

111TH CONGRESS
2^D SESSION

H. R. 5814

To transform neighborhoods of extreme poverty by revitalizing distressed housing, to reform public housing demolition and disposition rules to require one for one replacement and tenant protections, to provide public housing agencies with additional resources and flexibility to preserve public housing units, and to create a pilot program to train public housing residents to provide home-based health services.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2010

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

A BILL

To transform neighborhoods of extreme poverty by revitalizing distressed housing, to reform public housing demolition and disposition rules to require one for one replacement and tenant protections, to provide public housing agencies with additional resources and flexibility to preserve public housing units, and to create a pilot program to train public housing residents to provide home-based health services.

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 AND TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Public Housing Reinvestment and Tenant Protection Act
 4 of 2010”.

5 (b) **TABLE OF CONTENTS.**—The table of contents for
 6 this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—CHOICE NEIGHBORHOODS INITIATIVE

- Sec. 101. Short title.
- Sec. 102. Findings and purposes.
- Sec. 103. Grant authority.
- Sec. 104. Eligible entities.
- Sec. 105. Eligible neighborhoods.
- Sec. 106. Authorized activities.
- Sec. 107. Submission and selection of transformation plans.
- Sec. 108. Right of residents to return; relocation.
- Sec. 109. One-for-one replacement of public and assisted housing dwelling units.
- Sec. 110. Other program requirements.
- Sec. 111. Demolition and disposition.
- Sec. 112. Phase-specific underwriting.
- Sec. 113. Administration by other entities.
- Sec. 114. Withdrawal of funding.
- Sec. 115. Annual report; public availability of grant information.
- Sec. 116. Definitions.
- Sec. 117. Funding.
- Sec. 118. Regulations.

**TITLE II—PUBLIC HOUSING ONE-FOR-ONE REPLACEMENT AND
TENANT PROTECTION**

- Sec. 201. Short title.
- Sec. 202. Demolition and disposition of public housing.
- Sec. 203. Authority to convert public housing to vouchers.
- Sec. 204. Required conversion of distressed public housing to tenant-based assistance.
- Sec. 205. Regulations.

**TITLE III—PUBLIC HOUSING PRESERVATION AND
REHABILITATION**

- Sec. 301. Short title.
- Sec. 302. Leveraging of other assistance.
- Sec. 303. Capital Fund flexibility.
- Sec. 304. Grants for conversion of public housing projects to assisted living facilities.

TITLE IV—PILOT PROGRAM TO TRAIN PUBLIC HOUSING
RESIDENTS TO PROVIDE HOME-BASED HEALTH SERVICES

Sec. 401. Short title.

Sec. 402. Findings and purpose.

Sec. 403. Pilot grant program to train public housing residents to provide covered home-based health services.

1 **TITLE I—CHOICE**
2 **NEIGHBORHOODS INITIATIVE**

3 **SEC. 101. SHORT TITLE.**

4 This title may be cited as the “Choice Neighborhoods
5 Initiative Act of 2010”.

6 **SEC. 102. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—The Congress finds that—

8 (1) the spatial concentration of poverty remains
9 a serious and often unrecognized challenge to the
10 ability of poor families and children to access oppor-
11 tunity and move up the economic ladder;

12 (2) the HOPE VI program, authorized by sec-
13 tion 24 of the United States Housing Act of 1937
14 (42 U.S.C. 1437v), presented one model for trans-
15 forming neighborhoods of extreme poverty with se-
16 verely distressed housing into revitalized mixed-in-
17 come neighborhoods;

18 (3) there remains a large amount of severely
19 distressed public and privately owned assisted hous-
20 ing concentrated in neighborhoods of extreme pov-
21 erty; and

1 (4) a broader approach is now needed using
2 concentrated and coordinated neighborhood invest-
3 ment from multiple sources to transform neighbor-
4 hoods of extreme poverty into communities that will
5 improve the quality of life of current and future resi-
6 dents.

7 (b) PURPOSES.—The purposes of this title are to—

8 (1) transform neighborhoods of extreme poverty
9 into mixed-income neighborhoods by revitalizing se-
10 verely distressed housing, improving access to eco-
11 nomic opportunities, and investing and leveraging in-
12 vestments in well-functioning services, education
13 programs, public assets, public transportation, and
14 improved access to jobs;

15 (2) provide for the one-for-one replacement of
16 public and assisted housing dwelling units that are
17 demolished or disposed of;

18 (3) grow communities and metropolitan areas
19 by concentrating, leveraging, and coordinating Fed-
20 eral, State, local, and private funding for public
21 transportation, education, housing, energy, health
22 and mental health services, supportive services, pub-
23 lic safety; and environmental programs and initia-
24 tives;

1 (4) support positive outcomes for displaced and
2 returning residents, including improvements in edu-
3 cational achievements, and economic self-sufficiency;
4 and

5 (5) ensure that current residents benefit from
6 transformation by preserving affordable housing in
7 the neighborhood and, to the maximum extent pos-
8 sible, providing residents the choice to move to af-
9 fordable housing in another neighborhood of oppor-
10 tunity.

11 **SEC. 103. GRANT AUTHORITY.**

12 The Secretary of Housing and Urban Development
13 may make competitive grants to eligible entities that sub-
14 mit transformation plans for eligible neighborhoods that
15 will further the purposes of this title in such neighbor-
16 hoods.

17 **SEC. 104. ELIGIBLE ENTITIES.**

18 (a) PRIMARY APPLICANTS.—A grant under this title
19 may be made only to a unit of local government, a public
20 housing agency, or a nonprofit entity that owns a major
21 housing project that is proposed to be assisted under a
22 grant under this title, either as a sole applicant or as a
23 co-applicant with another unit of local government or pub-
24 lic housing agency or with an entity specified in subsection

1 (b). A nonprofit entity may be a sole applicant only if the
2 application has the support of a local government.

3 (b) CO-APPLICANTS.—

4 (1) COMMUNITY DEVELOPMENT CORPORA-
5 TIONS.—A community development corporation (as
6 such term is defined in section 204(b) of the Depart-
7 ments of Veterans Affairs and Housing and Urban
8 Development, and Independent Agencies Appropria-
9 tions Act, 1997 (12 U.S.C. 1715z–11a(b))) may, at
10 the request of an entity specified in subsection (a),
11 be a co-applicant for a grant under this title.

12 (2) FOR-PROFIT ENTITIES.—A for-profit entity
13 that owns a major housing project that is proposed
14 to be assisted under a grant under this title and that
15 has an established presence in the community may
16 be a co-applicant for a grant under this title.

17 (3) REQUIRED CO-APPLICANTS.—A grant under
18 this title may not be made for an application that
19 will involve transformation of a major public housing
20 project unless the public housing agency having ju-
21 risdiction with respect to such project is the sole ap-
22 plicant or a co-applicant for such application.

23 (c) PARTNERS.—Nothing in this section may be con-
24 strued to limit the ability of an applicant to partner with

1 any entity in carrying out activities with a grant under
2 this title.

3 **SEC. 105. ELIGIBLE NEIGHBORHOODS.**

4 A grant under this title may be made only for activi-
5 ties to be conducted in neighborhoods that have—

6 (1) a concentration of extreme poverty (as such
7 term is defined in section 116); and

8 (2) housing that is severely distressed housing
9 (as such term is defined in section 116).

10 **SEC. 106. AUTHORIZED ACTIVITIES.**

11 (a) **IN GENERAL.**—Amounts from a grant under this
12 title may be used only for transformational programs and
13 activities in accordance with a transformation plan ap-
14 proved under section 107 that will further the purposes
15 of this title.

16 (b) **REQUIRED ACTIVITIES.**—Each transformation
17 plan submitted pursuant to section 107 and implemented
18 by a grantee under this title shall include the following
19 activities:

20 (1) The transformation of housing through re-
21 habilitation, preservation, or demolition and replace-
22 ment of severely distressed housing projects, or any
23 combination thereof, which may incorporate energy-
24 efficient design principles.

1 (2) The one-for-one replacement of any public
2 and assisted housing units demolished or disposed of
3 in accordance with the requirements under section
4 109.

5 (3) Activities that promote economic self-suffi-
6 ciency of residents of the revitalized housing and of
7 the surrounding neighborhood.

8 (4) Activities that preserve affordable housing
9 in the neighborhood and other activities necessary to
10 ensure that existing public and assisted housing resi-
11 dents have access to the benefits of the neighbor-
12 hood transformation.

13 (5) Activities that demonstrate that each resi-
14 dent of housing assisted by the grant who is dis-
15 placed by the transformation plan and who wishes to
16 return to the revitalized on-site housing in the neigh-
17 borhood or to replacement housing outside of the
18 neighborhood, can return, and shall be provided a
19 preference in accordance with the program require-
20 ments under section 108.

21 (6) Activities that meet the program require-
22 ments for replacement of housing units under sec-
23 tion 108.

1 (7) Activities that meet the fair housing pro-
2 gram requirements under section 110(a) and the ac-
3 cessibility requirements under section 110(b).

4 (8) Appropriate service coordination and sup-
5 portive services.

6 (9) Resident involvement, as described in sec-
7 tion 108, in planning and implementation of the
8 transformation plan, including reasonable steps to
9 help ensure meaningful participation for residents
10 who, as a result of their national origin, are limited
11 in their English language proficiency.

12 (10) Monitoring, under section 108(g), of resi-
13 dents relocated during redevelopment throughout the
14 term of the grant or until full occupancy of replace-
15 ment housing, whichever is completed later.

16 (11) Relocation assistance, including tenant-
17 based rental assistance renewable under section 8 of
18 the United States Housing Act of 1937 (42 U.S.C.
19 1437f), mobility or relocation counseling over mul-
20 tiple years, reasonable moving costs, and security de-
21 posits.

22 (12) Establishment of links to local education
23 efforts, as described in subsection (c)(3) of this sec-
24 tion.

1 (13) Activities to comply with section 3 of the
2 Housing and Urban Development Act of 1968 (12
3 U.S.C. 1701u).

4 (c) ELIGIBLE ACTIVITIES.—Amounts from a grant
5 under this title may be used for the following activities:

6 (1) Construction, acquisition, or rehabilitation
7 of affordable housing (as such term is defined in
8 section 116), which may include energy efficiency
9 improvements and sustainable design features for
10 such housing.

11 (2) Acquisition or disposition of residential
12 properties, including properties subject to a mort-
13 gage previously insured, and foreclosed upon, by the
14 Federal Housing Administration, and demolition.

15 (3) Outreach to local educators, and engaging
16 in local community planning, to help increase access
17 to educational opportunities, a continuum of effec-
18 tive community services, and strong family supports,
19 and to improve the educational and life outcomes
20 which have a significant benefit to residents of hous-
21 ing assisted under this title, including children and
22 youth and, as appropriate, for adult residents, in-
23 cluding the elderly or persons with disabilities.

24 (4) Providing supportive services (as such term
25 is defined in section 116) which have a significant

1 benefit to residents of housing assisted under this
2 title, primarily focused on services described in sub-
3 paragraphs (B) and (C) of section 116(14).

4 (5) Rehabilitation and physical improvement of
5 community facilities that are primarily intended to
6 facilitate the delivery of community and supportive
7 services which have a significant benefit to residents
8 of housing assisted by the grant and residents of off-
9 site replacement housing.

