

**AMENDMENT TO H.R. 4820, AS REPORTED
OFFERED BY MS. WATERS OF CALIFORNIA**

At the end of the bill (before the short title), insert
the following:

1 **TITLE V—FAIR CHANCE AT**
2 **HOUSING**

3 **SECTION 501. SHORT TITLE.**

4 This title may be cited as the “Fair Chance at Hous-
5 ing Act of 2021”.

6 **SEC. 502. DEFINITIONS.**

7 Section 579 of the Quality Housing and Work Re-
8 sponsibility Act of 1998 (42 U.S.C. 13664) is amended—

9 (1) by striking “(a) DEFINITIONS.—”;

10 (2) by striking paragraph (1) and inserting the
11 following new paragraph:

12 “(1) CONVICTION.—

13 “(A) IN GENERAL.—The term ‘conviction’
14 means judgment of guilt or nolo contendere or
15 any disposition arising therefrom.

16 “(B) EXCLUSIONS.—Such term does not
17 include—

18 “(i) an arrest or any disposition there-
19 from that did not result in a conviction;

1 “(ii) any criminal disposition for an
2 offense committed prior to the defendant’s
3 18th birthday;

4 “(iii) a conviction that has been ex-
5 punged, sealed, or subject to similar judi-
6 cial relief;

7 “(iv) a disposition received through
8 successful completion of diversion, deferred
9 adjudication, deferred entry of judgment,
10 drug court, or similar judicial program
11 under State law; or

12 “(v) any other criminal disposition not
13 deemed a conviction under State or Fed-
14 eral law.”; and

15 (3) in paragraph (3), by adding after the period
16 at the end the following: “For purposes of sections
17 576 and 577, such term does not include an owner
18 of federally assisted housing specified in paragraph
19 (3)(B).”.

20 **SEC. 503. SCREENING OF APPLICANTS FOR FEDERALLY AS-**
21 **SISTED HOUSING.**

22 (a) DEFINITION OF COVERED CRIMINAL CON-
23 DUCT.—Section 579 of the Quality Housing and Work Re-
24 sponsibility Act of 1998 (42 U.S.C. 13664), as amended

1 by the preceding provisions of this title, is further amend-
2 ed—

3 (1) by redesignating paragraphs (2) and (3) as
4 paragraphs (3) and (4), respectively; and

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

7 “(2) COVERED CRIMINAL CONDUCT.—

8 “(A) ADMISSION TO FEDERALLY ASSISTED
9 HOUSING.—

10 “(i) IN GENERAL.—The term ‘covered
11 criminal conduct’ means, with respect to
12 admission to federally assisted housing,
13 criminal conduct—

14 “(I) for which the applicant or a
15 member of the applicant’s household
16 has been convicted of a felony under
17 State or Federal criminal law; and

18 “(II) that threatens the health,
19 or safety of other tenants, the employ-
20 ees, or the owner or public housing
21 agency.

22 “(ii) EXCLUSIONS.—Notwithstanding
23 any other provision of law, such term does
24 not include, with respect to admission to
25 federally assisted housing—

1 “(I) a conviction for a drug of-
2 fense for which the individual served a
3 sentence of less than ten years;

4 “(II) an offense or offenses re-
5 lated to fees or back payments associ-
6 ated with incarceration;

7 “(III) any other legal financial
8 obligation; or

9 “(IV) a conviction for which the
10 individual was sentenced only to pro-
11 bation.”.

12 (b) SCREENING OF APPLICANTS.—Section 576 of the
13 Quality Housing and Work Responsibility Act of 1998 (42
14 U.S.C. 13661) is amended to read as follows:

15 **“SEC. 576. SCREENING OF APPLICANTS FOR FEDERALLY**
16 **ASSISTED HOUSING.**

17 “(a) AUTHORITY TO DENY ADMISSION FOR CRIMI-
18 NAL CONDUCT.—Except as otherwise provided by this sec-
19 tion and in addition to any other authority to screen appli-
20 cants, in selecting among applicants for admission to fed-
21 erally assisted housing or a federally assisted housing pro-
22 gram, including individuals seeking to join a household
23 currently receiving federal housing assistance, a public
24 housing agency or owner of such housing (as applicable)
25 may deny an applicant admission to the program or to

1 federally assisted housing based on any criminal conduct
2 only if the agency or owner determines, based on an indi-
3 vidualized review of the totality of the circumstances, that
4 such applicant or any member of the applicant’s household
5 was engaged in covered criminal conduct, within a reason-
6 able period of time preceding the date when the applicant
7 household would otherwise be admitted to the federally as-
8 sisted housing or to the program.

9 “(b) INDIVIDUALIZED REVIEW OF THE TOTALITY OF
10 THE CIRCUMSTANCES.—

11 “(1) REQUIREMENT.—Before denying admis-
12 sion to an applicant pursuant to subsection (a), a
13 public housing agency or owner of federally assisted
14 housing shall conduct an individualized review of the
15 totality of the circumstances regarding the criminal
16 conduct at issue.

17 “(2) REVIEW PANEL FOR PUBLIC HOUSING AND
18 TENANT-BASED RENTAL ASSISTANCE APPLICANTS.—

19 “(A) REQUIREMENT.—The Secretary shall
20 issue guidance requiring each public housing
21 agency to establish a review panel to conduct
22 the individualized review required under para-
23 graph (1) with respect to applications for feder-
24 ally assisted housing specified in subparagraphs
25 (A) and (B) of section 579B(3). An applicant

1 may present mitigating evidence for the review
2 panel to determine whether the applicant should
3 be admitted.

4 “(B) MEMBERSHIP.—Each committee re-
5 view panel shall include at least one resident
6 representative.

