H. R. 1669

To require large public housing agencies to develop disaster response and relief plans to guide and prepare staff and residents of such agencies, the local community, and Federal, State, and local governments for disasters affecting public housing projects.

IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 2013

Ms. Velázquez (for herself, Mr. Rangel, Mr. Serrano, and Mr. Jeffries) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To require large public housing agencies to develop disaster response and relief plans to guide and prepare staff and residents of such agencies, the local community, and Federal, State, and local governments for disasters affecting public housing projects.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Public Housing Disaster Preparedness Act of 2013”.

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SEC. 2. DISASTER RESPONSE AND RELIEF PLAN.

The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following new title:

“TITLE V—DISASTER PREPAREDNESS

“SEC. 501. DEFINITIONS.

“In this title:

“(1) COVERED PUBLIC HOUSING AGENCY.—The term ‘covered public housing agency’ means a public housing agency that owns, operates, or assists no less than 500 dwelling units in public housing projects.

“(2) DISASTER.—The term ‘disaster’ has the same meaning given the term ‘major disaster’ in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) and includes any natural catastrophe (including any hurricane, tornado, storm, high water, wind driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or, regardless of cause, any fire, flood, or explosion, which in the determination of a relevant State or local official causes damage of sufficient severity and magnitude to warrant disaster assistance
in alleviating the damage, loss, hardship, or suffering caused thereby.

“(3) SECRETARY.—The term ‘Secretary’ means the Secretary of Housing and Urban Development.

“SEC. 502. REQUIREMENT OF DISASTER RESPONSE AND RELIEF PLAN.

“(a) IN GENERAL.—The Secretary shall require each covered public housing agency to develop a disaster response and relief plan in accordance with the provisions of this title to provide—

“(1) guidance for—

“(A) public housing agencies and staff;

“(B) residents of dwelling units in public housing;

“(C) relevant Federal, State, and local agencies and officials; and

“(D) community-based organizations; and

“(2) comprehensive information regarding pre-disaster, disaster impact, and post-disaster policies, standards, procedures, and protocols.

“(b) SUBMISSION WITH ANNUAL AND 5-YEAR PLANS.—A disaster response and relief plan developed under this title shall be included in the annual and 5-year plans required to be submitted under section 5A of this Act.
“(c) HUD Approval.—

“(1) In General.—A disaster response and relief plan developed under this title shall be submitted to the Secretary for approval before implementation of such plan.

“(2) Response.—The Secretary shall have 60 days to respond to each submission made pursuant to paragraph (1).

“(d) Feedback.—A covered public housing agency shall seek input from resident or tenant associations and advocacy groups during the development of the disaster relief plan described in subsection (a).

“(e) Rule of Construction.—Nothing in this title prohibits a covered public housing agency from developing and submitting to the Secretary multiple plans tailored to address specific disasters.

“SEC. 503. ESTABLISHING COMMUNICATION AND SUPPORT.

“(a) In General.—A covered public housing agency shall include in the disaster response and relief plan developed under this title protocols for receiving, analyzing, and disseminating information regarding disasters before, during, and after such disaster.

“(b) Coordination and Dissemination of Information.—A covered public housing agency shall—
“(1) provide structure and organization within such agency by establishing a clearly defined chain of command with set responsibilities for each individual or group of individuals involved; and

“(2) identify 1 or more individuals or groups of individuals at each agency and each building that is owned, operated, or assisted by each agency that are responsible for—

“(A) coordinating disaster relief efforts; and

“(B) disseminating information regarding emergency protocols under the disaster response and relief plan developed under this title to each resident of a dwelling unit in public housing owned, operated, or assisted by such agency and other stakeholder groups, including community-based organizations that may provide assistance to such resident following a disaster.

“SEC. 504. RESIDENT PREPAREDNESS.

