

112TH CONGRESS
2D SESSION

H. R. 4145

To reform the program for rental assistance under section 8 of the United States Housing Act of 1937, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 2012

Mr. CHABOT introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To reform the program for rental assistance under section 8 of the United States Housing Act of 1937, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Section 8 Reform, Re-
5 sponsibility, and Accountability Act of 2012”.

6 **SEC. 2. PROHIBITION OF SECTION 8 RENTAL ASSISTANCE**
7 **FOR FELONS AND ILLEGAL ALIENS.**

8 (a) IN GENERAL.—Section 8 of the United States
9 Housing Act of 1937 (42 U.S.C. 1437f) is amended by
10 inserting after subsection (i) the following new subsection:

1 “(j) PROHIBITION OF ASSISTANCE FOR FELONS.—
2 Notwithstanding any other provision of law, assistance
3 under this section (including tenant- and project-based as-
4 sistance) may not be provided for any family that includes
5 an individual who—

6 “(1) at any time, has been convicted of a felony
7 under any State or Federal law; or

8 “(2) is unlawfully present in the United
9 States.”.

10 (b) APPLICABILITY.—The amendment made by sub-
11 section (a) shall apply beginning upon the expiration of
12 the 24-month period that begins on the date of the enact-
13 ment of this Act.

14 **SEC. 3. 5-YEAR TIME LIMITATION ON SECTION 8 RENTAL**
15 **ASSISTANCE.**

16 Section 16 of the United States Housing Act of 1937
17 (42 U.S.C. 1437n) is amended by adding at the end the
18 following new subsection:

19 “(g) 5-YEAR TIME LIMITATION ON SECTION 8 AS-
20 SISTANCE.—

21 “(1) IN GENERAL.—Except as otherwise pro-
22 vided in this subsection and notwithstanding any
23 other provision of this Act, assistance under section
24 8 may not be provided on behalf of any family that
25 includes a member who has previously been provided

1 such assistance for 60 months (whether or not con-
2 secutive) or longer.

3 “(2) EXCEPTION FOR ELDERLY AND DISABLED
4 FAMILIES.—In determining the number of months
5 for which an individual has been provided assistance
6 under section 8, for purposes of paragraph (1), a
7 public housing agency shall disregard any month
8 during which such individual was a member of a dis-
9 abled or elderly family so assisted.

10 “(3) APPLICABILITY.—

11 “(A) IN GENERAL.—This subsection shall
12 apply beginning upon the expiration of the 24-
13 month period that begins on the date of the en-
14 actment of the Section 8 Reform, Responsi-
15 bility, and Accountability Act of 2012.

16 “(B) TREATMENT OF ASSISTANCE BEFORE
17 EFFECTIVE DATE OF LIMITATION.—Except as
18 provided in subparagraph (C), any months that
19 commenced before the expiration of such period
20 shall be considered for purposes of determining,
21 pursuant to paragraph (1), the number of
22 months for which an individual has been pro-
23 vided assistance under section 8.

24 “(C) TWO-YEAR SAFE HARBOR AFTER EF-
25 FECTIVE DATE.—For purposes of paragraph

1 (1), the maximum number of months that com-
2 menced before the expiration of such 24-month
3 period that any individual may be considered to
4 have been provided assistance under section 8,
5 shall be 36.”.

6 **SEC. 4. WORK REQUIREMENTS FOR SECTION 8 RENTAL AS-**
7 **SISTANCE.**

8 Section 16 of the United States Housing Act of 1937
9 (42 U.S.C. 1437n), as amended by the preceding provi-
10 sions of this Act, is further amended by adding at the end
11 the following new subsection:

12 “(h) **WORK REQUIREMENT FOR ASSISTED FAMILIES**
13 **RECEIVING SECTION 8 ASSISTANCE.—**

14 “(1) **IN GENERAL.—**Except as provided in this
15 subsection and notwithstanding any other provision
16 of this Act, assistance under section 8 may not be
17 provided on behalf of any family, unless each mem-
18 ber of the family who is 18 years of age or older per-
19 forms not fewer than 20 hours of work activities (as
20 such term is defined in section 407(d) of the Social
21 Security Act (42 U.S.C. 607(d))) per week.