10 (6) Work incentives designed to help low-income
11 residents assisted by the housing under this title ac-
12 cess jobs and move toward self-sufficiency.

13 (7) Partnering with employers and for-profit
14 and nonprofit organizations to create jobs and job
15 training opportunities which have a significant ben-
16 efit to residents of housing assisted under this title.

17 (8) Activities that promote sustainable housing
18 by incorporating principles of sustainable design and
19 development, including energy efficiency.

20 (9) Critical community improvements (as such
21 term is defined in section 116 of this title) under-
22 taken at sites that are adjacent to, or in the imme-
23 diate vicinity of, housing assisted under this title.

24 (10) Loss reserves to protect residents of hous-
25 ing assisted by the grant and continue the project in

1 the case of default, foreclosure, or any other adverse
2 financial event.

3 The Secretary shall require any grantee under this title
4 that will provide benefits under paragraph (3), (4), (5),
5 or (7) to any residents who are not living in housing as-
6 sisted with a grant under this title, to submit to the Sec-
7 retary a plan identifying how such services will be pro-
8 vided.

9 (d) ELIGIBLE METHODS OF SUPPORT.—Activities
10 carried out with amounts from a grant under this title
11 may be carried out through—

12 (1) endowments or revolving loan funds; or

13 (2) land assembly, land banking, and other ac-
14 tivities, except that no amounts made available for
15 use under this title may be used to acquire any
16 property by means of the exercise of the power of
17 eminent domain.

18 (e) FUNDING LIMITATIONS.—

19 (1) SCHOOL BUILDINGS.—No amounts from a
20 grant under this title may be used for construction
21 or rehabilitation of an elementary school or sec-
22 ondary school (as such terms are defined in section
23 9101 of the Elementary and Secondary Education
24 Act of 1965 (20 U.S.C. 7801)) or an institution of
25 higher education (as such term is defined in section

1 102 of the Higher Education Act of 1965 (20
2 U.S.C. 1002)).

3 (2) NON-HOUSING ACTIVITIES AND SUPPORTIVE
4 SERVICES.—For each grant under this title, the
5 grantee shall comply with each of the following re-
6 quirements:

7 (A) Of the amount of the grant, not more
8 than 25 percent may be used for eligible activi-
9 ties under paragraphs (3) through (9) of sub-
10 section (c).

11 (B) Of the amount of the grant, not more
12 than 5 percent may be used for eligible activi-
13 ties under paragraphs (8) and (9) of subsection
14 (c).

15 (3) CONSULTATION.—With respect to activities
16 assisted pursuant to paragraph (2), the Secretary
17 shall consult with the Secretary of Labor, the Sec-
18 retary of Health and Human Services, the Secretary
19 of Energy, the Secretary of Transportation, the Sec-
20 retary of Education, and the Attorney General in
21 identifying funding resources that may be provided
22 to supplement amounts from grants under this title.

1 **SEC. 107. SUBMISSION AND SELECTION OF TRANS-**
2 **FORMATION PLANS.**

3 (a) **TRANSFORMATION PLAN REQUIREMENTS.**—To
4 be eligible for a grant under this title, an eligible entity
5 shall submit to the Secretary, at such time in accordance
6 with procedures as the Secretary shall prescribe, an appli-
7 cation in the form of a transformation plan that—

8 (1) demonstrates how the transformation plan
9 will achieve the desired priority outcomes of trans-
10 forming a distressed neighborhood of extreme pov-
11 erty into a mixed-income neighborhood with high-
12 quality, safe, and affordable housing (including the
13 one-for-one replacement of any public or assisted
14 housing units demolished or disposed of under the
15 transformation plan), economic opportunities, well-
16 functioning services, public assets, access to jobs,
17 public transportation, and effective education pro-
18 grams and public schools, including charter schools
19 and other autonomous public schools;

20 (2) demonstrates how the required activities
21 under section 106(b) will be carried out, including a
22 detailed description of the housing transformation
23 activities under paragraphs (1) and (2) of such sec-
24 tion;

1 (3) describes the other eligible activities under
2 section 106(c) that will be carried out in support of
3 the housing transformation;

4 (4) defines desired outcomes of the strategy,
5 how residents of housing assisted under this title will
6 benefit, describes the challenges they face, and the
7 evidence base that informs the proposed strategies
8 that will result in the desired outcomes for the com-
9 munity and residents;

10 (5) includes a long-term affordability plan, de-
11 veloped in collaboration with residents of the public
12 and assisted housing assisted under this title, that
13 describes how the grantee will maintain affordable
14 housing in the neighborhood over the next 50 years
15 or longer, including affordability provisions relating
16 to dwelling units provided using assistance under the
17 grant under this title, and an agreement by the ap-
18 plicant to update such plan every 5 years during
19 such period; and

20 (6) includes such other information as the Sec-
21 retary shall, by regulation, prescribe.

22 (b) SELECTION CRITERIA.—The Secretary shall es-
23 tablish criteria for the award of grants under this title,
24 which shall include the extent to which the transformation
25 plan—

1 (1) demonstrates the ability of the plan to fur-
2 ther the purposes of this title;

3 (2) demonstrates inclusive local planning with
4 input from units of local government, housing own-
5 ers and providers, educators, residents of housing
6 assisted under this title, local community organiza-
7 tions, public schools, early learning in programs,
8 health service organizations, and community stake-
9 holders in the development and implementation of a
10 sustainable revitalization program;

11 (3) coordinates multiple funding resources, in-
12 cluding public, private, and philanthropic funding,
13 and emphasizes collaboration between the units of
14 local government, early learning programs and pub-
15 lic schools, or a public housing agency, or all three;

16 (4) includes current data showing that the
17 neighborhood targeted for revitalization is in need of
18 and can benefit from the authorized activities de-
19 scribed in section 106 and proposed in the trans-
20 formation plan;

21 (5) demonstrates the capability and record of
22 the applicant and its partners for managing housing
23 redevelopment or modernization projects, success-
24 fully working with public and assisted housing resi-

1 dents during the planning and redesign process, and
2 meeting performance benchmarks;

3 (6) demonstrates that sustainable building and
4 energy efficient design principles are incorporated or
5 will be incorporated in the activities conducted pur-
6 suant to the plan;

7 (7) demonstrates that the neighborhood will
8 have, within a reasonable time, improved access to
9 public transportation that provides access to eco-
10 nomic opportunities and commercial and public serv-
11 ices;

12 (8) demonstrates that the residents of revital-
13 ized housing developments will have improved access
14 to high-quality educational opportunities, including
15 early learning and effective elementary and sec-
16 ondary public schools, in or outside of the neighbor-
17 hood;

18 (9) demonstrates that the transformation plan
19 includes the provision of appropriate supportive serv-
20 ices and activities that promote economic self-suffi-
21 ciency of residents of housing assisted under the
22 grant, and a plan to sustain such services;

23 (10) demonstrates that the transformation plan
24 provides support for residents displaced as a result
25 of the revitalization of the project, including assist-

1 ance in obtaining housing in areas with low con-
2 centrations of poverty in a manner that does not in-
3 crease racial segregation;

4 (11) demonstrates that sufficient housing op-
5 portunities are available in the neighborhood to be
6 revitalized and in low-poverty areas to accommodate
7 displaced residents, in a manner that does not in-
8 crease racial segregation;

9 (12) includes a well-documented assessment of
10 the number of households with special needs for on-
11 going supportive services residing in the public or
12 assisted housing properties that are the target of the
13 grant and an effective plan to address such needs;

14 (13) demonstrates the ability to leverage funds
15 from other programs of the Department of Housing
16 and Urban Development, from other Federal, State,
17 or local programs, or from the private sector, includ-
18 ing donations of land or services;

19 (14) demonstrates the compliance with the re-
20 quirements of section 109, regarding one-for-one re-
21 placement of public and assisted housing units;

22 (15) demonstrates how the applicant will use
23 indicators of housing redevelopment, neighborhood
24 quality, resident well-being, and other outcomes to
25 measure success, manage program implementation,

1 and engage stakeholders, consistent with require-
2 ments established by the Secretary;

3 (16) demonstrates, if feasible, phased redevelop-
4 ment that provides for demolition and construction
5 of dwelling units in phases, to limit disruptions to
6 residents;

7 (17) demonstrates that the neighborhood will
8 improve its long-term viability through the revitaliza-
9 tion of severely distressed housing, improved access
10 to economic opportunities, improved investment and
11 leveraging in well-functioning services, and improved
12 education programs, public assets, public transpor-
13 tation and access to jobs; and

14 (18) demonstrates compliance with any other
15 factors and priorities that further the purposes of
16 this title, as the Secretary may, by regulation, pre-
17 scribe.

18 **SEC. 108. RIGHT OF RESIDENTS TO RETURN; RELOCATION.**

19 (a) DETERMINATION OF RESIDENT PREF-
20 ERENCES.—An applicant shall, not later than 15 days be-
21 fore submitting an application to the Secretary for a grant
22 under this title—

23 (1) hold a community meeting and provide in-
24 formation to all residents who occupy a dwelling unit

1 in public housing or assisted housing subject to the
2 transformation plan of—

3 (A) the applicant’s intent to submit an ap-
4 plication for a grant under this title;

5 (B) their right to return and relocation
6 housing options; and

7 (C) all planned replacement housing units;
8 and

9 (2) solicit from each resident information re-
10 garding the resident’s desire to return to the re-
11 placement housing units constructed upon the origi-
12 nal public or assisted housing location, interest in
13 moving to other neighborhoods or communities, or
14 interest in retaining a voucher for rental assistance.

15 (b) RESIDENT INVOLVEMENT.—

16 (1) IN GENERAL.—Each transformation plan
17 assisted under this title shall provide opportunities
18 for the active involvement and participation of, and
19 consultation with, residents of the public and as-
20 sisted housing that is subject to the transformation
21 plan during the planning process for the trans-
22 formation plan, including prior to submission of the
23 application, and during all phases of the planning
24 and implementation. Such opportunities for partici-
25 pation may include participation of members of any

1 resident council or tenant organization, but may not
2 be limited to such members, and shall include all
3 segments of the population of residents of the public
4 and assisted housing that is subject to the revitaliza-
5 tion plan, including single parent-headed households,
6 the elderly, young employed and unemployed adults,
7 teenage youth, and disabled persons. Such opportu-
8 nities shall include a process that provides oppor-
9 tunity for comment on specific proposals for redevelop-
10 ment, any demolition and disposition involved, and
11 any proposed significant amendments or changes to
12 the transformation plan.

13 (2) PUBLIC MEETING.—The Secretary may not
14 make a grant under this title to an applicant unless
15 the applicant has convened and conducted a public
16 meeting regarding the transformation plan, includ-
17 ing the one-for-one replacement to occur under the
18 plan, not later than 15 days before submission of the
19 application for the grant under this section for such
20 plan, at a time and location that is convenient for
21 residents of the public and assisted housing subject
22 to the plan.

