

Calendar No. 657

111TH CONGRESS
2D SESSION

S. 118

To amend section 202 of the Housing Act of 1959, to improve the program under such section for supportive housing for the elderly, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 6, 2009

Mr. KOHL (for himself, Mr. SCHUMER, Mr. DURBIN, Mr. BROWN of Ohio, Mr. NELSON of Florida, Ms. STABENOW, Mr. LEAHY, Mr. CASEY, Mr. LEVIN, Ms. LANDRIEU, Mr. MERKLEY, Mr. MENENDEZ, and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

NOVEMBER 30, 2010

Reported by Mr. DODD, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend section 202 of the Housing Act of 1959, to improve the program under such section for supportive housing for the elderly, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Section 202 Supportive Housing for the Elderly Act of
 4 2009”.

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—NEW CONSTRUCTION REFORMS

Sec. 101. Project rental assistance.
 Sec. 102. Selection criteria.
 Sec. 103. Development cost limitations.
 Sec. 104. Owner deposits.
 Sec. 105. Definition of private nonprofit organization.
 Sec. 106. Preferences for homeless elderly.
 Sec. 107. Nonmetropolitan allocation.

TITLE II—REFINANCING

Sec. 201. Approval of prepayment of debt.
 Sec. 202. Sources of refinancing.
 Sec. 203. Use of unexpended amounts.
 Sec. 204. Use of project residual receipts.
 Sec. 205. Additional provisions.

TITLE III—ASSISTED LIVING FACILITIES

Sec. 301. Definition of assisted living facility.
 Sec. 302. Monthly assistance payment under rental assistance.

**TITLE IV—FACILITATING AFFORDABLE HOUSING PRESERVATION
TRANSACTIONS**

Sec. 401. Use of sale or refinancing proceeds.

TITLE V—NATIONAL SENIOR HOUSING CLEARINGHOUSE

Sec. 501. National senior housing clearinghouse.

7 **TITLE I—NEW CONSTRUCTION**
 8 **REFORMS**

9 **SEC. 101. PROJECT RENTAL ASSISTANCE.**

10 Paragraph (2) of section 202(c) of the Housing Act
 11 of 1959 (12 U.S.C. 1701q(c)(2)) is amended—

1 (1) by inserting after “ASSISTANCE.—” the fol-
 2 lowing: “(A) INITIAL PROJECT RENTAL ASSISTANCE
 3 CONTRACT.—”;

4 (2) in the last sentence, by striking “may” and
 5 inserting “shall”; and

6 (3) by adding at the end the following new sub-
 7 paragraph:

8 “(B) RENEWAL OF AND INCREASES IN CON-
 9 TRACT AMOUNTS.—

10 “(i) EXPIRATION OF CONTRACT TERM.—

11 Upon the expiration of each contract term, the
 12 Secretary shall adjust the annual contract
 13 amount to provide for reasonable project costs,
 14 and any increases, including adequate reserves,
 15 supportive services, and service coordinators,
 16 except that any contract amounts not used by
 17 a project during a contract term shall not be
 18 available for such adjustments upon renewal.

19 “(ii) EMERGENCY SITUATIONS.—In the
 20 event of emergency situations that are outside
 21 the control of the owner, the Secretary shall in-
 22 crease the annual contract amount, subject to
 23 reasonable review and limitations as the Sec-
 24 retary shall provide.”.

1 **SEC. 102. SELECTION CRITERIA.**

2 Section 202(f)(1) of the Housing Act of 1959 (12
3 U.S.C. 1701q(f)) is amended—

4 (1) by redesignating subparagraphs (F) and
5 (G) as subparagraphs (G) and (H), respectively; and

6 (2) by inserting after subparagraph (E) (as so
7 redesignated by paragraph (2) of this subsection)
8 the following new subparagraph:

9 “(F) the extent to which the applicant has en-
10 sured that a service coordinator will be employed or
11 otherwise retained for the housing, who has the
12 managerial capacity and responsibility for carrying
13 out the actions described in subparagraphs (A) and
14 (B) of subsection (g)(2);”.

15 **SEC. 103. DEVELOPMENT COST LIMITATIONS.**

16 Section 202(h)(1) of the Housing Act of 1959 (12
17 U.S.C. 1701q(h)(1)) is amended, in the matter preceding
18 subparagraph (A), by inserting “reasonable” before “de-
19 velopment cost limitations”.

20 **SEC. 104. OWNER DEPOSITS.**

21 Section 202(j)(3)(A) of the Housing Act of 1959 (12
22 U.S.C. 1701q(j)(3)(A)) is amended by inserting after the
23 period at the end the following: “Such amount shall be
24 used only to cover operating deficits during the first 3
25 years of operations and shall not be used to cover con-

1 struction shortfalls or inadequate initial project rental as-
 2 sistance amounts.”.

3 **SEC. 105. DEFINITION OF PRIVATE NONPROFIT ORGANIZA-**
 4 **TION.**

5 Subparagraph (B) of section 202(k)(4) of the Hous-
 6 ing Act of 1959 (12 U.S.C. 1701q(k)(4)(B)) is amended
 7 by inserting before the semicolon the following: “, except
 8 that, in the case of any national organization that is the
 9 owner of multiple housing projects assisted under this sec-
 10 tion, the organization may comply with clause (i) of this
 11 subparagraph by having a local advisory board to the gov-
 12 erning board of the organization the membership which
 13 is selected in the manner required under clause (i)”.

14 **SEC. 106. PREFERENCES FOR HOMELESS ELDERLY.**

15 Subsection (j) of section 202 of the Housing Act of
 16 1959 (12 U.S.C. 1701q(j)) is amended by adding at the
 17 end the following new paragraph:

18 “(9) PREFERENCES FOR HOMELESS ELDER-
 19 LY.—The Secretary shall permit an owner of hous-
 20 ing assisted under this section to establish for, and
 21 apply to, such housing a preference in tenant selec-
 22 tion for the homeless elderly, either within the appli-
 23 cation or after selection pursuant to subsection (f),
 24 but only if—

1 “(A) such preference is consistent with
2 paragraph (2); and

3 “(B) the owner demonstrates that the sup-
4 portive services identified pursuant to sub-
5 section (e)(4), or additional supportive services
6 to be made available upon implementation of
7 the preference, will meet the needs of the home-
8 less elderly, maintain safety and security for all
9 tenants, and be provided on a consistent, long-
10 term, and economical basis.”.

11 **SEC. 107. NONMETROPOLITAN ALLOCATION.**

12 Paragraph (3) of section 202(l) of the Housing Act
13 of 1959 (12 U.S.C. 1701q(l)(3)) is amended by inserting
14 after the period at the end the following: “In complying
15 with this paragraph, the Secretary shall either operate a
16 national competition for the nonmetropolitan funds or
17 make allocations to regional offices of the Department of
18 Housing and Urban Development.”.