7 “(C) NOTICE.—Applicants shall be notified
8 in writing of their panel review at least 14 days
9 before date of the review. Notice shall be pro-
10 vided in accordance with subsection (c) of this
11 section.

12 “(D) CONVICTION INFORMATION.—A pub-
13 lic housing agency shall produce a detailed
14 criminal conviction report to be used by the
15 panel in the review process. If an applicant
16 identifies an error on the criminal conviction re-
17 port used by the panel, the applicant shall have
18 the opportunity to defer his or her application
19 prior to panel review to correct the report. The
20 report shall be shared only with the applicant
21 and members of the review panel.

22 “(E) BURDEN OF PROOF.—A public hous-
23 ing agency may not deny admission to an appli-
24 cant unless the agency determines, by a prepon-
25 derance of the evidence, that the applicant’s

1 criminal conduct renders the applicant unfit for
2 housing.

3 “(F) CONFIDENTIALITY.—All information
4 gathered in the process of screening for crimi-
5 nal convictions shall be kept confidential and
6 shall not be released unless the applicant agrees
7 in writing or such release it is otherwise re-
8 quired by law. Public housing agencies shall es-
9 tablish a formal confidentiality policy.

10 “(G) DECISION-MAKING PROCESS.—The
11 panel shall review the applicant’s circumstances
12 and other available information, including any
13 information the applicant chooses to bring to
14 the panel’s attention. Within 7 days, the panel
15 shall review all relevant information and mem-
16 bers shall determine whether, by a preponder-
17 ance of the evidence, the applicant’s criminal
18 record renders the applicant unfit for housing..

19 “(H) APPEALS.—Each applicant shall have
20 a right to appeal a decision by the panel to
21 deny admission, in accordance with current reg-
22 ulations. An applicant shall have 14 days to ap-
23 peal the determination and a request for such
24 an appeal shall be made in writing. Pursuant to
25 such a request, the public housing agency shall

1 hold an informal hearing and decide whether to
2 uphold the initial determination within 7 days
3 after the hearing. The public housing agency
4 shall hold the dwelling unit open or shall re-
5 serve the assistance under the federally assisted
6 housing program, as the case may be during
7 the entire time of the appeals process.

8 “(3) NON-DISCRIMINATION.—When conducting
9 an individualized review under this section, a public
10 housing agency or owner of federally assisted hous-
11 ing shall comply with applicable civil rights require-
12 ments under the Fair Housing Act, title VI of the
13 Civil Rights Act of 1964, section 504 of the Reha-
14 bilitation Act of 1973, and titles II and III of the
15 Americans with Disabilities Act of 1990.

16 “(4) REVIEW FACTORS.—In conducting the re-
17 views required under paragraph (1), the public hous-
18 ing agency or owner which shall consider the fol-
19 lowing factors holistically, such that no single factor
20 is dispositive:

21 “(A) SEVERITY.—The severity of the
22 criminal offense or offenses committed.

23 “(B) TIME ELAPSED.—The amount of
24 time elapsed since the criminal offense or of-
25 fenses were committed.

1 “(C) EVIDENCE OF REHABILITATION.—

2 Evidence of rehabilitation, including—

3 “(i) a person’s satisfactory compliance
4 with all terms and conditions of parole or
5 probation, provided that the person’s fail-
6 ure to pay fines, fees, and restitution shall
7 not be considered noncompliance with
8 terms and conditions of parole or proba-
9 tion;

10 “(ii) educational attainment or voca-
11 tional or professional training, or employ-
12 ment since conviction, including training
13 received or employment while incarcerated;

14 “(iii) completion of or active partici-
15 pation in rehabilitative treatment, includ-
16 ing alcohol or drug treatment;

17 “(iv) letters of recommendation from
18 community organizations, counselors, case
19 managers, teachers, community leaders,
20 parole officers, and probation officers who
21 have observed the person;

22 “(v) a person’s familial relationship
23 with a person who may be currently resid-
24 ing in the dwelling unit in federally as-

1 sisted housing that the applicant is apply-
2 ing for residence in; or

3 “(vi) the age of the person at the time
4 of the conviction.

5 “(D) REDUCTION IN SENTENCE.—Whether
6 the applicant received a reduced sentence for
7 the criminal offense or offenses committed.

8 “(E) NATURE OF OFFENSE.—The nature
9 of the criminal offense, which shall include the
10 following:

11 “(i) OFFENSES RELATED TO AN INDI-
12 VIDUAL’S DISABILITY STATUS.—Whether
13 the criminal offense or offenses—

14 “(I) were committed by a mem-
15 ber of the household who is an indi-
16 vidual with disabilities who is entitled
17 to a reasonable accommodation under
18 the Fair Housing Act or section 504
19 of the Rehabilitation Act of 1974; and

20 “(II) are related to or resulted
21 from a symptom of a disability of the
22 member of the household who com-
23 mitted the criminal offense or of-
24 fenses.

1 “(ii) PROXIMITY TO ASSISTED HOUS-
2 ING.—Whether the criminal offense or of-
3 fenses occurred on or near the federally as-
4 sisted housing to which the applicant’s ap-
5 plication relates (if applicable).

6 “(iii) OFFENSES RELATED TO AN IN-
7 DIVIDUAL’S STATUS AS A VICTIM OF DO-
8 MESTIC VIOLENCE.—Whether the criminal
9 offense or offenses committed arose from a
10 household member’s status as a victim of
11 domestic violence, dating violence, sexual
12 assault, or stalking, as such terms are de-
13 fined in section 40002 of the Violence
14 Against Women Act of 1994 (34 U.S.C.
15 12291).