22 “(2) **EXEMPTIONS.—**The Secretary of Housing
23 and Urban Development shall provide an exemption
24 from the applicability of paragraph (1) for any indi-
25 vidual family member who—

1 “(A) is 62 years of age or older;

2 “(B) is a blind or disabled individual, as
3 defined under section 216(i)(1) or 1614 of the
4 Social Security Act (42 U.S.C. 416(i)(1);
5 1382e), and who is unable to comply with this
6 section, or is a primary caretaker of such indi-
7 vidual;

8 “(C) meets the requirements for being ex-
9 empted from having to engage in a work activ-
10 ity under the State program funded under part
11 A of title IV of the Social Security Act (42
12 U.S.C. 601 et seq.) or under any other welfare
13 program of the State in which the public hous-
14 ing agency administering rental assistance de-
15 scribed in paragraph (1) is located, including a
16 State-administered welfare-to-work program;

17 “(D) is in a family receiving assistance
18 under a State program funded under part A of
19 title IV of the Social Security Act (42 U.S.C.
20 601 et seq.) or under any other welfare pro-
21 gram of the State in which the public housing
22 agency administering such rental assistance is
23 located, including a State-administered welfare-
24 to-work program, and has not been found by

1 the State or other administering entity to be in
2 noncompliance with such program; or

3 “(E) is a single custodial parent caring for
4 a child who has not attained 6 years of age,
5 and the individual proves that the individual
6 has a demonstrated inability (as determined by
7 the State) to obtain needed child care, for one
8 or more of the following reasons:

9 “(i) Unavailability of appropriate
10 child care within a reasonable distance
11 from the individual’s home or work site.

12 “(ii) Unavailability or unsuitability of
13 informal child care by a relative or under
14 other arrangements.

15 “(iii) Unavailability of appropriate
16 and affordable formal child care arrange-
17 ments.

18 “(3) ADMINISTRATION.—A public housing
19 agency providing rental assistance described in para-
20 graph (1) may administer the work activities re-
21 quirement under this subsection directly, through a
22 resident organization, or through a contractor hav-
23 ing experience in administering work activities pro-
24 grams within the service area of the public housing

1 agency. The Secretary may establish qualifications
2 for such organizations and contractors.

3 “(4) PARTICIPATION OF NONPROFIT EMPLOY-
4 MENT AND WORK DEVELOPMENT ORGANIZATIONS.—

5 In administering this subsection, each public housing
6 agency shall provide for the active participation of
7 nonprofit employment assistance and training orga-
8 nizations and nonprofit work development organiza-
9 tions in assisting families receiving rental assistance
10 under section 8, in accordance with such require-
11 ments as the Secretary shall establish.

12 “(5) APPLICABILITY.—This subsection shall
13 apply beginning upon the expiration of the 24-month
14 period that begins on the date of the enactment of
15 the Section 8 Reform, Responsibility, and Account-
16 ability Act of 2012.”.

17 **SEC. 5. PREFERENCE FOR PROVIDING SECTION 8 RENTAL**
18 **ASSISTANCE TO VETERANS.**

19 (a) IN GENERAL.—Section 8 of the United States
20 Housing Act of 1937 (42 U.S.C. 1437f) is amended—

21 (1) in subsection (d)(1)(A)—

22 (A) by inserting after “except that” the
23 following: “each public housing agency shall
24 give preference to families that include a mem-
25 ber who is a veteran as such term is defined in

1 section 101 of title 38, United States Code)
2 who will reside in the dwelling unit assisted,
3 and except that”; and

4 (B) by inserting after “local preferences,”
5 the following: “which shall be subordinate to
6 the preference for veterans and shall be”; and
7 (2) in subsection (o)—

8 (A) in paragraph (6)(A)—

9 (i) in clause (ii)—

10 (I) by striking “this subpara-
11 graph” and inserting “clause (ii)”;
12 and

13 (II) by inserting before the pe-
14 riod at the end the following: “, and
15 shall be subordinate to the preference
16 established under clause (i)”;

17 (ii) by redesignating clauses (i) and
18 (ii) (as so amended) as clauses (ii) and
19 (iii), respectively; and

20 (iii) by inserting before clause (ii) (as
21 so redesignated by clause (ii) of this sub-
22 paragraph) the following new clause:

23 “(i) REQUIRED PREFERENCE FOR
24 VETERANS.—In making tenant-based as-
25 sistance under this subsection available on

1 behalf of eligible families, each public hous-
2 ing agency shall give preference to families
3 that include a member who is a veteran (as
4 such term is defined in section 101 of title
5 38, United States Code) who will reside in
6 the dwelling unit assisted.”; and

7 (B) in paragraph (13)(J)—

8 (i) by striking “The agency” and in-
9 serting the following: “In selecting families
10 to receive project-based assistance pursu-
11 ant to this paragraph, the agency shall
12 give preference to families that include a
13 member who is a veteran (as such term is
14 defined in section 101 of title 38, United
15 States Code) who will reside in the unit. In
16 addition, the agency”; and

17 (ii) by inserting after “section 5A”
18 the following: “, except that any such pref-
19 erences established pursuant to this sen-
20 tence shall be subordinate to the pref-
21 erence established by the preceding sen-
22 tence.”.