“(a) IN GENERAL.—A covered public housing agency shall disseminate information about the emergency protocols established under the disaster response and relief plan developed under this title to each resident of a dwelling unit in public housing owned, operated, or assisted by such agency—
“(1) prior to such resident moving into their
dwelling unit;
“(2) annually; and
“(3) if possible, prior to an impending disaster.
“(b) INFORMATION.—Such information disseminated
under subsection (a) shall include—
“(1) information on how to prepare for a dis-
aster;
“(2) if necessary, mandatory evacuation proto-
cols;
“(3) a list of covered public housing agency and
resident rights and responsibilities, as applicable
under Federal, State, and local law and regulations,
and covered public housing agency rules and emer-
gency protocols before, during, and after a disaster
as they relate to—
“(A) disaster preparedness;
“(B) evacuations;
“(C) disaster relief;
“(D) basic human needs assistance;
“(E) utility restoration;
“(F) resident relocation;
“(G) supportive services;
“(H) payment of rent and eligible rent ex-
emptions; and
“(I) assessing and repairing physical damage to public housing buildings; and
“(4) any other items that the Secretary may require through regulations prescribed pursuant to this title.
“(c) METHOD OF DISSEMINATION.—The information described under subsection (b)—
“(1) shall be disseminated by—
“(A) giving notices and flyers to each resident of a dwelling unit in public housing and posted in high-traffic areas;
“(B) having an automated system to contact residents;
“(C) posting on the official Web site of the covered public housing agency with links to the appropriate Web pages regarding the impending disaster; and
“(D) any other means the Secretary may require through regulations prescribed pursuant to this title; and
“(2) may be disseminated by—
“(A) visiting door-to-door to each dwelling unit and providing such information to each resident;
“(B) phone trees; and
“(C) toll-free numbers for residents to call.

“(d) Accessibility of Information.—The information described under this section shall be accessible to individuals with limited English proficiency.

“(e) Inclusion of Residents.—A covered public housing agency is strongly encouraged to include residents of public housing owned, operated, or assisted by such agency in the execution of the disaster response and relief plan developed under this title.

“SEC. 505. IMMEDIATE DISASTER RESPONSE.

“A disaster response and relief plan developed under this title shall include detailed information on how the authorities plan to allocate and station staff before, during, and after a disaster. The plan should reflect reasonable emergency work hours and ensure staff is on call and prepared for a disaster.

“SEC. 506. PROTECTING SPECIAL NEEDS OF RESIDENTS.

“(a) List.—A covered public housing agency shall maintain a list, updated annually, of the members of each family residing in a dwelling unit in public housing owned, operated, or assisted by such agency, and identify the following (as such information is provided by residents):

“(1) The special needs of certain residents because of a disability, physical or mobility impairment, or medical condition.
“(2) The units in which residents who are elderly reside.

“(3) The units in which residents who have limited English proficiency reside and the primary languages of such residents.

“(b) DISSEMINATION OF LIST.—The list described in subsection (a) shall be provided to the individual or individuals identified under section 503(b) and other relevant staff of the covered public housing agency.

“(c) SPECIAL POPULATIONS.—

“(1) IN GENERAL.—A covered public housing agency shall analyze the challenges of providing disaster relief assistance with respect to the health and medical needs to certain populations of residents of a dwelling unit in public housing owned, operated, or assisted by such agency and include such analysis in the disaster response and relief plan developed under this title.

“(2) POPULATIONS.—The populations analyzed under paragraph (1) include—

“(A) residents of a dwelling unit in public housing who—

“(i) are disabled;

“(ii) require life-support equipment or have other severe medical conditions;
“(iii) are elderly; or
“(iv) have a physical or mobility im-
pairment; and
“(B) other populations of residents identi-
fied by the Secretary through regulations pre-
scribed pursuant to this title.

