

110TH CONGRESS
1ST SESSION

H. R. 3524

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 11, 2007

Ms. WATERS (for herself, Mr. SHAYS, Mr. FRANK of Massachusetts, Mr. WATT, and Mr. COHEN) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

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,*

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

5 (a) SHORT TITLE.—This Act may be cited as the
6 “HOPE VI Improvement and Reauthorization Act of
7 2007”.

8 (b) REFERENCES.—Except as otherwise expressly
9 provided in this Act, wherever in this Act an amendment
10 or repeal is expressed in terms of an amendment to, or

1 repeal of, a section or other provision, the reference shall
 2 be considered to be made to a section or other provision
 3 of the United States Housing Act of 1937 (42 U.S.C.
 4 1437 et seq.).

5 (c) TABLE OF CONTENTS.—The table of contents for
 6 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. Repeal of main street projects grant authority.
- Sec. 6. Eligible activities.
- Sec. 7. Selection of proposals for grants.
- Sec. 8. Requirements for mandatory core components.
- Sec. 9. Annual report; availability of documents.
- Sec. 10. Definitions.
- Sec. 11. Conforming amendment.
- Sec. 12. Authorization of appropriations.
- Sec. 13. Extension of program.
- Sec. 14. Review.
- Sec. 15. Regulations.

7 **SEC. 2. PURPOSES OF PROGRAM.**

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

10 (1) in paragraph (1), by inserting before
 11 “through” the following: “located in communities of
 12 all sizes, including small and medium communities,”;

13 (2) in paragraph (3)—

14 (A) by inserting “low- and” before “very
 15 low-income”; and

16 (B) by striking “and” at the end;

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

1 (4) by adding at the end the following new
2 paragraph:

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

5 **SEC. 3. AUTHORITY TO WAIVE CONTRIBUTION REQUIRE-**
6 **MENT IN CASES OF EXTREME DISTRESS OR**
7 **EMERGENCY.**

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

10 “(4) WAIVER.—

11 “(A) AUTHORITY.—The Secretary may
12 waive the applicability of paragraph (1) with re-
13 spect to an applicant or grantee if the Secretary
14 determines that circumstances of extreme dis-
15 tress or emergency, in the area that the revital-
16 ization plan of the applicant is to be carried
17 out, directly affect the ability of the applicant
18 or grantee to comply with such requirement.

19 “(B) REGULATIONS.—The Secretary shall
20 issue regulations to carry out this paragraph,
21 which shall—

22 “(i) set forth such circumstances of
23 extreme distress and emergency; and

24 “(ii) provide that such circumstances
25 shall include any instance in which the

1 area in which a revitalization plan assisted
2 with amounts from a grant under this sec-
3 tion is to be carried out is subject to a dec-
4 laration by the President of a major dis-
5 aster or emergency under the Robert T.
6 Stafford Disaster Relief and Emergency
7 Assistance Act.”.

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

9 Section 24 is amended—

10 (1) in subsection (c)(3), by striking “or demoli-
11 tion of public housing (without replacement)”;

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

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

14 (B) by striking the last comma; and

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

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

22 **SEC. 5. REPEAL OF MAIN STREET PROJECTS GRANT AU-**
23 **THORITY.**

24 Section 24 is amended—

1 (1) by striking subsection (n) (relating to
2 grants for assisting affordable housing developed
3 through main street projects in smaller commu-
4 nities);

5 (2) in subsection (a), by striking the last sen-
6 tence (that appears after and below paragraph (4));

7 (3) in subsection (l)—

8 (A) in paragraph (3), by striking “, includ-
9 ing a specification of the amount and type of
10 assistance provided under subsection (n);” and
11 inserting “; and”; and

12 (B) by striking paragraph (4); and

13 (4) in subsection (m), by striking paragraph
14 (3).

