

116TH CONGRESS  
1ST SESSION

# H. R. 5187

To facilitate the development of affordable housing, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 20, 2019

Ms. WATERS introduced the following bill; which was referred to the  
Committee on Financial Services

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## A BILL

To facilitate the development of affordable housing, 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 “Housing is Infrastruc-  
5 ture Act of 2019”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) Affordable housing is a critical part of the  
9 national infrastructure of the United States but  
10 there is a severe shortage of affordable housing in

1 the United States and the existing stock is badly in  
2 need of repair.

3 (2) According to a 2010 study sponsored by the  
4 Department of Housing and Urban Development,  
5 there was a \$26 billion backlog of capital needs for  
6 public housing; that figure is likely higher today,  
7 with some groups estimating the backlog of capital  
8 needs for public housing to be as high as \$70 billion.

9 (3) There are 14,000 units supported by Rural  
10 Rental Housing Loans under section 515 of the  
11 Housing Act of 1949 and Farm Labor Housing  
12 Loans under section 514 of the Housing Act of  
13 1949 that have an estimated unmet reserve need of  
14 \$5,600,000,000 according to the latest estimate  
15 from the Department of Agriculture.

16 (4) Federal investment in housing helps to cre-  
17 ate jobs and stimulate the economy.

18 (5) When the American Recovery and Reinvest-  
19 ment Act of 2009 (Public Law 111–5) was enacted,  
20 which included funding for public housing, research-  
21 ers found that for each \$1.00 in direct spending on  
22 public housing, there was an additional \$2.12 of in-  
23 direct and induced economic activity nationwide for  
24 a total economic impact of \$3.12 for each \$1.00 in  
25 direct spending on public housing.

1           (6) According to the National Association of  
2 Home Builders, building 100 affordable rental  
3 homes generates \$11.7 million in local income,  
4 \$2,200,000 in taxes and revenue for local govern-  
5 ments, and 161 local jobs.

6           (7) Researchers estimate that the growth in the  
7 gross domestic product from 1964–2009 would have  
8 been 13.5 percent higher if families had better ac-  
9 cess to affordable housing, which in turn could have  
10 led to an additional \$1.7 trillion increase in income,  
11 equivalent to \$8,775 in additional wages for each  
12 worker.

13 **SEC. 3. PUBLIC HOUSING CAPITAL FUND.**

14       (a) IN GENERAL.—There is authorized to be appro-  
15 priated for the Capital Fund under section 9(d) of the  
16 United States Housing Act of 1937 (42 U.S.C. 1437g(d))  
17 \$70,000,000,000 and any amounts appropriated pursuant  
18 to this subsection shall remain available until the expira-  
19 tion of the 5-year period beginning upon the date of such  
20 appropriation.

21       (b) REQUIREMENTS.—The Secretary of Housing and  
22 Urban Development (in this Act referred to as the “Sec-  
23 retary”) shall—

24           (1) distribute not less than 35 percent and not  
25 more than 75 percent of any amounts appropriated

1       pursuant to subsection (a) under the same formula  
2       used for amounts made available for the Capital  
3       Fund for fiscal year 2019, except that the Secretary  
4       may determine not to allocate funding to public  
5       housing agencies that are designated as troubled at  
6       the time of such determination or to public housing  
7       agencies that elect not to accept such funding, or  
8       both; and

9               (2) make available all remaining amounts by  
10       competition for priority investments, including in-  
11       vestments that address lead hazards, other urgent  
12       health and safety concerns, and such other priorities  
13       as the Secretary may identify.

14       (c) **TIMING.**—The Secretary of Housing and Urban  
15       Development shall obligate amounts—

16               (1) made available under subsection (b)(1)  
17       within 30 days of enactment of the Act appro-  
18       priating such funds; and

19               (2) made available under subsection (b)(2)  
20       within 12 months of enactment of the Act appro-  
21       priating such funds.

22       (d) **LIMITATION.**—Amounts provided pursuant to  
23       this section may not be used for operating costs or rental  
24       assistance.