“SEC. 507. SAFE EVACUATION OF RESIDENTS AND STAFF.
“(a) IN GENERAL.—A covered public housing agency
shall include in the disaster response and relief plan de-
veloped under this title information on evacuating residents
of a dwelling unit in public housing owned, operated, or
assisted by, and staff of, such agency.
“(b) REQUIRED INFORMATION.—The information re-
quired under subsection (a) shall include the following:
“(1) Detailed protocols regarding evacuating
residents and staff of a covered public housing agen-
cy safely and orderly.
“(2) Transportation options, in addition to pub-
lic transportation which may be out of service or de-
layed, for transporting residents and staff to safe lo-
cations.
“(3) A list of pre-approved public housing agen-
cy safe locations for residents and staff.
“(4) A list of pre-approved public housing agen-
ey fall-back locations for staff to monitor a disaster
safely and launch response efforts following the conclusion of such a disaster.

“(5) Options for oral and written translation services for residents with limited English proficiency.

“(6) Any other information the Secretary may require through regulations prescribed pursuant to this title.

“SEC. 508. SUPPORTING SHORT- AND LONG-TERM RELOCATION OF RESIDENTS.

“(a) IN GENERAL.—A covered public housing agency shall include in the disaster response and relief plan developed under this title protocols for relocating residents in the event that the unit in which such resident resides becomes uninhabitable.

“(b) REQUIRED INFORMATION.—The protocols described in subsection (a) shall include short-term, long-term, and permanent relocation possibilities.

“SEC. 509. PROVIDING RELIEF TO OTHER VICTIMS.

“A covered public housing agency shall include in the disaster response and relief plan developed under this title protocols for temporarily renting vacant units of public housing to local victims of a disaster who are not residents of public housing.
“SEC. 510. PROTECTING TENANTS FROM EVICTION.

“(a) In General.—No covered public housing agency shall begin, continue, or complete an eviction of a resident of a dwelling unit in public housing owned, operated, or assisted by such agency during the moratorium period defined in subsection (c).

“(b) Exception.—Subsection (a) shall not apply if an eviction of a resident is for—

“(1) a drug-related or violent criminal activity;

“(2) a felony charge; or

“(3) a sex crime or any violation of Federal or State law related to such resident’s status as a sex offender.

“(c) Moratorium Period.—The term ‘moratorium period’ means the time period beginning on the date that a disaster is declared by applicable Federal, State, or local officials and ending on the date that the Secretary determines that a covered public housing agency’s disaster relief efforts have concluded.

“SEC. 511. RENTAL PAYMENT FAIRNESS.

“A covered public housing agency shall prorate, for each month, the rental amount, and, if applicable, the tenant-paid utility amount of a dwelling unit assisted under this Act for each family residing in a dwelling unit in public housing owned, assisted, or operated by such agency in accordance with the rent abatement policies under the
agency’s rules, the property lease executed between the resident and the agency, or any relevant Federal, State, or local laws or regulations.

“SEC. 512. ENSURING RESIDENTS RECEIVE BASIC HUMAN NEEDS AND ASSISTANCE.

“(a) In General.—Not later than 24 hours after the conclusion of a disaster, in such manner as the Secretary may require, a covered public housing agency shall provide to each resident of a dwelling unit in public housing owned, operated, or assisted by such agency the following:

“(1) Contact information for Federal, State, local agencies, or other local organizations that can provide supportive services and disaster relief support and assistance, including—

“(A) potable water;
“(B) food;
“(C) shelter;
“(D) first aid; and
“(E) any other support and assistance that the Secretary may identify through regulations prescribed pursuant to this title.

“(2) Specific information about household and individual assistance available from—
“(A) the Federal Emergency Management Agency;

“(B) any other Federal, State, and local emergency relief agencies; and

“(C) local organizations and public housing agency partners.

“(3) Information regarding the personal property damage claims process of a covered public housing agency, including—

“(A) how to file a claim;

“(B) eligibility guidelines for filing a claim;

“(C) coverage of the policy; and

“(D) the time period to file and process claims.

“(b) CREATING PARTNERSHIPS.—

“(1) IN GENERAL.—A covered public housing agency shall create partnerships to provide basic human needs, additional supportive services, and security before, during, and after the conclusion of a disaster for each resident of a dwelling unit in public housing owned, assisted, or operated by such agency.

