

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3524

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## AN ACT

To reauthorize the HOPE VI program for revitalization of severely distressed public housing, 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,*

1 **SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CON-**  
2 **TENTS.**

3 (a) **SHORT TITLE.**—This Act may be cited as the  
4 “HOPE VI Improvement and Reauthorization Act of  
5 2008”.

6 (b) **REFERENCES.**—Except as otherwise expressly  
7 provided in this Act, wherever in this Act an amendment  
8 or repeal is expressed in terms of an amendment to, or  
9 repeal of, a section or other provision, the reference shall  
10 be considered to be made to a section or other provision  
11 of the United States Housing Act of 1937 (42 U.S.C.  
12 1437 et seq.).

13 (c) **TABLE OF CONTENTS.**—The table of contents for  
14 this Act is as follows:

- Sec. 1. Short title; references; table of contents.
- Sec. 2. Purposes of program.
- Sec. 3. Authority to waive contribution requirement in cases of extreme distress or emergency.
- Sec. 4. Prohibition of demolition-only grants.
- Sec. 5. Main Street projects grants.
- Sec. 6. Eligible activities.
- Sec. 7. Selection of proposals for grants.
- Sec. 8. Requirements for mandatory core components.
- Sec. 9. Planning and technical assistance grants.
- Sec. 10. Annual report; availability of documents.
- Sec. 11. Definitions.
- Sec. 12. Conforming amendment.
- Sec. 13. Authorization of appropriations.
- Sec. 14. Extension of program.
- Sec. 15. Review.
- Sec. 16. Extension of availability of funds for revitalization plans delayed by hurricanes.
- Sec. 17. Regulations.
- Sec. 18. Non-citizen eligibility restrictions.

1 **SEC. 2. PURPOSES OF PROGRAM.**

2 Subsection (a) of section 24 of the United States  
3 Housing Act of 1937 (42 U.S.C. 1437v(a)) is amended—

4 (1) in paragraph (1), by inserting before  
5 “through” the following: “located in communities of  
6 all sizes, including small- and medium-sized commu-  
7 nities,”;

8 (2) in paragraph (3)—

9 (A) by inserting “low- and” before “very  
10 low-income”; and

11 (B) by striking “and” at the end;

12 (3) in paragraph (4), by striking the period at  
13 the end and inserting “; and”; and

14 (4) by adding at the end the following new  
15 paragraph:

16 “(5) promoting housing choice among low- and  
17 very low-income families.”.

18 **SEC. 3. AUTHORITY TO WAIVE CONTRIBUTION REQUIRE-**  
19 **MENT IN CASES OF EXTREME DISTRESS OR**  
20 **EMERGENCY.**

21 Subsection (c) of section 24 is amended by adding  
22 at the end the following new paragraph:

23 “(4) WAIVER.—

24 “(A) AUTHORITY.—The Secretary may  
25 waive the applicability of paragraph (1) with re-  
26 spect to an applicant or grantee if the Secretary

1 determines that circumstances of extreme dis-  
2 tress or emergency, in the area that the revital-  
3 ization plan of the applicant is to be carried  
4 out, directly affect the ability of the applicant  
5 or grantee to comply with such requirement.

6 “(B) REGULATIONS.—The Secretary shall  
7 issue regulations to carry out this paragraph,  
8 which shall—

9 “(i) set forth such circumstances of  
10 extreme distress and emergency; and

11 “(ii) provide that such circumstances  
12 shall include any instance in which the  
13 area in which a revitalization plan assisted  
14 with amounts from a grant under this sec-  
15 tion is to be carried out is subject to a dec-  
16 laration by the President of a major dis-  
17 aster or emergency under the Robert T.  
18 Stafford Disaster Relief and Emergency  
19 Assistance Act.”.

20 **SEC. 4. PROHIBITION OF DEMOLITION-ONLY GRANTS.**

21 Section 24 is amended—

22 (1) in subsection (e)(3), by striking “or demoli-  
23 tion of public housing (without replacement)”;

24 (2) in the first sentence of subsection (e)(3)—

25 (A) by striking “demolition only,”; and

1 (B) by striking the last comma; and

2 (3) in subsection (e), by adding at the end the  
3 following new paragraph:

4 “(4) PROHIBITION OF DEMOLITION-ONLY  
5 GRANTS.—The Secretary may not make a grant  
6 under this section for a revitalization plan that pro-  
7 poses to demolish public housing without revitaliza-  
8 tion of any existing public housing dwelling units.”.

9 **SEC. 5. MAIN STREET PROJECTS GRANTS.**

10 Section 24 is amended—

11 (1) by redesignating subsection (n) as sub-  
12 section (y);

13 (2) in subsection (l), by striking “subsection  
14 (n)” each place such term appears and inserting  
15 “subsection (y)”; and

16 (3) in subsection (m)(3), by striking “sub-  
17 section (n)” and inserting “subsection (y)”.

18 **SEC. 6. ELIGIBLE ACTIVITIES.**

19 Paragraph (1) of section 24(d) is amended—

20 (1) in the matter preceding subparagraph (A),  
21 by striking “programs” and inserting “plans”;

22 (2) in subparagraph (G), by striking “program”  
23 and inserting “plan”;

24 (3) by striking subparagraph (J) and inserting  
25 the following new subparagraph:

1           “(J) the acquisition and development of re-  
2           placement housing units in accordance with  
3           subsection (j);”.

4           (4) in subparagraph (K), by striking “and” at  
5           the end;

6           (5) in subparagraph (L)—

7                 (A) by striking “15 percent” and inserting  
8                 “25 percent”; and

9                 (B) by striking the period at the end and  
10                inserting a semicolon; and

11           (6) by adding at the end the following new sub-  
12           paragraphs:

13                 “(M) necessary costs of ensuring the effec-  
14                 tive relocation of residents displaced as a result  
15                 of the revitalization of the project, including  
16                 costs of monitoring as required under sub-  
17                 section (k); and

18                 “(N) activities undertaken to comply with  
19                 the provisions of (B)(vii) and (C)(xiii) of sub-  
20                 section (e)(2) and subsection (l) (relating to  
21                 green developments).”.

22 **SEC. 7. SELECTION OF PROPOSALS FOR GRANTS.**

23           (a) **SELECTION CRITERIA.**—Section 24(e) is amended  
24 by striking paragraph (2) and inserting the following new  
25 paragraph:

1 “(2) GRANT AWARD CRITERIA.—

2 “(A) ESTABLISHMENT.—The Secretary  
3 shall establish criteria for the award of grants  
4 under this section.

5 “(B) MANDATORY CORE COMPONENTS.—  
6 The criteria under this paragraph shall require  
7 that a proposed revitalization plan may not be  
8 selected for award of a grant under this section  
9 unless the proposed plan meets all of the fol-  
10 lowing requirements:

11 “(i) EVIDENCE OF SEVERE DIS-  
12 TRESS.—The proposed plan shall contain  
13 evidence sufficient to demonstrate that the  
14 public housing project that is subject to  
15 the plan is severely distressed, which shall  
16 include—

17 “(I) a certification signed by an  
18 engineer or architect licensed by a  
19 State licensing board that the project  
20 meets the criteria for physical distress  
21 under subsection (t)(2); and

22 “(II) such other evidence that the  
23 project meets criteria for nonphysical  
24 distress under subsection (t)(2), such  
25 as census data, crime statistics, and

1 past surveys of neighborhood stability  
2 conducted by the public housing agen-  
3 cy.

4 “(ii) RESIDENT INVOLVEMENT AND  
5 SERVICES.—The proposed plan shall pro-  
6 vide for opportunities for involvement of  
7 residents of the housing subject to the plan  
8 and the provision of services for such resi-  
9 dents, in accordance with subsection (g).