15 **SEC. 6. ELIGIBLE ACTIVITIES.**

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

17 (1) in the matter preceding subparagraph (A),
18 by striking “program” and inserting “plan”;

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

21 (3) by striking subparagraph (J) and inserting
22 the following new subparagraph:

23 “(J) the acquisition and development of re-
24 placement housing units in accordance with
25 subsection (j);”.

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

3 (5) in subparagraph (L)—

4 (A) by striking “15 percent” and inserting
5 “25 percent”; and

6 (B) by striking the period at the end and
7 inserting a semicolon; and

8 (6) by adding at the end the following new sub-
9 paragraphs:

10 “(M) necessary costs of ensuring the effec-
11 tive temporary and permanent relocation of
12 residents displaced as a result of the revitaliza-
13 tion of the project, including costs of moni-
14 toring as required under subsection (k); and

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

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

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

23 “(2) **GRANT AWARD CRITERIA.**—

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

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

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

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

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

1 conducted by the public housing agen-
2 cy.

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

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

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

1 “(v) ONE-FOR-ONE REPLACEMENT.—

2 The proposed plan shall provide a plan
3 that—

4 “(I) provides for replacement in
5 accordance with subsection (j) of 100
6 percent of all dwelling units demol-
7 ished or disposed of under such revi-
8 talization plan, as of the date of the
9 application for the grant, on the site
10 of the original public housing or with-
11 in the jurisdiction of the public hous-
12 ing agency;

13 “(II) identifies the type of re-
14 placement housing that will be offered
15 to tenants displaced by the revitaliza-
16 tion plan;

17 “(III) contains such agreements
18 with or assurances by the Secretary,
19 State and local governmental agen-
20 cies, and other entities sufficient to
21 ensure compliance with subsection (j)
22 and the requirements of section 18
23 applicable pursuant to subsection
24 (p)(1); and

1 “(IV) contains such assurances
2 or agreements as the Secretary con-
3 siders necessary to ensure compliance
4 with subsection (i)(2).

5 “(vi) FAIR HOUSING; LIMITATION ON
6 EXCLUSION.—The proposed plan shall be
7 carried out in a manner that complies with
8 section (m) (relating to affirmatively fur-
9 thering fair housing and limitation on ex-
10 clusion).

11 “(vii) GREEN DEVELOPMENTS.—The
12 proposed plan complies with the require-
13 ment under subsection (l) (relating to
14 green developments).

15 “(C) MANDATORY GRADED COMPO-
16 NENTS.—The criteria under this paragraph
17 shall provide that, in addition to the require-
18 ments under subparagraph (B), the proposed
19 revitalization plan shall address and meet min-
20 imum requirements with respect to, and shall
21 provide additional priority based on the extent
22 to which the plan satisfactorily addresses, each
23 of the following issues:

24 “(i) COMPLIANCE WITH PURPOSES.—
25 The extent to which the proposed plan of

1 an applicant achieves the purposes of this
2 section set forth in subsection (a).

3 “(ii) CAPABILITY AND RECORD.—The
4 extent of the capability and record of the
5 applicant public housing agency, public
6 partners, proposed private development
7 partners, or any alternative management
8 entity for the agency, for managing rede-
9 velopment or modernization projects, meet-
10 ing performance benchmarks, and obli-
11 gating amounts in a timely manner, includ-
12 ing any past performance of such entities
13 under the HOPE VI program and any
14 record of such entities of working with so-
15 cially and economically disadvantaged busi-
16 nesses, as such term is defined in section
17 8(a)(4) of the Small Business Act (15
18 U.S.C. 637(a)(4)).

19 “(iii) DIVERSITY OUTREACH.—The
20 extent to which the proposed revitalization
21 plan includes partnerships with socially
22 and economically disadvantaged businesses,
23 as such term is defined by section 8(a)(4)
24 of the Small Business Act.