16 “(F) OTHER MITIGATING INFORMATION.—
17 Any other mitigating information provided by
18 the applicant, or provided on the applicant’s be-
19 half, including any information regarding the
20 rehabilitation or good conduct of the member of
21 the household who committed the criminal of-
22 fense or offenses.

23 “(5) GUIDANCE.—The Secretary shall issue
24 guidance for public housing agencies and owners to

1 implement the requirement to conduct individualized
2 reviews in accordance with this section.

3 “(c) NOTICES.—The Secretary shall require each
4 public housing agency and owner of federally assisted
5 housing to provide—

6 “(1) to each new applicant and each applicant
7 upon selection from the wait list for admission to
8 federally assisted housing or to a federally assisted
9 housing program, at the time of application and se-
10 lection from the wait list, written notice of the policy
11 of such agency or owner pursuant to this subtitle or
12 any other provision of law regarding denial of admis-
13 sion for criminal conduct, which shall include—

14 “(A) notice of the authority under sub-
15 section (a) to deny admission based on covered
16 criminal conduct and notice of the specific rea-
17 sonable time period to which such authority ap-
18 plies;

19 “(B) notice of the requirement under sub-
20 section (b) to consider the totality of the cir-
21 cumstances and the right under subsection
22 (b)(4) to present mitigating evidence; and

23 “(C) when applicable, a criminal conviction
24 report that the public housing agency plans to
25 provide to the review panel to be used in its in-

1 dividualized review of the applicant or a mem-
2 ber of the applicant’s household, and notice of
3 a tenant’s rights to appear at the review panel
4 and correct inaccuracies in his or her criminal
5 conviction report; and

6 “(2) to an applicant, upon denial of an applica-
7 tion for admission to federally assisted housing or to
8 a federally assisted housing program—

9 “(A) written notice of—

10 “(i) the reason for such denial, includ-
11 ing the specific criminal conduct on which
12 the denial is based; and

13 “(ii) the actions that the applicant
14 may take to appeal such denial; and

15 “(B) a copy of any documents that the
16 public housing agency or owner used to support
17 its determination of criminal conduct.

18 “(d) OPPORTUNITY TO REMOVE CULPABLE HOUSE-
19 HOLD MEMBER.—

20 “(1) IN GENERAL.—In the case of any covered
21 criminal conduct described in subsection (a) war-
22 ranting denial of admission to federally assisted
23 housing, the public housing agency or owner shall,
24 before denying admission to the entire applicant
25 household, provide the applicant household with the

1 option of removing from the household the member
2 or members who would be cause for such denial in
3 order for the remainder of the household to be eligi-
4 ble for admission, and may only deny such admis-
5 sion if the applicant household refuses to exercise
6 such option.

7 “(2) NOTICE.—A public housing agency or
8 owner shall provide the applicant household with
9 written notice of the option required under para-
10 graph (1) within a reasonable time before notice of
11 an adverse action relating to covered criminal con-
12 duct described in subsection (a).

13 “(e) PROHIBITION ON DRUG AND ALCOHOL TEST-
14 ING.—Notwithstanding any other provision of law, a pub-
15 lic housing agency or owner of federally assisted housing
16 may not require drug or alcohol testing of any applicant
17 for admission to federally assisted housing or a federally
18 assisted housing program as a condition of such housing
19 assistance.

20 “(f) COMPLIANCE WITH LIMITED ENGLISH PRO-
21 FICIENCY REQUIREMENTS.—Any notice required under
22 this section to be provided to an applicant or applicant
23 household shall be provided in multiple languages, con-
24 sistent with guidance issued by the Secretary in accord-
25 ance with Executive Order 13166 (42 U.S.C. 2000d–1

1 note; relating to access to services for persons with limited
2 English proficiency).”.

3 (c) GUIDANCE.—Not later than the expiration of the
4 180-day period beginning on the date of the enactment
5 of this Act, the Secretary of Housing and Urban Develop-
6 ment, after consultation with the Attorney General of the
7 United States and an opportunity for public comment on
8 the proposed guidance, shall issue the following guidance:

9 (1) INDIVIDUALIZED REVIEWS REGARDING THE
10 TOTALITY OF THE CIRCUMSTANCES.—Guidance re-
11 quired under paragraph (5) of section 576(b) of the
12 Quality Housing and Work Responsibility Act of
13 1998, as such subsection is amended by subsection
14 (b) of this section, regarding reviews required under
15 paragraph (1) of such section 576(b).

16 (2) MODEL NOTICE TO APPLICANTS.—Guidance
17 setting forth model notification forms for use by
18 public housing agencies and owners of federally as-
19 sisted housing in meeting the requirements of sub-
20 section (c) of section 576 of the Quality Housing
21 and Work Responsibility Act of 1998, as added by
22 the amendment made by subsection (b) of this sec-
23 tion.

1 **SEC. 504. REQUIREMENTS FOR TERMINATION OF TENANCY**
2 **AND ASSISTANCE FOR COVERED CRIMINAL**
3 **CONDUCT BY TENANTS OF FEDERALLY AS-**
4 **SISTED HOUSING.**

5 (a) DEFINITION OF COVERED CRIMINAL CON-
6 DUCT.—Paragraph (2) of section 579 of the Quality
7 Housing and Work Responsibility Act of 1998 (42 U.S.C.
8 13664), as added by the preceding provisions of this title,
9 is further amended by adding at the end the following new
10 subparagraph:

11 “(B) TERMINATION OF TENANCY OR AS-
12 SISTANCE.—

13 “(i) IN GENERAL.—The term ‘covered
14 criminal conduct’ means, with respect to
15 termination of tenancy or assistance, crimi-
16 nal conduct committed by the tenant or
17 any member of the tenant’s household
18 while receiving Federal housing assistance,
19 that threatens the health or safety of other
20 tenants, the employees, or the owner or
21 public housing agency. Such term includes
22 criminal conduct described in section
23 16(f)(1) of the United States Housing Act
24 of 1937 (42 U.S.C. 1437n(f)(1)).