23 (3) SIGNIFICANT AMENDMENTS OR CHANGES
24 TO PLAN.—An applicant may not carry out any sig-

1 significant amendment or change to a transformation
2 plan unless—

3 (A) the applicant has convened and con-
4 ducted a public meeting regarding the signifi-
5 cant amendment or change at a time and loca-
6 tion that is convenient for residents of the pub-
7 lic and assisted housing subject to the plan and
8 has provided each household occupying a dwell-
9 ing unit in such public and assisted housing
10 with written notice of such meeting not less
11 than 10 days before such meeting;

12 (B) after such meeting, the applicant
13 consults with the households occupying dwelling
14 units in the public and assisted housing that
15 are subject to, or to be subject to the plan, and
16 the agency submits a report to the Secretary
17 describing the results of such consultation; and

18 (C) the Secretary approves the significant
19 amendment or change.

20 Notwithstanding subparagraph (C), if the Secretary
21 does not approve or disapprove a request for a sig-
22 nificant amendment or change to a revitalization
23 plan before the expiration of the 30-day period be-
24 ginning upon the receipt by the Secretary of the re-

1 port referred to in subparagraph (B), such request
2 shall be considered to have been approved.

3 (c) RIGHT TO RETURN.—The Secretary may not ap-
4 prove a transformation plan under this title unless the
5 plan provides that each resident of public or assisted hous-
6 ing displaced by activities under the transformation plan
7 who wishes to return to the on-site or off-site replacement
8 housing provided under the plan may return if the resi-
9 dent—

10 (1) was in compliance with the lease at the time
11 of departure from the housing subject to rehabilita-
12 tion or demolition; and

13 (2) would be eligible, as of the time of such re-
14 turn, for occupancy under the eligibility, screening,
15 and occupancy standards, policies, or practices appli-
16 cable to the housing from which the resident was
17 displaced, as in effect at such time of displacement.

18 (d) RELOCATION, NOTICE, APPLICATION FOR
19 VOUCHERS, AND DATA.—All relocation activities resulting
20 from, or that will result from, demolition, disposition, or
21 both demolition and disposition, to be carried out under
22 a transformation plan relating to a grant under this title
23 shall be subject to the following requirements:

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

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

7 (2) RELOCATION PLAN.—The applicant shall
8 submit to the Secretary, together with the applica-
9 tion for a grant under this title, a relocation plan
10 providing for the relocation of residents occupying
11 the public or assisted housing for which the demoli-
12 tion or disposition is proposed, which shall include—

13 (A) a statement of the estimated number
14 of vouchers for rental assistance under section
15 108 that will be needed for such relocation;

16 (B) identification of the location of the re-
17 placement dwelling units that will be made
18 available for permanent occupancy; and

19 (C) a statement of whether any temporary,
20 off-site relocation of any residents is necessary
21 and a description of the plans for such reloca-
22 tion.

23 (3) NOTICE UPON APPROVAL OF APPLICA-
24 TION.—Within a reasonable time after notice to the
25 applicant of the approval of an application for a

1 grant under this section, the applicant shall provide
2 notice in writing, in plain and non-technical lan-
3 guage, to the residents of the public and assisted
4 housing subject to the approved transformation plan
5 that—

6 (A) states that the application and trans-
7 formation plan has been approved;

8 (B) describes the process involved to relo-
9 cate the residents, including a statement that
10 the residents may not be relocated until the
11 conditions set forth in section 110 have been
12 met;

13 (C) provides information regarding reloca-
14 tion options; and

15 (D) advises residents of the availability of
16 relocation counseling as required in paragraph
17 (7).

18 (4) NOTICE BEFORE RELOCATION.—Except in
19 cases of a substantial and imminent threat to health
20 or safety, not later than 90 days before the date on
21 which residents will be relocated, the grantee shall
22 provide notice in writing, in plain and non-technical
23 language, to each family residing in a public or as-
24 sisted housing project that is subject to an approved
25 transformation plan, and in accordance with such

1 guidelines as the Secretary may issue governing such
2 notifications, that—

3 (A) the public or assisted housing project
4 will be demolished or disposed of;

5 (B) the demolition of the building in which
6 the family resides will not commence until each
7 resident of the building is relocated; and

8 (C) if temporary, off-site relocation is nec-
9 essary, each family displaced by such action
10 shall be offered comparable housing—

11 (i) that meets housing quality stand-
12 ards;

13 (ii) that is located in an area that is
14 generally not less desirable than the loca-
15 tion of the displaced family's housing,
16 which shall include at least one unit lo-
17 cated in an area of low-poverty or one unit
18 located within the neighborhood of the
19 original public or assisted housing site;

20 (iii) that is identified and available to
21 the family; and

22 (iv) which shall include—

23 (I) tenant-based assistance, ex-
24 cept that the requirement under this
25 subparagraph regarding offering of

1 comparable housing shall be fulfilled
2 by use of tenant-based assistance only
3 upon the relocation of the family into
4 such housing;

5 (II) project-based assistance;

6 (III) occupancy in a unit oper-
7 ated or assisted by the public housing
8 agency or the owner of the assisted
9 project demolished or disposed of
10 under this section, at a rental rate
11 paid by the family that is comparable
12 to the rental rate applicable to the
13 unit from which the family is relo-
14 cated; or

15 (IV) other comparable housing.

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

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

7 (6) PAYMENT OF RELOCATION EXPENSES.—

8 The grantee shall provide for the payment of the ac-
9 tual and reasonable relocation expenses, including
10 security deposits, of each resident to be displaced
11 and any other relocation expenses as are required by
12 the Uniform Relocation Assistance and Real Prop-
13 erty Acquisition Policies Act of 1970.

14 (7) COMPREHENSIVE RELOCATION COUN-

15 SELING.—The grantee shall provide all advisory pro-
16 grams and services as required by the Uniform Relo-
17 cation Assistance and Real Property Acquisition
18 Policies Act of 1970 and counseling for residents
19 who are displaced that shall fully inform residents to
20 be displaced of all relocation options, which may in-
21 clude relocating to housing in a neighborhood with
22 a lower concentration of poverty than their current
23 residence or remaining in the current neighborhood.
24 Such counseling shall also include providing school
25 options for children and comprehensive housing

1 search assistance for household that receive a vouch-
2 er for tenant-based assistance.

3 (8) TIMING OF DEMOLITION OR DISPOSITION.—

4 The grantee shall not commence demolition or com-
5 plete disposition of a building subject to the ap-
6 proved transformation plan until all residents resid-
7 ing in the building are relocated.

8 (9) TIMING OF RELOCATION.—The applicant

9 shall not commence relocation before approval by the
10 Secretary of the transformation plan providing for
11 the demolition or disposition, unless the applicant
12 generally relocates residents in accordance with this
13 section, as determined by the Secretary, except in
14 the case of a substantial and imminent threat to
15 health or safety.

16 (e) MONITORING OF DISPLACED HOUSEHOLDS.—

17 (1) GRANTEE RESPONSIBILITIES.—To facilitate
18 compliance with the requirement under subsection
19 (a) (relating to right of residents to return), the Sec-
20 retary shall, by regulation, require each grantee of
21 a grant under this section, during the period of the
22 transformation plan assisted with the grant and
23 until all funding under the grant has been ex-
24 pended—

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

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

8 (2) CERTIFICATION.—The Secretary may not
9 close out any grant made under this section before
10 the grantee has certified to the Secretary that the
11 agency has complied with subsection (a) (relating to
12 right of residents to return) with respect to each
13 resident displaced as a result of the transformation
14 plan, including providing occupancy in a replacement
15 dwelling unit for each resident who requested such
16 a unit in accordance with such subsection.

17 (f) PREFERENCE.—A returning resident shall be pro-
18 vided a preference for occupancy of on-site or off-site re-
19 placement units before such units are made available for
20 occupancy by any other eligible households, or the resident
21 may choose to retain tenant-based voucher assistance pro-
22 vided under section 8(o) of the United States Housing Act
23 of 1937 for relocation from the properties revitalized
24 under a transformation plan assisted with a grant under
25 this title.

1 (g) PROHIBITION ON RE-SCREENING.—A public
2 housing agency or any other manager of on-site or off-
3 site replacement housing shall not, through the application
4 of any additional eligibility, screening, occupancy, or other
5 policy or practice, prevent any person otherwise eligible
6 under subsection (a) from occupying a replacement hous-
7 ing unit.

8 **SEC. 109. ONE-FOR-ONE REPLACEMENT OF PUBLIC AND AS-**
9 **SISTED HOUSING DWELLING UNITS.**

10 (a) ONE-FOR-ONE REPLACEMENT OF PUBLIC OR AS-
11 SISTED HOUSING UNITS.—The Secretary may not ap-
12 prove a transformation plan that provides for dwelling
13 units to be demolished or disposed of unless the plan pro-
14 vides as follows:

15 (1) REQUIREMENT TO REPLACE EACH UNIT.—

16 One hundred percent, or such lower percentage as is
17 provided pursuant to subsection (b), of the public
18 and assisted housing dwelling units and units de-
19 scribed in section 116(1)(E) that are demolished or
20 disposed of pursuant to the transformation plan
21 shall be replaced with a newly constructed, rehabili-
22 tated, or purchased public or assisted housing unit
23 or with a newly constructed, rehabilitated, or pur-
24 chased unit (including through project-based assist-
25 ance) that is subject to requirements regarding eligi-

1 bility for occupancy, tenant contribution toward
2 rent, and long-term affordability restrictions that are
3 consistent with such requirements for public and as-
4 sisted housing dwelling units or for State units, as
5 applicable, except that—

6 (A) subparagraph (D) of section 8(o)(13)
7 of the United States Housing Act of 1937 (re-
8 lating to income-mixing requirement of project-
9 based assistance) shall not apply with respect to
10 vouchers used to comply with the requirements
11 of this paragraph; and

12 (B) for purposes of this paragraph, sub-
13 paragraph (B) of such section 8(o)(13) (relat-
14 ing to percentage limitation) shall be applied by
15 substituting “50 percent” for “20 percent”.

16 (2) OTHER REQUIREMENTS.—Admission to, ad-
17 ministration of, and eviction from replacement hous-
18 ing units that replaced public housing units, but
19 that are not public housing dwelling units, shall be
20 subject to the following provisions to the same ex-
21 tent as public housing dwelling units:

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

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

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

7 (D) Section 25 of the United States Hous-
8 ing Act of 1937 (42 U.S.C. 1437w; relating to
9 transfer of management at request of resi-
10 dents).

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

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

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

20 (3) RETENTION OF RIGHTS.—Tenants occu-
21 pying a replacement housing unit shall have all
22 rights provided to tenants of the housing from which
23 the tenants were relocated.

24 (4) SIZE.—

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

5 (B) BEDROOMS.—The number of bed-
6 rooms within each replacement unit shall be
7 sufficient to serve families displaced as a result
8 of the demolition or disposition. Replacement
9 units may include a greater number of bed-
10 rooms than the number of bedrooms in units
11 replaced if an analysis of the waiting list of the
12 public housing agency shows that more bed-
13 rooms are needed to accommodate families on
14 the waiting list.

15 (5) LOCATION ON SITE.—At least one-third of
16 all replacement units for public and assisted housing
17 units demolished shall be public or assisted housing
18 units constructed within the immediate area of the
19 original public or assisted housing location, unless
20 the Secretary determines that—

21 (A) construction on such location would re-
22 sult in the violation of a consent decree; or

23 (B) the land on which the public and as-
24 sisted housing is located is environmentally un-

1 safe, geologically unstable, or otherwise is un-
2 suitable for the construction of housing.