1 “(iv) EFFECTIVENESS OF RELOCA-
2 TION AND ONE-FOR-ONE REPLACEMENT
3 PLANS.—The extent of the likely effective-
4 ness of the proposed revitalization plan for
5 temporary and permanent relocation of ex-
6 isting residents, including the likely effec-
7 tiveness of the relocation plan under sub-
8 paragraph (B)(iii) and the one-for-one re-
9 placement plan under subparagraph
10 (B)(v).

11 “(v) ACHIEVABILITY OF REVITALIZA-
12 TION PLAN.—The achievability of the pro-
13 posed revitalization plan pursuant to sub-
14 section (o), with respect to the scope and
15 scale of the project.

16 “(vi) LEVERAGING.—The extent to
17 which the proposed revitalization plan will
18 leverage other public or private funds or
19 assets for the project.

20 “(vii) NEED FOR ADDITIONAL FUND-
21 ING.—The extent to which the applicant
22 could undertake the activities proposed in
23 the revitalization plan without a grant
24 under this section.

1 “(viii) PUBLIC AND PRIVATE IN-
2 VOLVEMENT.—The extent of involvement
3 of State and local governments, private
4 service providers, financing entities, and
5 developers, in the development and ongoing
6 implementation of the revitalization plan.

7 “(ix) NEED FOR AFFORDABLE HOUS-
8 ING.—The extent of need for affordable
9 housing in the community in which the
10 proposed revitalization plan is to be carried
11 out.

12 “(x) AFFORDABLE HOUSING SUP-
13 PLY.—The extent of the supply of other
14 housing available and affordable to families
15 receiving tenant-based assistance under
16 section 8.

17 “(xi) PROJECT-BASED HOUSING.—The
18 extent to which the proposed revitalization
19 plan sustains or creates more project-based
20 housing units available to persons eligible
21 for residency in public housing in markets
22 where the proposed plan shows there is de-
23 mand for the maintenance or creation of
24 such units.

1 “(xii) GREEN DEVELOPMENTS COM-
2 PLIANCE.—The extent to which the pro-
3 posed revitalization plan—

4 “(I) in the case of residential
5 construction, complies with the non-
6 mandatory items of the national
7 Green Communities criteria checklist
8 identified in subsection (l)(1)(A), or
9 any substantially equivalent standard
10 as determined by the Secretary, but
11 only to the extent such compliance ex-
12 ceeds the compliance necessary to ac-
13 cumulate the number of points re-
14 quired under such subsection; and

15 “(II) in the case of non-residen-
16 tial construction, includes non-manda-
17 tory components of version 2.2 of the
18 Leadership in Energy and Environ-
19 mental Design (LEED) green build-
20 ing rating system for New Construc-
21 tion and Major Renovations, version
22 2.0 of the LEED for Core and Shell
23 rating system, or version 2.0 of the
24 LEED for Commercial Interiors rat-
25 ing system, as applicable, or any sub-

1 stantially equivalent standard as de-
2 termined by the Secretary, but only to
3 the extent such inclusion exceeds the
4 inclusion necessary to accumulate the
5 number of points required under such
6 system.

7 “(xiii) **HARD-TO-HOUSE FAMILIES.**—

8 The extent to which the one-for-one re-
9 placement plan under subparagraph (B)(v)
10 for the revitalization plan provides replace-
11 ment housing that is likely to be most ap-
12 propriate and beneficial for families whose
13 housing needs are difficult to fulfill, includ-
14 ing individuals who are not ineligible for
15 occupancy in public housing pursuant to
16 subsection (m)(2), have been released from
17 a State or Federal correctional facility,
18 have not been arrested for or charged with
19 any crime during the period beginning
20 upon probation or parole and ending one
21 year after completion of probation or pa-
22 role, and for whom affordable housing is a
23 critical need.

24 “(xiv) **ADDITIONAL ON-SITE MIXED-**
25 **INCOME HOUSING.**—The extent to which

1 the one-for-one replacement plan under
2 subparagraph (B)(v) provides public hous-
3 ing units in addition to the number nec-
4 essary to minimally comply with the re-
5 quirement under subsection (j)(2)(A)(i),
6 including the extent to which such plan
7 provides sufficient housing for elderly and
8 disabled residents who indicate a pref-
9 erence to return to housing provided on
10 the site of the original public housing in-
11 volved in the revitalization plan and com-
12 plies with the requirements of subsection
13 (j)(2)(A)(ii).