10 “(iii) RELOCATION PLAN.—The pro-  
11 posed plan shall provide a plan for reloca-  
12 tion of households occupying the public  
13 housing project that is subject to the plan,  
14 in accordance with subsection (h), includ-  
15 ing a statement of the estimated number  
16 of vouchers for rental assistance under sec-  
17 tion 8 that will be needed for such reloca-  
18 tion.

19 “(iv) RESIDENT RIGHT TO EXPANDED  
20 HOUSING OPPORTUNITIES.—The proposed  
21 plan provides right of resident households  
22 to occupy housing provided under such re-  
23 vitalization plan in accordance with sub-  
24 section (i).



1                   “(v) ONE-FOR-ONE REPLACEMENT.—  
2                   The proposed plan shall provide a plan  
3                   that—

4                                 “(I)(aa) provides for replacement  
5                                 in accordance with subsection (j) of  
6                                 100 percent of all dwelling units in  
7                                 existence as of January 1, 2005, that  
8                                 are subject to the revitalization plan  
9                                 and that have been or will be demol-  
10                                ished or disposed of, on the site of the  
11                                original public housing or within the  
12                                jurisdiction of the public housing  
13                                agency; or

14                               “(bb) pursuant to subsection  
15                               (j)(1)(B), requests a reduction of the  
16                               percentage specified in subsection  
17                               (j)(1)(A) and provides for replacement  
18                               of dwelling units demolished or dis-  
19                               posed of in accordance with the per-  
20                               centage requested;

21                               “(II) identifies the type of re-  
22                               placement housing that will be offered  
23                               to residents displaced by the revital-  
24                               ization plan;

1           “(III) contains such agreements  
2           with or assurances by the Secretary,  
3           State and local governmental agen-  
4           cies, and other entities sufficient to  
5           ensure compliance with subsection (j)  
6           (as modified by any percentage reduc-  
7           tion requested under subsection  
8           (j)(1)(B)); and

9           “(IV) contains such assurances  
10          or agreements as the Secretary con-  
11          siders necessary to ensure compliance  
12          with subsection (i)(2).

13          “(vi) FAIR HOUSING; LIMITATION ON  
14          EXCLUSION.—The proposed plan shall be  
15          carried out in a manner that complies with  
16          section (m) (relating to affirmatively fur-  
17          thering fair housing and limitation on ex-  
18          clusion).

19          “(vii) GREEN DEVELOPMENTS.—The  
20          proposed plan complies with the require-  
21          ment under subsection (l) (relating to  
22          green developments).

23          “(C) MANDATORY GRADED COMPO-  
24          NENTS.—The criteria under this paragraph  
25          shall provide that, in addition to the require-

1           ments under subparagraph (B), the proposed  
2           revitalization plan shall address and meet min-  
3           imum requirements with respect to, and shall  
4           provide additional priority based on the extent  
5           to which the plan satisfactorily addresses, each  
6           of the following issues:

7                   “(i) COMPLIANCE WITH PURPOSES.—

8                   The extent to which the proposed plan of  
9                   an applicant achieves the purposes of this  
10                  section set forth in subsection (a).

11                  “(ii) CAPABILITY AND RECORD.—The

12                  extent of the capability and record of the  
13                  applicant public housing agency, public  
14                  partners, proposed private development  
15                  partners (including nonprofit housing de-  
16                  velopers), or any alternative management  
17                  entity for the agency, for managing rede-  
18                  velopment or modernization projects, meet-  
19                  ing performance benchmarks, and obli-  
20                  gating amounts in a timely manner, includ-  
21                  ing any past performance of such entities  
22                  under the HOPE VI program and any  
23                  record of such entities of working with so-  
24                  cially and economically disadvantaged busi-  
25                  nesses, as such term is defined in section

1 8(a)(4) of the Small Business Act (15  
2 U.S.C. 637(a)(4)).

3 “(iii) DIVERSITY OUTREACH.—The  
4 extent to which the proposed revitalization  
5 plan includes partnerships with socially  
6 and economically disadvantaged businesses,  
7 as such term is defined by section 8(a)(4)  
8 of the Small Business Act.

9 “(iv) EFFECTIVENESS OF RELOCA-  
10 TION AND ONE-FOR-ONE REPLACEMENT  
11 PLANS.—The extent of the likely effective-  
12 ness of the proposed revitalization plan for  
13 temporary and permanent relocation of ex-  
14 isting residents, including the likely effec-  
15 tiveness of the relocation plan under sub-  
16 paragraph (B)(iii) and the one-for-one re-  
17 placement plan under subparagraph  
18 (B)(v).

19 “(v) ACHIEVABILITY OF REVITALIZA-  
20 TION PLAN.—The achievability of the pro-  
21 posed revitalization plan pursuant to sub-  
22 section (o), with respect to the scope and  
23 scale of the project.

24 “(vi) LEVERAGING.—The extent to  
25 which the proposed revitalization plan will

1 leverage other public or private funds or  
2 assets for the project.

3 “(vii) NEED FOR ADDITIONAL FUND-  
4 ING.—The extent to which the applicant  
5 could undertake the activities proposed in  
6 the revitalization plan without a grant  
7 under this section.

8 “(viii) PUBLIC AND PRIVATE IN-  
9 VOLVEMENT.—The extent of involvement  
10 of State and local governments, private  
11 service providers, financing entities, and  
12 developers (including nonprofit housing de-  
13 velopers), in the development and ongoing  
14 implementation of the revitalization plan.

15 “(ix) NEED FOR AFFORDABLE HOUS-  
16 ING.—The extent of need for affordable  
17 housing in the community in which the  
18 proposed revitalization plan is to be carried  
19 out.

20 “(x) AFFORDABLE HOUSING SUP-  
21 PLY.—The extent of the supply of other  
22 housing available and affordable to families  
23 receiving tenant-based assistance under  
24 section 8.

1           “(xi) PROJECT-BASED HOUSING.—The  
2           extent to which the proposed revitalization  
3           plan sustains or creates more project-based  
4           housing units available to persons eligible  
5           for residency in public housing in markets  
6           where the proposed plan shows there is de-  
7           mand for the maintenance or creation of  
8           such units.

9           “(xii) GREEN DEVELOPMENTS COM-  
10          PLIANCE.—The extent to which the pro-  
11          posed revitalization plan—

12                 “(I) in the case of residential  
13                 construction, complies with the non-  
14                 mandatory items of the national  
15                 Green Communities criteria checklist  
16                 identified in subsection (l)(1)(A), or  
17                 any substantially equivalent standard  
18                 or standards as determined by the  
19                 Secretary, but only to the extent such  
20                 compliance exceeds the compliance  
21                 necessary to accumulate the number  
22                 of points required under such sub-  
23                 section; and

24                 “(II) in the case of non-residen-  
25                 tial construction, complies with the

1 components of the green building rat-  
2 ing systems and levels identified by  
3 the Secretary pursuant to subsection  
4 (l)(3), but only to the extent such  
5 compliance exceeds the minimum level  
6 required under such systems and lev-  
7 els.