3 (6) LOCATION IN THE NEIGHBORHOOD.—Any
4 replacement housing units provided in addition to
5 dwelling units provided pursuant to paragraph (5)
6 shall—

7 (A) be provided in areas within the neigh-
8 borhood, except that if rebuilding the units
9 within the neighborhood is not feasible, units
10 shall be provided within the jurisdiction of the
11 public housing agency—

12 (i) in areas having low concentrations
13 of poverty;

14 (ii) in a manner that furthers the eco-
15 nomic and educational opportunities for
16 residents;

17 (iii) in a manner that does not in-
18 crease racial segregation; and

19 (iv) in areas offering access to public
20 transportation; and

21 (B) have access to social, recreational, edu-
22 cational, commercial, and health facilities and
23 services, including municipal services and facili-
24 ties, that are comparable to services provided to

1 the revitalized neighborhood from which resi-
2 dents were displaced.

3 (b) WAIVER.—

4 (1) AUTHORITY.—Upon the written request of
5 an applicant for a grant under this title submitted
6 as part of the transformation plan pursuant to sec-
7 tion 107, the Secretary may reduce the percentage
8 applicable under subsection (a)(1) to the trans-
9 formation plan of the applicant to not less than 80
10 percent, but only if—

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

14 (B) the applicant demonstrates that there
15 is an excess supply of affordable rental housing
16 in areas of low poverty and provides data show-
17 ing that, in the area surrounding the revitalized
18 neighborhood—

19 (i) at least 80 percent of vouchers
20 issued under section 8(o) of the United
21 States Housing Act of 1937 over the last
22 24 months to comparable families were
23 successfully used to lease a dwelling unit
24 within 120 days of issuance or, if a suffi-
25 cient number of comparable families have

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

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

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

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

20 (II) such high vacancy rate with-
21 in the market area is expected to con-
22 tinue for the next 5 years or longer.

23 **SEC. 110. OTHER PROGRAM REQUIREMENTS.**

24 (a) FAIR HOUSING.—The demolition or disposition,
25 relocation, replacement, and reoccupancy of housing units

1 in connection with a grant under this title shall be carried
2 out in a manner that affirmatively furthers fair housing,
3 as required by section 808 of the Civil Rights Act of 1968
4 (42 U.S.C. 3608(e)). Grantees shall adopt affirmative
5 marketing procedures, and require affirmative marketing
6 activities of project owners and managers. Such special
7 outreach efforts shall be targeted to those who are least
8 likely to apply for the housing, to ensure that all persons
9 regardless of their race, color, national origin, religion,
10 sex, disability, or familial status are aware of the housing
11 opportunities in each project funded with a grant under
12 this title.

13 (b) ACCESSIBILITY REQUIREMENTS.—All new con-
14 struction and alterations of existing buildings carried out
15 in connection with a grant under this title shall comply
16 with the requirements of the section 504 of Rehabilitation
17 Act of 1973 (29 U.S.C. 794), the Accessibility Standards
18 for Design, Construction, and Alteration of Publicly
19 Owned Residential Structures of the Department of Hous-
20 ing and Urban Development (24 C.F.R. part 40), the Fair
21 Housing Act (42 U.S.C. 3601 et seq.), and any other re-
22 quirements as determined by the Secretary.

23 (c) AFFORDABILITY REQUIREMENT.—Amounts from
24 a grant under this title may not be used for assistance
25 for any housing property unless the owner of the property

1 assisted agrees to a period of affordability for the property
2 which shall be not shorter than the period of affordability
3 to which the property is already subject and remains sub-
4 ject, or 20 years, whichever is longer.

5 (d) COST LIMITS.—Subject to the provisions of this
6 title, the Secretary shall establish cost limits on eligible
7 activities under this title sufficient to provide for effective
8 transformation programs.

9 (e) ENVIRONMENTAL REVIEW.—For purposes of en-
10 vironmental review, assistance and projects under this title
11 shall be treated as assistance for special projects that are
12 subject to section 305(e) of the Multifamily Housing Prop-
13 erty Disposition Reform Act of 1994 (42 U.S.C. 3547),
14 and shall be subject to the regulations issued by the Sec-
15 retary to implement such section.

16 (f) GRANTEE REPORTING.—The Secretary shall re-
17 quire grantees under this title to report the sources and
18 uses of all amounts expended and other information for
19 transformation plans for the Secretary’s annual report to
20 Congress or other purposes as determined by the Sec-
21 retary.

22 **SEC. 111. DEMOLITION AND DISPOSITION.**

23 (a) INAPPLICABILITY OF PUBLIC HOUSING DEMOLI-
24 TION AND DISPOSITION REQUIREMENTS TO TRANS-
25 FORMATION PLAN.—The demolition or disposition of se-

1 verely distressed public housing pursuant to a trans-
2 formation plan approved under this title shall exempt from
3 the provisions of section 18 of the United States Housing
4 Act of 1937 (42 U.S.C. 1437p).

5 (b) APPLICABILITY OF PUBLIC HOUSING DEMOLI-
6 TION AND DISPOSITION REQUIREMENTS TO REPLACE-
7 MENT PUBLIC HOUSING.—Nothing in this title may be
8 construed to exempt any replacement public housing
9 dwelling units provided under a transformation plan in ac-
10 cordance with the requirements under section 109 (relat-
11 ing to one-for-one replacement of public housing dwelling
12 units) from the provisions of section 18 of the United
13 States Housing Act of 1937.

14 **SEC. 112. PHASE-SPECIFIC UNDERWRITING.**

15 To the extent that a transformation plan provides for
16 different phases of activities, the Secretary may allow for
17 the various phases of such plan to be underwritten on a
18 separate basis.

19 **SEC. 113. ADMINISTRATION BY OTHER ENTITIES.**

20 The Secretary may require a grantee under this title
21 to make arrangements satisfactory to the Secretary for
22 use of an entity other than the original grantee to carry
23 out activities assisted under the transformation plan of the
24 grantee, if—

1 (1) the original grantee has failed to meet per-
2 formance benchmarks relating to implementation of
3 the transformation plan; and

4 (2) the Secretary determines that such action
5 will help to effectuate the purposes of this title.

6 **SEC. 114. WITHDRAWAL OF FUNDING.**

7 If a grantee under this title does not proceed within
8 a reasonable timeframe in implementing its trans-
9 formation plan or does not otherwise comply with the re-
10 quirements of this title and the grant agreement, as deter-
11 mined by the Secretary, the Secretary may withdraw any
12 grant amounts under this title that have not been obli-
13 gated by the grantee. The Secretary may redistribute any
14 withdrawn amounts to one or more other eligible entities
15 capable of proceeding expeditiously in the same locality in
16 carrying out the transformation plan of the original grant-
17 ee, or as such plan may be modified and approved by the
18 Secretary, or, if that is not feasible, to one or more other
19 applicants that has already received assistance under this
20 title.

21 **SEC. 115. ANNUAL REPORT; PUBLIC AVAILABILITY OF**
22 **GRANT INFORMATION.**

23 (a) ANNUAL REPORT.—Not less than 90 days before
24 the conclusion of each fiscal year, the Secretary shall sub-
25 mit to Committee on Financial Services of the House of

1 Representatives and the Committee on Banking, Housing,
2 and Urban Affairs of the Senate a report on the imple-
3 mentation and status of grants awarded under this title,
4 which shall include—

5 (1) the number, type, and cost of affordable
6 housing units revitalized pursuant to this title;

7 (2) the amount and type of financial assistance
8 provided under and in conjunction with this title, in-
9 cluding a specification of the amount and type of as-
10 sistance provided for educational opportunities, serv-
11 ices, public assets, public transportation, and access
12 to jobs;

13 (3) the impact of grants made under this title
14 on the original residents, the target neighborhoods,
15 and the larger communities within which they are lo-
16 cated;

17 (4) all information submitted to the Secretary
18 pursuant to section 108(g)(1) by all grantees and
19 summaries of the extent of compliance by grantees
20 with the requirements under subsections (a) and (g)
21 of section 108; and

22 (5) any information related to grantees imple-
23 mentation of the requirements under section 109
24 (relating to one-for-one replacement of public hous-

1 ing dwelling units) and the efforts of the Secretary
2 to coordinate funding pursuant to section 106(d)(3).

3 (b) PUBLIC AVAILABILITY OF GRANT INFORMA-
4 TION.—To the extent not inconsistent with any other pro-
5 visions of law, the Secretary shall make publicly available
6 through a World Wide Web site of the Department of
7 Housing and Urban Development all documents of, or
8 filed with, the Department relating to the program under
9 this title, including applications, grant agreements, plans,
10 budgets, reports, and amendments to such documents; ex-
11 cept that in carrying out this subsection, the Secretary
12 shall take such actions as may be necessary to protect the
13 privacy of any residents and households displaced from
14 public or assisted housing as a result of a transformation
15 plan assisted under a grant under this title.

16 **SEC. 116. DEFINITIONS.**

17 For purposes of this title, the following definitions
18 shall apply:

19 (1) AFFORDABLE HOUSING.—The term “afford-
20 able housing” includes—

21 (A) public housing assisted under section 9
22 of the United States Housing Act of 1937 (42
23 U.S.C. 1437g);

24 (B) assisted housing (as such term is de-
25 fined in this section);

1 (C) housing assisted under an affordable
2 housing program administered by the Secretary
3 of Agriculture through Rural Housing Service;

4 (D) rental housing that utilizes tax credits
5 under section 42 or the Internal Revenue Code
6 of 1986;

7 (E) affordable rental housing owned, devel-
8 oped, or assisted through a State or local gov-
9 ernment or State housing finance agency, in-
10 cluding State-assisted public housing, which is
11 subject to a long-term affordability restriction
12 requiring occupancy by low-income households;
13 and

14 (F) private housing for low- and moderate-
15 income households and for which the Secretary
16 requires the owner or purchaser of the project
17 to maintain affordability for no fewer than 20
18 years in accordance with use restrictions under
19 regulations issued by the Secretary, which re-
20 strictions shall be—

21 (i) contained in a legally enforceable
22 document recorded in the appropriate
23 records; and

1 (ii) consistent with the long-term via-
2 bility of the project as rental or homeown-
3 ership housing.

4 (2) APPLICANT.—The term “applicant” means
5 an eligible entity under section 104(a) that submits
6 an application for a grant under this title pursuant
7 to section 107.

8 (3) ASSISTED HOUSING.—The term “assisted
9 housing” means rental housing assisted under—

10 (A) section 8 of the United States Housing
11 Act of 1937 (42 U.S.C. 1437f, 1437g);

12 (B) section 221(d)(3) or 236 of the Na-
13 tional Housing Act (12 U.S.C. 1715l, 1715z-
14 1);

15 (C) section 202 of the Housing Act of
16 1959 (12 U.S.C. 1701q); or

17 (D) section 811 of Cranston-Gonzalez Na-
18 tional Affordable Housing Act (42 U.S.C.
19 8013).