14 “(xv) OTHER.—Such other factors as
15 the Secretary considers appropriate.”.

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

21 “(5) TREATMENT OF LOW-INCOME HOUSING
22 TAX CREDIT ALLOCATION.—In the case of any appli-
23 cation for a grant under this section that relies on
24 the allocation of any low-income housing tax credit
25 provided pursuant to section 42 of the Internal Rev-

1 enue Code of 1986 as part of the revitalization plan
2 proposed in the application, the Secretary shall not
3 require that the first phase of any project to be de-
4 veloped under the plan possess an allocation of such
5 low-income housing tax credits at the time of such
6 application.

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

22 **SEC. 8. REQUIREMENTS FOR MANDATORY CORE COMPO-**
23 **NENTS.**

24 Section 24 is amended—

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

3 (2) by redesignating subsection (o) as sub-
4 section (w); and

5 (3) by striking subsection (g) and inserting the
6 following new subsections:

7 “(g) RESIDENT INVOLVEMENT AND SERVICES.—

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

1 opment, any demolition and disposition involved, and
2 any proposed significant amendments or changes to
3 the revitalization plan.

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

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

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

17 “(ii) the proposed implementation and
18 management of the revitalized site;

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

1 portive services pursuant to paragraph (4);

2 and

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

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

10 “(i) such grant has been awarded;

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

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

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

21 “(C) NOTICE OF GRANT AGREEMENT AND
22 RELOCATION OPTIONS.—Not later than 30 days
23 after execution of a grant agreement under this
24 section with a public housing agency, notice
25 that—

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

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

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

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

18 “(i) such availability;

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

23 “(iii) opportunities for participation in
24 accordance with paragraph (1) of this sub-
25 section.

1 “(E) OTHER.—Such other notices as the
2 Secretary may require.

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

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

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

22 “(B) offer, to each such displaced resident
23 and each low-income family provided housing
24 under the revitalization plan, community and
25 supportive services until the latter of—

1 “(i) the expiration of the two-year pe-
2 riod that begins upon the end of the devel-
3 opment period under the plan; and

4 “(ii) the date on which all funding
5 under the grant for community and sup-
6 portive services has been expended.

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

9 “(1) provide for each household displaced by
10 the revitalization plan for which the grant is made
11 to be relocated to comparable housing pursuant to
12 section 18(a)(4)(A)(iii) and for payment of actual
13 and reasonable relocation expenses of each such
14 household pursuant to section 18(a)(4)(B);

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

20 “(3) establish strategies and plans that assist
21 such displaced residents in utilizing tenant-based
22 vouchers to select housing opportunities, including in
23 communities with a lower concentration of poverty,
24 that—

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

3 “(B) will promote long-term housing sta-
4 bility;

5 “(4) establish and comply with relocation
6 benchmarks that ensure successful relocation in
7 terms of timeliness; and

8 “(5) notwithstanding any other provision of
9 law, in the case of any tenant-based assistance made
10 available for relocation of a household under this
11 subsection, provide that the term during which the
12 household may lease a dwelling unit using such as-
13 sistance shall not be shorter than 150 days; if the
14 household is unable to lease a dwelling unit during
15 such period, the public housing agency shall either
16 extend the period during which the household may
17 lease a dwelling unit using such assistance or pro-
18 vide the tenant with the next available dwelling unit
19 owned by the public housing agency.