8 “(xiii) **HARD-TO-HOUSE FAMILIES.**—  
9 The extent to which the one-for-one re-  
10 placement plan under subparagraph (B)(v)  
11 for the revitalization plan provides replace-  
12 ment housing that is likely to be most ap-  
13 propriate and beneficial for families whose  
14 housing needs are difficult to fulfill, includ-  
15 ing, but not limited to, elderly households,  
16 disabled households, households consisting  
17 of grandparents raising grandchildren,  
18 large families, households displaced by the  
19 revitalization plan in need of special serv-  
20 ices, and households consisting of or in-  
21 cluding an individual who served on active  
22 duty in the Armed Forces of the United  
23 States for a period of not less than 90  
24 days and who was discharged or released  
25 from such duty under conditions other

1 than dishonorable. For purposes of this  
2 clause, the term ‘families whose housing  
3 needs are difficult to fulfill’ shall not in-  
4 clude any individuals, or any categories of  
5 individuals, who have been released from a  
6 prison, jail, or other correctional facility of  
7 the Federal Government, a State govern-  
8 ment, or a unit of general local govern-  
9 ment, notwithstanding whether such indi-  
10 viduals are not ineligible for occupancy in  
11 public housing pursuant to subsection  
12 (m)(2), have not been arrested for or  
13 charged with any crime during any specific  
14 period, or are individuals for whom hous-  
15 ing is a critical need.

16 “(xiv) FAMILY-FRIENDLY HOUSING.—  
17 The extent to which replacement housing  
18 units provided through the revitalization  
19 plan contain a sufficient number of bed-  
20 rooms to prevent overcrowding.

21 “(xv) ADDITIONAL ON-SITE MIXED-IN-  
22 COME HOUSING.—The extent to which the  
23 one-for-one replacement plan under sub-  
24 paragraph (B)(v) provides public housing  
25 units in addition to the number necessary



1 to minimally comply with the requirement  
2 under subsection (j)(2)(A)(i), including the  
3 extent to which such plan provides suffi-  
4 cient housing for elderly and disabled resi-  
5 dents who indicate a preference to return  
6 to housing provided on the site of the  
7 original public housing involved in the revi-  
8 talization plan and complies with the re-  
9 quirements of subsection (j)(2)(A)(ii).

10 “(xvi) OTHER.—Such other factors as  
11 the Secretary considers appropriate.”.

12 (b) TREATMENT OF LOW-INCOME HOUSING TAX  
13 CREDIT ALLOCATIONS; MANDATORY SITE VISITS.—Sec-  
14 tion 24(e), as amended by the preceding provisions of this  
15 Act, is further amended by adding at the end the following  
16 new paragraphs:

17 “(5) TREATMENT OF LOW-INCOME HOUSING  
18 TAX CREDIT ALLOCATION.—In the case of any appli-  
19 cation for a grant under this section that relies on  
20 the allocation of any low-income housing tax credit  
21 provided pursuant to section 42 of the Internal Rev-  
22 enue Code of 1986 as part of the revitalization plan  
23 proposed in the application, the Secretary shall not  
24 require that the first phase of any project to be de-  
25 veloped under the plan possess an allocation of such

1 low-income housing tax credits at the time of such  
2 application.

3 “(6) MANDATORY SITE VISITS.—Notwith-  
4 standing any other provision of law, the Secretary  
5 shall provide for appropriate officers or employees of  
6 the Department of Housing and Urban Development  
7 to conduct a visit to the site of the public housing  
8 involved in the revitalization plan proposed under  
9 each application for a grant under this section that  
10 is involved in a final selection of applications to be  
11 funded under this section. Site visits pursuant to  
12 this paragraph shall be used only for the purpose of  
13 obtaining information to assist in determining  
14 whether the public housing projects involved in the  
15 application are severely distressed public housing.”.

16 (c) EXCLUSION OF GREEN DEVELOPMENT COSTS  
17 FROM TOTAL DEVELOPMENT COSTS.—Subsection (f) of  
18 section 24 is amended by adding after and below para-  
19 graph (2) the following:

20 “In determining the total development costs for a revital-  
21 ization plan, the Secretary shall not consider any costs of  
22 compliance with green building rating systems and levels  
23 identified by the Secretary pursuant to subsection (1)(3).”.

1 **SEC. 8. REQUIREMENTS FOR MANDATORY CORE COMPO-**  
2 **NENTS.**

3 Section 24 is amended—

4 (1) by redesignating subsections (h) through  
5 (m) as subsections (q) through (v), respectively;

6 (2) by redesignating subsection (o) as sub-  
7 section (w); and

8 (3) by striking subsection (g) and inserting the  
9 following new subsections:

10 “(g) **RESIDENT INVOLVEMENT AND SERVICES.**—

11 “(1) **IN GENERAL.**—Each revitalization plan as-  
12 sisted under this section shall provide opportunities  
13 for the active involvement and participation of, and  
14 consultation with, residents of the public housing  
15 that is subject to the revitalization plan during the  
16 planning process for the revitalization plan, includ-  
17 ing prior to submission of the application, and dur-  
18 ing all phases of the planning and implementation.  
19 Such opportunities for participation may include  
20 participation of members of any resident council, but  
21 may not be limited to such members, and shall in-  
22 clude all segments of the population of residents of  
23 the public housing that is subject to the revitaliza-  
24 tion plan, including single parent-headed households,  
25 the elderly, young employed and unemployed adults,  
26 teenage youth, and disabled persons. Such opportu-

1 nities shall include a process that provides oppor-  
2 tunity for comment on specific proposals for redev-  
3 elopment, any demolition and disposition involved, and  
4 any proposed significant amendments or changes to  
5 the revitalization plan.

6 “(2) NOTICES.—In carrying out a revitalization  
7 plan assisted under this section, a public housing  
8 agency shall provide the following written notices, in  
9 plain and nontechnical language, to each household  
10 occupying a dwelling unit in the public housing that  
11 is subject to, or to be subject to, the plan:

12 “(A) NOTICE OF INTENT.—Not later than  
13 the expiration of the 30-day period beginning  
14 upon publication by the Secretary of a notice of  
15 funding availability for a grant under this sec-  
16 tion for such plan, notice of—

17 “(i) the public housing agency’s intent  
18 to submit such application;

19 “(ii) the proposed implementation and  
20 management of the revitalized site;

21 “(iii) residents’ rights under this sec-  
22 tion to participate in the planning process  
23 for the plan, including opportunities for  
24 participation in accordance with paragraph  
25 (1), and to receive comprehensive reloca-

1           tion assistance and community and sup-  
2           portive services pursuant to paragraph (4);  
3           and

4           “(iv) the public hearing pursuant to  
5           paragraph (3).

6           “(B) NOTICE OF GRANT AWARD AND RE-  
7           LOCATION OPTIONS.—Not later than 30 days  
8           after notice to the public housing agency of the  
9           award of a grant under this section, notice  
10          that—

11           “(i) such grant has been awarded;

12           “(ii) describes the process involved  
13           under the revitalization plan to temporarily  
14           relocate residents of the public housing  
15           that is subject to the plan;

16           “(iii) provides the information re-  
17           quired pursuant to subsection (h)(2) (relat-  
18           ing to relocation options); and

19           “(iv) informs residents of opportuni-  
20           ties for participation in accordance with  
21           paragraph (1).

22           “(C) NOTICE OF GRANT AGREEMENT AND  
23           RELOCATION OPTIONS.—Not later than 30 days  
24           after execution of a grant agreement under this

1 section with a public housing agency, notice  
2 that—

3 “(i) specifically identifies the housing  
4 available for relocation of resident of the  
5 public housing subject to the revitalization  
6 plan;

7 “(ii) sets forth the schedule for reloca-  
8 tion of residents of the public housing sub-  
9 ject to the revitalization plan, including the  
10 approximate dates on which such housing  
11 will be available for such relocation; and

12 “(iii) informs residents of opportuni-  
13 ties for participation in accordance with  
14 paragraph (1).