19 **TITLE II—REFINANCING**

20 **SEC. 201. APPROVAL OF PREPAYMENT OF DEBT.**

21 Subsection (a) of section 811 of the American Home-
22 ownership and Economic Opportunity Act of 2000 (12
23 U.S.C. 1701q note) is amended—

24 (1) in the matter preceding paragraph (1), by
25 inserting “, for which the Secretary’s consent to pre-

1 payment is required,” after “Affordable Housing
2 Act)”;

3 (2) in paragraph (1)—

4 (A) by inserting “at least 20 years fol-
5 lowing” before “the maturity date”;

6 (B) by inserting “project-based” before
7 “rental assistance payments contract”;

8 (C) by inserting “project-based” before
9 “rental housing assistance programs”; and

10 (D) by inserting “, or any successor
11 project-based rental assistance program,” after
12 “1701s))”;

13 (3) by amending paragraph (2) to read as fol-
14 lows:

15 “(2) the prepayment may involve refinancing of
16 the loan if such refinancing results in—

17 “(A) a lower interest rate on the principal
18 of the loan for the project and in reductions in
19 debt service related to such loan; or

20 “(B) a transaction in which the project
21 owner will address the physical needs of the
22 project, but only if, as a result of the refi-
23 nancing—

24 “(i) the rent charges for unassisted
25 families residing in the project do not in-

crease or such families are provided rental assistance under a senior preservation rental assistance contract for the project pursuant to subsection (e); and

“(ii) the overall cost for providing rental assistance under section 8 for the project (if any) is not increased, except, upon approval by the Secretary to—

“(I) ~~mark-up-to-market~~ contracts pursuant to section 524(a)(3) of the Multifamily Assisted Housing Reform and Affordability Act (42 U.S.C. ~~1437f~~ note), as such section is carried out by the Secretary for properties owned by nonprofit organizations; or

“(II) ~~mark-up-to-budget~~ contracts pursuant to section 524(a)(4) of the Multifamily Assisted Housing Reform and Affordability Act (42 U.S.C. ~~1437f~~ note), as such section is carried out by the Secretary for properties owned by eligible owners (as such term is defined in section 202(k) of the Housing Act of 1959 (42 U.S.C. ~~1701q(k)~~); and”;

1 (4) by adding at the end the following:

2 “(3) notwithstanding paragraph (2)(A), the
3 prepayment and refinancing authorized pursuant to
4 paragraph (2)(B) involves an increase in debt service
5 only in the case of a refinancing of a project assisted
6 with a loan under such section 202 carrying an in-
7 terest rate of 6 percent or lower.”.

8 **SEC. 202. SOURCES OF REFINANCING.**

9 The last sentence of section 811(b) of the American
10 Homeownership and Economic Opportunity Act of 2000
11 (12 U.S.C. 1701q note) is amended—

12 (1) by inserting after “National Housing Act,”
13 the following: “or approving the standards used by
14 authorized lenders to underwrite a loan refinanced
15 with risk sharing as provided by section 542 of the
16 Housing and Community Development Act of 1992
17 (12 U.S.C. 1701 note),”; and

18 (2) by striking “may” and inserting “shall”.

19 **SEC. 203. USE OF UNEXPENDED AMOUNTS.**

20 Subsection (c) of section 811 of the American Home-
21 ownership and Economic Opportunity Act of 2000 (12
22 U.S.C. 1701q note) is amended—

23 (1) by striking “USE OF UNEXPENDED
24 AMOUNTS.—” and inserting “USE OF PROCEEDS.—
25 ”;

1 (2) by amending the matter preceding para-
 2 graph (1) to read as follows: “Upon execution of the
 3 refinancing for a project pursuant to this section,
 4 the Secretary shall ensure that proceeds are used in
 5 a manner advantageous to tenants, or are used in
 6 the provision of affordable rental housing and re-
 7 lated social services for elderly persons by the pri-
 8 vate nonprofit organization project owner, private
 9 nonprofit organization project sponsor, or private
 10 nonprofit organization project developer, including—
 11 ”;

12 (3) in paragraph (1), by striking “not more
 13 than 15 percent of”;

14 (4) in paragraph (2), by inserting before the
 15 semicolon the following: “, including reducing the
 16 number of units by reconfiguring units that are
 17 functionally obsolete, unmarketable, or not economi-
 18 cally viable”;

19 (5) in paragraph (3), by striking “or” at the
 20 end;

21 (6) in paragraph (4), by striking “according to
 22 a pro rata allocation of shared savings resulting
 23 from the refinancing.” and inserting a semicolon;
 24 and

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

3 ~~“(5) rehabilitation of the project to ensure long-~~
4 ~~term viability;~~

5 ~~“(6) the payment to the project owner, sponsor,~~
6 ~~or third party developer of a developer’s fee in an~~
7 ~~amount not to exceed—~~

8 ~~“(A) in the case of a project refinanced~~
9 ~~through a State low income housing tax credit~~
10 ~~program, the fee permitted by the low income~~
11 ~~housing tax credit program as calculated by the~~
12 ~~State program as a percentage of acceptable de-~~
13 ~~velopment cost as defined by that State pro-~~
14 ~~gram; or~~

15 ~~“(B) in the case of a project refinanced~~
16 ~~through any other source of refinancing, 15~~
17 ~~percent of the acceptable development cost; and~~
18 ~~“(7) the payment of equity, if any, to—~~

19 ~~“(A) in the case of a sale, to the seller or~~
20 ~~the sponsor of the seller, in an amount equal to~~
21 ~~the lesser of the purchase price or the appraised~~
22 ~~value of the project, as each is reduced by the~~
23 ~~cost of prepaying any outstanding indebtedness~~
24 ~~on the project and transaction costs of the sale;~~
25 ~~or~~

1 “(B) in the case of a refinancing without
 2 the transfer of the project, to the project owner
 3 or the project sponsor, in an amount equal to
 4 the difference between the appraised value of
 5 the project less the outstanding indebtedness
 6 and total acceptable development cost.

7 For purposes of paragraphs (6)(B) and (7)(B), the term
 8 “acceptable development cost” shall include, as applicable,
 9 the cost of acquisition, rehabilitation, loan prepayment,
 10 initial reserve deposits, and transaction costs.”.

11 **SEC. 204. USE OF PROJECT RESIDUAL RECEIPTS.**

12 Paragraph (1) of section 811(d) of the American
 13 Homeownership and Economic Opportunity Act of 2000
 14 (12 U.S.C. 1701q note) is amended—

15 (1) by striking “not more than 15 percent of”;

16 and

17 (2) by inserting before the period at the end the
 18 following: “or other purposes approved by the Sec-
 19 retary”.

20 **SEC. 205. ADDITIONAL PROVISIONS.**

21 Section 811 of the American Homeownership and
 22 Economic Opportunity Act of 2000 (12 U.S.C. 1701q
 23 note) is amended by adding at the end the following new
 24 subsections:

1 “(e) SENIOR PRESERVATION RENTAL ASSISTANCE
 2 CONTRACTS.—Notwithstanding any other provision of
 3 law, in connection with a prepayment plan for a project
 4 approved under subsection (a) by the Secretary or as oth-
 5 erwise approved by the Secretary to prevent displacement
 6 of elderly residents of the project in the case of refinancing
 7 or recapitalization and to further preservation and afford-
 8 ability of such project, the Secretary shall provide project-
 9 based rental assistance for the project under a senior pres-
 10 ervation rental assistance contract, as follows:

11 “(1) Assistance under the contract shall be
 12 made available to the private nonprofit organization
 13 owner—

14 “(A) for a term of at least 20 years, sub-
 15 ject to annual appropriations; and

16 “(B) under the same rules governing
 17 project-based rental assistance made available
 18 under section 8 of the Housing Act of 1937.