20 “(i) RIGHT TO EXPANDED HOUSING OPPORTUNITIES
21 FOR RESIDENT HOUSEHOLDS.—

22 “(1) IN GENERAL.—Subject only to paragraph
23 (3), each revitalization plan assisted with a grant
24 under this section shall make available, to each
25 household occupying a dwelling unit in the public

1 housing subject to a revitalization plan that is dis-
2 placed as a result of the revitalization plan (includ-
3 ing any demolition or disposition of the unit), occu-
4 pancy for such household in a replacement dwelling
5 unit provided pursuant to subsection (j). To exercise
6 such right under this paragraph to occupancy in
7 such a replacement dwelling unit, the household
8 shall respond in writing to the notice provided pur-
9 suant to subsection (g)(2)(C) by the public housing
10 agency.

11 “(2) PREFERENCES.—Such a replacement
12 dwelling unit shall be made available to each house-
13 hold displaced as a result of the revitalization plan
14 before any replacement dwelling unit is made avail-
15 able to any other eligible household.

16 “(3) REPORTS TO SECRETARY.—The Secretary
17 shall require each public housing agency carrying
18 out a revitalization plan assisted under this section
19 to submit to the Secretary such reports as may be
20 necessary to allow the Secretary to determine the ex-
21 tent to which the public housing agency has com-
22 plied with this subsection and to which displaced
23 residents occupy replacement housing provided pur-
24 suant to subsection (j), which shall include informa-
25 tion describing the location of replacement housing

1 provided pursuant to subsection (j) and statistical
2 information on the characteristics of all households
3 occupying such replacement housing.

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

8 “(1) NUMBER.—For one hundred percent of all
9 such dwelling units in existence as of the date of the
10 application for the grant that are demolished or dis-
11 posed under the revitalization plan, the public hous-
12 ing agency carrying out the plan shall provide an ad-
13 ditional dwelling unit.

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

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

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

1 velopment of additional public housing
2 dwelling units.

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

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

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

10 “(I) such location on-site would
11 result in the violation of an existing
12 consent decree; or

13 “(II) the land on which the pub-
14 lic housing is located is environ-
15 mentally unsafe, geologically unstable,
16 or otherwise unsuitable for the con-
17 struction of housing.

18 “(iv) DECONCENTRATION OF POV-
19 ERTY.—All dwelling units provided pursu-
20 ant to this subparagraph shall be provided
21 in a manner that results in decreased con-
22 centrations of poverty, with respect to such
23 concentrations existing on the date of the
24 application for the grant under this sec-
25 tion.

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

8 “(i) the acquisition or development of
9 additional public housing dwelling units; or

10 “(ii) the acquisition, development, or
11 contracting (including through project-
12 based assistance) of additional dwelling
13 units that are subject to requirements re-
14 garding eligibility for occupancy, tenant
15 contribution toward rent, and long-term af-
16 fordability restrictions which are com-
17 parable to public housing units, except that
18 subparagraphs (B) and (D) of section
19 8(o)(13) of the United States Housing Act
20 of 1937 (42 U.S.C. 1437f(o)(13); relating
21 to percentage limitation and income-mixing
22 requirement for project-based assistance)
23 shall not apply with respect to vouchers
24 used to comply with the requirements of
25 this clause.

1 “(3) TIMING.—All replacement dwelling units
2 provided pursuant to this subsection shall be pro-
3 vided not later than the expiration of the 12-month
4 period beginning upon the demolition or disposition
5 of the public housing dwelling units. To the greatest
6 extent practicable, such replacement or additional
7 dwelling units, or redevelopment, shall be accom-
8 plished in phases over time and, in each such phase,
9 the public housing dwelling units and the dwelling
10 units described in subparagraph (B)(ii) of paragraph
11 (2) shall be made available for occupancy before any
12 nonassisted dwelling unit is made available for occu-
13 pancy.

14 “(4) FAIR HOUSING.—The demolition or dis-
15 position, relocation, and provision of replacement
16 housing units under paragraph (2)(B) shall be car-
17 ried out in a manner that affirmatively furthers fair
18 housing, as described in subsection (e) of section
19 808 of the Civil Rights Act of 1968 (42 U.S.C.
20 3608(e)).