1       (e) USE OF FUNDS.—Not more than 0.5 percent of  
2 any amount appropriated pursuant to this section shall be  
3 used by the Secretary for costs associated with staff, train-  
4 ing, technical assistance, technology, monitoring, travel,  
5 enforcement, research, and evaluation.

6       (f) MONITORING.—With respect to any public hous-  
7 ing agency that is designated as troubled at the time that  
8 amounts appropriated pursuant to this section are obli-  
9 gated for such public housing agency, the Secretary shall  
10 provide additional monitoring and oversight of such public  
11 housing authorities to ensure that any amounts provided  
12 are used in accordance with this section and any applica-  
13 ble laws.

14       (g) SUPPLEMENT NOT SUPPLANT.—The Secretary  
15 shall ensure that amounts provided pursuant to this sec-  
16 tion shall serve to supplement and not supplant other  
17 amounts generated by a recipient of such amounts or  
18 amounts provided by other Federal, State, or local  
19 sources.

20       (h) WATER AND ENERGY EFFICIENCY.—In distrib-  
21 uting any amounts pursuant to subsection (b), the Sec-  
22 retary shall give priority to public housing agencies located  
23 in States and localities that have a plan to increase water  
24 and energy efficiency when developing or rehabilitating  
25 public housing using any amounts distributed.

1 **SEC. 4. RURAL MULTIFAMILY PRESERVATION AND REVI-**  
2 **TALIZATION DEMONSTRATION PROGRAM.**

3 (a) IN GENERAL.—There is authorized to be appro-  
4 priated for carrying out the Multifamily Preservation and  
5 Revitalization Demonstration program of the Rural Hous-  
6 ing Service (as authorized under sections 514, 515, and  
7 516 of the Housing Act of 1949 (42 U.S.C. 1484; 1485;  
8 1486)) \$1,000,000,000 and any amounts appropriated  
9 pursuant to this section shall remain available until ex-  
10 pended.

11 (b) WATER AND ENERGY EFFICIENCY.—Not less  
12 than 10 percent of all amounts made available pursuant  
13 to this section shall be used only for activities relating to  
14 water and energy efficiency and, at the Secretary’s discre-  
15 tion, other strategies to reduce emissions.

16 **SEC. 5. FLOOD MITIGATION ASSISTANCE GRANT PROGRAM.**

17 (a) IN GENERAL.—There is authorized to be appro-  
18 priated for carrying out the Flood Mitigation Assistance  
19 Grant Program under section 1366 of the National Flood  
20 Insurance Act of 1968 (42 U.S.C. 4104c) \$1,000,000,000  
21 and any amounts appropriated pursuant to this section  
22 shall remain available until expended.

23 (b) MULTIFAMILY RESIDENCES AND ATTACHED AND  
24 SEMI-ATTACHED HOMES.—With regard to any structure  
25 that is a multifamily residence or an attached or semi-  
26 attached residence, the Administrator shall consult with

1 the Secretary of Housing and Urban Development and es-  
2 tablish alternative forms of mitigation.

3 (c) DEFINITIONS.—For the purposes of this section,  
4 the term “multifamily residence” has the same meaning  
5 as in the Flood Disaster Protection Act of 1973 and the  
6 National Flood Insurance Act of 1968.

7 **SEC. 6. HOUSING TRUST FUND.**

8 (a) IN GENERAL.—There is authorized to be appro-  
9 priated for the Housing Trust Fund under section 1338  
10 of the Housing and Urban Development Act of 1992 (12  
11 U.S.C. 4568) \$5,000,000,000 and any amounts appro-  
12 priated pursuant to this subsection shall remain available  
13 until expended. The Secretary shall ensure that priority  
14 for occupancy in dwelling units assisted with amounts  
15 made available pursuant to this section that become avail-  
16 able for occupancy shall be given to persons and house-  
17 holds who are homeless (as such term is defined in section  
18 103 of the McKinney-Vento Homeless Assistance Act (42  
19 U.S.C. 11302)) or at risk of homelessness (as such term  
20 is defined in section 401 of such Act (42 U.S.C. 11360)).