19 “(2) Any projects for which a senior preserva-
 20 tion rental assistance contract is provided shall be
 21 subject to a use agreement to ensure continued
 22 project affordability having a term of the longer of
 23 (A) the term of the senior preservation rental assist-
 24 ance contract, or (B) such term as is required by the
 25 new financing.

1 “(f) MORTGAGE SALE DEMONSTRATION.—

2 “(1) IN GENERAL.—The Secretary may sell
3 mortgages associated with loans made under section
4 202 of the Housing Act of 1959 (as in effect before
5 the enactment of the Cranston-Gonzalez National
6 Affordable Housing Act) in accordance with the rel-
7 evant terms for sales of subsidized loans on multi-
8 family housing projects under section 203 of the
9 Housing and Community Development Amendments
10 of 1978 (12 U.S.C. 1701z–11). For the purpose of
11 demonstrating the efficiency, effectiveness, quality,
12 and timeliness of asset management and regulatory
13 oversight of certain portfolios of such mortgages by
14 State housing finance agencies, the Secretary shall
15 carry out a demonstration program, in not more
16 than 5 States, to sell portfolios of such mortgages to
17 State housing finance agencies for a price not to ex-
18 ceed the unpaid principal balances of such mort-
19 gages and otherwise in accordance with the require-
20 ments of such section 203.

21 “(2) LIMITATIONS.—In carrying out the dem-
22 onstration program required under paragraph (1),
23 the Secretary shall—

24 “(A) prohibit State housing finance agen-
25 cies from giving preference to, or conditioning

1 the approval of, awards of subordinate debt
 2 funds, allocations of tax credits, or tax exempt
 3 bonds based on the use of financing for the first
 4 mortgage that is provided by such State hous-
 5 ing finance agency;

6 “(B) require such agencies to allow, in ac-
 7 cordance with this section, for the refinancing
 8 or prepayment of loans made under section 202
 9 of the Housing Act of 1959 with a loan selected
 10 by the owners, except that any use restrictions
 11 on the property for which the loan was made
 12 shall remain in effect for the duration provided
 13 under the original terms of such loan; and

14 “(C) only carry out the demonstration pro-
 15 gram in a State that has experience with oper-
 16 ating and maintaining a housing preservation
 17 revolving loan fund.

18 “(3) STUDY.—The Secretary shall conduct a
 19 study to evaluate the performance and results of the
 20 demonstration program carried out under paragraph
 21 (1). In conducting such study, the Secretary shall
 22 place particular emphasis on whether the asset man-
 23 agement functions and activities related to loans and
 24 properties held in the portfolios sold to State hous-
 25 ing finance agencies under such demonstration pro-

1 gram have been accomplished in a timely, effective,
 2 and efficient manner, including an analysis of ap-
 3 provals of refinancings and preservation trans-
 4 actions, rent increase requests, withdrawals from re-
 5 serves or residual receipts (where there is no con-
 6 tract administrator), and provider and resident sat-
 7 isfaction.

8 “(4) REPORT.—Not later than 3 years after the
 9 date of enactment of this subsection, the Secretary
 10 shall submit a report to the Committee on Banking,
 11 Housing, and Urban Affairs of the Senate and the
 12 Committee on Financial Services of the House of
 13 Representatives on—

14 “(A) the findings of the study required
 15 under paragraph (3); and

16 “(B) any recommendations the Secretary
 17 may have for expanding the demonstration
 18 project required under paragraph (1).

19 “(g) SUBORDINATION OR ASSUMPTION OF EXISTING
 20 DEBT.—In lieu of prepayment under this section of the
 21 indebtedness with respect to a project, the Secretary may
 22 approve—

23 “(1) in connection with new financing for the
 24 project, the subordination of the loan for the project
 25 under section 202 of the Housing Act of 1959 (as

1 in effect before the enactment of the Cranston-Gon-
 2 zalez National Affordable Housing Act) and the con-
 3 tinued subordination of any other existing subordi-
 4 nate debt previously approved by the Secretary to
 5 facilitate preservation of the project as affordable
 6 housing; or

7 “(2) the assumption (which may include the
 8 subordination described in paragraph (1)) of the
 9 loan for the project under such section 202 in con-
 10 nection with the transfer of the project with such a
 11 loan to a private nonprofit organization.

12 “(h) FLEXIBLE SUBSIDY DEBT.—The Secretary
 13 shall waive the requirement that debt for a project pursu-
 14 ant to the flexible subsidy program under section 201 of
 15 the Housing and Community Development Amendments
 16 of 1978 (12 U.S.C. 1715z–1a) be prepaid in connection
 17 with a prepayment, refinancing, or transfer under this sec-
 18 tion of a project if such waiver is necessary for the finan-
 19 cial feasibility of the transaction and is consistent with
 20 the long-term preservation of the project as affordable
 21 housing.

22 “(i) TENANT INVOLVEMENT IN PREPAYMENT AND
 23 REFINANCING.—The Secretary shall not accept an offer
 24 to prepay the loan for any project under section 202 of
 25 the Housing Act of 1959 unless the Secretary has—

1 “(1) determined that the owner of the project
2 has notified the tenants of the owner’s request for
3 approval of a prepayment;

4 “(2) determined that the owner of the project
5 has provided the tenants with an opportunity to
6 comment on the owner’s request for approval of a
7 prepayment, including a description of any antici-
8 pated rehabilitation or other use of the proceeds
9 from the transaction, and its impacts on project
10 rents, tenant contributions, or the affordability re-
11 strictions for the project; and

12 “(3) taken such comments into consideration.

13 “(j) DEFINITION OF PRIVATE NONPROFIT ORGANI-
14 ZATION.—For purposes of this section, the term ‘private
15 nonprofit organization’ has the meaning given such term
16 in section 202(k) of the Housing Act of 1959 (12 U.S.C.
17 1701q(k)).”.

18 **TITLE III—ASSISTED LIVING** 19 **FACILITIES**

20 **SEC. 301. DEFINITION OF ASSISTED LIVING FACILITY.**

21 Section 202b(g) of the Housing Act of 1959 (12
22 U.S.C. 1701q–2(g)) is amended by striking paragraph (1)
23 and inserting the following new paragraph:

24 “(1) the term ‘assisted living facility’ means a
25 facility that—

1 “(A) is owned by a private nonprofit orga-
2 nization; and

3 “(B)(i) is licensed and regulated by a
4 State (or if there is no State law providing for
5 such licensing and regulation by the State, by
6 the municipality or other political subdivision in
7 which the facility is located); or

8 “(ii)(I) makes available, directly or
9 through recognized and experienced third party
10 service providers, to residents at the resident’s
11 request or choice supportive services to assist
12 the residents in carrying out the activities of
13 daily living, as described in section
14 232(b)(6)(B) of the National Housing Act (12
15 U.S.C. 1715w(b)(6)(B)); and

16 “(II) provides separate dwelling units for
17 residents, each of which may contain a full
18 kitchen and bathroom and which includes com-
19 mon rooms and other facilities appropriate for
20 the provision of supportive services to the resi-
21 dents of the facility; and”.