21 “(k) MONITORING OF DISPLACED HOUSEHOLDS.—

22 “(1) PHA RESPONSIBILITIES.—To facilitate
23 compliance with the requirement under subsection
24 (i) (relating to right to expanded housing opportuni-
25 ties), the Secretary shall, by regulation, require each

1 public housing agency that receives a grant under
2 this section, during the period of the revitalization
3 plan assisted with the grant and until all funding
4 under the grant has been expended—

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

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

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

23 “(3) REPORTS BY SECRETARY.—Not less fre-
24 quently than once every six months, the Secretary
25 shall submit a report to the Congress that includes

1 all information submitted to the Secretary pursuant
2 to paragraph (1) by all public housing agencies and
3 summarizes the extent of compliance by public hous-
4 ing agencies with the requirements under this sub-
5 section and subsection (i).

6 “(1) GREEN DEVELOPMENTS REQUIREMENT.—

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

12 “(A) GREEN COMMUNITIES CRITERIA
13 CHECKLIST.—All residential construction under
14 the proposed plan complies with the national
15 Green Communities criteria checklist for resi-
16 dential construction that provides criteria for
17 the design, development, and operation of af-
18 fordable housing, as such checklist is in effect
19 for purposes of this subsection pursuant to
20 paragraph (3) at the date of the application for
21 the grant, or any substantially equivalent stand-
22 ard as determined by the Secretary, as follows:

23 “(i) The proposed plan shall comply
24 with all items of the national Green Com-
25 munities criteria checklist for residential

1 construction that are identified as manda-
2 tory.

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

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

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

16 “(B) LEED RATINGS SYSTEM.—All non-
17 residential construction under the proposed
18 plan complies with version 2.2 of the LEED for
19 New Construction rating system, version 2.0 of
20 the LEED for Core and Shell rating system,
21 version 2.0 of the LEED for Commercial Inte-
22 riors rating system, as such systems are in ef-
23 fect for purposes of this subsection pursuant to
24 paragraph (3) at the time of the application for
25 the grant, at least to the minimum extent nec-

1 essary to be certified to the Silver Level under
2 such system, or any substantially equivalent
3 standard as determined by the Secretary.

4 “(2) VERIFICATION.—

5 “(A) IN GENERAL.—The Secretary shall
6 verify, or provide for verification, sufficient to
7 ensure that each proposed revitalization plan
8 carried out with amounts from a grant under
9 this section complies with the requirements
10 under paragraph (1) and that the revitalization
11 plan is carried out in accordance with such re-
12 quirements and plan.

13 “(B) TIMING.—In providing for such
14 verification, the Secretary shall establish proce-
15 dures to ensure such compliance with respect to
16 each grantee, and shall report to the Congress
17 with respect to the compliance of each grantee,
18 at each of the following times:

19 “(i) Not later than 60 days after exe-
20 cution of the grant agreement under this
21 section for the grantee.

22 “(ii) Upon completion of the revital-
23 ization plan of the grantee.

24 “(3) APPLICABILITY AND UPDATING OF STAND-
25 ARDS.—

1 “(A) APPLICABILITY.—Except as provided
2 in subparagraph (B), the national Green Com-
3 munities criteria checklist and LEED rating
4 systems referred to in subparagraphs (A) and
5 (B) that are in effect for purposes of this sub-
6 section are such checklist and systems as in ex-
7 istence upon the date of the enactment of the
8 HOPE VI Improvement and Reauthorization
9 Act of 2007.

10 “(B) UPDATING.—The Secretary may, by
11 regulation, adopt and apply, for purposes of
12 this section, future amendments and supple-
13 ments to, and editions of, the national Green
14 Communities criteria checklist and the LEED
15 rating systems.

16 “(m) FAIR HOUSING; LIMITATION ON EXCLUSION.—

17 “(1) FAIR HOUSING.—Each revitalization plan
18 assisted under this section shall affirmatively further
19 fair housing, as described in subsection (e) of section
20 808 of the Civil Rights Act of 1968.