20 (4) CRITICAL COMMUNITY IMPROVEMENTS.—
21 The term “critical community improvements”
22 means—

23 (A) development or improvement of com-
24 munity facilities to promote upward mobility,
25 self-sufficiency, or improved quality of life for

1 residents of the neighborhood, such as construc-
2 tion or rehabilitation of parks and community
3 gardens, environmental improvements, or site
4 remediation at affected sites; or

5 (B) activities to promote economic develop-
6 ment, such as development or improvement of
7 transit, retail, community financial institutions,
8 public services, facilities, assets, or other com-
9 munity resources.

10 (5) EXTREME POVERTY.—The term “extreme
11 poverty” means, with respect to a neighborhood,
12 that the neighborhood—

13 (A) has a high percentage of residents who
14 are—

15 (i) estimated to be in poverty; or

16 (ii) have extremely low incomes based
17 on the most recent data collected by the
18 United States Census Bureau; and

19 (B) is experiencing distress related to one
20 or more of the following:

21 (i) Per capita crime rates over 3 or
22 more years that are significantly higher
23 than the per capita crime rates of the city
24 or county in which the neighborhood is lo-
25 cated.

1 (ii) High rates of vacant, abandoned,
2 or substandard homes relative to the city
3 or county as a whole.

4 (iii) A low-performing public school.

5 (iv) Other such factors as determined
6 by the Secretary that further the purposes
7 of this title.

8 (6) FAMILIES.—The term “families” has the
9 meaning given such term in section 3(b) of the
10 United States Housing Act of 1937 (42 U.S.C.
11 1437a(b)).

12 (7) GRANTEE.—The term “grantee” means an
13 eligible entity under section 104 that is awarded a
14 grant under this title, pursuant to selection under
15 section 107.

16 (8) LONG-TERM VIABILITY.—The term “long-
17 term viability” means, with respect to a neighbor-
18 hood, that the neighborhood is sustainable on an
19 economic, education, and environmental basis.

20 (9) NEIGHBORHOOD.—The term “neighbor-
21 hood” means an area that—

22 (A) has distinguishing characteristics;

23 (B) represents the geographical distribu-
24 tion of targeted populations; and

1 (C) is not exclusive of areas that are inte-
2 grally related to the composition of the commu-
3 nity.

4 (10) PUBLIC HOUSING; PUBLIC HOUSING AGEN-
5 CY.—The terms “public housing” and “public hous-
6 ing agency” have the meanings given such terms in
7 section 3(b) of the United States Housing Act of
8 1937 (42 U.S.C. 1437a(b)).

9 (11) SECRETARY.—The term “Secretary”
10 means the Secretary of Housing and Urban Develop-
11 ment.

12 (12) SEVERELY DISTRESSED HOUSING.—The
13 term “severely distressed housing” means a public
14 or assisted housing project (or building in a project)
15 that—

16 (A)(i) has been certified, by an engineer or
17 architect licensed by a State licensing board, as
18 meeting criteria for physical distress that indi-
19 cate that the project requires major redesign,
20 reconstruction, or redevelopment, or partial or
21 total demolition, to correct serious deficiencies
22 in the original design (including inappropriately
23 high-population density), deferred maintenance,
24 physical deterioration or obsolescence of major

1 systems, and other deficiencies in the physical
2 plant of the project; and

3 (ii) is a significant contributing factor to
4 the physical decline of and disinvestment by
5 public and private entities in the surrounding
6 neighborhood, as documented by evidence of
7 non-physical distress, such as extreme poverty,
8 including census data and past surveys of
9 neighborhood stability conducted by an appli-
10 cant or co-applicant or their qualified designee;

11 or

12 (B) was a project described in subpara-
13 graph (A) that has been legally vacated or de-
14 molished, but for which the Secretary has not
15 yet provided replacement housing assistance
16 other than tenant-based assistance.

17 (13) SIGNIFICANT AMENDMENT OR CHANGE.—

18 The term “significant” means, with respect to an
19 amendment or change to a transformation plan, that
20 the amendment or change—

21 (A) changes the use of 20 percent or more
22 of the total amount of the grant provided under
23 this title from use for one activity to use for an-
24 other;

1 (B) eliminates an activity that is a re-
2 quired activity that, notwithstanding the
3 change, would otherwise be carried out under
4 the plan; or

5 (C) significantly changes the scope, loca-
6 tion, or beneficiaries of the project carried out
7 under the plan.

8 (14) SUPPORTIVE SERVICES.—The term “sup-
9 portive services” includes all activities that will pro-
10 mote upward mobility, self-sufficiency, or improved
11 quality of life, including—

12 (A) such activities as literacy training, re-
13 medial and continuing education, job training,
14 financial literacy instruction, daycare, youth
15 services, aging-in-place, physical and mental
16 health services, and other programs for which
17 such residents demonstrate need;

18 (B) case management and service coordi-
19 nation services, including providing coordinators
20 for the Family Self-Sufficiency program under
21 section 23 of the United States Housing Act of
22 1937 (42 U.S.C. 1437u) and the Resident Op-
23 portunity and Supportive Services program
24 under section 34 of such Act (42 U.S.C.
25 1437z–6); and

1 (C) technical assistance to enable residents
2 to access programs from other key agencies and
3 local service providers in order to help residents
4 be stably housed, improve outcomes for chil-
5 dren, and enhance adults' capacity for self-suf-
6 ficiency and economic security, and services for
7 the elderly and persons with disabilities to
8 maintain independence.

9 **SEC. 117. FUNDING.**

10 There are authorized to be appropriated the following
11 amounts:

12 (1) GRANTS.—\$575,000,000 for fiscal year
13 2011 and such sums as may be necessary in each of
14 fiscal years 2011, 2012, 2013, 2014, and 2015, for
15 grants under this title, of which, in any fiscal year—

16 (A) up to 10 percent of such amount au-
17 thorized may be used for planning grants, ex-
18 cept that in awarding planning grants, the Sec-
19 retary may elect to base selection on a subset
20 of the required provisions of this title;

21 (B) up to 5 percent of the amount author-
22 ized may be used for technical assistance and
23 program evaluation efforts related to grants
24 awarded under this title, or under predecessor
25 programs; and

1 (C) not less than two-thirds shall be used
2 for, or two-thirds of the number of housing
3 units assisted under this title shall be, public
4 housing units, subject to de minimis variations
5 as may result from the grantee selection pro-
6 cess.

7 (2) RENTAL ASSISTANCE.—Such sums as may
8 be necessary for each of fiscal years 2011 through
9 2015 for providing tenant-based assistance for relo-
10 cation and for rental assistance under section 8 of
11 the United States Housing Act of 1937 for the pur-
12 poses of complying with section 108(c) of this title,
13 but not to exceed the amount of assistance for the
14 number of units demolished or disposed of under
15 section 108(c)(1).

16 **SEC. 118. REGULATIONS.**

17 Not later than the expiration of the 180-day period
18 beginning on the date of the enactment of this Act, the
19 Secretary shall issue regulations to carry out the following
20 provisions of this title:

21 (1) Subsections (c) and (e) of section 106.

22 (2) Section 9(b).

23 (3) Paragraphs (4), (5), (8), (9), and (12) of
24 section 116.

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

4 **SEC. 201. SHORT TITLE.**

5 This title may be cited as the “Public Housing One-
6 for-One Replacement and Tenant Protection Act of
7 2010”.

8 **SEC. 202. DEMOLITION AND DISPOSITION OF PUBLIC HOUS-**
9 **ING.**

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

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

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

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

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

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

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

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

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

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

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

18 (C) by striking paragraph (4);

19 (D) in paragraph (6), by striking “sub-
20 section (c)” and inserting “subsection (d)”;

21 (E) by redesignating paragraphs (5) and
22 (6) as paragraphs (4) and (5), respectively; and

23 (F) by inserting after paragraph (5) (as so
24 redesignated) the following new paragraph:

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

5 (4) in subsection (c) (as so redesignated by
6 paragraph (1) of this subsection)—

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

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

12 (C) in paragraph (2)(C) by striking the pe-
13 riod at the end and inserting a semicolon; and

14 (D) by adding at the end the following new
15 paragraphs:

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

23 “(4) the proposed relocation, demolition, dis-
24 position, demolition or disposition or both pursuant
25 to conversion under section 22 or 33, or the provi-

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

13 “(5) the Secretary determines that the proposed
14 plan for relocation, demolition, disposition, demoli-
15 tion or disposition or both subsequent to conversion
16 pursuant to section 22 or 33, or the provision of re-
17 placement housing does not comply with the require-
18 ments of subsection (e) of this section.”;

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

22 “(e) REPLACEMENT UNITS.—

23 “(1) REQUIREMENT TO REPLACE OR MAINTAIN
24 EACH UNIT.—

1 “(A) REPLACEMENT.—Except for demoli-
2 tion pursuant to subsection (g) or as provided
3 in paragraph (2) of this subsection, each public
4 housing dwelling unit demolished or disposed of
5 after August 1, 2008, shall be replaced with a
6 newly constructed, rehabilitated, or purchased
7 public housing rental unit or with a newly con-
8 structed, rehabilitated, or purchased unit (in-
9 cluding through project-based assistance), and
10 each public housing unit that is converted pur-
11 suant to section 22 or 33 shall be converted to
12 project-based assistance.

13 “(B) REQUIREMENTS APPLICABLE TO RE-
14 PLACEMENT UNITS.—Such replacement or con-
15 verted units shall be subject to requirements re-
16 garding eligibility for occupancy, tenant con-
17 tribution toward rent, and affordability restric-
18 tions that are consistent with such requirements
19 for public housing dwelling units, and such re-
20 quirements shall not terminate unless units are
21 replaced with a comparable number of units
22 that are subject to the same requirements.

23 “(C) INAPPLICABILITY OF CERTAIN
24 PROJECT-BASED VOUCHER REQUIREMENTS.—
25 Subparagraphs (B) and (D) of section 8(o)(13)

1 of the United States Housing Act of 1936 (re-
2 lating to percentage limitation and income mix-
3 ing requirement of project-based assistance)
4 shall not apply with respect to vouchers used to
5 comply with the requirements of this para-
6 graph.

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

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

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

21 “(i) at least 80 percent of vouchers
22 issued under section 8(o) of the United
23 States Housing Act of 1937 over the last
24 24 months to comparable families were
25 successfully used to lease a dwelling unit

1 within 120 days of issuance or, if a suffi-
2 cient number of comparable families have
3 not received vouchers, an alternative meas-
4 ure, as the Secretary shall design, is met;

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

11 “(iii) the applicant provides a market
12 analysis demonstrating that—

13 “(I) there is a relatively high va-
14 cancy rate among units that would
15 meet or exceed housing quality stand-
16 ards, as determined by the Secretary,
17 within the market area with rent and
18 utility costs not exceeding the applica-
19 ble payment standard under section
20 8(o) of the United States Housing Act
21 of 1937 (42 U.S.C. 1437f(o)); and

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

1 “(3) CONTINUATION OF USE RESTRICTIONS.—

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

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

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

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

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

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

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

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

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

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

24 “(6) SIZE.—

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

5 “(B) BEDROOMS.—The number of bed-
6 rooms within each replacement unit shall be
7 sufficient to serve families displaced as a result
8 of the demolition or disposition. Replacement
9 units may include a greater number of bed-
10 rooms than the number of bedrooms in units
11 replaced if an analysis of the waiting list of the
12 public housing agency shows that more bed-
13 rooms are needed to accommodate families on
14 the waiting list.