22 **SEC. 302. MONTHLY ASSISTANCE PAYMENT UNDER RENTAL**
23 **ASSISTANCE.**

24 Clause (iii) of section 8(o)(18)(B) of the United
25 States Housing Act of 1937 (42 U.S.C.

1 1437f(o)(18)(B)(iii)) is amended by inserting before the
 2 period at the end the following: “, except that a family
 3 may be required at the time the family initially receives
 4 such assistance to pay rent in an amount exceeding 40
 5 percent of the monthly adjusted income of the family by
 6 such an amount or percentage that is reasonable given the
 7 services and amenities provided and as the Secretary
 8 deems appropriate.”.

9 **TITLE IV—FACILITATING AF-**
 10 **FORDABLE HOUSING PRESER-**
 11 **VATION TRANSACTIONS**

12 **SEC. 401. USE OF SALE OR REFINANCING PROCEEDS.**

13 Notwithstanding any other provision of law, in con-
 14 nection with the sale or refinancing of a multifamily hous-
 15 ing project, or the transfer of an assistance contract on
 16 such a property, that requires the approval of the Sec-
 17 retary of Housing and Urban Development, the Secretary
 18 shall not impose any condition that restricts the amount
 19 or use of sale or refinancing proceeds, or requires the fil-
 20 ing of a financial report, unless such condition is expressly
 21 authorized by an existing contract entered into between
 22 the Secretary (or the Secretary’s designee) and the project
 23 owner before the imposition of a condition prohibited by
 24 this section or is a general condition for new financing
 25 with a mortgage insured by the Secretary. Any such condi-

tion previously imposed by the Secretary after January 1, 2005, shall, at the option of the project owner, be considered void and not enforceable, and any agreement containing such a condition shall be rescinded and may be reissued without the void condition.

TITLE V—NATIONAL SENIOR HOUSING CLEARINGHOUSE

SEC. 501. NATIONAL SENIOR HOUSING CLEARINGHOUSE.

(a) **ESTABLISHMENT.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall establish and operate a clearinghouse to serve as a national repository to receive, collect, process, assemble, and disseminate information regarding the availability and quality of multifamily developments for elderly tenants, including—

(1) the availability of—

(A) supportive housing for the elderly pursuant to section 202 of the Housing Act of 1959 (42 U.S.C. 1701q), including any housing unit assisted with a project rental assistance contract under such section;

(B) properties and units eligible for assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

1 (C) properties eligible for the low-income
2 housing tax credit under section 42 of the In-
3 ternal Revenue Code of 1986;

4 (D) units in assisted living facilities in-
5 sured pursuant to section 221(d)(4) of the Na-
6 tional Housing Act (12 U.S.C. 1715l(d)(4));

7 (E) units in any multifamily project that
8 has been converted into an assisted living facil-
9 ity for elderly persons pursuant to section 202b
10 of the Housing Act of 1959 (12 U.S.C. 1701q-
11 2); and

12 (F) any other federally assisted or sub-
13 sidized housing for the elderly;

14 (2) the number of available units in each prop-
15 erty, project, or facility described in paragraph (1);

16 (3) the number of bedrooms in each available
17 unit in each property, project, or facility described in
18 paragraph (1);

19 (4) the estimated cost to a potential tenant to
20 rent or reside in each available unit in each prop-
21 erty, project, or facility described in paragraph (1);

22 (5) the presence of a waiting list for entry into
23 any available unit in each property, project, or facil-
24 ity described in paragraph (1);

1 (6) the number of persons on the waiting list
2 for entry into any available unit in each property,
3 project, or facility described in paragraph (1);

4 (7) the estimated time an individual can expect
5 to be on the waiting list for entry into any available
6 unit in each property, project, or facility described in
7 paragraph (1);

8 (8) the amenities available in each available
9 unit in each property, project, or facility described in
10 paragraph (1), including—

11 (A) the services provided by such property,
12 project, or facility;

13 (B) the size and availability of common
14 space within each property, project, or facility;

15 (C) the availability of organized activities
16 for individuals residing in such property,
17 project, or facility; and

18 (D) any other additional amenities avail-
19 able to individuals residing in such property,
20 project, or facility;

21 (9) the level of care (personal, physical, or nurs-
22 ing) available to individuals residing in any property,
23 project, or facility described in paragraph (1);

1 (10) whether there is a service coordinator in
 2 any property, project, or facility described in para-
 3 graph (1); and

4 (11) any other criteria determined appropriate
 5 by the Secretary.

6 (b) COLLECTION AND UPDATING OF INFORMA-
 7 TION.—

8 (1) INITIAL COLLECTION.—Not later than 90
 9 days after the date of enactment of this Act, the
 10 Secretary of Housing and Urban Development shall
 11 conduct an annual survey requesting information
 12 from each owner of a property, project, or facility
 13 described in subsection (a)(1) regarding the provi-
 14 sions described in paragraphs (2) through (11) of
 15 such subsection.

16 (2) RESPONSE TIME.—Not later than 30 days
 17 after receiving the request described under para-
 18 graph (1), the owner of each such property, project,
 19 or facility shall submit such information to the Sec-
 20 retary of Housing and Urban Development.

21 (3) PUBLIC AVAILABILITY.—Not later than 60
 22 days after the Secretary of Housing and Urban De-
 23 velopment receives the submission of any informa-
 24 tion required under paragraph (2), the Secretary

1 shall make such information publicly available
2 through the clearinghouse.

3 (4) UPDATES.—The Secretary of Housing and
4 Urban Development shall conduct an annual survey
5 of each owner of a property, project, or facility de-
6 scribed in subsection (a)(1) for the purpose of up-
7 dating or modifying information provided in the ini-
8 tial collection of information under paragraph (1).
9 Not later than 30 days after receiving such a re-
10 quest, the owner of each such property, project, or
11 facility shall submit such updates or modifications to
12 the Secretary. Not later than 60 days after receiving
13 such updates or modifications, the Secretary shall
14 inform the clearinghouse of such updated or modi-
15 fied information.

16 (e) FUNCTIONS.—The clearinghouse established
17 under subsection (a) shall—

18 (1) respond to inquiries from State and local
19 governments, other organizations, and individuals re-
20 questing information regarding the availability of
21 housing in multifamily developments for elderly ten-
22 ants;

23 (2) make such information publicly available via
24 the Internet website of the Department of Housing
25 and Urban Development, which shall include—

1 (A) access via electronic mail; and

2 (B) an easily searchable, sortable,
3 downloadable, and accessible index that itemizes
4 the availability of housing in multifamily devel-
5 opments for elderly tenants by State, county,
6 and zip code;

7 (3) establish a toll-free number to provide the
8 public with specific information regarding the avail-
9 ability of housing in multifamily developments for el-
10 derly tenants; and

11 (4) perform any other duty that the Secretary
12 determines necessary to achieve the purposes of this
13 section.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated such sums as necessary
16 to carry out this section.