21 “(2) LIMITATION ON EXCLUSION.—Except to
22 the extent necessary to comply with the require-
23 ments of this section, replacement housing provided
24 pursuant to subsection (j) under a revitalization plan
25 of a public housing agency that is owned or man-

1 aged, or assisted, by the agency shall be subject to
2 the same policies, practices, standards, and criteria
3 regarding waiting lists, tenant screening (including
4 screening criteria, such as credit checks), and occu-
5 pancy that apply to other housing owned or man-
6 aged, or assisted, respectively, by such agency. A
7 household may not be prevented from occupying a
8 replacement dwelling unit provided pursuant to sub-
9 section (j), except to the extent specifically provided
10 by any other provision of Federal law (including sub-
11 title F of title V of the Quality Housing and Work
12 Responsibility Act of 1998 (42 U.S.C. 13661 et seq.;
13 relating to safety and security in public and assisted
14 housing and ineligibility of drug criminals, illegal
15 drug users, alcohol abusers, and dangerous sex of-
16 fenders), subtitle D of title VI of the Housing and
17 Community Development Act of 1992), (42 U.S.C.
18 13611 et seq.; relating to preferences for elderly and
19 disabled residents), and section 16(f) of the United
20 States Housing Act of 1937 (42 U.S.C. 1437n(f);
21 relating to ineligibility of persons convicted of meth-
22 amphetamine offenses)).

23 “(n) ENFORCEMENT.—

24 “(1) ADMINISTRATIVE ENFORCEMENT.—If the
25 Secretary determines on the record after opportunity

1 for an agency hearing, pursuant to a request made
2 by any member of household described in subsection
3 (i)(1) who is adversely affected or aggrieved by a
4 violation of subsection (g), (h), (i), (j), (k), (m), or
5 (o), that such a violation has occurred, the Secretary
6 shall issue an order requiring the public housing
7 agency committing such violation to cease and desist
8 for such violation and to take any affirmative action
9 necessary to correct or remedy the conditions result-
10 ing from such violation.

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

14 “(o) PERFORMANCE BENCHMARKS.—

15 “(1) IN GENERAL.—Each public housing agen-
16 cy that receives a grant under this section shall, in
17 consultation with the Secretary and residents of the
18 public housing subject to the revitalization plan for
19 which the grant is made that are displaced as a re-
20 sult of the revitalization plan, establish performance
21 benchmarks for each component of their revitaliza-
22 tion plan.

23 “(2) FAILURE TO MEET BENCHMARKS.—If a
24 public housing agency fails to meet the performance
25 benchmarks established pursuant to paragraph (1),

1 the Secretary shall impose appropriate sanctions, in-
2 cluding—

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

5 “(B) financial penalties;

6 “(C) withdrawal of funding under sub-
7 section (j); or

8 “(D) such other sanctions as the Secretary
9 may deem necessary.

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

17 “(A) litigation;

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

20 “(C) complying with environmental assess-
21 ment and abatement requirements;

22 “(D) relocating residents; or

23 “(E) any other reason established by the
24 Secretary by notice published in the Federal
25 Register.

1 “(4) AUTHORITY OF SECRETARY.—In deter-
2 mining the amount of each grant under this section
3 and the closeout date for the grant, the Secretary
4 shall take into consideration the scope, scale, and
5 size of the revitalization plan assisted under the
6 grant.

7 “(p) APPLICABILITY OF OTHER LAWS.—

8 “(1) SECTION 18.—Any severely distressed pub-
9 lic housing demolished or disposed of pursuant to a
10 revitalization plan and any public housing developed
11 in lieu of such severely distressed housing shall be
12 subject to the provisions of section 18. To the extent
13 the provisions of section 18 conflict with or are du-
14 plicative of the provisions of this section, the provi-
15 sions of this section solely shall apply.