21 (b) WATER AND ENERGY EFFICIENCY.—Not less  
22 than 10 percent of all amounts made available pursuant  
23 to this section shall be used only for activities relating to  
24 water and energy efficiency and, at the Secretary’s discre-  
25 tion, other strategies to reduce emissions.

1 **SEC. 7. SINGLE-FAMILY HOUSING REPAIR LOANS AND**  
2 **GRANTS.**

3 (a) **IN GENERAL.**—There is authorized to be appro-  
4 priated for carrying out single family housing repair loans  
5 and grants under section 504 of the Housing Act of 1949  
6 (42 U.S.C. 1474) \$100,000,000 and any amounts appro-  
7 priated pursuant to this section shall remain available  
8 until expended.

9 (b) **WATER AND ENERGY EFFICIENCY.**—Not less  
10 than 10 percent of all amounts made available pursuant  
11 to this section shall be used only for activities relating to  
12 water and energy efficiency and, at the Secretary’s discre-  
13 tion, other strategies to reduce emissions.

14 **SEC. 8. NATIVE AMERICAN HOUSING BLOCK GRANT PRO-**  
15 **GRAM.**

16 (a) **IN GENERAL.**—There is authorized to be appro-  
17 priated for carrying out the Native American housing  
18 block grant program under title I of the Native American  
19 Housing Assistance and Self-Determination Act of 1996  
20 (25 U.S.C. 4111 et seq.) \$1,000,000,000 and any  
21 amounts appropriated pursuant to this section shall re-  
22 main available until expended.

23 (b) **WATER AND ENERGY EFFICIENCY.**—Not less  
24 than 10 percent of all amounts made available pursuant  
25 to this section shall be used only for activities relating to

1 water and energy efficiency and, at the Secretary's discre-  
2 tion, other strategies to reduce emissions.

3 **SEC. 9. HOME INVESTMENT PARTNERSHIPS PROGRAM.**

4 (a) IN GENERAL.—There is authorized to be appro-  
5 priated for carrying out the HOME Investment Partner-  
6 ship Program under title II of the Cranston-Gonzalez Na-  
7 tional Affordable Housing Act (42 U.S.C. 12721 et seq.)  
8 \$5,000,000,000 and any amounts appropriated pursuant  
9 to this section shall remain available until expended.

10 (b) WATER AND ENERGY EFFICIENCY.—Not less  
11 than 10 percent of all amounts made available pursuant  
12 to this section shall be used only for activities relating to  
13 water and energy efficiency and, at the Secretary's discre-  
14 tion, other strategies to reduce emissions.

15 **SEC. 10. PROGRAM FOR SUPPORTIVE HOUSING FOR PER-**  
16 **SONS WITH DISABILITIES.**

17 (a) IN GENERAL.—There is authorized to be appro-  
18 priated \$2,500,000,000 for project rental assistance under  
19 the program for supportive housing for persons with dis-  
20 abilities under section 811(b)(3) of the Cranston-Gonzalez  
21 National Affordable Housing Act (42 U.S.C. 8013(b)(3))  
22 for State housing finance agencies and any amounts ap-  
23 propriated pursuant to this section shall remain available  
24 until expended.

1 (b) WATER AND ENERGY EFFICIENCY.—Not less  
2 than 10 percent of all amounts made available pursuant  
3 to this section shall be used only for activities relating to  
4 water and energy efficiency and, at the Secretary’s discre-  
5 tion, other strategies to reduce emissions.

6 **SEC. 11. PROGRAM FOR SUPPORTIVE HOUSING FOR THE**  
7 **ELDERLY.**

8 (a) IN GENERAL.—There is authorized to be appro-  
9 priated \$2,500,000,000 for—

10 (1) capital advances pursuant to section  
11 202(c)(1) of the Housing Act of 1959 (12 U.S.C.  
12 1701q(c)(1)), including amendments to capital ad-  
13 vance contracts for housing for the elderly as au-  
14 thorized by section 202 of such Act;

15 (2) project rental assistance for the elderly  
16 under section 202(c)(2) of such Act, including  
17 amendments to contracts for such assistance and re-  
18 newal of expiring contracts for such assistance for  
19 up to a 1-year term;

20 (3) senior preservation rental assistance con-  
21 tracts, including renewals, as authorized by section  
22 811(e) of the American Housing and Economic Op-  
23 portunity Act of 2000 (12 U.S.C. 1701g note); and

24 (4) supportive services associated with housing  
25 assisted under paragraph (1), (2), or (3).