17 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

18 (a) *SHORT TITLE.*—*This Act may be cited as the “Sec-*
19 *tion 202 Supportive Housing for the Elderly Act of 2010”.*

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

Sec. 1. Short title and table of contents.

TITLE I—NEW CONSTRUCTION REFORMS

Sec. 101. Selection criteria.

Sec. 102. Development cost limitations.

Sec. 103. Owner deposits.

Sec. 104. Definition of private nonprofit organization.

Sec. 105. Nonmetropolitan allocation.

TITLE II—REFINANCING

Sec. 201. Approval of prepayment of debt.

Sec. 202. Use of unexpended amounts.

Sec. 203. Use of project residual receipts.

Sec. 204. Additional provisions.

TITLE III—ASSISTED LIVING FACILITIES AND SERVICE-ENRICHED HOUSING

Sec. 301. Amendments to the grants for conversion of elderly housing to assisted living facilities.

Sec. 302. Monthly assistance payment under rental assistance.

TITLE IV—NATIONAL SENIOR HOUSING CLEARINGHOUSE

Sec. 401. National senior housing clearinghouse.

1 **TITLE I—NEW CONSTRUCTION** 2 **REFORMS**

3 **SEC. 101. SELECTION CRITERIA.**

4 *Section 202(f)(1) of the Housing Act of 1959 (12*
5 *U.S.C. 1701q(f)(1)) is amended—*

6 *(1) by redesignating subparagraphs (F) and (G)*
7 *as subparagraphs (G) and (H), respectively; and*

8 *(2) by inserting after subparagraph (E) the fol-*
9 *lowing new subparagraph:*

10 *“(F) the extent to which the applicant has en-*
11 *ured that a service coordinator will be employed or*
12 *otherwise retained for the housing, who has the mana-*
13 *gerial capacity and responsibility for carrying out*
14 *the actions described in subparagraphs (A) and (B)*
15 *of subsection (g)(2);”.*

16 **SEC. 102. DEVELOPMENT COST LIMITATIONS.**

17 *Section 202(h)(1) of the Housing Act of 1959 (12*
18 *U.S.C. 1701q(h)(1)) is amended, in the matter preceding*

1 *subparagraph (A), by inserting “reasonable” before “devel-*
 2 *opment cost limitations”.*

3 **SEC. 103. OWNER DEPOSITS.**

4 *Section 202(j)(3)(A) of the Housing Act of 1959 (12*
 5 *U.S.C. 1701q(j)(3)(A)) is amended by inserting after the*
 6 *period at the end the following: “Such amount shall be used*
 7 *only to cover operating deficits during the first 3 years of*
 8 *operations and shall not be used to cover construction short-*
 9 *falls or inadequate initial project rental assistance*
 10 *amounts.”.*

11 **SEC. 104. DEFINITION OF PRIVATE NONPROFIT ORGANIZA-**
 12 **TION.**

13 *Section 202(k)(4) of the Housing Act of 1959 (12*
 14 *U.S.C. 1701q(k)(4)) is amended to read as follows:*

15 *“(4) The term ‘private nonprofit organization’*
 16 *means—*

17 *“(A) any incorporated private institution*
 18 *or foundation—*

19 *“(i) no part of the net earnings of*
 20 *which inures to the benefit of any member,*
 21 *founder, contributor, or individual;*

22 *“(ii) which has a governing board—*

23 *“(I) the membership of which is*
 24 *selected in a manner to assure that*
 25 *there is significant representation of*

1 *the views of the community in which*
 2 *such housing is located; and*

3 *“(II) which is responsible for the*
 4 *operation of the housing assisted under*
 5 *this section, except that, in the case of*
 6 *a nonprofit organization that is the*
 7 *sponsoring organization of multiple*
 8 *housing projects assisted under this*
 9 *section, the Secretary may determine*
 10 *the criteria or conditions under which*
 11 *financial, compliance and other ad-*
 12 *ministrative responsibilities exercised*
 13 *by a single-entity private nonprofit or-*
 14 *ganization that is the owner corpora-*
 15 *tion responsible for the operation of an*
 16 *individual housing project may be*
 17 *shared or transferred to the governing*
 18 *board of such sponsoring organization;*
 19 *and*

20 *“(iii) which is approved by the Sec-*
 21 *retary as to financial responsibility; and*

22 *“(B) a for-profit limited partnership the*
 23 *sole general partner of which is—*

24 *“(i) an organization meeting the re-*
 25 *quirements under subparagraph (A);*

1 “(ii) a for-profit corporation wholly
 2 owned and controlled by one or more orga-
 3 nizations meeting the requirements under
 4 subparagraph (A); or

5 “(iii) a limited liability company
 6 wholly owned and controlled by one or more
 7 organizations meeting the requirements
 8 under subparagraph (A).”.

9 **SEC. 105. NONMETROPOLITAN ALLOCATION.**

10 Paragraph (3) of section 202(l) of the Housing Act of
 11 1959 (12 U.S.C. 1701q(l)(3)) is amended by inserting after
 12 the period at the end the following: “In complying with this
 13 paragraph, the Secretary shall either operate a national
 14 competition for the nonmetropolitan funds or make alloca-
 15 tions to regional offices of the Department of Housing and
 16 Urban Development.”.

17 **TITLE II—REFINANCING**

18 **SEC. 201. APPROVAL OF PREPAYMENT OF DEBT.**

19 Subsection (a) of section 811 of the American Home-
 20 ownership and Economic Opportunity Act of 2000 (12
 21 U.S.C. 1701q note) is amended—

22 (1) in the matter preceding paragraph (1), by
 23 inserting “, for which the Secretary’s consent to pre-
 24 payment is required,” after “Affordable Housing
 25 Act)”;

1 (2) *in paragraph (1)—*

2 (A) *by inserting “at least 20 years fol-*
3 *lowing” before “the maturity date”;*

4 (B) *by inserting “project-based” before*
5 *“rental assistance payments contract”;*

6 (C) *by inserting “project-based” before*
7 *“rental housing assistance programs”; and*

8 (D) *by inserting “, or any successor project-*
9 *based rental assistance program,” after*
10 *“1701s))”;*

11 (3) *by amending paragraph (2) to read as fol-*
12 *lows:*

13 “(2) *the prepayment may involve refinancing of*
14 *the loan if such refinancing results in—*

15 “(A) *a lower interest rate on the principal*
16 *of the loan for the project and in reductions in*
17 *debt service related to such loan; or*

18 “(B) *a transaction in which the project*
19 *owner will address the physical needs of the*
20 *project, but only if, as a result of the refi-*
21 *nancing—*

22 “(i) *the rent charges for unassisted*
23 *families residing in the project do not in-*
24 *crease or such families are provided rental*
25 *assistance under a senior preservation rent-*

1 *al assistance contract for the project pursu-*
 2 *ant to subsection (e); and*

3 *“(ii) the overall cost for providing*
 4 *rental assistance under section 8 for the*
 5 *project (if any) is not increased, except,*
 6 *upon approval by the Secretary to—*

7 *“(I) mark-up-to-market contracts*
 8 *pursuant to section 524(a)(3) of the*
 9 *Multifamily Assisted Housing Reform*
 10 *and Affordability Act (42 U.S.C. 1437f*
 11 *note), as such section is carried out by*
 12 *the Secretary for properties owned by*
 13 *nonprofit organizations; or*