16 “(2) URA.—The Uniform Relocation and Real
17 Property Acquisition Policies Act of 1974 shall apply
18 to all relocation activities pursuant to a revitaliza-
19 tion plan under this section.”.

20 **SEC. 9. ANNUAL REPORT; AVAILABILITY OF DOCUMENTS.**

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

23 (1) by inserting after paragraph (3) the fol-
24 lowing new paragraph:

1 “(4) the extent to which public housing agen-
2 cies carrying out revitalization plans with grants
3 under this section have complied with the require-
4 ments under subsection (i) (relating to right to ex-
5 panded housing opportunities for resident house-
6 holds); and”;

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

8 “To the extent not inconsistent with any other provisions
9 of law, the Secretary shall make publicly available through
10 a World Wide Web site of the Department of Housing and
11 Urban Development all documents of, or filed with, the
12 Department relating to the program under this section,
13 including applications, grant agreements, plans, budgets,
14 reports, and amendments to such documents; except that
15 in carrying out this sentence, the Secretary shall take such
16 actions as may be necessary to protect the privacy of any
17 residents and households displaced from public housing as
18 a result of a revitalization plan assisted under this sec-
19 tion.”.

20 **SEC. 10. DEFINITIONS.**

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

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

1 (2) in paragraph (3)—

2 (A) by striking “SUPPORTIVE” and insert-
3 ing “COMMUNITY AND SUPPORTIVE”;

4 (B) by inserting “community and” before
5 “supportive services”; and

6 (C) by inserting after “transportation,”
7 the following: “employment and vocational
8 counseling, financial counseling, life skills train-
9 ing,”;

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

12 (4) by inserting after paragraph (2), the fol-
13 lowing new paragraph:

14 “(5) SIGNIFICANT AMENDMENT OR CHANGE.—
15 The term ‘significant’ means, with respect to an
16 amendment or change to a revitalization plan, that
17 the amendment or change—

18 “(A) changes the use of 10 percent or
19 more of the funds provided under the grant
20 made under this section for the plan from use
21 for one activity to use for another;

22 “(B) eliminates an activity that, notwith-
23 standing the change, would otherwise be carried
24 out under the plan; or

1 “(C) changes the scope, location, or bene-
2 ficiaries of the project carried out under the
3 plan.”;

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

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

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

17 “(3) DEVELOPMENT.—The term ‘development’
18 has the same meaning given such term in the first
19 sentence of paragraph (1) of section 3(c) (42 U.S.C.
20 1437a).”.

21 **SEC. 11. CONFORMING AMENDMENT.**

22 Paragraph (1) of section 24(f) is amended by striking
23 “programs” and inserting “plan”.

1 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

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

6 **SEC. 13. EXTENSION OF PROGRAM.**

7 Subsection (w) of section 24, (as so redesignated by
8 section 8(1) of this Act) is amended by striking “Sep-
9 tember 30, 2006” and inserting “September 30, 2015”.

10 **SEC. 14. REVIEW.**

11 The Comptroller General of the United States shall—

12 (1) conduct a review of activities, actions, and
13 methods used in revitalization plans assisted under
14 section 24 of the United States Housing Act of 1937
15 to determine which may be transferable to other fed-
16 erally-assisted housing programs; and

17 (2) make recommendations to the Congress re-
18 garding the activities, actions, and methods reviewed
19 under paragraph (1) not later than the expiration of
20 the 3-year period beginning on the date of the enact-
21 ment of this Act.

22 **SEC. 15. REGULATIONS.**

23 Section 24, as amended by the preceding provisions
24 of this Act, is further amended by adding at the end the
25 following new subsection:

1 “(x) REGULATIONS.—Not later than the expiration
2 of the 120-day period beginning on the date of the enact-
3 ment of the HOPE VI Improvement and Reauthorization
4 Act of 2007, the Secretary shall issue regulations to carry
5 out this section, including the amendments made by such
6 Act.”.

○