1 (b) AVAILABILITY OF AMOUNTS.—Any amounts ap-  
2 propriated pursuant to this section shall remain available  
3 until September 30, 2023.

4 (c) WATER AND ENERGY EFFICIENCY.—Not less  
5 than 10 percent of all amounts made available pursuant  
6 to this section shall be used only for activities relating to  
7 water and energy efficiency and, at the Secretary’s discre-  
8 tion, other strategies to reduce emissions.

9 **SEC. 12. CAPITAL MAGNET FUND.**

10 (a) There is authorized to be appropriated for the  
11 Capital Magnet Fund under section 1339 of the Federal  
12 Housing Enterprises Financial Safety and Soundness Act  
13 of 1992 (12 U.S.C. 4569) \$2,500,000,000 and any  
14 amounts appropriated pursuant to this subsection shall re-  
15 main available until expended.

16 (b) WATER AND ENERGY EFFICIENCY.—Not less  
17 than 10 percent of all amounts made available pursuant  
18 to this subsection shall be used only for activities relating  
19 to water and energy efficiency and, at the Secretary’s dis-  
20 cretion, other strategies to reduce emissions.

21 **SEC. 13. COMMUNITY DEVELOPMENT BLOCK GRANT FUND-**  
22 **ING FOR AFFORDABLE HOUSING AND INFRA-**  
23 **STRUCTURE.**

24 (a) AUTHORIZATION OF APPROPRIATIONS.—

1           (1) IN GENERAL.—Subject to the provisions of  
2 this section, there is authorized to be appropriated  
3 for assistance under the community development  
4 block grant program under title I of the Housing  
5 and Community Development Act of 1974 (42  
6 U.S.C. 5301 et seq.) \$10,000,000,000 and any  
7 amounts appropriated pursuant to this section shall  
8 remain available until expended.

9           (2) ADMINISTRATIVE AND PLANNING COSTS.—  
10 Not more than 15 percent of any amounts appro-  
11 priated pursuant to paragraph (1) may be used for  
12 administrative and planning costs.

13           (b) ELIGIBLE ACTIVITIES.—Amounts made available  
14 for assistance under this section may be used only for—

15           (1) the development and preservation of quali-  
16 fied affordable housing, including the construction of  
17 such housing;

18           (2) the responsible elimination or waiving of  
19 zoning requirements and other requirements that  
20 limit affordable housing development, including high  
21 density and multifamily development restrictions,  
22 off-street parking requirements, and height limita-  
23 tions; or

1           (3) any project or entity eligible for a discre-  
2           tionary grant provided by the Department of Trans-  
3           portation.

4           (c) LIMITATION.—With respect to amounts used pur-  
5           suant to subsection (b)(2), the Secretary shall ensure that  
6           recipients of amounts provided pursuant to this section  
7           are not incentivized or otherwise rewarded for eliminating  
8           or undermining the intent of the zoning regulations or  
9           other regulations or policies that—

10           (1) establish fair wages for labors;

11           (2) ensure the health and safety of buildings for  
12           residents and the general public;

13           (3) protect fair housing;

14           (4) provide environmental protections;

15           (5) prevent tenant displacement; or

16           (6) protect any other interest that the Secretary  
17           determines is in the public interest to preserve.