1 “(ii) EXCLUSIONS.—Such term does
2 not include, with respect to termination of
3 tenancy or assistance—

4 “(I) a misdemeanor;

5 “(II) an arrest for an offense for
6 which the applicant was not subse-
7 quently adjudicated or convicted;

8 “(III) any juvenile adjudication
9 or conviction, including convictions
10 where a juvenile was tried as an adult;

11 “(IV) a conviction that has been
12 expunged, sealed, or subject to similar
13 judicial relief under State law;

14 “(V) criminal citations or infrac-
15 tions regardless of classification;

16 “(VI) non-criminal citations;

17 “(VII) a disposition received
18 through successful completion of di-
19 version, deferred adjudication, de-
20 ferred entry of judgment, drug court,
21 or similar judicial program under
22 State law;

23 “(VIII) a conviction for which
24 the individual was sentenced only to
25 probation;

1 “(IX) an offense or offenses re-
2 lated to fees or back payments associ-
3 ated with incarceration;

4 “(X) child support payments or
5 back pay associated with barriers, in-
6 cluding incarceration, homelessness,
7 unemployment or disability; or

8 “(XI) disciplinary infractions
9 committed by elementary or secondary
10 school students, or school related
11 issues that are not criminal in nature,
12 but may have led to justice involve-
13 ment.”.

14 (b) REQUIREMENTS FOR TERMINATION.—Section
15 577 of the Quality Housing and Work Responsibility Act
16 of 1998 (42 U.S.C. 13662) is amended to read as follows:

17 **“SEC. 577. REQUIREMENTS FOR TERMINATION OF TEN-**
18 **ANCY AND ASSISTANCE FOR COVERED CRIMI-**
19 **NAL CONDUCT BY TENANTS OF FEDERALLY**
20 **ASSISTED HOUSING.**

21 “(a) AUTHORITY TO TERMINATE FOR CRIMINAL
22 CONDUCT.—A public housing agency or owner of federally
23 assisted housing may not terminate the tenancy of any
24 tenant of federally assisted housing, or assistance for a
25 household under any federally assisted housing program,

1 based on any criminal conduct unless the agency or owner,
2 as applicable, determines in accordance with this section
3 that such conduct is covered criminal conduct (as such
4 term is defined in section 579b).

5 “(b) INDIVIDUALIZED REVIEW OF THE TOTALITY OF
6 THE CIRCUMSTANCES.—

7 “(1) REQUIREMENT.—In determining whether
8 to terminate tenancy or assistance to any household
9 based on covered criminal conduct by a household
10 member or any guest or other person under the con-
11 trol of a household member, a public housing agency
12 or an owner of federally assisted housing shall con-
13 duct an individualized review of the totality of the
14 circumstances regarding the criminal conduct at
15 issue, taking into consideration the household’s need
16 for housing and the health and safety of the commu-
17 nity.

18 “(2) MITIGATING FACTORS.—In conducting re-
19 views required under paragraph (1), a public hous-
20 ing agency or owner shall consider all factors pre-
21 sented, including all of the factors specified in sec-
22 tion 576(b)(4), as appropriate, except that, for pur-
23 poses of this paragraph—

1 “(A) subparagraph (C)(v) of such section
2 shall be applied by substituting ‘a member of
3 the household’ for ‘the applicant’; and

4 “(B) subparagraph (E)(ii) of such section
5 shall be applied by substituting ‘in which the
6 household resides’ for ‘to which the applicant’s
7 application relates (if applicable)’.

8 “(3) NONDISCRIMINATION.—When conducting
9 an individualized review under this section, a public
10 housing agency or owner of federally assisted hous-
11 ing shall comply with applicable civil rights require-
12 ments under the Fair Housing Act, title VI of the
13 Civil Rights Act of 1964, section 504 of the Reha-
14 bilitation Act of 1973, and titles II and III of the
15 Americans with Disabilities Act of 1990.

16 “(4) INVESTIGATIONS AND EVIDENCE PRE-
17 SENTED BY PUBLIC HOUSING AGENCY OR OWNER OF
18 FEDERALLY ASSISTED HOUSING.—

19 “(A) FORCED ENTRY.—If conducting an
20 investigation into alleged criminal conduct com-
21 mitted by a tenant or member of the tenant’s
22 household, the public housing agency or owner
23 of federally assisted housing may not enter the
24 rental property unless entry is authorized by

1 the tenant or a member of the tenant’s house-
2 hold.

3 “(B) EVIDENCE PRESENTED BY PUBLIC
4 HOUSING AGENCY OR OWNER OF FEDERALLY
5 ASSISTED HOUSING.—If presenting evidence
6 during the individualized review to demonstrate
7 that a household member or any guest or other
8 person under the control of a household mem-
9 ber engaged in covered criminal conduct, the
10 public housing agency or owner of federally as-
11 sisted housing may only present substantiated
12 evidence.

13 “(5) GUIDANCE.—The Secretary shall issue
14 guidance for public housing agencies and owners to
15 implement the requirement to conduct individualized
16 reviews in accordance with this subsection.