15 “(D) NOTICE OF REPLACEMENT HOUS-  
16 ING.—Upon the availability of replacement  
17 housing provided pursuant to subsection (j), no-  
18 tice to each household described in subsection  
19 (i)(1) of—

20 “(i) such availability;

21 “(ii) the process and procedure for ex-  
22 ercising the right to expanded housing op-  
23 portunities and preferences under sub-  
24 section (i)(2); and

1                   “(iii) opportunities for participation in  
2                   accordance with paragraph (1) of this sub-  
3                   section.

4                   “(E) OTHER.—Such other notices as the  
5                   Secretary may require.

6                   “(3) PUBLIC HEARING.—The Secretary may  
7                   not make a grant under this section to an applicant  
8                   unless the applicant has convened and conducted a  
9                   public hearing regarding the revitalization plan, in-  
10                  cluding the one-for-one replacement to occur under  
11                  the plan, not later than 75 days before submission  
12                  of the application for the grant under this section  
13                  for such plan, at a time and location that is conven-  
14                  ient for residents of the public housing subject to the  
15                  plan.

16                  “(4) SERVICES.—Each recipient of a grant  
17                  under this section shall—

18                         “(A) provide each household who is resid-  
19                         ing at the site of the revitalization as of the  
20                         date of the notice of intent under subparagraph  
21                         (A) with comprehensive relocation assistance for  
22                         a period that is the latter of the two periods re-  
23                         ferred to in subparagraph (B) with comprehen-  
24                         sive relocation assistance; and

1           “(B) offer, to each such displaced resident  
2           and each low-income family provided housing  
3           under the revitalization plan, community and  
4           supportive services until the latter of—

5                   “(i) the expiration of the two-year pe-  
6                   riod that begins upon the end of the devel-  
7                   opment period under the plan; and

8                   “(ii) the date on which all funding  
9                   under the grant for community and sup-  
10                  portive services has been expended.

11           “(5) SIGNIFICANT AMENDMENTS OR CHANGES  
12           TO PLAN.—A public housing agency may not carry  
13           out any significant amendment or change to a revi-  
14           talization plan unless—

15                   “(A) the public housing agency has con-  
16                   vened and conducted a public hearing regarding  
17                   the significant amendment or change at a time  
18                   and location that is convenient for residents of  
19                   the public housing subject to the plan and has  
20                   provided each household occupying a dwelling  
21                   unit in such public housing with written notice  
22                   of such hearing not less than 10 days before  
23                   such hearing;

24                   “(B) after such hearing, the public housing  
25                   agency consults with the households occupying



1 dwelling units in the public housing that are  
2 subject to, or to be subject to the plan, and the  
3 agency submits a report to the Secretary de-  
4 scribing the results of such consultation; and

5 “(C) the Secretary approves the significant  
6 amendment or change.

7 Notwithstanding subparagraph (C), if the Secretary  
8 does not approve or disapprove a request for a sig-  
9 nificant amendment or change to a revitalization  
10 plan before the expiration of the 30-day period be-  
11 ginning upon the receipt by the Secretary of the re-  
12 port referred to in subparagraph (B), such request  
13 shall be considered to have been approved.

14 “(h) RELOCATION PROGRAM.—Each recipient of a  
15 grant under this section shall—

16 “(1) provide for each household displaced by  
17 the revitalization plan for which the grant is made  
18 to be relocated to a comparable replacement dwell-  
19 ing, as defined in section 101 of the Uniform Relo-  
20 cation Assistance and Real Property Acquisition  
21 Policies Act of 1970 (42 U.S.C. 4601), and for pay-  
22 ment of actual and reasonable relocation expenses of  
23 each such household and any replacement housing  
24 payments as are required by the Uniform Relocation

1 Assistance and Real Property Acquisition Policies  
2 Act of 1970;

3 “(2) fully inform such households of all reloca-  
4 tion options, which may include relocating to hous-  
5 ing in a neighborhood with a lower concentration of  
6 poverty than their current residence or remaining in  
7 the housing to which they relocate;

8 “(3) to the maximum extent possible, minimize  
9 academic disruptions on affected children enrolled in  
10 school by coordinating relocation with school cal-  
11 endars;

12 “(4) establish strategies and plans that assist  
13 such displaced residents in utilizing tenant-based  
14 vouchers to select housing opportunities, including in  
15 communities with a lower concentration of poverty,  
16 that—

17 “(A) will not result in a financial burden  
18 to the family; and

19 “(B) will promote long-term housing sta-  
20 bility;

21 “(5) establish and comply with relocation  
22 benchmarks that ensure successful relocation in  
23 terms of timeliness; and

24 “(6) notwithstanding any other provision of  
25 law, in the case of any tenant-based assistance made

1 available for relocation of a household under this  
2 subsection, provide that the term during which the  
3 household may lease a dwelling unit using such as-  
4 sistance shall not be shorter than 150 days; if the  
5 household is unable to lease a dwelling unit during  
6 such period, the public housing agency shall extend  
7 the period during which the household may lease a  
8 dwelling unit using such assistance and continue to  
9 provide the household with comprehensive relocation  
10 assistance, or at the option of the household, provide  
11 the household with the next available dwelling unit  
12 owned by the public housing agency.

13 “(i) RIGHT TO EXPANDED HOUSING OPPORTUNITIES  
14 FOR RESIDENT HOUSEHOLDS.—

15 “(1) IN GENERAL.—Subject only to paragraph  
16 (3), each revitalization plan assisted with a grant  
17 under this section shall make available, to each  
18 household occupying a dwelling unit in the public  
19 housing subject to a revitalization plan that is dis-  
20 placed as a result of the revitalization plan (includ-  
21 ing any demolition or disposition of the unit), occu-  
22 pancy for such household in a replacement dwelling  
23 unit provided pursuant to subsection (j). To exercise  
24 such right under this paragraph to occupancy in  
25 such a replacement dwelling unit, the household

1 shall respond in writing to the notice provided pur-  
2 suant to subsection (g)(2)(C) by the public housing  
3 agency.

4 “(2) PREFERENCES.—Such a replacement  
5 dwelling unit shall be made available to each house-  
6 hold displaced as a result of the revitalization plan  
7 before any replacement dwelling unit is made avail-  
8 able to any other eligible household.

9 “(3) REPORTS TO SECRETARY.—The Secretary  
10 shall require each public housing agency carrying  
11 out a revitalization plan assisted under this section  
12 to submit to the Secretary such reports as may be  
13 necessary to allow the Secretary to determine the ex-  
14 tent to which the public housing agency has com-  
15 plied with this subsection and to which displaced  
16 residents occupy replacement housing provided pur-  
17 suant to subsection (j), which shall include informa-  
18 tion describing the location of replacement housing  
19 provided pursuant to subsection (j) and statistical  
20 information on the characteristics of all households  
21 occupying such replacement housing.

22 “(j) ONE-FOR-ONE REPLACEMENT.—Each revitaliza-  
23 tion plan assisted with a grant under this section under  
24 which any public housing dwelling unit is demolished or  
25 disposed of shall provide as follows:

1 “(1) NUMBER.—

2 “(A) IN GENERAL.—For one hundred per-  
3 cent, or such lower percentage as is provided  
4 pursuant to subparagraph (B), of all such  
5 dwelling units in existence as of January 1,  
6 2005, that are subject to the revitalization plan  
7 and that have been or will be demolished or dis-  
8 posed of, the public housing agency carrying  
9 out the plan shall provide an additional dwelling  
10 unit.