14 *“(II) mark-up-to-budget contracts*
 15 *pursuant to section 524(a)(4) of the*
 16 *Multifamily Assisted Housing Reform*
 17 *and Affordability Act (42 U.S.C. 1437f*
 18 *note), as such section is carried out by*
 19 *the Secretary for properties owned by*
 20 *eligible owners (as such term is defined*
 21 *in section 202(k) of the Housing Act of*
 22 *1959 (12 U.S.C. 1701q(k)); and”;* and

23 *(4) by adding at the end the following:*

24 *“(3) notwithstanding paragraph (2)(A), the pre-*
 25 *payment and refinancing authorized pursuant to*

1 *paragraph (2)(B) involves an increase in debt service*
 2 *only in the case of a refinancing of a project assisted*
 3 *with a loan under such section 202 carrying an inter-*
 4 *est rate of 6 percent or lower.”.*

5 **SEC. 202. USE OF UNEXPENDED AMOUNTS.**

6 *Subsection (c) of section 811 of the American Home-*
 7 *ownership and Economic Opportunity Act of 2000 (12*
 8 *U.S.C. 1701q note) is amended—*

9 *(1) by striking “USE OF UNEXPENDED*
 10 *AMOUNTS.—” and inserting “USE OF PROCEEDS.—*
 11 *”;*

12 *(2) by amending the matter preceding paragraph*
 13 *(1) to read as follows: “Upon execution of the refi-*
 14 *nancing for a project pursuant to this section, the*
 15 *Secretary shall ensure that proceeds are used in a*
 16 *manner advantageous to tenants of the project, or are*
 17 *used in the provision of affordable rental housing and*
 18 *related social services for elderly persons that are ten-*
 19 *ants of the project or are tenants of other HUD-as-*
 20 *sisted senior housing by the private nonprofit organi-*
 21 *zation project owner, private nonprofit organization*
 22 *project sponsor, or private nonprofit organization*
 23 *project developer, including—”;*

24 *(3) by amending paragraph (1) to read as fol-*
 25 *lows:*

1 “(1) not more than 15 percent of the cost of in-
 2 creasing the availability or provision of supportive
 3 services, which may include the financing of service
 4 coordinators and congregate services, except that upon
 5 the request of the non-profit owner, sponsor, or orga-
 6 nization and determination of the Secretary, such 15
 7 percent limitation may be waived to ensure that the
 8 use of unexpended amounts better enables seniors to
 9 age in place;”;

10 (4) in paragraph (2), by inserting before the
 11 semicolon the following; “, including reducing the
 12 number of units by reconfiguring units that are func-
 13 tionally obsolete, unmarketable, or not economically
 14 viable”;

15 (5) in paragraph (3), by striking “or” at the
 16 end;

17 (6) in paragraph (4), by striking “according to
 18 a pro rata allocation of shared savings resulting from
 19 the refinancing.” and inserting a semicolon; and

20 (7) by adding at the end the following new para-
 21 graphs:

22 “(5) rehabilitation of the project to ensure long-
 23 term viability; and

1 “(6) the payment to the project owner, sponsor,
2 or third party developer of a developer’s fee in an
3 amount not to exceed or duplicate—

4 “(A) in the case of a project refinanced
5 through a State low income housing tax credit
6 program, the fee permitted by the low income
7 housing tax credit program as calculated by the
8 State program as a percentage of acceptable de-
9 velopment cost as defined by that State program;
10 or

11 “(B) in the case of a project refinanced
12 through any other source of refinancing, 15 per-
13 cent of the acceptable development cost.

14 *For purposes of paragraph (6)(B), the term ‘acceptable de-*
15 *velopment cost’ shall include, as applicable, the cost of ac-*
16 *quisition, rehabilitation, loan prepayment, initial reserve*
17 *deposits, and transaction costs.”.*

18 **SEC. 203. USE OF PROJECT RESIDUAL RECEIPTS.**

19 *Paragraph (1) of section 811(d) of the American*
20 *Homeownership and Economic Opportunity Act of 2000*
21 *(12 U.S.C. 1701q note) is amended—*

22 (1) by striking “not more than 15 percent of”;
23 and

1 (2) by inserting before the period at the end the
 2 following: “or other purposes approved by the Sec-
 3 retary”.

4 **SEC. 204. ADDITIONAL PROVISIONS.**

5 Section 811 of the American Homeownership and Eco-
 6 nomic Opportunity Act of 2000 (12 U.S.C. 1701q note) is
 7 amended by adding at the end the following new sub-
 8 sections:

9 “(e) *SENIOR PRESERVATION RENTAL ASSISTANCE*
 10 *CONTRACTS.*—Notwithstanding any other provision of law,
 11 in connection with a prepayment plan for a project ap-
 12 proved under subsection (a) by the Secretary or as otherwise
 13 approved by the Secretary to prevent displacement of elder-
 14 ly residents of the project in the case of refinancing or re-
 15 capitalization and to further preservation and affordability
 16 of such project, the Secretary shall provide project-based
 17 rental assistance for the project under a senior preservation
 18 rental assistance contract, as follows:

19 “(1) Assistance under the contract shall be made
 20 available to the private nonprofit organization
 21 owner—

22 “(A) for a term of at least 20 years, subject
 23 to annual appropriations; and

24 “(B) under the same rules governing
 25 project-based rental assistance made available

1 *under section 8 of the Housing Act of 1937 or*
 2 *under the rules of such assistance as may be*
 3 *made available for the project.*

4 “(2) *Any projects for which a senior preservation*
 5 *rental assistance contract is provided shall be subject*
 6 *to a use agreement to ensure continued project afford-*
 7 *ability having a term of the longer of (A) the term*
 8 *of the senior preservation rental assistance contract,*
 9 *or (B) such term as is required by the new financing.*

10 “(f) *SUBORDINATION OR ASSUMPTION OF EXISTING*
 11 *DEBT.—In lieu of prepayment under this section of the in-*
 12 *debtedness with respect to a project, the Secretary may ap-*
 13 *prove—*

14 “(1) *in connection with new financing for the*
 15 *project, the subordination of the loan for the project*
 16 *under section 202 of the Housing Act of 1959 (as in*
 17 *effect before the enactment of the Cranston-Gonzalez*
 18 *National Affordable Housing Act) and the continued*
 19 *subordination of any other existing subordinate debt*
 20 *previously approved by the Secretary to facilitate*
 21 *preservation of the project as affordable housing; or*

22 “(2) *the assumption (which may include the sub-*
 23 *ordination described in paragraph (1)) of the loan for*
 24 *the project under such section 202 in connection with*

1 *the transfer of the project with such a loan to a pri-*
 2 *vate nonprofit organization.*

3 “(g) *FLEXIBLE SUBSIDY DEBT.*—*The Secretary shall*
 4 *waive the requirement that debt for a project pursuant to*
 5 *the flexible subsidy program under section 201 of the Hous-*
 6 *ing and Community Development Amendments of 1978 (12*
 7 *U.S.C. 1715z–1a) be prepaid in connection with a prepay-*
 8 *ment, refinancing, or transfer under this section of a project*
 9 *if the financial transaction or refinancing cannot be com-*
 10 *pleted without the waiver.*

11 “(h) *TENANT INVOLVEMENT IN PREPAYMENT AND RE-*
 12 *FINANCING.*—*The Secretary shall not accept an offer to pre-*
 13 *pay the loan for any project under section 202 of the Hous-*
 14 *ing Act of 1959 unless the Secretary—*

15 “(1) *has determined that the owner of the project*
 16 *has notified the tenants of the owner’s request for ap-*
 17 *proval of a prepayment; and*

18 “(2) *has determined that the owner of the project*
 19 *has provided the tenants with an opportunity to com-*
 20 *ment on the owner’s request for approval of a prepay-*
 21 *ment, including on the description of any anticipated*
 22 *rehabilitation or other use of the proceeds from the*
 23 *transaction, and its impacts on project rents, tenant*
 24 *contributions, or the affordability restrictions for the*

1 project, and that the owner has responded to such
2 comments in writing.

