

116TH CONGRESS  
1ST SESSION

# S. 2951

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

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 21, 2019

Mr. SCHUMER (for Ms. HARRIS (for herself, Mr. DURBIN, and Ms. DUCKWORTH)) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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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 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 \$26,000,000,000 backlog of capital  
6 needs for public housing. That figure is likely higher  
7 today, with some groups estimating the backlog of  
8 capital needs for public housing to be as high as  
9 \$70,000,000,000.

10 (3) According to the Department of Agri-  
11 culture, there are 14,000 dwelling units receiving  
12 rental assistance under section 514 or 515 of Hous-  
13 ing Act of 1949 (42 U.S.C. 1484, 1485) that have  
14 an estimated unmet reserve need of \$5,600,000,000.

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

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

1           (6) According to the National Association of  
2 Home Builders, building 100 affordable rental  
3 homes generates \$11,700,000 million in local in-  
4 come, \$2,200,000 in taxes and revenue for local gov-  
5 ernments, and 161 local jobs.

6           (7) Researchers estimate that the growth in the  
7 gross domestic product from 1964 to 2009 would  
8 have been 13.5 percent higher if families had better  
9 access to affordable housing, which in turn could  
10 have led to an additional \$1,700,000,000 increase in  
11 income, equivalent to \$8,775 in additional wages for  
12 each worker.

13 **SEC. 3. DEFINITIONS.**

14 In this Act—

15           (1) the terms “adjusted income”, “low-income  
16 family”, “public housing”, and “public housing  
17 agency” have the meanings given those terms in sec-  
18 tion 3(b) of the United States Housing Act of 1937  
19 (42 U.S.C. 1437a(b));

20           (2) the term “Administrator” means the Ad-  
21 ministrator of the Federal Emergency Management  
22 Agency;

23           (3) the terms “area having special flood haz-  
24 ards”, “substantial damage”, and “substantial im-  
25 provement” have the same meanings as when used

1 in the Flood Disaster Protection Act of 1973 (42  
2 U.S.C. 4002 et seq.) and the National Flood Insur-  
3 ance Act of 1968 (42 U.S.C. 4001 et seq.);

4 (4) the term “at risk of homelessness” has the  
5 meaning given the term in section 401 of the  
6 McKinney-Vento Homeless Assistance Act (42  
7 U.S.C. 11360);

8 (5) the term “homeless” has the meaning given  
9 the term in section 103 of the McKinney-Vento  
10 Homeless Assistance Act (42 U.S.C. 11302);

11 (6) the term “minority”—

12 (A) has the meaning given the term in sec-  
13 tion 308(b) of the Financial Institutions Re-  
14 form, Recovery, and Enforcement Act of 1989  
15 (12 U.S.C. 1463 note); and

16 (B) includes any indigenous person in the  
17 United States, including in any territory of the  
18 United States;

19 (7) the term “minority and women’s business  
20 enterprise” means a business that is not less than  
21 51 percent owned and controlled by members of a  
22 minority group or women;

23 (8) the term “qualified affordable housing”  
24 means a housing development that—

1 (A)(i) is funded in any part by assistance  
2 provided by the Department of Housing and  
3 Urban Development or the Rural Housing Serv-  
4 ice of the Department of Agriculture; or

5 (ii) includes a qualified low income build-  
6 ing, as defined in section 42 of the Internal  
7 Revenue Code of 1986; or

8 (B) consists of not less than 5 dwelling  
9 units of which not less than 20 percent are  
10 made available—

11 (i) for rental only by a low-income  
12 family;

13 (ii) at a monthly rent amount that  
14 does not exceed 30 percent of the monthly  
15 adjusted income of the tenant low-income  
16 family; and

17 (iii) maintains affordability for resi-  
18 dents who are low-income families for a pe-  
19 riod of not less than 30 years;

20 (9) the term “relevant agency head” means,  
21 with respect to funds made available pursuant to  
22 any section of this Act, the head of the Federal  
23 agency responsible for administering the program  
24 under which those funds are to be expended; and

1           (10) the term “Secretary” means the Secretary  
2           of Housing and Urban Development.