15 “(7) LOCATION ON SITE.—At least one-third of
16 all replacement units for public housing units demol-
17 ished shall be public housing units constructed on
18 the original public housing location, unless the Sec-
19 retary determines that—

20 “(A) construction on such location would
21 result in the violation of a consent decree; or

22 “(B) the land on which the public housing
23 is located is environmentally unsafe, geologically
24 unstable, or otherwise is unsuitable for the con-
25 struction of housing.

1 “(8) LOCATION IN OTHER AREAS.—Any re-
2 placement housing units provided in addition to
3 dwelling units provided pursuant to paragraph (3)
4 shall be provided in areas within the jurisdiction of
5 the public housing agency having low concentrations
6 of poverty, in a manner that furthers the economic
7 and educational opportunities for residents.”;

8 (6) in subsection (f) (as so redesignated by
9 paragraph (1) of this subsection)—

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

13 “(f) TREATMENT OF OCCUPANCY.—

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

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

1 (C) by adding at the end the following new
2 paragraphs:

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

14 “(3) RESIDENT PREFERENCES.—A public hous-
15 ing agency shall, not later than 30 days before sub-
16 mitting an application to the Secretary for demoli-
17 tion, disposition, or demolition or disposition or both
18 pursuant to conversion under section 22 or 33—

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

23 “(i) the public housing agency’s intent
24 to submit an application for demolition,
25 disposition, or both;

1 “(ii) their right to return and reloca-
2 tion housing options; and

3 “(iii) all planned replacement housing
4 units; and

5 “(B) solicit from each resident information
6 regarding the resident’s desire to return to the
7 replacement housing units constructed upon the
8 original public housing location, interest in
9 moving to other neighborhoods or communities,
10 or interest in retaining a voucher for rental as-
11 sistance.”;

12 (7) by striking subsection (h) (as so redesign-
13 ated by paragraph (1) of this subsection) and in-
14 serting the following new subsection:

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

21 “(1) UNIFORM RELOCATION AND REAL PROP-
22 PERTY ACQUISITION ACT.—The Uniform Relocation
23 and Real Property Acquisition Policies Act of 1970
24 (42 U.S.C. 4601 et seq.) shall apply. To the extent
25 the provisions of this subsection and such Act con-

1 flict, the provisions that provide greater protection
2 to residents displaced by the demolition, disposition,
3 or demolition and disposition, shall apply.

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

11 “(A) a statement of the estimated number
12 of vouchers for rental assistance under section
13 8 that will be needed for such relocation;

14 “(B) identification of the location of the
15 replacement dwelling units that will be made
16 available for permanent occupancy; and

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

21 “(3) NOTICE UPON APPROVAL OF APPLICA-
22 TION.—Within a reasonable time after notice to the
23 public housing agency of the approval of an applica-
24 tion for demolition or disposition, the public housing
25 agency shall provide notice in writing, in plain and

1 non-technical language, to the residents of the public
2 housing subject to the approved application that—

3 “(A) states that the application has been
4 approved;

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

10 “(C) provides information regarding relo-
11 cation options;

12 “(D) advises residents of the availability of
13 relocation counseling as required in paragraph
14 (8); and

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

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

1 ance with such guidelines as the Secretary may issue
2 governing such notifications, that—

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

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

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

12 “(i) that meets housing quality stand-
13 ards;

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

21 “(iii) that is identified and available
22 to the family; and

23 “(iv) which shall include—

24 “(I) tenant-based assistance, ex-
25 cept that the requirement under this

1 subparagraph regarding offering of
2 comparable housing shall be fulfilled
3 by use of tenant-based assistance only
4 upon the relocation of the family into
5 such housing;

6 “(II) project-based assistance;

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

13 “(IV) other comparable housing.

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

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

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

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

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

1 than their current residence or remaining in the cur-
2 rent neighborhood. Such counseling shall also in-
3 clude providing school options for children and com-
4 prehensive housing search assistance for household
5 that receive a voucher for tenant-based assistance.

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

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

1 porting information, that the proposed demolition or
2 disposition, relocation, or replacement housing will
3 be carried out in a manner that affirmatively fur-
4 thers fair housing, as described in section 808(e) of
5 the Civil Rights Act of 1968 (42 U.S.C. 3608(e)).

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

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

18 (8) in subsection (i) (as so redesignated by
19 paragraph (1) of this subsection), by striking “may”
20 and inserting “shall”; and

21 (9) by adding at the end the following new sub-
22 sections:

23 “(j) RIGHT OF RETURN.—

24 “(1) RIGHT.—Any person who, on the date de-
25 termined in accordance with subsection (f)(2), occu-

1 pies a public housing unit that is the subject of an
2 application for demolition, disposition, or demolition
3 or disposition or both subsequent to conversion pur-
4 suant to section 22 or 33, and whose tenancy or
5 right of occupancy has not been validly terminated
6 pursuant to section 6 or 8(o), shall be eligible to oc-
7 cupy a replacement housing unit.

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

21 “(k) ENFORCEMENT.—Any affected person shall
22 have the right to enforce this section pursuant to section
23 1979 of the Revised Statutes of the United States (42
24 U.S.C. 1983). Nothing in this section may be construed

1 to limit the rights and remedies available under State or
2 local law to any affected person.”.

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

11 **SEC. 203. AUTHORITY TO CONVERT PUBLIC HOUSING TO**
12 **VOUCHERS.**

13 Section 22 of the United States Housing Act of 1937
14 (42 U.S.C. 1437t) is amended by adding at the end the
15 following new subsection:

16 “(g) ADMINISTRATION.—

17 “(1) IN GENERAL.—The Secretary may require
18 a public housing agency to provide to the Secretary
19 or to public housing residents such information as
20 the Secretary considers to be necessary for the ad-
21 ministration of this section.

22 “(2) APPLICABILITY OF SECTION 18.—Section
23 18 shall apply to the subsequent demolition or dis-
24 position of public housing dwelling units removed

1 from the inventory of the public housing agency pur-
2 suant to this section.”.

3 **SEC. 204. REQUIRED CONVERSION OF DISTRESSED PUBLIC**
4 **HOUSING TO TENANT-BASED ASSISTANCE.**

5 Section 33(h)(2) of the United States Housing Act
6 of 1937 (42 U.S.C. 1437z-5(h)(2)) is amended by striking
7 “shall not apply to the demolition of public housing
8 projects” and inserting “shall apply to the subsequent
9 demolition or disposition of public housing dwelling units”.

10 **SEC. 205. REGULATIONS.**

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

16 **TITLE III—PUBLIC HOUSING**
17 **PRESERVATION AND REHA-**
18 **BILITATION**

19 **SEC. 301. SHORT TITLE.**

20 This title may be cited as the “Public Housing Pres-
21 ervation and Rehabilitation Act of 2010”.

22 **SEC. 302. LEVERAGING OF OTHER ASSISTANCE.**

23 (a) CAPITAL FUND LOAN GUARANTEES.—Subsection
24 (d) of section 9 of the United States Housing Act of 1937

1 (42 U.S.C. 1437g(d)) is amended by adding at the end
2 the following new paragraph:

3 “(4) LOAN GUARANTEES.—

4 “(A) AUTHORITY.—The Secretary may,
5 upon such terms and conditions as the Sec-
6 retary may prescribe, guarantee and make com-
7 mitments to guarantee notes or other obliga-
8 tions issued by public housing agencies for the
9 purposes of financing—

10 “(i) the rehabilitation of public hous-
11 ing owned by the agency; or

12 “(ii) the modernization, through en-
13 ergy efficiency improvements, of public
14 housing units owned by the agency.

15 “(B) LIMITATION.—A guarantee under
16 this paragraph may be used to assist a public
17 housing agency in obtaining financing only if
18 the housing agency provides evidence sufficient,
19 in the determination of the Secretary, to dem-
20 onstrate that—

21 “(i) it is not able to finance the im-
22 provements without such a guarantee; or

23 “(ii) the use of such a guarantee will
24 result in substantially lower financing costs
25 or interest rate.

1 “(C) TERMS.—Notes or other obligations
2 guaranteed pursuant to this section shall be in
3 such form and denominations, have such matu-
4 rities, and be subject to such conditions as may
5 be prescribed by regulations issued by the Sec-
6 retary. The term of such loan guarantee shall
7 not exceed 20 years.

8 “(D) USE OF CAPITAL FUNDS.—Funds al-
9 located to an issuer pursuant to section 9(d)
10 may be used for payment of principal and inter-
11 est due (including such servicing, underwriting,
12 or other costs as may be specified in regulations
13 of the Secretary) on notes or other obligations
14 guaranteed pursuant to this paragraph.

15 “(E) REPAYMENT.—

16 “(i) CONTRACT; PLEDGE.—To ensure
17 the repayment of notes or other obligations
18 guaranteed under this paragraph and
19 charges incurred under this paragraph and
20 as a condition for receiving such guaran-
21 tees, the Secretary shall require the issuer
22 of any such note or obligation to—

23 “(I) enter into a contract, in a
24 form acceptable to the Secretary, for

1 repayment of notes or other obliga-
2 tions so guaranteed; and

3 “(II) pledge any grant or alloca-
4 tion for which the issuer is or may be-
5 come eligible under this Act for the
6 repayment of notes or other obliga-
7 tions so guaranteed.

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

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

24 “(G) AMOUNT.—Subject only to the ab-
25 sence of qualified requests for guarantees and

1 to the availability of amounts to cover the costs
2 (as such term is defined in section 502 of the
3 Federal Credit Reform Act of 1990 (2 U.S.C.
4 661a)), as are provided in advance in appro-
5 priation Acts, the Secretary shall enter into
6 commitments to guarantee notes and obliga-
7 tions under this paragraph having an aggregate
8 principal amount of \$500,000,000 each for fis-
9 cal years 2011, 2012, and 2013.”.

10 (b) UTILITY AND WASTE MANAGEMENT COST SAV-
11 INGS.—Subparagraph (C) of section 9(e)(2) of the United
12 States Housing Act of 1937 (42 U.S.C. 1437g(e)(2)(C))
13 is amended—

14 (1) by striking the subparagraph designation
15 and heading and all that follows through “Contracts
16 described in clause (i)” in clause (ii) and inserting
17 the following:

18 “(C) TREATMENT OF UTILITY AND WASTE
19 MANAGEMENT COST SAVINGS.—

20 “(i) IN GENERAL.—The treatment of
21 utility and waste management costs under
22 the formula shall provide that a public
23 housing agency shall receive the full finan-
24 cial benefit from any reduction in the cost
25 of utilities or waste management resulting

1 from energy conservation improvements in
2 one or more of its public housing projects,
3 subject to the following:

4 “(I) THIRD PARTY CON-
5 TRACTS.—In the case of energy con-
6 servation improvements in public
7 housing undertaken pursuant to a
8 contract with a third party, such con-
9 tracts”;

10 (2) in clauses (iii) and (iv), by striking “clause
11 (i)” each place such term appears and inserting
12 “subclause (I)”;

13 (3) in clause (iv), by striking “the date of the
14 enactment of this clause” and inserting “December
15 26, 2007,”;

16 (4) by redesignating clauses (iii) and (iv) as
17 subclauses (II) and (III), respectively, and realigning
18 such subclauses, as so redesignated, so as to be in-
19 dented 8 ems from the left margin; and

20 (5) by adding at the end the following new
21 clauses:

22 “(ii) FINANCING OF IMPROVE-
23 MENTS.—Energy conservation improve-
24 ments may be undertaken pursuant to a
25 contract for the improvements only, and

1 the public housing agency may finance
2 such improvements for a period of up to
3 20 years. A public housing agency may
4 pledge operating assistance under this sub-
5 section as security for such financings in
6 an amount not to exceed the lesser of—

7 “(I) the amount of the debt serv-
8 ice, plus such appropriate debt service
9 coverage factor as the Secretary may
10 establish; and

11 “(II) the amount of the reason-
12 ably anticipated utility cost savings
13 resulting from the improvements, as
14 determined by the Secretary.