11 “(B) WAIVER.—

12 “(i) AUTHORITY.—Upon the written  
13 request of a public housing agency sub-  
14 mitted as part of an application for a  
15 grant under this section, the Secretary  
16 may reduce the percentage applicable  
17 under subparagraph (A) to a revitalization  
18 plan of the agency to not less than 90 per-  
19 cent, but only if—

20 “(I) the Secretary determines  
21 that such written request has suffi-  
22 ciently demonstrated a compelling  
23 need for such reduction due to extenu-  
24 ating circumstances, which shall in-  
25 clude—

1           “(aa) a judgment, consent  
2           decree, or other order of a court  
3           that limits the ability of the pub-  
4           lic housing agency to comply with  
5           such requirements;

6           “(bb) a severe shortage of  
7           land available to comply with  
8           such requirements; and

9           “(cc) such other cir-  
10          cumstances as the Secretary de-  
11          termines on a case-by-case basis;  
12          and

13          “(II) the reduction is narrowly  
14          tailored such that it—

15                 “(aa) reduces the percentage  
16                 only to the extent necessary to  
17                 address the particular extenu-  
18                 ating circumstances dem-  
19                 onstrated pursuant to subclause  
20                 (I); and

21                 “(bb) is limited in a manner  
22                 that ensures the maximum extent  
23                 of compliance with the require-  
24                 ments of this subsection.

1           “(ii) REQUIRED AND IMPERMISSIBLE  
2           CONSIDERATIONS.—In determining wheth-  
3           er a compelling need for a reduction pursu-  
4           ant to this subparagraph exists, and ex-  
5           tenuating circumstances exist, for purposes  
6           of clause (i), the Secretary—

7                   “(I) shall take into consideration  
8                   the extent and circumstances of any  
9                   vacant public housing dwelling units  
10                  of the public housing agency;

11                  “(II) shall take into consideration  
12                  the extent to which revitalization plan  
13                  provides additional amenities that will  
14                  improve the quality of the life of resi-  
15                  dents by increasing open space or by  
16                  providing health care or day care fa-  
17                  cilities or by providing larger units to  
18                  accommodate families; and

19                  “(III) shall not base any such de-  
20                  termination solely or primarily upon  
21                  any financial hardship of a public  
22                  housing agency or any other financial  
23                  condition or consideration.

24           “(iii) NO WAIVER OF TIME LIMITS.—  
25           The Secretary may not, under this sub-

1 paragraph, waive any requirement of para-  
2 graph (3) (relating to timing). The pre-  
3 ceding sentence may not be construed to  
4 limit or otherwise affect the authority  
5 under subsection (o)(3).

6 “(iv) PENALTY.—If, pursuant to this  
7 subparagraph, the Secretary reduces the  
8 percentage under subparagraph (A) appli-  
9 cable to the revitalization plan of a public  
10 housing agency, no grant under this sec-  
11 tion may be made to such agency or for  
12 any public housing of such agency at any  
13 time that such agency is not in full compli-  
14 ance with the requirements of this para-  
15 graph, as modified by the terms of such re-  
16 duction.

17 “(2) LOCATION.—Such dwelling units shall be  
18 provided in the following manner:

19 “(A) ON-SITE MIXED-INCOME HOUSING.—

20 “(i) ONE-THIRD REQUIREMENT.—A  
21 mixed-income housing development shall be  
22 provided on the site of the original public  
23 housing involved in the revitalization plan  
24 in which, except as provided in clause (iii),  
25 at least one-third of all dwelling units shall



1 be public housing dwelling units and shall  
2 be provided through the development of  
3 additional public housing dwelling units.

4 “(ii) REQUIREMENTS FOR ADDI-  
5 TIONAL ON-SITE UNITS.—If the mixed-in-  
6 come housing development provided pursu-  
7 ant to clause (i) includes more public hous-  
8 ing dwelling units at the site of the origi-  
9 nal public housing than is minimally nec-  
10 essary to comply with such clause, the pub-  
11 lic housing agency shall consult with resi-  
12 dents, community leaders, and local gov-  
13 ernment officials regarding such additional  
14 public housing dwelling units and shall en-  
15 sure that such units are provided in a  
16 manner that affirmatively furthers fair  
17 housing.

18 “(iii) EXCEPTION.—If, upon a show-  
19 ing by a public housing agency, the Sec-  
20 retary determines that it is infeasible to lo-  
21 cate replacement dwelling units on the site  
22 of the original public housing involved in  
23 the revitalization plan in accordance with  
24 clause (i), all replacement units shall be lo-  
25 cated in areas within the jurisdiction of the

1 public housing agency having low con-  
2 centrations of poverty, except that at least  
3 one mixed-income housing development  
4 shall be provided in such an area within  
5 the jurisdiction of the public housing agen-  
6 cy and that one-third of all units in such  
7 development shall be public housing dwell-  
8 ing units. The Secretary may make a find-  
9 ing of infeasibility under this clause only  
10 if—

11 “(I) such location on-site would  
12 result in the violation of a consent de-  
13 cree; or

14 “(II) the land on which the pub-  
15 lic housing is located is environ-  
16 mentally unsafe, geologically unstable,  
17 or otherwise unsuitable for the con-  
18 struction of housing, as evidenced by  
19 an independent environmental review  
20 or assessment.

21 “(iv) DECONCENTRATION OF POV-  
22 ERTY.—All dwelling units provided pursu-  
23 ant to this subparagraph shall be provided  
24 in a manner that results in decreased con-  
25 centrations of poverty, with respect to such

1 concentrations existing on the date of the  
2 application for the grant under this sec-  
3 tion.

4 “(B) OFF-SITE MIXED-INCOME HOUS-  
5 ING.—Any other replacement housing units pro-  
6 vided in addition to the dwelling units provided  
7 pursuant to subparagraph (A) shall be pro-  
8 vided, in areas within the jurisdiction of the  
9 public housing agency having low concentra-  
10 tions of poverty, through—

11 “(i) the acquisition or development of  
12 additional public housing dwelling units; or

13 “(ii) the acquisition, development, or  
14 contracting (including through project-  
15 based assistance) of additional dwelling  
16 units that are subject to requirements re-  
17 garding eligibility for occupancy, tenant  
18 contribution toward rent, and long-term af-  
19 fordability restrictions which are com-  
20 parable to public housing units, except that  
21 subparagraphs (B) and (D) of section  
22 8(o)(13) of the United States Housing Act  
23 of 1937 (42 U.S.C. 1437f(o)(13)); relating  
24 to percentage limitation and income-mixing  
25 requirement for project-based assistance)

1           shall not apply with respect to vouchers  
2           used to comply with the requirements of  
3           this clause.

4           Notwithstanding the preceding sentence, if a  
5           public housing agency has limited areas within  
6           its jurisdiction having low concentrations of  
7           poverty, the replacement housing units provided  
8           in addition to the dwelling units provided pur-  
9           suant to subparagraph (A) may be provided  
10          within a 25-mile radius of the mixed-income de-  
11          velopment referred to in subparagraph (A).

12          “(3) TIMING.—All replacement dwelling units  
13          required pursuant to this subsection with respect to  
14          the revitalization plan of a public housing agency  
15          shall be provided not later than the expiration of the  
16          54-month period that begins upon the execution of  
17          the grant agreement under this section for the revi-  
18          talization plan of the public housing agency. To the  
19          greatest extent practicable, such replacement or ad-  
20          ditional dwelling units, or redevelopment, shall be  
21          accomplished in phases over time and, in each such  
22          phase, the public housing dwelling units and the  
23          dwelling units described in subparagraph (B)(ii) of  
24          paragraph (2) shall be made available for occupancy

1 before any nonassisted dwelling unit is made avail-  
2 able for occupancy.

