any other relocation expenses as
13 are required by the Uniform Relocation Assistance
14 and Real Property Acquisition Policies Act of 1970.

15 “(7) COMPARABLE HOUSING.—The public hous-
16 ing agency shall ensure that each displaced resident
17 is offered comparable housing in accordance with the
18 notice under paragraph (4).

19 “(8) COMPREHENSIVE RELOCATION COUN-
20 SELING.—The public housing agency shall provide
21 all advisory programs and services as required by
22 the Uniform Relocation Assistance and Real Prop-
23 erty Acquisition Policies Act of 1970 and counseling
24 for residents who are displaced that shall fully in-
25 form residents to be displaced of all relocation op-

1 tions, which may include relocating to housing in a
2 neighborhood with a lower concentration of poverty
3 than their current residence, a neighborhood where
4 relocation will not increase racial segregation, or re-
5 maining in the current neighborhood. Such coun-
6 seling shall also include providing school options for
7 children and comprehensive housing search assist-
8 ance for household that receive a voucher for tenant-
9 based assistance.

10 “(9) TIMING OF DEMOLITION OR DISPOSI-
11 TION.—The public housing agency shall not com-
12 mence demolition or complete disposition of a build-
13 ing subject to the approved application until all resi-
14 dents residing in the building are relocated.

15 “(10) AFFIRMATIVE FURTHERANCE OF FAIR
16 HOUSING.—The public housing agency shall have ob-
17 tained data regarding, and analyzed the potential
18 impact of, the proposed demolition or disposition
19 and relocation on persons protected by section 804
20 of the Civil Rights Act of 1968 (42 U.S.C. 3604),
21 including the tenants residing in the public housing
22 project, occupants of the surrounding neighborhood,
23 and neighborhoods into which project tenants are
24 likely to be relocated, and persons on the agency’s
25 waiting list, has described in the application for

1 demolition or disposition actions that the public
2 housing agency has taken or will take to mitigate
3 those adverse impacts, and has certified in the pub-
4 lic housing agency plan for the agency, with sup-
5 porting information, that the proposed demolition or
6 disposition, relocation, or replacement housing will
7 be carried out in a manner that affirmatively fur-
8 thers fair housing, as described in section 808(e) of
9 the Civil Rights Act of 1968 (42 U.S.C. 3608(e)).

10 “(11) TIMING OF RELOCATION.—The public
11 housing agency shall not commence relocation prior
12 to approval by the Secretary of the application for
13 demolition or disposition, except in the case of a
14 substantial and imminent threat to health or safety.

15 “(12) APPLICATION FOR VOUCHERS.—The pub-
16 lic housing agency shall submit to the Secretary an
17 application for vouchers consistent with the obliga-
18 tions in subsection (e) (relating to replacement
19 units) and the relocation obligations of this sub-
20 section at the same time that the agency submits the
21 application for demolition or disposition.”;

22 (8) in subsection (i) (as so redesignated by
23 paragraph (1) of this subsection), by striking “may”
24 and inserting “shall”; and

1 (9) by adding at the end the following new sub-
2 sections:

3 “(j) RIGHT OF RETURN.—

4 “(1) RIGHT.—Any person who, on the date de-
5 termined in accordance with subsection (f)(2), occu-
6 pies a public housing unit that is the subject of an
7 application for demolition, disposition, or demolition
8 or disposition or both subsequent to conversion pur-
9 suant to section 22 or 33, and whose tenancy or
10 right of occupancy has not been validly terminated
11 pursuant to section 6 or 8(o), shall be eligible to oc-
12 cupy a replacement federally assisted housing unit
13 or voucher.

14 “(2) REQUIREMENT TO ALLOW RETURN.—A
15 public housing agency or any other manager of re-
16 placement housing units shall not, through the appli-
17 cation of any additional eligibility, screening, occu-
18 pancy, or other policy or practice, prevent any per-
19 son otherwise eligible under paragraph (1) from oc-
20 cupying a replacement housing unit. Such replace-
21 ment dwelling unit shall be made available to each
22 household displaced as a result of a demolition, dis-
23 position, or demolition or disposition or both pursu-
24 ant to conversion under section 22 or 33 before any

1 replacement dwelling unit is made available to any
2 other eligible household.