17 “(c) OPTION TO REMOVE CULPABLE HOUSEHOLD
18 MEMBER.—

19 “(1) IN GENERAL.—In the case of any covered
20 criminal conduct warranting termination of tenancy
21 or assistance, the public housing agency or owner
22 shall, before proceeding with eviction or termination
23 proceedings against the entire tenant household, pro-
24 vide the tenant with the option of removing from the
25 household the member that is culpable for the con-

1 duct that warrants the termination in order for the
2 remainder of the household to continue to reside in
3 the assisted unit, and may only proceed with eviction
4 proceedings if the tenant refuses to exercise such op-
5 tion.

6 “(2) LEASE OR VOUCHER BIFURCATION.—A
7 public housing agency or owner or manager of feder-
8 ally assisted housing may bifurcate a lease for the
9 housing or voucher in order to evict, remove, or ter-
10minate assistance to any individual who is a tenant
11 or lawful occupant of the housing and who engages
12 in covered criminal conduct without evicting, remov-
13ing, terminating assistance to, or otherwise penal-
14izing other household members who are tenants or
15lawful occupants of the housing.

16 “(3) EFFECT OF EVICTION ON OTHER TEN-
17ANTS.—If public housing agency or owner or man-
18ager of federally assisted housing evicts, removes, or
19terminates assistance to an individual under para-
20graph (2), and the individual is the sole tenant eligi-
21ble to receive assistance under a federally assisted
22housing program, the public housing agency or
23owner or manager of the federally assisted housing
24shall provide any remaining tenant an opportunity to
25establish eligibility for the federally assisted housing.

1 If a tenant described in the preceding sentence can-
2 not establish eligibility, the public housing agency or
3 owner or manager of the housing shall provide the
4 tenant a reasonable time of not less than 120 days,
5 as determined by the Secretary, to find new housing
6 or to establish eligibility for housing under another
7 Federal housing program.

8 “(4) AVAILABILITY OF REMEDIES.—Paragraphs
9 (1) through (3) shall not supersede any protections
10 or remedies available under the Violence Against
11 Women Act of 1994 (42 U.S.C. 13925 et seq.).

12 “(d) PROHIBITION ON DRUG AND ALCOHOL TEST-
13 ING.—Notwithstanding any other provision of law, a pub-
14 lic housing agency or owner of federally assisted housing
15 may not require drug or alcohol testing of any tenant of
16 federally assisted housing or member of a tenant’s house-
17 hold as a condition of tenancy in such housing or contin-
18 ued receipt of such assistance.”.

19 “(c) EFFECTIVE DATE.—Section 577 of the Quality
20 Housing and Work Responsibility Act of 1998, as amend-
21 ed by subsection (b) of this section, shall take effect and
22 apply on the date of the enactment of this Act.

1 **SEC. 505. EVICTION STANDARDS, LEASE TERMS, AND**
2 **OTHER LIMITATIONS FOR PUBLIC HOUSING.**

3 (a) ADMINISTRATIVE GRIEVANCE PROCEDURES.—
4 Subsection (k) of section 6 of the United States Housing
5 Act of 1937 (42 U.S.C. 1437d(k)) is amended by striking
6 the matter after and below paragraph (6).

7 (b) LEASE TERMS.—Subsection (l) of section 6 of the
8 United States Housing Act of 1937 (42 U.S.C. 1437d(l))
9 is amended—

10 (1) in paragraph (5), by inserting “, subject to
11 paragraph (6)” before the semicolon at the end;

12 (2) by striking paragraph (6) and inserting the
13 following new paragraph:

14 “(6) provide that the public housing agency
15 may not terminate the tenancy based on any crimi-
16 nal conduct unless the agency determines, in accord-
17 ance with section 577 of the Quality Housing and
18 Work Responsibility Act of 1998, that such conduct
19 is covered criminal conduct (as such term is defined
20 in section 579B of such Act);”;

21 (3) in the second paragraph designated as para-
22 graph (7) (relating to occupancy in violation of sec-
23 tion 576(b) of the Quality Housing and Work Re-
24 sponsibility Act of 1998; as added by section
25 575(b)(4) of such Act (Public Law 105–276; 112
26 Stat. 2635))—

1 (A) by striking “any occupancy in violation
2 of section 576(b) of the Quality Housing and
3 Work Responsibility Act of 1998 (relating to in-
4 eligibility of illegal drug users and alcohol abus-
5 ers) or”;

6 (B) by striking “(relating to termination of
7 tenancy and assistance for illegal drug users
8 and alcohol abusers)”;

9 (C) by redesignating such paragraph as
10 paragraph (8); and

11 (4) in paragraph (9)—

12 (A) in subparagraph (A), by striking “;
13 or” at the end and inserting a period;

14 (B) by striking “if such tenant—” in the
15 matter preceding subparagraph (A) and all that
16 follows through “(A) is fleeing” and inserting
17 “if such tenant is fleeing”; and

18 (C) by striking paragraph (2).

19 (c) PROHIBITION ON OBTAINING INFORMATION
20 FROM DRUG ABUSE TREATMENT FACILITIES.—Sub-
21 section (t) of section 6 of the United States Housing Act
22 of 1937 (42 U.S.C. 1437d(t)) is amended—

23 (1) in the subsection heading, by striking “OB-
24 TAINING” and inserting “PROHIBITION ON OBTAIN-
25 ING”;

1 (2) by striking paragraphs (1), (2), and (3) and
2 inserting the following new paragraphs:

3 “(1) PROHIBITION.—A public housing agency
4 may not require a person who applies for admission
5 to public housing to provide consent that authorizes
6 the agency to receive information from a drug abuse
7 treatment facility that is related to whether the ap-
8 plicant is currently engaging in the illegal use of a
9 controlled substance or the applicant’s progress in
10 rehabilitation, and may not request such an appli-
11 cant to provide such consent. Such an applicant may
12 voluntarily provide such information, provide signed
13 written consent for the agency to receive such infor-
14 mation, or provide signed written consent for such
15 a facility to provide such information to an agency,
16 for purposes of an individualized review under sec-
17 tion 576(b) of the Quality Housing and Work Re-
18 sponsibility Act of 1998 (42 U.S.C. 13661(b)) and
19 an agency provided such information shall consider
20 such information in conducting such a review. Noth-
21 ing in this paragraph may be construed to penalize
22 or to authorize any penalty for an applicant for not
23 providing such information or consent.