23 (b) APPLICABILITY.—The amendments made by sub-
24 section (a) shall apply beginning upon the date of the en-
25 actment of this Act.

1 **SEC. 6. TERMINATION OF SECTION 8 ASSISTANCE AND TER-**
2 **MINATION OF TENANCY IN ASSISTED UNITS.**

3 Section 8 of the United States Housing Act of 1937
4 (42 U.S.C. 1437f) is amended by inserting after sub-
5 section (k) the following new subsection:

6 “(l) **TERMINATION OF ASSISTANCE AND TENANCY.**—
7 Notwithstanding any other provision of this section or of
8 chapter 1 or 8 of the handbook of the Secretary entitled
9 ‘Occupancy Requirements of Subsidized Multifamily
10 Housing Programs’, as in effect on May 18, 2011 (HUD
11 Handbook 4350.3 REV-1), the provisions of chapter 8
12 (relating to termination of housing assistance and termi-
13 nation of tenancy) shall apply with respect to any housing
14 assistance provided under this section, any housing assist-
15 ance payments contract pursuant to this section, and any
16 tenant of a unit assisted under this section.”.

17 **SEC. 7. TREATMENT OF STATE AND LOCAL LAWS.**

18 Section 8 of the United States Housing Act of 1937
19 (42 U.S.C. 1437f) is amended by inserting after sub-
20 section (l), as added by the preceding provisions of this
21 Act, the following new subsection:

22 “(m) **TREATMENT OF STATE AND LOCAL LAWS.**—
23 No provision of this Act or of any housing assistance pay-
24 ments contract under this section may be construed to
25 annul, alter, affect, or exempt any person or housing as-
26 sisted under this section or such a contract from com-

1 plying with the laws of any State or political subdivision
2 of a State.”.

3 **SEC. 8. SENSE OF THE CONGRESS REGARDING THE MOV-**
4 **ING TO WORK PROGRAM.**

5 It is the sense of the Congress that the Moving to
6 Work demonstration program of the Department of Hous-
7 ing and Urban Development under section 204 of the De-
8 partments of Veterans Affairs and Housing and Urban
9 Development, and Independent Agencies Appropriations
10 Act, 1996 (42 U.S.C. 1437f note) should be expanded to
11 include significantly more public housing agencies.

12 **SEC. 9. USE OF UNSPENT HOUSING ASSISTANCE PAYMENTS**
13 **CONTRACT AMOUNTS FOR COMPLIANCE**
14 **MEASURES.**

15 Amounts provided by the Secretary of Housing and
16 Urban Development to a public housing agency under an
17 annual contributions contract for rental assistance under
18 section 8 of the United States Housing Act of 1937 (42
19 U.S.C. 1437f) that remain unused for housing assistance
20 payments contracts may be used by such agency for ac-
21 tions—

22 (1) to monitor compliance of owners of housing
23 assisted under such section and tenants of such
24 housing with all laws and regulations relating to
25 such assistance; and

1 (2) to enforce violations of such laws and regu-
2 lations.

3 **SEC. 10. PUBLIC AVAILABILITY OF PHA PLANS.**

4 (a) IN GENERAL.—Section 5A of the United States
5 Housing Act of 1937 (42 U.S.C. 1437e–1) is amended by
6 adding at the end the following new subsection:

7 “(m) PUBLIC AVAILABILITY OF PLAN.—Each public
8 housing agency that has a public housing agency plan ap-
9 proved under this section shall make the approved plan
10 (and any approved modifications and amendments to such
11 plan) publicly available for inspection during regular busi-
12 ness hours at the offices of the agency and in electronic
13 form by means of the World Wide Web.”.

14 (b) APPLICABILITY.—Subsection (m) of section 5A of
15 the United States Housing Act of 1937, as added by the
16 amendment made by subsection (a), shall apply beginning
17 upon the date of the enactment of this Act.

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