18           (d) COMPETITION.—Amounts made available for as-  
19           sistance under this section shall be awarded to States,  
20           units of general local government, and Indian tribes on  
21           a competitive basis, based on the extent to which the appli-  
22           cant—

23           (1) demonstrates that the applicant is respon-  
24           sibly streamlining the process for development of  
25           qualified affordable housing;

1           (2) is eliminating or reducing impact fees for  
2           housing within boundaries of the State, unit of local  
3           government, or Indian tribe, as applicable, and other  
4           assessments by State or local governments upon the  
5           owners of new housing development projects that  
6           offset governmental capital expenditures for infra-  
7           structure required to serve or made necessary by the  
8           new housing developments, except for fees that are  
9           invested exclusively for housing; and

10           (3) provides assurances that the applicant will  
11           supplement assistance provided under this section  
12           with amounts from non-Federal sources for costs of  
13           the qualified affordable housing or infrastructure eli-  
14           gible under subsection (b) to be funded with assist-  
15           ance under this section, and the extent of such sup-  
16           plemental assistance to be provided.

17           (e) WATER AND ENERGY EFFICIENCY.—Not less  
18           than 10 percent of all amounts made available for assist-  
19           ance pursuant to this section shall be used only for eligible  
20           activities relating to water and energy efficiency and, at  
21           the Secretary’s discretion, other strategies to reduce emis-  
22           sions.

23           (f) QUALIFIED AFFORDABLE HOUSING.—For pur-  
24           poses of this section, the term “qualified affordable hous-  
25           ing” means a housing development that—

1 (1) is either—

2 (A) funded in any part by assistance pro-  
3 vided by the Department of Housing and Urban  
4 Development or the Rural Housing Service of  
5 the Department of Agriculture; or

6 (B) includes a qualified low income build-  
7 ing as such term is defined in section 42 of the  
8 Internal Revenue Code of 1986; or

9 (2) consists of 5 or more dwelling units of  
10 which 20 percent or more are made available—

11 (A) for rental only by a low-income family  
12 (as defined in section 3(b) of the United States  
13 Housing Act of 1937 (42 U.S.C. 1437a(b)));

14 (B) at a monthly rent amount that does  
15 not exceed 30 percent of the monthly adjusted  
16 income (as defined in such section 3(b)) of the  
17 tenant low-income family; and

18 (C) maintains affordability for residents  
19 who are low-income families for a period of not  
20 less than 30 years.

21 **SEC. 14. INCLUSION OF MINORITY AND WOMEN'S BUSINESS**  
22 **ENTERPRISES.**

23 (a) DUTY.—It shall be the duty of each relevant  
24 agency head—

1           (1) to consult and cooperate with grantees and  
2 recipients, when utilizing funds made available pur-  
3 suant to this Act, to promote the inclusion of minor-  
4 ity and women’s business enterprises, as defined in  
5 subsection (b) including to establish—

6           (A) special consideration to increasing  
7 grantee and recipient outreach to minority and  
8 women’s business enterprises to inform such  
9 businesses of hiring opportunities created  
10 through such funds; and

11           (B) procurement goals for the utilization of  
12 minority and women’s business enterprises; and

13           (2) to convene meetings with leaders and offi-  
14 cials of State and local governments, tribal entities,  
15 and public housing authorities for the purpose of  
16 recommending and promoting funding opportunities  
17 and initiatives needed to advance the position of mi-  
18 nority and women’s business enterprises when com-  
19 peting for funds provided in this Act.

20           (b) DEFINITIONS.—For the purposes of this section,  
21 the following definitions shall apply:

22           (1) MINORITY.—The term “minority” has the  
23 meaning given such term in section 308(b) of the  
24 Financial Institutions Reform, Recovery, and En-  
25 forcement Act of 1989 (12 U.S.C. 1463 note) and

1 also includes any indigenous person in the United  
2 States or its territories.

3 (2) MINORITY AND WOMEN'S BUSINESS ENTER-  
4 PRISE.—The term “minority and women’s business  
5 enterprise” means a business at least 51 percent  
6 owned and controlled by minority group members or  
7 women.

8 (3) RELEVANT AGENCY HEAD.—The term “rel-  
9 evant agency head” means, with respect to funds  
10 made available pursuant to any section of this Act,  
11 the head of the Federal agency responsible for ad-  
12 ministering the program under which such funds are  
13 to be expended.

○