24 “(2) EXPIRATION OF WRITTEN CONSENT.—An
25 applicant’s signed written consent provided pursuant

1 to paragraph (1) shall expire automatically after the
2 public housing agency has made a final decision to
3 either approve or deny the applicant’s application for
4 admittance to public housing.”;

5 (3) by striking paragraph (6); and

6 (4) by redesignating paragraphs (4), (5), (7),
7 and (8) as paragraphs (3), (4), (5), and (6), respec-
8 tively.

9 (d) VISITATION RIGHTS.—Section 6 of the United
10 States Housing Act of 1937 (42 U.S.C. 1437d) is amend-
11 ed by adding at the end the following new subsection:

12 “(u) VISITATION RIGHTS.—A public housing agency
13 may prohibit visitation of a public housing dwelling unit
14 by a non-tenant on the basis of criminal conduct by such
15 non-tenant only if—

16 “(1) such conduct is covered criminal conduct,
17 as such term is defined in section 579B of the Qual-
18 ity Housing and Work Responsibility Act of 1998;

19 “(2) the agency has thoroughly considered—

20 “(A) all mitigating factors, including the
21 same factors with respect to the non-tenant as
22 are required under subsection (b) of such sec-
23 tion 576 to be considered with respect to an ap-
24 plicant for federally assisted housing; and

1 “(B) the familial relationship between the
2 tenant and the non-tenant as mitigating fac-
3 tors;

4 “(3) in the case of any such prohibition of visi-
5 tation by a non-tenant, the agency provides the ten-
6 ant and non-tenant involved with an opportunity,
7 not less frequently than annually, to request a rede-
8 termination with respect to such prohibition at
9 which the tenant and non-tenant may present any
10 new mitigating evidence;

11 “(4) the agency has provided the non-tenant
12 with written notice of the agency’s decision to pro-
13 hibit visitation, that—

14 “(A) includes statements identifying the
15 basis for prohibition and setting forth the non-
16 tenant’s right to present mitigating factors to
17 overturn the agency’s decision; and

18 “(B) is provided in multiple languages,
19 consistent with guidance issued by the Sec-
20 retary in accordance with Executive Order
21 13166 (42 U.S.C. 2000d–1 note; relating to ac-
22 cess to services for persons with limited English
23 proficiency); and

24 “(5) such prohibition ends after of a period of
25 time that does not exceed three years.”.

1 (e) PRIVATELY MANAGED PUBLIC HOUSING AND
2 HOUSING FUNDED UNDER CERTAIN DEMONSTRATION
3 PROGRAMS.—Section 6 of the United States Housing Act
4 of 1937 (42 U.S.C. 1437d), as amended by the preceding
5 provisions of this section, is further amended by adding
6 at the end the following new subsection:

7 “(v) SCREENING AND EVICTION POLICIES FOR PRI-
8 VATELY MANAGED PUBLIC HOUSING AND HOUSING
9 FUNDED UNDER CERTAIN DEMONSTRATION PRO-
10 GRAMS.—Notwithstanding any other provision of law, in-
11 cluding subtitle F of the Quality Housing and Work Re-
12 sponsibility Act of 1998, in the case of any public housing
13 dwelling units or projects that are managed by an entity
14 other than the public housing agency that owns the units
15 or project, any units or projects subject to the Moving to
16 Work demonstration program authorized under section
17 204 of the Departments of Veterans Affairs and Housing
18 and Urban Development and Independent Agencies Ap-
19 propriations Act, 1996 (Public Law 104–134; 110 Stat.
20 1321), and any units with assistance converted under the
21 Rental Assistance Demonstration program authorized
22 under title II of the Transportation, Housing and Urban
23 Development, and Related Agencies Appropriations Act,
24 2012 (division C of Public Law 112–55; 125 Stat. 673),
25 such units and projects shall be subject to the screening

1 and eviction policies established pursuant to this section
2 and subtitle F of the Quality Housing and Work Responsi-
3 bility Act of 1998 (42 U.S.C. 13661 et seq.) by the agency
4 that owns the units or projects.”.

5 **SEC. 506. TERMINATION OF TENANCY AND TENANT SELEC-**
6 **TION UNDER SECTION 8 RENTAL ASSISTANCE**
7 **PROGRAM.**

8 (a) **TERMINATION OF TENANCY IN PROJECTS WITH**
9 **PROJECT-BASED ASSISTANCE.**—Subparagraph (B) of sec-
10 tion 8(d)(1) of the United States Housing Act of 1937
11 (42 U.S.C. 1437f(d)(1)(B)) is amended—

12 (1) in clause (ii), by inserting “, subject to
13 clause (iii)” before the semicolon at the end; and

14 (2) by striking clause (iii) and inserting the fol-
15 lowing new clause:

16 “(iii) during the term of the lease, the owner
17 may not terminate the tenancy based on any crimi-
18 nal conduct unless the owner determines, in accord-
19 ance with section 577 of the Quality Housing and
20 Work Responsibility Act of 1998, that such conduct
21 is covered criminal conduct (as such term is defined
22 in section 579B of such Act);”.