3 “(4) FAIR HOUSING.—The demolition or dis-  
4 position, relocation, and provision of replacement  
5 housing units under paragraph (2)(B) shall be car-  
6 ried out in a manner that affirmatively furthers fair  
7 housing, as described in subsection (e) of section  
8 808 of the Civil Rights Act of 1968 (42 U.S.C.  
9 3608(e)).

10 “(5) PROJECT-BASED VOUCHERS.—There are  
11 authorized to be appropriated such sums as may be  
12 necessary for each of fiscal years 2009 through 2015  
13 for providing replacement vouchers for project-based  
14 rental assistance for the purpose of complying with  
15 the one-for-one replacement requirement under this  
16 subsection.

17 “(k) MONITORING OF DISPLACED HOUSEHOLDS.—

18 “(1) PHA RESPONSIBILITIES.—To facilitate  
19 compliance with the requirement under subsection  
20 (i) (relating to right to expanded housing opportuni-  
21 ties), the Secretary shall, by regulation, require each  
22 public housing agency that receives a grant under  
23 this section, during the period of the revitalization  
24 plan assisted with the grant and until all funding  
25 under the grant has been expended—

1           “(A) to maintain a current address of resi-  
2           dence and contact information for each house-  
3           hold affected by the revitalization plan who was  
4           occupying a dwelling unit in the housing that is  
5           subject to the plan; and

6           “(B) to provide such updated information  
7           to the Secretary on at least a quarterly basis.

8           “(2) CERTIFICATION.—The Secretary may not  
9           close out any grant made under this section to a  
10          public housing agency before the agency has cer-  
11          tified to the Secretary that the agency has complied  
12          with subsection (i) (relating to a right to expanded  
13          housing opportunities for resident households) with  
14          respect to each resident displaced as a result of the  
15          revitalization plan, including providing occupancy in  
16          a replacement dwelling unit for each household who  
17          requested such a unit in accordance with such sub-  
18          section.

19          “(3) REPORTS BY SECRETARY.—Not less fre-  
20          quently than once every six months, the Secretary  
21          shall submit a report to the Congress that includes  
22          all information submitted to the Secretary pursuant  
23          to paragraph (1) by all public housing agencies and  
24          summarizes the extent of compliance by public hous-

1       ing agencies with the requirements under this sub-  
2       section and subsection (i).

3       “(1) GREEN DEVELOPMENTS REQUIREMENT.—

4               “(1) REQUIREMENT.—The Secretary may not  
5       make a grant under this section to an applicant un-  
6       less the proposed revitalization plan of the applicant  
7       to be carried out with such grant amounts meets the  
8       following requirements, as applicable:

9               “(A) GREEN COMMUNITIES CRITERIA  
10       CHECKLIST.—All residential construction under  
11       the proposed plan complies with the national  
12       Green Communities criteria checklist for resi-  
13       dential construction that provides criteria for  
14       the design, development, and operation of af-  
15       fordable housing, as such checklist is in effect  
16       for purposes of this subsection pursuant to  
17       paragraph (4) at the date of the application for  
18       the grant, or any substantially equivalent stand-  
19       ard or standards as determined by the Sec-  
20       retary, as follows:

21               “(i) The proposed plan shall comply  
22       with all items of the national Green Com-  
23       munities criteria checklist for residential  
24       construction that are identified as manda-  
25       tory.

1           “(ii) The proposed plan shall comply  
2           with such other nonmandatory items of  
3           such national Green Communities criteria  
4           checklist so as to result in a cumulative  
5           number of points attributable to such non-  
6           mandatory items under such checklist of  
7           not less than—

8                       “(I) 25 points, in the case of any  
9                       proposed plan (or portion thereof)  
10                      consisting of new construction; and

11                     “(II) 20 points, in the case of  
12                     any proposed plan (or portion thereof)  
13                     consisting of rehabilitation.

14           “(B) GREEN BUILDINGS CERTIFICATION  
15           SYSTEM.—All non-residential construction  
16           under the proposed plan complies with all min-  
17           imum required levels of the green building rat-  
18           ing systems and levels identified by the Sec-  
19           retary pursuant to paragraph (3), as such sys-  
20           tems and levels are in effect for purposes of this  
21           subsection pursuant to paragraph (4) at the  
22           time of the application for the grant.

23           “(2) VERIFICATION.—

24                     “(A) IN GENERAL.—The Secretary shall  
25           verify, or provide for verification, sufficient to



1 ensure that each proposed revitalization plan  
2 carried out with amounts from a grant under  
3 this section complies with the requirements  
4 under paragraph (1) and that the revitalization  
5 plan is carried out in accordance with such re-  
6 quirements and plan.

7 “(B) TIMING.—In providing for such  
8 verification, the Secretary shall establish proce-  
9 dures to ensure such compliance with respect to  
10 each grantee, and shall report to the Congress  
11 with respect to the compliance of each grantee,  
12 at each of the following times:

13 “(i) Not later than 60 days after exe-  
14 cution of the grant agreement under this  
15 section for the grantee.

16 “(ii) Upon completion of the revital-  
17 ization plan of the grantee.

18 “(3) IDENTIFICATION OF GREEN BUILDINGS  
19 RATING SYSTEMS AND LEVELS.—

20 “(A) IN GENERAL.—For purposes of this  
21 section, the Secretary shall identify rating sys-  
22 tems and levels for green buildings that the  
23 Secretary determines to be the most likely to  
24 encourage a comprehensive and environ-  
25 mentally-sound approach to ratings and stand-

1           ards for green buildings. The identification of  
2           the ratings systems and levels shall be based on  
3           the criteria specified in subparagraph (B), shall  
4           identify the highest levels the Secretary deter-  
5           mines are appropriate above the minimum lev-  
6           els required under the systems selected. Within  
7           90 days of the completion of each study re-  
8           quired by subparagraph (C), the Secretary shall  
9           review and update the rating systems and lev-  
10          els, or identify alternative systems and levels for  
11          purposes of this section, taking into account the  
12          conclusions of such study.

13                 “(B) CRITERIA.—In identifying the green  
14                 rating systems and levels, the Secretary shall  
15                 take into consideration—

16                         “(i) the ability and availability of as-  
17                         sessors and auditors to independently  
18                         verify the criteria and measurement of  
19                         metrics at the scale necessary to imple-  
20                         ment this subsection;

21                         “(ii) the ability of the applicable rat-  
22                         ings system organizations to collect and re-  
23                         flect public comment;

1           “(iii) the ability of the standards to be  
2 developed and revised through a consensus-  
3 based process;

4           “(iv) an evaluation of the robustness  
5 of the criteria for a high-performance  
6 green building, which shall give credit for  
7 promoting—

8                   “(I) efficient and sustainable use  
9 of water, energy, and other natural  
10 resources;

11                   “(II) use of renewable energy  
12 sources;

13                   “(III) improved indoor environ-  
14 mental quality through enhanced in-  
15 door air quality, thermal comfort,  
16 acoustics, day lighting, pollutant  
17 source control, and use of low-emis-  
18 sion materials and building system  
19 controls; and

20                   “(IV) such other criteria as the  
21 Secretary determines to be appro-  
22 priate; and

23                   “(v) national recognition within the  
24 building industry.

1           “(C) 5-YEAR EVALUATION.—At least once  
2 every five years, the Secretary shall conduct a  
3 study to evaluate and compare available third-  
4 party green building rating systems and levels,  
5 taking into account the criteria listed in sub-  
6 paragraph (B).