15 The Secretary may also permit the pledg-
16 ing of the installed equipment related to
17 such improvements.

18 “(iii) FREEZE OF CONSUMPTION LEV-
19 ELS.—

20 “(I) IN GENERAL.—A public
21 housing agency may elect to be paid
22 for its utility costs, including utility
23 allowances, under the formula for a
24 period, at the discretion of the agency,
25 of not longer than 20 years based on

1 the agency’s average annual consump-
2 tion during the 3-years period pre-
3 ceding the year in which the election
4 is made (in this clause referred to as
5 the ‘consumption base level’.

6 “(II) INITIAL ADJUSTMENTS IN
7 CONSUMPTION BASE LEVEL.—The
8 Secretary shall make an initial one-
9 time adjustment in the consumption
10 base level to account for differences in
11 the heating degree day average over
12 the most recent 20-year period com-
13 pared to the average in the consump-
14 tion base level.

15 “(III) ONGOING ADJUSTMENTS
16 IN CONSUMPTION BASE LEVEL.—The
17 Secretary shall make adjustments in
18 the consumption base level to account
19 for an increase or reduction in units,
20 a change in fuel source, a change in
21 resident-controlled electricity con-
22 sumption, or for such other reasons as
23 the Secretary considers appropriate.

24 “(IV) THIRD PARTIES.—A public
25 housing agency making an election

1 under subclause (I) may use, but shall
2 not be required to use, the services of
3 a third party in its energy conserva-
4 tion program. The agency shall have
5 the sole discretion to determine the
6 source, terms, and conditions of any
7 financing used for its program.”.

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

12 “(n) REQUIREMENTS FOR PROPERTIES WITH HOUS-
13 ING TAX CREDITS.—Public housing agencies that utilize
14 tax credits under section 42 of the Internal Revenue Code
15 of 1986 for rental housing units that are currently or for-
16 merly assisted under subsection (d) or (e) with respect to
17 such units shall provide for—

18 “(1) an option for the public housing agency to
19 purchase limited partnership interests in a property
20 containing such units after the tax compliance pe-
21 riod under section 42;

22 “(2) a provision to give a public housing agency
23 an active role in property management decisions of
24 such housing; or

1 “(3) such other provision or provisions as the
2 Secretary may establish to ensure the preservation
3 of the interest of the public housing agency in the
4 property.”.

5 **SEC. 303. CAPITAL FUND FLEXIBILITY.**

6 (a) **NEW DEVELOPMENT FLEXIBILITY.**—Subsection
7 (g) of section 9 of the United States Housing Act of 1937
8 (42 U.S.C. 1437g(g)) is amended by striking paragraph
9 (3).

10 (b) **REHABILITATION FLEXIBILITY.**—Subsection (d)
11 of section 9 of the United States Housing Act of 1937
12 (42 U.S.C. 1437g(d)) is amended by adding at the end
13 the following new paragraph:

14 “(4) **USE FOR UNITS NOT INCLUDED IN FOR-**
15 **MULA.**—A public housing agency may use amounts
16 provided under this subsection for the purposes
17 specified in subparagraphs (A), (C), (I), and (K) of
18 paragraph (1) for public housing dwelling units not
19 included in the formula established pursuant to
20 paragraph (2), but only if—

21 “(A) the agency agrees—

22 “(i) to continue to operate and main-
23 tain any housing assisted with such funds
24 under the current terms and conditions for
25 a period not shorter than the 30-year pe-

1 riod that begins on the latest date on
 2 which modernization using such amounts
 3 was completed; or

4 “(ii) to return any amounts provided
 5 under this paragraph to the Secretary; and

6 “(B) the agency certifies to the Secretary
 7 that dwelling units owned and operated by the
 8 public housing agency that are included in the
 9 formula established pursuant to paragraph (2)
 10 are being maintained and the funds amounts
 11 being used under this authority will not be
 12 needed for such maintenance.”.

13 **SEC. 304. GRANTS FOR CONVERSION OF PUBLIC HOUSING**
 14 **PROJECTS TO ASSISTED LIVING FACILITIES.**

15 Title I of the United States Housing Act of 1937 (42
 16 U.S.C. 1437 et seq.) is amended by adding at the end
 17 the following new section:

18 **“SEC. 37. GRANTS FOR CONVERSION OF PUBLIC HOUSING**
 19 **PROJECTS TO ASSISTED LIVING FACILITIES.**

20 “(a) **AUTHORITY.**—The Secretary may make grants
 21 in accordance with this section to public housing agencies
 22 for use for activities designed to convert dwelling units in
 23 eligible projects described in subsection (b) to assisted liv-
 24 ing facilities for elderly persons.

1 “(b) ELIGIBLE PROJECTS.—An eligible project de-
2 scribed in this subsection is a public housing project (or
3 a portion thereof) that has been designated under section
4 7 for occupancy only by elderly persons.

5 “(c) APPLICATIONS.—Applications for grants under
6 this section shall be submitted to the Secretary in accord-
7 ance with such procedures as the Secretary shall establish.
8 Such applications shall contain—

9 “(1) a description of the proposed conversion
10 activities for which a grant under this section is re-
11 quested;

12 “(2) a statement of the amount of the grant re-
13 quested;

14 “(3) a description of the resources that are ex-
15 pected to be made available, if any, in conjunction
16 with the grant under this section; and

17 “(4) such other information or certifications
18 that the Secretary determines to be necessary or ap-
19 propriate.

20 “(d) FUNDING FOR SERVICES.—The Secretary may
21 not make a grant under this section unless the application
22 contains sufficient evidence, in the determination of the
23 Secretary, of firm commitments for the funding of services
24 to be provided in the assisted living facility.

1 “(e) SELECTION CRITERIA.—The Secretary shall se-
2 lect applications for grants under this section based upon
3 selection criteria, which shall be established by the Sec-
4 retary and shall include—

5 “(1) the extent to which the conversion is likely
6 to provide assisted living facilities that are needed or
7 are expected to be needed by the categories of elder-
8 ly persons that the assisted living facility is intended
9 to serve;

10 “(2) the extent to which the public housing
11 agency is not able to fund the conversion activities
12 from existing financial resources, as evidenced by
13 the agency’s financial records;

14 “(3) the extent to which the agency has evi-
15 denced community support for the conversion, by
16 such indicators as letters of support from the local
17 community for the conversion and financial contribu-
18 tions from public and private sources;

19 “(4) the extent to which the applicant dem-
20 onstrates a strong commitment to promoting the au-
21 tonomy and independence of the elderly persons that
22 the assisted living facility is intended to serve;

23 “(5) the quality, completeness, and managerial
24 capability of providing the services which the as-
25 sisted living facility intends to provide to elderly

1 residents, especially in such areas as meals, 24-hour
 2 staffing, and on-site health care; and

3 “(6) such other criteria as the Secretary deter-
 4 mines to be appropriate to ensure that funds made
 5 available under this section are used effectively.

6 “(f) DEFINITION.—For the purposes of this section,
 7 the term ‘assisted living facility’ has the meaning given
 8 such term in section 232(b) of the National Housing Act
 9 (12 U.S.C. 1715w(b)).

10 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
 11 is authorized to be appropriated for providing grants
 12 under this section such sums as may be necessary for each
 13 of fiscal years 2011, 2012, 2013, 2014, and 2015.”.

14 **TITLE IV—PILOT PROGRAM TO**
 15 **TRAIN PUBLIC HOUSING**
 16 **RESIDENTS TO PROVIDE**
 17 **HOME-BASED HEALTH SERV-**
 18 **ICES**

19 **SEC. 401. SHORT TITLE.**

20 This title may be cited as the “Together We Care
 21 Act of 2010”.

22 **SEC. 402. FINDINGS AND PURPOSE.**

23 (a) FINDINGS.—The Congress finds the following:

1 (1) The “baby boom” generation will require
2 health care attention that will exceed the current
3 supply of health care providers.

4 (2) There is a shortage of training programs
5 specializing in health care and long-term services
6 that focus on home care instead of institutionalized
7 care.

8 (3) Although the need for home-based health
9 services transcends all income levels, the availability
10 of such services is more limited for residents of pub-
11 lic housing.

12 (4) Estimates indicate that there are
13 44,000,000 caregivers in the United States pro-
14 viding unpaid care to at least one adult, representing
15 22,900,000 households.

16 (5) Of working persons providing unpaid care,
17 62 percent have had to make adjustments to work
18 schedules or leave employment.

19 (6) Many low-income families in the United
20 States are placed in an untenable position of choos-
21 ing between work and caregiving responsibilities at
22 home.

23 (7) Many residents of public housing in the
24 United States are aging and in need of care.

1 (8) The Department of Housing and Urban De-
2 velopment estimates the percentage of households
3 assisted by the Department that are elderly house-
4 holds is 35 percent in New York, 33 percent in Bos-
5 ton, 35 percent in Chicago, 24 percent in Cleveland,
6 40 percent in Los Angeles, and 20 percent in Puerto
7 Rico.

8 (9) New service programs are needed to provide
9 home-based health services to residents of public
10 housing and to provide job training and job place-
11 ment for persons receiving assistance from the De-
12 partment of Housing and Urban Development need-
13 ing employment.

14 (10) The Department of Housing and Urban
15 Development should establish a home-based health
16 services pilot program to meet the challenges of the
17 increasing number of elderly persons and persons
18 with disabilities in public housing, which would si-
19 multaneously create an opportunity to train job
20 seekers in a trade that provides home-based health
21 services.

22 (b) PURPOSES.—The purposes of this title are—

23 (1) to give flexibility to the Department of
24 Housing and Urban Development and other entities

1 to establish training programs in home-based health
2 services for public housing residents; and

3 (2) to provide needed home care options to el-
4 derly and disabled public housing residents (includ-
5 ing elderly and disabled veterans who are public
6 housing residents) and elderly and disabled residents
7 of federally-assisted rental housing to allow them to
8 remain in their homes and their communities.