23 (b) **SELECTION OF TENANTS UNDER VOUCHER PRO-**
24 **GRAM.**—Subparagraph (B) of section 8(o)(6) of the

1 United States Housing Act of 1937 (42 U.S.C.
2 1437f(o)(6)(B)) is amended—

3 (1) by striking “(B) SELECTION OF TEN-
4 ANTS.—Each” and inserting the following:

5 “(B) SELECTION OF TENANTS.—

6 “(i) FUNCTION OF OWNER.—Each”;

7 (2) by inserting after “shall be the function of
8 the owner.” the following: “Any owner that screens
9 applicants based on the criminal background of the
10 applicant or any member of the applicant household,
11 or other permissible grounds for denial under sub-
12 title F of title V of the Quality Housing and Work
13 Responsibility Act of 1998 (42 U.S.C. 13661 et seq.;
14 relating to safety and security in public and assisted
15 housing) or this section, shall provide each applicant,
16 at the time of application, written notice that the
17 owner is conducting such screening, which notice
18 shall be provided in multiple languages, consistent
19 with guidance issued by the Secretary in accordance
20 with Executive Order 13166 (42 U.S.C. 2000d–1
21 note; relating to access to services for persons with
22 limited English proficiency).”;

23 (3) by striking “In addition” and inserting the
24 following:

25 “(ii) SCREENING.—In addition”;

1 (4) by inserting before the period at the end the
2 following: “, except that a public housing agency
3 may not elect to screen applicants for the program
4 based on criminal conduct. The preceding sentence
5 may not be construed to limit or affect the authority
6 of a public housing agency under section 576 of the
7 Quality Housing and Work Responsibility Act of
8 1998”; and

9 (5) by adding at the end the following new
10 clause:

11 “(iii) EXISTING ASSISTED FAMI-
12 LIES.—Previously assisted or subsidized
13 families being provided with tenant protec-
14 tion assistance authorized by law (includ-
15 ing tenant protection vouchers, enhanced
16 vouchers under subsection (t), or project-
17 based vouchers under subsection (o)(13)),
18 families who are porting their vouchers to
19 a new jurisdiction, and assisted families
20 who are moving to redeveloped public hous-
21 ing (including any units with assistance
22 converted under the Rental Assistance
23 Demonstration program authorized under
24 title II of the Transportation, Housing and
25 Urban Development, and Related Agencies

1 Appropriations Act, 2012 (division C of
2 Public Law 112–55; 125 Stat. 673)), shall
3 not be considered new applicants under
4 this paragraph and shall not be subject to
5 elective re-screening by a public housing
6 agency.”.

7 (c) ADMINISTRATIVE FEES.—Subparagraph (B) of
8 section 8(q)(2) of the United States Housing Act of 1937
9 (42 U.S.C. 1437f(q)(2)(B)) is amended by inserting be-
10 fore the semicolon the following: “, except that persons
11 who have exited a jail or prison shall be considered, for
12 purposes of this subparagraph, to be experiencing dif-
13 ficulty in obtaining appropriate housing under the pro-
14 grams as determined by the Secretary”.

15 **SEC. 507. SCREENING AND TERMINATION OF TENANCY IN**
16 **RURAL HOUSING PROGRAMS.**

17 (a) REGULATIONS.—The Secretary of Agriculture
18 shall—

19 (1) revise the regulations of the Secretary re-
20 garding screening of applicants for admission to
21 housing assisted, and for housing assistance, under
22 the covered rural housing programs (as such term is
23 defined in subsection (b)) to provide that such regu-
24 lations are substantially similar to the regulations of
25 the Secretary of Housing and Urban Development

1 relating to screening of applicants for admission to
2 federally assisted housing and to federally assisted
3 housing programs, pursuant to the United States
4 Housing Act of 1937, subtitle F of the Quality
5 Housing and Work Responsibility Act of 1998, and
6 any other applicable laws; and

7 (2) revise the regulations of the Secretary re-
8 garding termination of tenancy in housing assisted,
9 and termination of housing assistance, under the
10 covered rural housing programs to provide that such
11 regulations are substantially similar to the regula-
12 tions of the Secretary of Housing and Urban Devel-
13 opment relating to termination of tenancy in feder-
14 ally assisted housing, and termination of housing as-
15 sistance, pursuant to the United States Housing Act
16 of 1937, subtitle F of the Quality Housing and
17 Work Responsibility Act of 1998, and any other ap-
18 plicable laws.

19 (b) COVERED RURAL HOUSING PROGRAMS.—For
20 purposes of this section, the term “covered rural housing
21 programs” means—

22 (1) the program under section 515 of the Hous-
23 ing Act of 1949 (42 U.S.C. 1485) for rural rental
24 and cooperative housing;

1 (2) the loan and grant programs under sections
2 514 and 516 of such Act (42 U.S.C. 1484, 1486)
3 for farm labor housing;

4 (3) the program under section 533 of such Act
5 (42 U.S.C. 1490M) for housing preservation grants;

6 (4) the program under section 538 of such Act
7 (42 U.S.C. 1490p-2) for loan guarantees for multi-
8 family rural rental housing;

9 (5) the program under section 521(a) of such
10 Act (42 U.S.C. 1490a) for rural housing rental as-
11 sistance; and

12 (6) the program under section 542 of such Act
13 (42 U.S.C. 1490r) for rural housing rental voucher
14 assistance.

15 (c) **TIMING; CONSULTATION.**—The Secretary of Agri-
16 culture shall issue the revised regulations required under
17 paragraph (1)—

18 (1) after consultation with the Secretary of
19 Housing and Urban Development; and

20 (2) not later than the expiration of the 180-day
21 period that begins upon the conclusion of the period
22 specified in section 510 of this title.