7           “(4) APPLICABILITY AND UPDATING OF STAND-  
8 ARDS.—

9           “(A) APPLICABILITY.—Except as provided  
10 in subparagraph (B), the national Green Com-  
11 munities criteria checklist and green building  
12 rating systems and levels referred to in sub-  
13 paragraphs (A) and (B) of paragraph (1) that  
14 are in effect for purposes of this subsection are  
15 such checklist systems, and levels as in exist-  
16 ence upon the date of the enactment of the  
17 HOPE VI Improvement and Reauthorization  
18 Act of 2008.

19           “(B) UPDATING.—The Secretary may, by  
20 regulation, adopt and apply, for purposes of  
21 this section, future amendments and supple-  
22 ments to, and editions of, the national Green  
23 Communities criteria checklist, any standard or  
24 standards that the Secretary has determined to  
25 be substantially equivalent to such checklist,

1           and the green building ratings systems and lev-  
2           els identified by the Secretary pursuant to para-  
3           graph (3).

4           “(m) FAIR HOUSING; CONSISTENT ELIGIBILITY AND  
5 OCCUPANCY STANDARDS.—

6           “(1) FAIR HOUSING.—Each revitalization plan  
7           assisted under this section shall affirmatively further  
8           fair housing, as described in subsection (e) of section  
9           808 of the Civil Rights Act of 1968.

10           “(2) CONSISTENT ELIGIBILITY AND OCCUPANCY  
11 STANDARDS.—Except to the extent necessary to  
12           comply with the requirements of this section, re-  
13           placement housing provided pursuant to subsection  
14           (j) under a revitalization plan of a public housing  
15           agency that is owned or managed, or assisted, by the  
16           agency shall be subject to the same policies, prac-  
17           tices, standards, and criteria regarding waiting lists,  
18           tenant screening (including screening criteria, such  
19           as credit checks), and occupancy that apply to other  
20           housing owned or managed, or assisted, respectively,  
21           by such agency, including requirements under Fed-  
22           eral law relating to safety and security in public and  
23           assisted housing and ineligibility of drug criminals,  
24           illegal drug users, alcohol abusers, and dangerous  
25           sex offenders, preferences for elderly and disabled

1 residents, and ineligibility of persons convicted of  
2 methamphetamine offenses.

3 “(3) CONSISTENT OCCUPANCY STANDARDS FOR  
4 DISPLACED FAMILIES.—Notwithstanding paragraph  
5 (2), any household who occupied a dwelling unit in  
6 public housing subject to a revitalization plan of a  
7 public housing agency and that was displaced as a  
8 result of the revitalization shall be subject, for pur-  
9 poses of occupancy in replacement housing provided  
10 pursuant to subsection (j) under the replacement  
11 plan that is owned or managed, or assisted, by the  
12 agency, only to policies, practices, standards, cri-  
13 teria, and requirements regarding continued occu-  
14 pancy in such original public housing (and not to  
15 initial occupancy).

16 “(n) ENFORCEMENT.—

17 “(1) ADMINISTRATIVE ENFORCEMENT.—If the  
18 Secretary determines on the record after opportunity  
19 for an agency hearing, pursuant to a request made  
20 by any member of household described in subsection  
21 (i)(1) who is adversely affected or aggrieved by a  
22 violation of subsection (g), (h), (i), (j), (k), (m), or  
23 (o), that such a violation has occurred, the Secretary  
24 shall issue an order requiring the public housing  
25 agency committing such violation to cease and desist

1 for such violation and to take any affirmative action  
2 necessary to correct or remedy the conditions result-  
3 ing from such violation.

4 “(2) AVAILABILITY OF OTHER REMEDIES.—The  
5 remedy under paragraph (1) shall be in addition to  
6 all other rights and remedies provided by law.

7 “(o) PERFORMANCE BENCHMARKS.—

8 “(1) IN GENERAL.—Each public housing agen-  
9 cy that receives a grant under this section shall, in  
10 consultation with the Secretary and residents of the  
11 public housing subject to the revitalization plan for  
12 which the grant is made that are displaced as a re-  
13 sult of the revitalization plan, establish performance  
14 benchmarks for each component of their revitaliza-  
15 tion plan. Such benchmarks shall include completion  
16 of the provision of all replacement dwelling units  
17 provided pursuant to the requirements of subsection  
18 (j).

19 “(2) FAILURE TO MEET BENCHMARKS.—If a  
20 public housing agency fails to meet the performance  
21 benchmarks established pursuant to paragraph (1),  
22 the Secretary shall impose appropriate sanctions, in-  
23 cluding—

24 “(A) appointment of an alternative admin-  
25 istrator for the revitalization plan;

1           “(B) financial penalties;

2           “(C) withdrawal of funding under sub-  
3 section (j); or

4           “(D) such other sanctions as the Secretary  
5 may deem necessary.

6           “(3) EXTENSION OF BENCHMARKS.—The Sec-  
7 retary shall extend the period for compliance with  
8 performance benchmarks under paragraph (1) for a  
9 public housing agency, for such period as the Sec-  
10 retary determines to be necessary, if the failure of  
11 the agency to meet such benchmarks is attributable  
12 to—

13           “(A) litigation;

14           “(B) obtaining approvals of the Federal  
15 Government or a State or local government;

16           “(C) complying with environmental assess-  
17 ment and abatement requirements;

18           “(D) project delays and cost increases due  
19 to shortages in labor and materials as a direct  
20 result of location in an area that is subject to  
21 a declaration by the President of a major dis-  
22 aster or emergency under the Robert T. Staf-  
23 ford Disaster and Emergency Assistance Act,  
24 except that an extension of the period for com-  
25 pliance with performance benchmarks pursuant



1 to this subparagraph shall not be for a period  
2 longer than 12 months;

3 “(E) relocating residents;

4 “(F) resident involvement that leads to  
5 significant changes to the revitalization plan; or

6 “(G) any other reason established by the  
7 Secretary by notice published in the Federal  
8 Register.

9 “(4) AUTHORITY OF SECRETARY.—In deter-  
10 mining the amount of each grant under this section  
11 and the closeout date for the grant, the Secretary  
12 shall take into consideration the scope, scale, and  
13 size of the revitalization plan assisted under the  
14 grant.

15 “(p) APPLICABILITY OF UNIFORM RELOCATION  
16 ACT.—The Uniform Relocation and Real Property Acqui-  
17 sition Policies Act of 1974 shall apply to all relocation ac-  
18 tivities pursuant to a revitalization plan under this section.

19 “(q) PUBLIC HOUSING AND SECTION 8 EVICTION  
20 PROVISIONS.—In the case of any public housing or hous-  
21 ing assisted under section 8, for which assistance is pro-  
22 vided at any time pursuant to a grant for a revitalization  
23 plan under this section, the provisions of paragraph (6)  
24 of section 6(l) and clause (iii) of section 8(d)(1)(B), re-  
25 spectively, shall apply, except that any criminal or drug-

1 related criminal activity referred to in the matter pre-  
2 ceding subparagraph (A) of such paragraph or in the mat-  
3 ter preceding subclause (I) of such clause, respectively, en-  
4 gaged in by a member of a tenant’s household or any guest  
5 or other person under the tenant’s control, shall not be  
6 cause for termination of tenancy of the tenant if—

7           “(1) the tenant is an elderly person (as such  
8 term is defined in section 202(k) of the Housing Act  
9 of 1959 (12 U.S.C. 1701q)) or a person with disabil-  
10 ities (as such term is defined in section 811(k) of  
11 the Cranston-Gonzalez National Affordable Housing  
12 Act (42 U.S.C. 8013(k)); and

13           “(2) the tenant did not know and should not  
14 have known of the activity or the tenant or member  
15 of household was the victim of the criminal activ-  
16 ity.”.