3 “(i) *DEFINITION OF PRIVATE NONPROFIT ORGANIZA-*
4 *TION.—For purposes of this section, the term ‘private non-*
5 *profit organization’ has the meaning given such term in*
6 *section 202(k) of the Housing Act of 1959 (12 U.S.C.*
7 *1701q(k)).’.*”

8 ***TITLE III—ASSISTED LIVING FA-***
9 ***CILITIES AND SERVICE-EN-***
10 ***RICED HOUSING***

11 ***SEC. 301. AMENDMENTS TO THE GRANTS FOR CONVERSION***
12 ***OF ELDERLY HOUSING TO ASSISTED LIVING***
13 ***FACILITIES.***

14 (a) *TECHNICAL AMENDMENT.—The section heading for*
15 *section 202b of the Housing Act of 1959 (12 U.S.C. 1701q-*
16 *2) is amended by inserting “AND OTHER PURPOSES”*
17 *after “ASSISTED LIVING FACILITIES”.*

18 (b) *EXTENSION OF GRANT AUTHORITY.—Section*
19 *202b(a)(2) of the Housing Act of 1959 (12 U.S.C. 1701q-*
20 *2(a)(2)) is amended—*

21 (1) *by striking “(2) CONVERSION.—Activities”*
22 *and inserting the following:*

23 “(2) *CONVERSION.—*

24 “(A) *ASSISTED LIVING FACILITIES.—Activi-*
25 *ties”; and*

1 (2) *by adding at the end the following:*

2 “(B) *SERVICE-ENRICHED HOUSING.—Ac-*
3 *tivities designed to convert dwelling units in the*
4 *eligible project to service-enriched housing for el-*
5 *derly persons.”.*

6 (c) *AMENDMENT TO APPLICATION PROCESS.—Section*
7 *202b(c)(1) of the Housing Act of 1959 (12 U.S.C. 1701q-*
8 *2(c)(1)) is amended by inserting “for either an assisted liv-*
9 *ing facility or service-enriched housing” after “activities”.*
10 (d) *REQUIREMENTS FOR SERVICES.—Section 202b(d)*
11 *of the Housing Act of 1959 (12 U.S.C. 1701q-2(d)) is*
12 *amended to read as follows:*

13 “(d) *REQUIREMENTS FOR SERVICES.—*

14 “(1) *SUFFICIENT EVIDENCE OF FIRM FUNDING*
15 *COMMITMENTS.—The Secretary may not make a*
16 *grant under this section for conversion activities un-*
17 *less an application for a grant submitted pursuant to*
18 *subsection (c) contains sufficient evidence, in the de-*
19 *termination of the Secretary, of firm commitments for*
20 *the funding of services to be provided in the assisted*
21 *living facility or service-enriched housing, which may*
22 *be provided by third parties.*

23 “(2) *REQUIRED EVIDENCE.—The Secretary shall*
24 *require evidence that each recipient of a grant for*
25 *service-enriched housing under this section provides*

1 *relevant and timely disclosure of information to resi-*
2 *dents or potential residents of such housing relating*
3 *to—*

4 “(A) *the services that will be available at*
5 *the property to each resident, including—*

6 “(i) *the right to accept, decline, or*
7 *choose such services and to have the choice*
8 *of provider;*

9 “(ii) *the services made available by or*
10 *contracted through the grantee;*

11 “(iii) *the identity of, and relevant in-*
12 *formation for, all agencies or organizations*
13 *providing any services to residents, which*
14 *agencies or organizations shall provide in-*
15 *formation regarding all procedures and re-*
16 *quirements to obtain services, any charges*
17 *or rates for the services, and the rights and*
18 *responsibilities of the residents related to*
19 *those services;*

20 “(B) *the availability, identity, contact in-*
21 *formation, and role of the service coordinator;*
22 *and*

23 “(C) *such other information as the Sec-*
24 *retary determines to be appropriate to ensure*
25 *that residents are adequately informed of the*

1 *services options available to promote resident*
 2 *independence and quality of life.”.*

3 *(e) AMENDMENTS TO SELECTION CRITERIA.—Section*
 4 *202b(e) of the Housing Act of 1959 (12 U.S.C. 1701q-2(e))*
 5 *is amended—*

6 *(1) in paragraph (2)—*

7 *(A) by inserting “or service-enriched hous-*
 8 *ing” after “facilities”; and*

9 *(B) by inserting “service-enriched housing”*
 10 *after “facility”;*

11 *(2) in paragraph (5), by inserting “or service-*
 12 *enriched housing” after “facility”; and*

13 *(3) in paragraph (6), by inserting “or service-*
 14 *enriched housing” after “facility”.*

15 *(f) AMENDMENTS TO SECTION 8 PROJECT-BASED AS-*
 16 *SISTANCE.—Section 202b(f) of the Housing Act of 1959 (12*
 17 *U.S.C. 1701q-2(f)) is amended—*

18 *(1) in paragraph (1), by inserting “or service-*
 19 *enriched housing” after “facilities” each time that*
 20 *term appears; and*

21 *(2) in paragraph (2), by inserting “or service-*
 22 *enriched housing” after “facility”.*

23 *(g) AMENDMENTS TO DEFINITIONS.—Section 202b(g)*
 24 *of the Housing Act of 1959 (12 U.S.C. 1701q-2(g)) is*
 25 *amended to read as follows:*

1 “(g) *DEFINITIONS.—For purposes of this section—*

2 “(1) *the term ‘assisted living facility’ has the*
 3 *meaning given such term in section 232(b) of the Na-*
 4 *tional Housing Act (1715w(b));*

5 “(2) *the term ‘service-enriched housing’ means*
 6 *housing that—*

7 “(A) *makes available through licensed or*
 8 *certified third party service providers supportive*
 9 *services to assist the residents in carrying out*
 10 *activities of daily living, such as bathing, dress-*
 11 *ing, eating, getting in and out of bed or chairs,*
 12 *walking, going outdoors, using the toilet, laun-*
 13 *dry, home management, preparing meals, shop-*
 14 *ping for personal items, obtaining and taking*
 15 *medication, managing money, using the tele-*
 16 *phone, or performing light or heavy housework,*
 17 *and which may make available to residents home*
 18 *health care services, such as nursing and ther-*
 19 *apy;*

20 “(B) *includes the position of service coordi-*
 21 *nator, which may be funded as an operating ex-*
 22 *pense of the property; ;*

23 “(C) *provides separate dwelling units for*
 24 *residents, each of which contains a full kitchen*
 25 *and bathroom and which includes common*

1 rooms and other facilities appropriate for the
 2 provision of supportive services to the residents
 3 of the housing; and

4 “(D) provides residents with control over
 5 health care and supportive services decisions, in-
 6 cluding the right to accept, decline, or choose
 7 such services, and to have the choice of provider;
 8 and

9 “(3) the definitions in section 1701(q)(k) of this
 10 title shall apply.”.