23 (d) **CONFORMING AMENDMENT.**—Paragraph (3) of
24 section 579 of the Quality Housing and Work Responsi-
25 bility Act of 1998 (42 U.S.C. 13664), as so redesignated

1 by the amendments made by section 503 of this title, is
2 further amended—

3 (1) in subparagraph (G), by inserting “or”
4 after the semicolon at the end;

5 (2) in subparagraph (H), by striking “; or” and
6 inserting a period; and

7 (3) by striking subparagraph (I).

8 **SEC. 508. DATA COLLECTION.**

9 (a) IN GENERAL.—Subtitle F of the Quality Housing
10 and Work Responsibility Act of 1998 (42 U.S.C. 13661
11 et seq.) is amended—

12 (1) by redesignating section 579, as amended
13 by the preceding provisions of this title, as section
14 579B; and

15 (2) by inserting after section 578 (42 U.S.C.
16 13663) the following new section:

17 **“SEC. 579. DATA COLLECTION.**

18 **“(a) APPLICATIONS.—**

19 **“(1) IN GENERAL.—**The Secretary shall require
20 each public housing agency and owner to submit a
21 report to the Secretary on an annual basis that con-
22 tains the following information for the preceding 12-
23 month reporting period:

24 **“(A)** The number of applications for ad-
25 mission to federally assisted housing or a feder-

1 ally assisted housing program reviewed by the
2 public housing agency, including its review
3 panel, or owner.

4 “(B) The number of applications for ad-
5 mission to federally assisted housing or a feder-
6 ally assisted housing program reviewed by the
7 public housing agency, including its review
8 panel, or owner for covered criminal conduct.

9 “(C) The number of denials of applications
10 for admission to federally assisted housing or a
11 federally assisted housing program rendered by
12 the public housing agency or owner on the basis
13 of covered criminal conduct.

14 “(D) The number of such denials pursuant
15 to which the applicant filed a request for infor-
16 mal review.

17 “(E) The number of such denials that were
18 overturned following informal review.

19 “(F) The information required under sub-
20 paragraphs (A) through (E) disaggregated by
21 the race of the applicant, the ethnicity of the
22 applicant, the sex of the applicant, and whether
23 the applicant had a disability as defined by sec-
24 tion 504 of the Rehabilitation Act of 1973 (29
25 U.S.C. 794).

1 “(2) CONFIDENTIALITY.—The information col-
2 lected pursuant to paragraph (1) shall be subject to
3 the same confidentiality requirements of section
4 576(b)(2)(F) that are applicable to information
5 gathered in the process of screening for criminal
6 convictions.

7 “(b) TERMINATIONS.—The Secretary shall require
8 each public housing agency and owner to submit a report
9 to the Secretary on an annual basis that contains the fol-
10 lowing information for the preceding 12-month reporting
11 period:

12 “(1) The number of terminations of tenancy
13 and terminations of assistance initiated by the public
14 housing agency or owner.

15 “(2) The number of terminations of tenancy
16 and terminations of assistance rendered by the pub-
17 lic housing agency or owner on the basis of covered
18 criminal activity.

19 “(3) For each termination of tenancy or assist-
20 ance based on covered criminal conduct, the specific
21 type or types of covered criminal conduct involved,
22 including the disposition of any criminal charges
23 against the tenant or participant.

24 “(4) The information required under para-
25 graphs (1) through (3) disaggregated by the race of

1 the applicant, the ethnicity of the applicant, the sex
2 of the applicant , and whether the applicant had a
3 disability as defined by section 504 of the Rehabili-
4 tation Act of 1973 (29 U.S.C. 794).”.

5 (b) CONFORMING AMENDMENT.—Subsection (c) of
6 section 578 of the Quality Housing and Work Responsi-
7 bility Act of 1998 (42 U.S.C. 13663(c)) is amended by
8 striking “section 579(a)(2)” and inserting “section
9 579B(3)”.

10 **SEC. 509. COMPLIANCE.**

11 Subtitle F of the Quality Housing and Work Respon-
12 sibility Act of 1998 (42 U.S.C. 13661 et seq.), as amended
13 by the preceding provisions of this title, is further amend-
14 ed by inserting after section 579 (as added by section 508
15 of this title) the following new section:

16 **“SEC. 579A. COMPLIANCE.**

17 “A public housing agency or owner of federally as-
18 sisted housing, as applicable, shall be solely responsible for
19 compliance with the requirements of this subtitle, notwith-
20 standing the use of any third party for such purposes. In
21 a case of failure of a public housing agency or owner to
22 comply with the requirements of this subtitle, the Sec-
23 retary may withhold funds made available for the federally
24 assisted housing program under which the failure to com-
25 ply occurred from the agency or owner.”.

1 **SEC. 510. NO INTERFERENCE WITH STATE OR LOCAL REGU-**
2 **LATORY AUTHORITY.**

3 This title and the amendments made by this title may
4 not be construed to preempt any State or local regulations
5 or requirements that do not prevent the application of the
6 provisions of this title or such amendments.

7 **SEC. 511. REGULATIONS.**

8 The Secretary of Housing and Urban Development
9 shall issue any regulations necessary to carry out the
10 amendments made by sections 502 through 506 and sec-
11 tion 508 of this title not later than the expiration of the
12 12-month period beginning on the date of the enactment
13 of this Act.

14 **SEC. 512. EFFECTIVE DATE.**

15 Except as specifically provided otherwise in this title,
16 the amendments made by this title shall be made on, and
17 shall apply beginning upon, the effective date of the regu-
18 lations issued pursuant to section 511.