3 “(k) ENFORCEMENT.—Any affected person shall
4 have the right to enforce this section pursuant to section
5 1979 of the Revised Statutes of the United States (42
6 U.S.C. 1983). Nothing in this section may be construed
7 to limit the rights and remedies available under State or
8 local law to any affected person.”

9 (b) EFFECTIVE DATE.—The amendments made by
10 subsection (a) shall take effect upon the date of the enact-
11 ment of this Act and shall apply to any demolition, disposi-
12 tion, or demolition and disposition, or both pursuant to
13 conversion under section 22 or 33 of the United States
14 Housing Act of 1937 (42 U.S.C. 1437t, 1437z–5) that
15 is approved by the Secretary after such date of the enact-
16 ment.

17 **SEC. 103. AUTHORITY TO CONVERT PUBLIC HOUSING TO**
18 **VOUCHERS.**

19 Section 22 of the United States Housing Act of 1937
20 (42 U.S.C. 1437t) is amended—

21 (1) in subsection (b), by striking paragraph (3);

22 (2) by adding at the end the following new sub-
23 section:

24 “(g) ADMINISTRATION.—

1 “(1) IN GENERAL.—The Secretary may require
2 a public housing agency to provide to the Secretary
3 or to public housing residents such information as
4 the Secretary considers to be necessary for the ad-
5 ministration of this section.

6 “(2) APPLICABILITY OF SECTION 18.—Section
7 18 shall apply to the subsequent demolition or dis-
8 position of public housing dwelling units removed
9 from the inventory of the public housing agency pur-
10 suant to this section.”; and

11 (3) in subsection (d)(5), by striking “section
12 18(a)(5)” and inserting “section 18(b)(5)”.

13 **SEC. 104. REQUIRED CONVERSION OF DISTRESSED PUBLIC**
14 **HOUSING TO TENANT-BASED ASSISTANCE.**

15 Section 33(h)(2) of the United States Housing Act
16 of 1937 (42 U.S.C. 1437z–5(h)(2)) is amended by striking
17 “shall not apply to the demolition of public housing
18 projects” and inserting “shall apply to the subsequent
19 demolition or disposition of public housing dwelling units”.

20 **SEC. 105. LIMITATION OF PUBLIC HOUSING DWELLING**
21 **UNITS.**

22 Notwithstanding any other provision of law, section
23 85.31 of the regulations of the Secretary of Housing and
24 Urban Development (24 C.F.R. 85.31) and any regula-
25 tions implementing subpart B of part 970 of the Sec-

1 retary’s proposed regulations published in the Federal
2 Register on October 16, 2014 (79 Fed. Reg. 62250; Dock-
3 et No. FR–5399–P–01) or any substantially similar regu-
4 lations shall not apply to real property that includes any
5 dwelling units in public housing.

6 **SEC. 106. REGULATIONS.**

7 Not later than the expiration of the 120-day period
8 beginning on the date of the enactment of this Act, the
9 Secretary of Housing and Urban Development shall issue
10 regulations to carry out this title and the amendments
11 made by this title.

12 **TITLE II—PUBLIC HOUSING**
13 **PRESERVATION AND REHA-**
14 **BILITATION**

15 **SEC. 201. LEVERAGING OF OTHER ASSISTANCE.**

16 (a) CAPITAL FUND LOAN GUARANTEES.—Subsection
17 (d) of section 9 of the United States Housing Act of 1937
18 (42 U.S.C. 1437g(d)) is amended by adding at the end
19 the following new paragraph:

20 “(4) LOAN GUARANTEES.—

21 “(A) AUTHORITY.—The Secretary may,
22 upon such terms and conditions as the Sec-
23 retary may prescribe, guarantee and make com-
24 mitments to guarantee notes or other obliga-

1 tions issued by public housing agencies for the
2 purposes of financing—

3 “(i) the rehabilitation of public hous-
4 ing owned by the agency;

5 “(ii) the modernization, through en-
6 ergy efficiency improvements, of public
7 housing units owned by the agency; or

8 “(iii) the construction, rehabilitation,
9 purchase, or conversion of units to replace
10 public housing units that are demolished or
11 disposed of pursuant to section 18 or con-
12 verted pursuant to section 22 or 33.

13 “(B) TERMS.—Notes or other obligations
14 guaranteed pursuant to this paragraph shall be
15 in such form and denominations, have such ma-
16 turities, and be subject to such conditions as
17 may be prescribed by regulations issued by the
18 Secretary. The term of such loan guarantee
19 shall not exceed 20 years.