“(2) POTENTIAL PARTNERS.—A covered public housing agency may establish partnerships with—

“(A) the Federal Emergency Management Agency;
“(B) State and local governments;
“(C) local law enforcement;
“(D) community-based organizations;
“(E) resident or tenant associations;
“(F) health care professionals;
“(G) other individuals or organizations that provide volunteer services; or
“(H) any other entity that the Secretary may include through regulations prescribed pursuant to this title.

“(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as to prohibit or restrict any entity from providing disaster relief to any resident of a dwelling unit in public housing.

“SEC. 513. PROTECTION AND RESTORATION OF PUBLIC HOUSING BUILDINGS.

“(a) IN GENERAL.—The disaster response and relief plan developed under this title shall include protocols for inspecting, evaluating, and repairing damage to physical assets of a covered public housing agency.

“(b) PROTOCOLS FOR PROTECTION AND RESTORATION OF PUBLIC HOUSING.—Such protocols shall include the following:
“(1) Maintaining a list of licensed contractors
to assess damage to physical assets and provide
short-term repair and restoration efforts.

“(2) If possible, executing supportive services
contracts in advance of disasters to obtain faster re-
response times.

“(3) Deploying contractors immediately fol-
lowing the conclusion of a disaster to assess and re-
pair immediate priorities, including—

“(A) restoring electric, gas, water, VAC.,
sewage, and elevator service as soon as possible;

“(B) remediating exigent health and safety
hazards, such as mold and mildew removal and
pest control; and

“(C) other items as described by the Sec-
retary through regulations prescribed pursuant
to this title.

“(4) Not later than 14 days after the conclu-
sion of a disaster, conducting follow-up inspections
to determine short- and long-term repair and res-
toration priorities.

“(5) Establishing short-term priorities for the
repair and restoration of public housing projects, in-
cluding—
“(A) air quality testing to address disaster related health and safety hazards;

“(B) continuing to maintain building systems and utilities; and

“(C) other items as described by the Secretary through regulations prescribed pursuant to this title.

“(6) Establishing long-term priorities for the repair and restoration of public housing projects, including—

“(A) developing a revised physical capital needs assessment to determine necessary repairs and rehabilitation of a public housing project;

“(B) rehabilitating building structures;

“(C) repairing and rehabilitating superficial damages to building structures and dwelling units;

“(D) mitigating the impact of a disaster that may occur in the future by upgrading or replacing building systems or strengthening the structure of the building; and

“(E) other items as described by the Secretary through regulations prescribed pursuant to this title.
“SEC. 514. EMERGENCY SUPPLIES AND EQUIPMENT.

“(a) IN GENERAL.—The disaster response and relief plan developed under this title shall include a detailed list describing the condition and location of emergency supplies and equipment, including—

“(1) electrical generators and the types of public housing building systems they are compatible with;

“(2) mobile boilers and the types of public housing building systems they are compatible with;

“(3) heaters and fans;

“(4) water pumps;

“(5) phones, radios, cameras, and televisions (and power sources, if necessary, for these items);

“(6) potable water, food, and emergency supply kits;

“(7) property vehicles;

“(8) backed-up critical computer files (such as contact information for residents and staff, rent and income calculations, and other information);

“(9) first aid kits; and

“(10) any other supplies and equipment that the Secretary may describe through regulations prescribed pursuant to this title.

“(b) ANNUAL REVIEW.—A covered public housing agency shall check annually to ensure that the supplies
and equipment described in subsection (a), or through regulations prescribed pursuant to such subsection, are in working order. Such agency shall immediately replace or repair such supplies and equipment that are not in working order and update the list described in subsection (a).

“(c) Contracts.—A public housing agency shall enter into standby contracts for critical equipment, such as pumps, boilers, and generators, in order to expedite the restoration of necessary utilities.

“SEC. 515. SOURCES OF ASSISTANCE.