11 **SEC. 302. MONTHLY ASSISTANCE PAYMENT UNDER RENTAL**
 12 **ASSISTANCE.**

13 Clause (iii) of section 8(o)(18)(B) of the United States
 14 Housing Act of 1937 (42 U.S.C. 1437f(o)(18)(B)(iii)) is
 15 amended by inserting before the period at the end the fol-
 16 lowing: “, except that a family may be required at the time
 17 the family initially receives such assistance to pay rent in
 18 an amount exceeding 40 percent of the monthly adjusted
 19 income of the family by such an amount or percentage that
 20 is reasonable given the services and amenities provided and
 21 as the Secretary deems appropriate.”.

**TITLE IV—NATIONAL SENIOR
HOUSING CLEARINGHOUSE**

SEC. 401. NATIONAL SENIOR HOUSING CLEARINGHOUSE.

(a) ESTABLISHMENT.—Not later than 360 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall establish and operate a clearinghouse to serve as a national repository to receive, collect, process, assemble, and disseminate information regarding the availability and quality of multifamily developments for elderly tenants, including—

(1) the availability of—

(A) supportive housing for the elderly pursuant to section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), including any housing unit assisted with a project rental assistance contract under such section;

(B) properties and units eligible for assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

(C) properties eligible for the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986;

(D) units in assisted living facilities insured pursuant to section 221(d)(4) of the National Housing Act (12 U.S.C. 1715l(d)(4));

1 (E) units in any multifamily project that
 2 has been converted into an assisted living facility
 3 for elderly persons pursuant to section 202b of
 4 the Housing Act of 1959 (12 U.S.C. 1701q-2);
 5 and

6 (F) any other federally assisted or sub-
 7 sidized housing for the elderly;

8 (2) the number of available units in each prop-
 9 erty, project, or facility described in paragraph (1);

10 (3) the number of bedrooms in each available
 11 unit in each property, project, or facility described in
 12 paragraph (1);

13 (4) the estimated cost to a potential tenant to
 14 rent or reside in each available unit in each property,
 15 project, or facility described in paragraph (1);

16 (5) the presence of a waiting list for entry into
 17 any available unit in each property, project, or facil-
 18 ity described in paragraph (1);

19 (6) the number of persons on the waiting list for
 20 entry into any available unit in each property,
 21 project, or facility described in paragraph (1);

22 (7) the amenities available in each available unit
 23 in each property, project, or facility described in
 24 paragraph (1), including—

1 (A) the services provided by such property,
2 project, or facility;

3 (B) the size and availability of common
4 space within each property, project, or facility;

5 (C) the availability of organized activities
6 for individuals residing in such property,
7 project, or facility; and

8 (D) any other additional amenities avail-
9 able to individuals residing in such property,
10 project, or facility;

11 (8) the level of care (personal, physical, or nurs-
12 ing) available to individuals residing in any prop-
13 erty, project, or facility described in paragraph (1);

14 (9) whether there is a service coordinator in any
15 property, project, or facility described in paragraph
16 (1); and

17 (10) any other criteria determined appropriate
18 by the Secretary.

19 (b) COLLECTION AND UPDATING OF INFORMATION.—

20 (1) INITIAL COLLECTION.—Not later than 180
21 days after the date of enactment of this Act, the Sec-
22 retary of Housing and Urban Development shall con-
23 duct a survey requesting information from each owner
24 of a property, project, or facility described in sub-

1 *section (a)(1) regarding the provisions described in*
2 *paragraphs (2) through (10) of such subsection.*

3 *(2) RESPONSE TIME.—Not later than 60 days*
4 *after receiving the request described under paragraph*
5 *(1), the owner of each such property, project, or facil-*
6 *ity shall submit such information to the Secretary of*
7 *Housing and Urban Development.*

8 *(3) PUBLIC AVAILABILITY.—Not later than 120*
9 *days after the Secretary of Housing and Urban Devel-*
10 *opment receives the submission of any information re-*
11 *quired under paragraph (2), the Secretary shall make*
12 *such information publicly available through the clear-*
13 *inghouse.*

14 *(4) UPDATES.—The Secretary of Housing and*
15 *Urban Development shall conduct a biennial survey*
16 *of each owner of a property, project, or facility de-*
17 *scribed in subsection (a)(1) for the purpose of updat-*
18 *ing or modifying information provided in the initial*
19 *collection of information under paragraph (1). Not*
20 *later than 30 days after receiving such a request, the*
21 *owner of each such property, project, or facility shall*
22 *submit such updates or modifications to the Sec-*
23 *retary. Not later than 60 days after receiving such*
24 *updates or modifications, the Secretary shall inform*

1 *the clearinghouse of such updated or modified infor-*
 2 *mation.*

3 *(c) FUNCTIONS.—The clearinghouse established under*
 4 *subsection (a) shall—*

5 *(1) respond to inquiries from State and local*
 6 *governments, other organizations, and individuals re-*
 7 *questing information regarding the availability of*
 8 *housing in multifamily developments for elderly ten-*
 9 *ants;*

10 *(2) make such information publicly available via*
 11 *the Internet website of the Department of Housing*
 12 *and Urban Development, which shall include—*

13 *(A) access via electronic mail; and*

14 *(B) an easily searchable, sortable,*
 15 *downloadable, and accessible index that itemizes*
 16 *the availability of housing in multifamily devel-*
 17 *opments for elderly tenants by State, county,*
 18 *and zip code;*

19 *(3) establish a toll-free number to provide the*
 20 *public with specific information regarding the avail-*
 21 *ability of housing in multifamily developments for el-*
 22 *derly tenants; and*

23 *(4) perform any other duty that the Secretary*
 24 *determines necessary to achieve the purposes of this*
 25 *section.*

1 (d) *RELATIONSHIP WITH OTHER DATABASES.*—The
2 Secretary of Housing and Urban Development may make
3 the clearinghouse established under subsection (a) a part
4 of any other multifamily housing database the Secretary
5 is required to establish.

6 (e) *AUTHORIZATION OF APPROPRIATIONS.*—There are
7 authorized to be appropriated such sums as necessary to
8 carry out this section.

Calendar No. 657

11TH CONGRESS
2^D Session

S. 118

A BILL

To amend section 202 of the Housing Act of 1959,
to improve the program under such section for
supportive housing for the elderly, and for other
purposes.

NOVEMBER 30, 2010

Reported with an amendment