20 “(C) LIMITATION ON PERCENTAGE.—A
21 guarantee made pursuant to this paragraph
22 shall guarantee repayment of 95 percent of the
23 unpaid principal and interest due on the notes
24 or other obligations guaranteed.

1 “(D) USE OF CAPITAL AND OPERATING
2 FUNDS.—Funds allocated to an issuer pursuant
3 to this subsection or subsection (e) may be used
4 for payment of principal and interest due (in-
5 cluding such servicing, underwriting, or other
6 costs as may be specified in regulations of the
7 Secretary) on notes or other obligations guaran-
8 teed pursuant to this paragraph.

9 “(E) REPAYMENT.—

10 “(i) CONTRACT; PLEDGE.—To ensure
11 the repayment of notes or other obligations
12 guaranteed under this paragraph and
13 charges incurred under this paragraph and
14 as a condition for receiving such guaran-
15 tees, the Secretary shall require the issuer
16 of any such note or obligation to—

17 “(I) enter into a contract, in a
18 form acceptable to the Secretary, for
19 repayment of notes or other obliga-
20 tions so guaranteed; and

21 “(II) pledge any grant or alloca-
22 tion for which the issuer is or may be-
23 come eligible under this subsection or
24 subsection (e) for the repayment of

1 notes or other obligations so guaran-
2 teed.

3 “(ii) CREDITING OF GRANTS.—The
4 Secretary may, notwithstanding any other
5 provision of this Act, apply grants pledged
6 pursuant to clause (i)(II) of this subpara-
7 graph to any repayments due the United
8 States as a result of such guarantees.

9 “(F) FULL FAITH AND CREDIT.—The full
10 faith and credit of the United States is pledged
11 to the payment of all guarantees made under
12 this paragraph. Any such guarantee made by
13 the Secretary shall be conclusive evidence of the
14 eligibility of the obligations for such guarantee
15 with respect to principal and interest, and the
16 validity of any such guarantee so made shall be
17 incontestable in the hands of a holder of the
18 guaranteed obligations.

19 “(G) AMOUNT.—Subject only to the ab-
20 sence of qualified requests for guarantees and
21 to the availability of amounts to cover the costs
22 (as such term is defined in section 502 of the
23 Federal Credit Reform Act of 1990 (2 U.S.C.
24 661a)), as are provided in advance in appro-
25 priation Acts, the Secretary shall enter into

1 commitments to guarantee notes and obliga-
2 tions under this paragraph having an aggregate
3 principal amount of \$500,000,000 each for fis-
4 cal years 2021, 2022, and 2023.”.

5 (b) REQUIREMENTS FOR PROPERTIES WITH HOUS-
6 ING TAX CREDITS.—Section 9 of the United States Hous-
7 ing Act of 1937 (42 U.S.C. 1437g) is amended by adding
8 at the end the following new subsection:

9 “(p) REQUIREMENTS FOR PROPERTIES WITH HOUS-
10 ING TAX CREDITS.—A public housing agency that utilizes
11 tax credits under section 42 of the Internal Revenue Code
12 of 1986 for rental housing units that are currently or for-
13 merly assisted under subsection (d) or (e) of this section,
14 or under section 39 or 40 of this Act, shall ensure, with
15 respect to such units, that—

16 “(1) all significant tenant and applicants rights
17 are continued and enforceable ;

18 “(2) the agency retains its interest in the prop-
19 erty, including through the use of a ground lease;

20 “(3) the agency maintains an active role in
21 property management decisions and operations of
22 such housing sufficient to guarantee access to rel-
23 evant information and public accountability;

1 “(4) long-term affordability protections are en-
2 forced, including such protections applicable in the
3 event of default or foreclosure; and

4 “(5) affected tenants are provided information
5 about the proposal for use of the property, before
6 submission of the proposal to the Secretary, and an
7 opportunity to comment on such proposal, pursuant
8 to processes and requirements that are substantially
9 similar to the requirements for tenant notice and
10 comment under section 18, except that in the case
11 of rental housing units that are currently assisted
12 under section 39 or 40, the requirements of the pro-
13 gram under such section, as applicable, shall
14 apply.”.

15 **SEC. 202. CAPITAL FUND FLEXIBILITY.**

16 Subsection (g) of section 9 of the United States
17 Housing Act of 1937 (42 U.S.C. 1437g(g)) is amended
18 by striking paragraph (3).