“The disaster response and relief plan developed under this title shall include—

“(1) information regarding Federal, State, and local grant and loan programs and other resources related to disaster relief available to a covered public housing agency;

“(2) how to apply for such resources; and

“(3) information regarding the insurance policy of the covered public housing agency and how to file a claim.

“SEC. 516. PROPER IMPLEMENTATION OF PLAN.

“The disaster response and relief plan developed under this title shall include, and a covered public housing agency shall have available on-site at each public housing project, a step-by-step checklist to implement such plan
to be utilized by relevant staff of the agency. Such check-
list shall emphasize disaster relief on the property level.

“SEC. 517. EMERGENCY DISASTER TRAINING.

“(a) IN GENERAL.—The disaster response and relief plan developed under this title shall include training re-
quirements such as—

“(1) hosting annual workshops to train employ-
ees of public housing agencies on the disaster re-
response and relief plans of such agencies and the proper implementation of such plans;

“(2) offering no less than 3 events, such as workshops, seminars (held-in person or over the Internet), or conference calls, to provide information to residents on—

“(A) what to do during a disaster;

“(B) covered public housing agency and resident rights and responsibilities during a dis-
aster; and

“(C) basic first aid and CPR training; and

“(3) conducting annual evacuation and emer-
gency drills for disasters at public housing projects.

“(b) STAFF TRAINING.—A covered public housing agency shall provide leadership, basic first aid, and CPR training to staff of such agency to prepare such staff to coordinate and assist residents of dwelling units in public
housing owned, assisted, or operated by such agency and
other individuals in carrying out the pre-disaster, disaster
impact, and post-disaster polices and procedures developed
pursuant to this title.

“(c) Resident Training.—A covered public housing
agency may provide leadership, basic first aid, and CPR
training to residents of dwelling units in public housing
owned, assisted, or operated by such agency, in addition
to training required to be provided to staff of such agency
under subsection (b), to prepare such residents to coordi-
nate and assist other residents in carrying out the pre-
disaster, disaster impact, and post-disaster polices and
procedures developed pursuant to this title.

“SEC. 518. IMPROVING DISASTER RELIEF OVERSIGHT.

“Following a disaster in which a covered public hous-
ing agency implemented its disaster response and relief
plan developed under this title, the Inspector General of
the Department of Housing and Urban Development shall
evaluate such plan and, if necessary, make recommenda-
tions for improving such plan not later than 180 days
after the conclusion of such disaster.”.

SEC. 3. AMENDMENTS TO HOUSING ACT.

(a) Inclusion in 5-Year Plan.—Section 5A(a)(1)
of the United States Housing Act of 1937 (42 U.S.C.
1437e–1(a)(1)) is amended—
(1) by adding at the end the following new sub-
paragraph:

“(C) if applicable, a disaster response and
relief plan developed in accordance with title
V.”;

(2) in subparagraph (A), by striking “and”;
and

(3) in subparagraph (B), by striking the period
and inserting “; and”.

(b) INCLUSION IN ANNUAL PLAN.—Section 5A(d) of
the United States Housing Act of 1937 (42 U.S.C. 1437c–
1(d)) is amended—

(1) by redesignating paragraph (19) as para-
graph (20); and

(2) by inserting after paragraph (18) the fol-
lowing:

“(19) DISASTER RESPONSE AND RELIEF
PLAN.—If, applicable, a plan developed by the public
housing agency in accordance with title V that pro-
vides comprehensive information regarding pre-dis-
aster, disaster impact, and post-disaster policies,
standards, procedures, and protocols.”.
SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to the Secretary to carry out this Act.

(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

SEC. 5. EFFECTIVE DATE.

A covered public housing agency (as such term is defined in the amendments made under section 2 of this Act) shall submit the initial disaster plan developed in accordance with the amendments made under section 2 of this Act on the date that occurs on the later of—

(1) 270 days after the date of the enactment of this Act; or

(2) the date that the annual plan under section 5A(b) of the United States Housing Act of 1937 (42 U.S.C. 1437c–1(b)) is required to be submitted to the Secretary of Housing and Urban Development.