9 **SEC. 403. PILOT GRANT PROGRAM TO TRAIN PUBLIC HOUS-**
10 **ING RESIDENTS TO PROVIDE COVERED**
11 **HOME-BASED HEALTH SERVICES.**

12 Section 34 of the United States Housing Act of 1937
13 (42 U.S.C. 1437z-6) is amended by adding at the end
14 the following new subsections:

15 “(f) PILOT GRANT PROGRAM TO TRAIN PUBLIC
16 HOUSING RESIDENTS TO PROVIDE COVERED HOME-
17 BASED HEALTH SERVICES.—

18 “(1) ESTABLISHMENT OF PILOT GRANT PRO-
19 GRAM.—The Secretary, in consultation with the Sec-
20 retary of Health and Human Services, shall estab-
21 lish a competitive grant program to make grants to
22 eligible entities under paragraph (2) for use for the
23 training of public housing residents as home health
24 aides and as providers of home-based health services
25 (including as personal and home care aides) to en-

1 able such residents to provide covered home-based
2 health services to—

3 “(A) residents of public housing who are
4 elderly or disabled, or both (including elderly
5 and disabled veterans who are residents of pub-
6 lic housing); and

7 “(B) subject to the criteria set forth pur-
8 suant to paragraph (3), residents of federally-
9 assisted rental housing who are elderly or dis-
10 abled, or both.

11 “(2) ELIGIBLE ENTITIES.—A grant under this
12 subsection may be made only to an entity that—

13 “(A) is a public housing agency or other
14 unit of State or local government (including an
15 agency of such unit), community health center,
16 home care provider organization, faith-based or-
17 ganization, labor organization, or other organi-
18 zation determined to be qualified by the Sec-
19 retary; and

20 “(B) demonstrates to the satisfaction of
21 the Secretary that it has established, or pro-
22 vides such assurances that it will establish, an
23 employment training program to train public
24 housing residents to provide covered home-

1 based health services that complies with regula-
2 tions that the Secretary shall issue.

3 “(3) RESIDENTS OF FEDERALLY-ASSISTED
4 RENTAL HOUSING.—The Secretary may set forth
5 criteria under which an entity receiving funding
6 under this subsection may train public housing resi-
7 dents to provide covered home-based health services
8 to elderly and disabled residents of federally-assisted
9 rental housing.

10 “(4) APPLICATION.—To be eligible for a grant
11 under this subsection an eligible entity under para-
12 graph (2) shall submit to the Secretary an applica-
13 tion at such time, in such manner, and containing
14 such information as the Secretary shall require.

15 “(5) COMPETITIVE GRANT AWARDS.—

16 “(A) GENERAL CRITERIA FOR SELEC-
17 TION.—The Secretary shall establish policies
18 and procedures for reviewing and approving
19 funding for eligible entities through a competi-
20 tive process taking into consideration—

21 “(i) with respect to the service area in
22 which public housing residents trained
23 under an employment training program de-
24 scribed in paragraph (2)(B) will provide
25 covered home-based health services—

1 “(I) the percentage of residents
2 age 62 and older;

3 “(II) the percentage of disabled
4 residents; and

5 “(III) the percentage of unem-
6 ployed or underemployed residents;

7 “(ii) the ability of an eligible entity to
8 provide training that leads to the provision
9 of quality care;

10 “(iii) the record of the quality of care
11 of an eligible entity; and

12 “(iv) such other criteria as determined
13 by the Secretary.

14 “(B) GEOGRAPHIC CONSIDERATION.—In
15 awarding grants, the Secretary shall consider a
16 geographic mix of a variety of eligible entities
17 so that the grant program will include at
18 least—

19 “(i) one employment training program
20 described in paragraph (2)(B) that pri-
21 marily serves an urban population;

22 “(ii) one employment training pro-
23 gram described in paragraph (2)(B) that
24 primarily serves a rural population;

1 “(iii) one employment training pro-
2 gram described in paragraph (2)(B) that
3 primarily serves an Indian population; and

4 “(iv) one employment training pro-
5 gram described in paragraph (2)(B) that
6 primarily serves a population in the Com-
7 monwealth of Puerto Rico, the United
8 States Virgin Islands, Guam, American
9 Samoa, or the Commonwealth of the
10 Northern Mariana Islands.

11 “(6) USE OF GRANT FUNDS.—An entity receiv-
12 ing funding under this subsection may use such
13 funds—

14 “(A) to establish (or maintain) and carry-
15 out an employment training program to train
16 public housing residents to provide covered
17 home-based health care services to elderly and
18 disabled public housing residents and elderly
19 and disabled residents of federally-assisted rent-
20 al housing;

21 “(B) for the transportation expenses of
22 public housing residents in training under such
23 an employment training program;

1 “(C) for the child care expenses of public
2 housing residents in training under such an em-
3 ployment training program;

4 “(D) for the administrative expenses of
5 carrying out such an employment training pro-
6 gram; and

7 “(E) for any other activity the Secretary
8 determines appropriate.

9 “(7) REPORT TO CONGRESS.—Not later than
10 24 months after the date of the enactment of the
11 Together We Care Act of 2010, the Secretary shall
12 submit to Congress a report on the use and impact
13 of the grant program established by this subsection.
14 The report shall include—

15 “(A) a review of the effectiveness of the
16 program in—

17 “(i) providing jobs for public housing
18 residents;

19 “(ii) meeting the unmet health and
20 long-term care needs of elderly and dis-
21 abled residents of public housing and elder-
22 ly and disabled residents of federally-as-
23 sisted rental housing; and

24 “(iii) enabling the provision of quality
25 care; and

1 “(B) any recommendations the Secretary
2 determines appropriate regarding the grant pro-
3 gram.

4 “(8) DEFINITIONS.—As used in this subsection,
5 subsection (g), and subsection (h):

6 “(A) HOME-BASED HEALTH SERVICES.—
7 The term ‘home-based health services’ means
8 health care and long-term services provided to
9 an individual in a place of residence used as
10 such individual’s home and includes—

11 “(i) home health services described in
12 section 1861(m) of the Social Security Act
13 (42 U.S.C. 1395x(m));

14 “(ii) personal care services described
15 in section 1905(a)(24) of such Act (42
16 U.S.C. 1396d(a)(24)); and

17 “(iii) home-based services which may
18 be covered under a waiver under subsection
19 (c) or (d) of section 1915 of such Act (42
20 U.S.C. 1396n).

21 “(B) HOME HEALTH AIDE.—The term
22 ‘home health aide’ has the meaning given the
23 term in section 1891(a)(3)(E) of the Social Se-
24 curity Act (42 U.S.C. 1395bbb(a)(3)(E)).

1 “(C) COVERED.—The term ‘covered’
2 means, with respect to home-based health serv-
3 ices, such services—

4 “(i) for which medical assistance is
5 available under a State plan under title
6 XIX of the Social Security Act; or

7 “(ii) for which financial assistance is
8 available under subsection (g).

9 “(D) FEDERALLY-ASSISTED RENTAL
10 HOUSING.—The term ‘federally-assisted rental
11 housing’ means—

12 “(i) housing assisted under section
13 202 of the Housing Act of 1959 (12
14 U.S.C. 1701q);

15 “(ii) housing assisted under section
16 515 of the Housing Act of 1949 (42
17 U.S.C. 1485);

18 “(iii) housing assisted under section 8
19 of the United States Housing Act of 1937
20 (42 U.S.C. 1437f) (including project-based
21 and tenant-based assistance);

22 “(iv) housing assisted under the block
23 grant program under the Native American
24 Housing Assistance and Self-Determina-
25 tion Act of 1996 (25 U.S.C. 4101 et seq.);

1 “(v) housing financed by a mortgage
2 insured under section 221(d)(3) of the Na-
3 tional Housing Act (12 U.S.C.
4 1715l(d)(3)) or held by the Secretary, a
5 State, or State agency; and

6 “(vi) housing assisted under section
7 811 of the Cranston-Gonzalez National Af-
8 fordable Housing Act (42 U.S.C. 8013).

9 “(9) INAPPLICABILITY OF PREVIOUS SUB-
10 SECTIONS.—Subsections (a) through (e) shall not
11 apply to this subsection, subsection (g), and sub-
12 section (h).

13 “(10) RULE OF CONSTRUCTION.—This sub-
14 section and subsection (g) may not be construed as
15 affecting any requirement under State law for train-
16 ing, licensure, or any other certification as a home
17 health aide or as a provider of any home-based
18 health service under this subsection and subsection
19 (g).

20 “(11) REGULATIONS.—Not later than 6 months
21 after the date of enactment of the Together We Care
22 Act of 2010, the Secretary shall issue regulations to
23 carry out this subsection.

24 “(12) AUTHORIZATION OF APPROPRIATIONS.—
25 There are authorized to be appropriated \$2,500,000

1 for each of the fiscal years 2011, 2012, and 2013,
2 for grants under this subsection.

3 “(g) FINANCIAL ASSISTANCE FOR HOME-BASED
4 HEALTH SERVICES IN CERTAIN JURISDICTIONS.—

5 “(1) FINANCIAL ASSISTANCE.—The Secretary,
6 in consultation with the Secretary of Health and
7 Human Services, may provide financial assistance
8 under this subsection to entities receiving grant
9 funds under the pilot program established under
10 subsection (f) that provide training for public hous-
11 ing residents as home health aides and as providers
12 of home-based health services and provide (or pay
13 for) such services for use only for their costs in pro-
14 viding (or paying for) such services to—

15 “(A) residents of public housing who are
16 elderly or disabled, or both (including elderly or
17 disabled veterans who are residents of public
18 housing); or

19 “(B) at the discretion of the Secretary,
20 residents of federally-assisted rental housing
21 who are elderly or disabled, or both.

22 “(2) REQUIREMENTS.—

23 “(A) LOCATION.—Assistance under para-
24 graph (1) may be provided only for services fur-
25 nished in locations in which medical assistance

1 for home-based health services is not available
2 under a State plan under title XIX of the So-
3 cial Security Act.

4 “(B) TRAINED PUBLIC HOUSING RESI-
5 DENTS.—Assistance under paragraph (1) may
6 be used only for costs of services described in
7 paragraph (1) that are provided by public hous-
8 ing residents trained by an entity receiving
9 grant funds under the pilot program established
10 under subsection (f).

11 “(3) ELIGIBILITY.—To be eligible for financial
12 assistance under this subsection an entity shall—

13 “(A) provide such assurances as the Sec-
14 retary shall require that it will use the funds
15 only as provided in paragraphs (1) and (2);

16 “(B) submit to the Secretary an applica-
17 tion at such time, in such manner, and con-
18 taining such information as the Secretary re-
19 quires; and

20 “(C) comply with such other terms and
21 conditions as the Secretary shall establish to
22 carry out this subsection.

23 “(4) AUTHORIZATION OF APPROPRIATIONS.—
24 There are authorized to be appropriated \$2,500,000

1 for each of the fiscal years 2011, 2012, and 2013,
2 for financial assistance under this subsection.

3 “(h) IMPACT OF INCOME ON ELIGIBILITY FOR HOUS-
4 ING BENEFITS.—For any resident of public housing who
5 is trained as a home health aide or as a provider of home-
6 based health services pursuant to the program under sub-
7 section (f), any income received by such resident for pro-
8 viding covered home-based health services shall apply to-
9 wards eligibility for benefits under Federal housing pro-
10 grams as follows:

11 “(1) No income received shall apply for the 12
12 months after the completion of the training of such
13 resident.

14 “(2) Twenty-five percent of income received
15 shall apply for the period that is 12 to 24 months
16 after the completion of the training of such resident.

17 “(3) Fifty percent of income received shall
18 apply for the period that is 24 to 36 months after
19 the completion of the training of such resident.

20 “(4) One hundred percent of income received
21 shall apply for any period that begins after 36
22 months after the completion of the training of such
23 resident.”.

○