17 **SEC. 9. PLANNING AND TECHNICAL ASSISTANCE GRANTS.**

18           Subsection (v) of section 24 (42 U.S.C. 1437v(v)),  
19 as so redesignated by section 8(1), is amended by striking  
20 paragraph (2) and inserting the following new paragraph:

21           “(2) TECHNICAL ASSISTANCE GRANTS.—Sub-  
22 ject only to approvable requests for grants pursuant  
23 to paragraph (1) for any fiscal year, the Secretary  
24 shall use not less than two percent for grants in  
25 such fiscal year to recipients of grants under this

1 section to assist such recipients in obtaining tech-  
2 nical assistance in carrying out revitalization pro-  
3 grams.”.

4 **SEC. 10. ANNUAL REPORT; AVAILABILITY OF DOCUMENTS.**

5 Subsection (u) of section 24, as so redesignated by  
6 section 8(1) of this Act, is amended—

7 (1) in paragraph (4), by striking “and” at the  
8 end;

9 (2) by redesignating paragraph (5) as para-  
10 graph (6); and

11 (3) by inserting after paragraph (4) the fol-  
12 lowing new paragraph:

13 “(5) the extent to which public housing agen-  
14 cies carrying out revitalization plans with grants  
15 under this section have complied with the require-  
16 ments under subsection (i) (relating to right to ex-  
17 panded housing opportunities for resident house-  
18 holds); and”;

19 (2) by adding at the end the following:

20 “To the extent not inconsistent with any other provisions  
21 of law, the Secretary shall make publicly available through  
22 a World Wide Web site of the Department of Housing and  
23 Urban Development all documents of, or filed with, the  
24 Department relating to the program under this section,  
25 including applications, grant agreements, plans, budgets,

1 reports, and amendments to such documents; except that  
2 in carrying out this sentence, the Secretary shall take such  
3 actions as may be necessary to protect the privacy of any  
4 residents and households displaced from public housing as  
5 a result of a revitalization plan assisted under this sec-  
6 tion.”.

7 **SEC. 11. DEFINITIONS.**

8 Subsection (s) of section 24, as so redesignated by  
9 section 8(l) of this Act, is amended—

10 (1) in clauses (i) and (iii) of paragraph (1)(C),  
11 by striking “program” each place such term appears  
12 and inserting “plan”;

13 (2) in paragraph (3)—

14 (A) by striking “SUPPORTIVE” and insert-  
15 ing “COMMUNITY AND SUPPORTIVE”;

16 (B) by inserting “community and” before  
17 “supportive services”;

18 (C) by inserting before the period at the  
19 end the following: “, and such other services  
20 that, linked with affordable housing, will im-  
21 prove the health and residential stability of pub-  
22 lic housing residents”; and

23 (D) by inserting after “transportation,”  
24 the following: “employment and vocational

1           counseling, financial counseling, life skills train-  
2           ing.”;

3           (3) by redesignating paragraph (3) as para-  
4           graph (6);

5           (4) by inserting after paragraph (2), the fol-  
6           lowing new paragraph:

7           “(5) SIGNIFICANT AMENDMENT OR CHANGE.—  
8           The term ‘significant’ means, with respect to an  
9           amendment or change to a revitalization plan, that  
10          the amendment or change—

11                 “(A) changes the use of 20 percent or  
12                 more of the total amount of HOPE VI grant  
13                 amounts provided under this section provided  
14                 under the grant made under this section for the  
15                 plan from use for one activity to use for an-  
16                 other;

17                 “(B) eliminates an activity that, notwith-  
18                 standing the change, would otherwise be carried  
19                 out under the plan; or

20                 “(C) changes the scope, location, or bene-  
21                 ficiaries of the project carried out under the  
22                 plan.”;

23           (5) by redesignating paragraph (2) as para-  
24           graph (4); and

1           (6) by inserting after paragraph (1) the fol-  
2           lowing new paragraphs:

3           “(2) COMPREHENSIVE RELOCATION ASSIST-  
4           ANCE.—The term ‘comprehensive relocation assist-  
5           ance’ means comprehensive assistance necessary to  
6           relocate the members of a household, and includes  
7           counseling, including counseling regarding housing  
8           options and locations and use of tenant-based assist-  
9           ance, case management services, assistance in locat-  
10          ing a suitable residence, site tours, and other assist-  
11          ance.

12          “(3) DEVELOPMENT.—The term ‘development’  
13          has the same meaning given such term in the first  
14          sentence of paragraph (1) of section 3(c) (42 U.S.C.  
15          1437a).”.

16 **SEC. 12. CONFORMING AMENDMENT.**

17          Paragraph (1) of section 24(f) is amended by striking  
18          “programs” and inserting “plans”.

19 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

20          Subsection (v)(1) of section 24, as so redesignated  
21          by section 8(1) of this Act, is amended by striking all that  
22          follows “section” and inserting “\$800,000,000 for each of  
23          fiscal years 2008 through 2015.”.

1 **SEC. 14. EXTENSION OF PROGRAM.**

2 Subsection (w) of section 24, (as so redesignated by  
3 section 8(2) of this Act) is amended by striking “Sep-  
4 tember 30, 2007” and inserting “September 30, 2015”.

5 **SEC. 15. REVIEW.**

6 The Comptroller General of the United States shall—

7 (1) conduct a review of activities, actions, and  
8 methods used in revitalization plans assisted under  
9 section 24 of the United States Housing Act of 1937  
10 to determine which may be transferable to other fed-  
11 erally-assisted housing programs; and

12 (2) make recommendations to the Congress re-  
13 garding the activities, actions, and methods reviewed  
14 under paragraph (1) not later than the expiration of  
15 the 3-year period beginning on the date of the enact-  
16 ment of this Act.

17 **SEC. 16. EXTENSION OF AVAILABILITY OF FUNDS FOR RE-**  
18 **VITALIZATION PLANS DELAYED BY HURRI-**  
19 **CANES.**

20 Notwithstanding any other provision of law, the Sec-  
21 retary of Housing and Urban Development may not, be-  
22 fore October 1, 2009, recapture any portion of a grant  
23 made to a public housing agency to carry out a revitaliza-  
24 tion plan under section 24 of the United States Housing  
25 Act of 1937 (42 U.S.C. 1437v) if the public housing agen-

1 cy has suffered, as a direct result of Hurricane Katrina,  
2 Wilma, or Rita of 2005—

3 (1) project delays; and

4 (2) cost increases due to shortages in labor and  
5 materials.

6 **SEC. 17. REGULATIONS.**

7 Section 24, as amended by the preceding provisions  
8 of this Act, is further amended by inserting before sub-  
9 section (y) (as so redesignated by section 5(1) of this Act)  
10 the following new subsection:

11 “(x) REGULATIONS.—Not later than the expiration  
12 of the 120-day period beginning on the date of the enact-  
13 ment of the HOPE VI Improvement and Reauthorization  
14 Act of 2008, the Secretary shall issue regulations to carry  
15 out this section, including the amendments made by such  
16 Act.”.

17 **SEC. 18. NON-CITIZEN ELIGIBILITY RESTRICTIONS.**

18 No person not lawfully permitted to be in or remain  
19 in the United States is eligible for housing assistance  
20 under this Act or the amendments made by this Act.  
21 Nothing in this Act or the amendments made by this Act



- 1 alters the rules under section 214 of the Housing and
- 2 Community Development Act of 1980 (42 U.S.C. 1436a).

Passed the House of Representatives January 17,  
2008.

Attest:

*Clerk.*

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 3524**

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**AN ACT**

To reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes.