

AMENDMENT TO RULES COMMITTEE PRINT 119–**8****OFFERED BY MS. WATERS OF CALIFORNIA**

At the end of subtitle A of title XVII, add the following new section:

1 **SEC. 17____. PRESERVING PUBLIC HOUSING PROPERTY FOR**
2 **AFFORDABLE HOUSING.**

3 (a) **PRIORITIZING USE OF COVERED PROPERTIES**
4 **FOR AFFORDABLE HOUSING.—**

5 (1) **IN GENERAL.**—The Secretary of Housing
6 and Urban Development shall give priority to use of
7 any covered property for which an application for
8 demolition or disposition under section 18 of the
9 United States Housing Act of 1937 (42 U.S.C.
10 1437p) has been submitted to the Secretary on or
11 after the date of the enactment of this section for
12 replacing, creating, preserving, improving, or ex-
13 panding public or affordable housing, including
14 under a community land trust model, as provided
15 under this section, and such covered property, in
16 whole or in part, shall not be used for sporting, pri-
17 vate, or for-profit purposes.

1 (2) SECRETARY’S DETERMINATION.—In pro-
2 viding priority pursuant to paragraph (1) with re-
3 spect to a covered property, the Secretary shall
4 make an independent determination under both of
5 the following subparagraphs—

6 (A) NEED.—Whether there is an existing
7 need for or shortage of fair and affordable site-
8 based housing in the area served by the public
9 housing agency, including a need or shortage
10 evidenced by one or more of the following fac-
11 tors:

12 (i) Increased homelessness, resident
13 displacement, or cost burden in the area
14 served by the public housing agency.

15 (ii) The public housing agency having
16 a waiting list or lists for public housing or
17 rental assistance under section 8 of the
18 United States Housing Act of 1937 (42
19 U.S.C. 1437f), or both, in the area served
20 by the public housing agency.

21 (iii) The public housing agency not
22 having met one-for-one replacement of
23 public housing.

24 (iv) The number of remaining site-
25 based fair and affordable housing units in

1 the area served by the public housing agen-
2 cy are insufficient to accommodate unmet
3 affordable housing needs or the households
4 on the public housing agency's waiting list
5 or lists for public housing or rental assist-
6 ance.

7 (v) 20 percent or more of vouchers
8 under section 8(o) of the United States
9 Housing Act of 1937 issued by the public
10 housing agency have not been successfully
11 utilized.

12 (vi) 50 percent or more of households
13 currently assisted with vouchers issued by
14 the public housing agency reside in racially
15 or ethnically concentrated areas of poverty.

16 (vii) A private market analysis, as
17 provided by the public housing agency,
18 demonstrates that—

19 (I) there is a low vacancy rate
20 among units that are affordable and
21 meet or exceed housing quality stand-
22 ards, as determined by the Secretary,
23 within the area served by the public
24 housing agency; and

1 (II) such low vacancy rate is ex-
2 pected to continue for at least the
3 next 5 years.

4 (B) FEASIBILITY.—Whether it is feasible
5 to develop the covered property for public or af-
6 fordable housing, as evidenced by—

7 (i) the public housing agency having
8 solicited and received a proposal to develop
9 the covered property for the priority pur-
10 pose through a public, transparent request-
11 for-proposals process, as required in para-
12 graph (4); and

13 (ii) the public housing agency having
14 not exhausted all public or private partner-
15 ships and funding opportunities to replace
16 or create public or affordable housing.

17 (3) USE FOR AFFORDABLE HOUSING.—If there
18 is an affirmative determination under both subpara-
19 graphs (A) and (B) of paragraph (2) with respect to
20 a covered property, such property shall be used for
21 providing public or affordable housing.

22 (4) SECTION 18 REQUIREMENTS.—The Sec-
23 retary shall require, as part of the application sub-
24 mission requirement under section 18 of the United
25 States Housing Act of 1937 (42 U.S.C. 1437p) for

1 demolition and disposition of public housing, that
2 public housing agencies—

3 (A) establish a public, transparent request-
4 for-proposals process for the use of covered
5 property;

6 (B) demonstrate that the public housing
7 agency held at least two accessible hearings,
8 open to residents and the general public, re-
9 garding the agency's draft application under
10 section 18, including the request-for-proposal
11 process under subparagraph (A), provided rea-
12 sonable outreach to encourage broad public par-
13 ticipation at the hearing, and took actions to in-
14 form residents and community members of the
15 right to provide oral and written comments
16 about the application, that the agency is re-
17 quired to respond to their comments in writing,
18 and that the agency is required to provide writ-
19 ten responses to such comments to the Depart-
20 ment; and

21 (C) certify that no action will be taken to
22 relocate any residents or to demolish or dispose
23 of the covered property, or a portion thereof,
24 without obtaining the final approval of the Sec-
25 retary under section 18 and satisfying all condi-

1 tions set forth under this section, and until
2 after the Declaration of Trust or Declaration of
3 Restrictive Covenant has been released by the
4 Secretary.

5 (5) PUBLIC AVAILABILITY OF DEMOLITION AND
6 DISPOSITION APPLICATIONS.—Section 18(a) of the
7 United States Housing Act of 1937 (42 U.S.C.
8 1437p(a)) is amended—

9 (A) in the matter preceding paragraph (1),
10 by inserting after “the Secretary shall” the fol-
11 lowing: “within 30 days, make the application,
12 with such redactions and modifications as nec-
13 essary to protect personally identifiable infor-
14 mation, publicly available online on a website of
15 the Department and shall”; and

16 (B) in paragraph (3), by inserting after
17 “that the public housing agency has” the fol-
18 lowing: “within 30 days made the complete ap-
19 plication for demolition and disposition, with
20 such redactions and modifications as necessary
21 to protect personally identifiable information,
22 publicly available online on a website of the
23 public housing agency and made such applica-
24 tion available in hardcopy at the office of the

1 public housing agency or by mail upon request,
2 and has”.

3 (6) DEFINITIONS.—For purposes of this sub-
4 section, the following definitions shall apply:

5 (A) AFFORDABLE HOUSING.—The term
6 “affordable housing” means decent, safe, and
7 sanitary housing that is income-eligible for
8 households whose incomes do not exceed 80
9 percent of the median income for the area at
10 initial occupancy of such housing and whose
11 maximum housing-related payments meet the
12 requirements under section 3 of the United
13 States Housing Act of 1937 (42 U.S.C. 1437a).

14 (B) COMMUNITY LAND TRUST.—The term
15 “community land trust” means a nonprofit or-
16 ganization or State or local governments or in-
17 strumentalities that—

18 (i) use a ground lease or deed cov-
19 enant with an affordability period of at
20 least 30 years or more to—

21 (I) make rental and homeowner-
22 ship units affordable to households;
23 and

24 (II) stipulate a preemptive option
25 to purchase the affordable rentals or

1 homeownership units so that the af-
2 fordability of the units is preserved
3 for successive income-eligible house-
4 holds; and

5 (ii) monitor properties to ensure af-
6 fordability is preserved.

7 (C) COVERED PROPERTY.—The term “cov-
8 ered property” means the low-income housing
9 and all appurtenances thereto developed, ac-
10 quired, or assisted by a public housing agency
11 with capital or operating assistance under sec-
12 tion 9 of the United States Housing Act of
13 1937 (42 U.S.C. 1437g), including all real and
14 personal property, tangible and intangible, and
15 without exception including any such dwelling
16 and non-dwelling property, structure, or land,
17 including any vacant or unused property which
18 is—

19 (i) bound by a Declaration of Trust or
20 a Declaration of Restrictive Covenant, or
21 subject to a Consolidated Annual Contribu-
22 tions Contract; and

23 (ii) subject to the demolition and dis-
24 position application process under section

1 18 of the United States Housing Act of
2 1937 (42 U.S.C. 1437p).

3 (D) SECRETARY.—The term “Secretary”
4 means the Secretary of Housing and Urban De-
5 velopment.

6 (b) PRE-APPROVAL REVIEW.—

7 (1) IN GENERAL.—In connection with and im-
8 mediately upon receiving any application for the
9 demolition or disposition of covered property (as
10 such term is defined in subsection (a)(6)), the Sec-
11 retary of Housing and Urban Development, acting
12 through the Assistant Secretary of the Office of Fair
13 Housing and Equal Opportunity, shall without ex-
14 ception conduct a review of all proposed demolition
15 or disposition of covered property before approval of
16 such application to ensure compliance with civil
17 rights requirements.

18 (2) SCOPE OF REVIEW.—In accordance with the
19 relevant laws referred to in paragraph (1), the re-
20 view shall also consider determinations made under
21 subsection (a)(2) of this section.

22 (3) DURATION OF REVIEW.—A review con-
23 ducted under paragraph (1) shall be completed with-
24 in 60 business days after such review commences,
25 except that the Secretary shall grant an extension at

1 the request of the Assistant Secretary of the Office
2 of Fair Housing and Equal Opportunity.

3 (4) DETERMINATION.—The conclusions reached
4 as a result of the pre-disposition review under this
5 section shall be the final decision of the Secretary
6 for purposes of the determination under subsection
7 (a)(2).