3 **SEC. 4. PUBLIC HOUSING CAPITAL FUND.**

4           (a) AUTHORIZATION OF APPROPRIATIONS.—

5           (1) IN GENERAL.—There is authorized to be  
6           appropriated for the Capital Fund under section  
7           9(d) of the United States Housing Act of 1937 (42  
8           U.S.C. 1437g(d)) \$70,000,000,000.

9           (2) AVAILABILITY OF FUNDS.—Any amounts  
10          appropriated pursuant to this subsection shall re-  
11          main available until the date that is 5 years after  
12          the date of the appropriation.

13          (b) REQUIREMENTS.—The Secretary shall—

14          (1) distribute not less than 35 percent and not  
15          more than 75 percent of any amounts appropriated  
16          pursuant to subsection (a) under the same formula  
17          used for amounts made available for the Capital  
18          Fund for fiscal year 2019, except that the Secretary  
19          may determine not to allocate funding to public  
20          housing agencies that are designated as troubled at  
21          the time of such determination or to public housing  
22          agencies that elect not to accept such funding, or  
23          both; and

24          (2) make available all remaining amounts by  
25          competition for priority investments, including in-

1 vestments that address lead hazards, other urgent  
2 health and safety concerns, and such other priorities  
3 as the Secretary may identify.

4 (c) TIMING.—The Secretary shall obligate amounts—

5 (1) made available under subsection (b)(1)  
6 within 30 days of enactment of the Act appro-  
7 priating such funds; and

8 (2) made available under subsection (b)(2)  
9 within 12 months of enactment of the Act appro-  
10 priating such funds.

11 (d) LIMITATION.—Amounts provided pursuant to  
12 this section may not be used for operating costs or rental  
13 assistance.

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

19 (f) MONITORING.—With respect to any public hous-  
20 ing agency that is designated as troubled at the time that  
21 amounts appropriated pursuant to this section are obli-  
22 gated for the public housing agency, the Secretary shall  
23 provide additional monitoring and oversight of the public  
24 housing agency to ensure that any amounts provided are

1 used in accordance with this section and any applicable  
2 laws.

3 (g) SUPPLEMENT NOT SUPPLANT.—The Secretary  
4 shall ensure that amounts provided pursuant to this sec-  
5 tion shall serve to supplement and not supplant other  
6 amounts generated by a recipient of those amounts or  
7 amounts provided by other Federal, State, or local  
8 sources.

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

15 **SEC. 5. RURAL MULTIFAMILY PRESERVATION AND REVI-**  
16 **TALIZATION DEMONSTRATION PROGRAM.**

17 (a) IN GENERAL.—There is authorized to be appro-  
18 priated for carrying out the Multifamily Preservation and  
19 Revitalization Demonstration program of the Rural Hous-  
20 ing Service authorized under sections 514, 515, and 516  
21 of the Housing Act of 1949 (42 U.S.C. 1484, 1485, 1486)  
22 \$1,000,000,000, to remain 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 discretion of the  
2 Secretary of Agriculture, other strategies to reduce emis-  
3 sions.

4 **SEC. 6. FLOOD MITIGATION ASSISTANCE GRANT PROGRAM.**

5 (a) IN GENERAL.—There is authorized to be appro-  
6 priated for carrying out the Flood Mitigation Assistance  
7 Grant Program under section 1366 of the National Flood  
8 Insurance Act of 1968 (42 U.S.C. 4104c) \$1,000,000,000,  
9 to remain available until expended.

10 (b) FLOOD RISK MITIGATION.—Except as provided  
11 in subsection (c), the Administrator shall require that any  
12 structure that is located in an area having special flood  
13 hazards shall be elevated with the lowest floor, including  
14 the basement, not less than 2 feet above the base flood  
15 level if the structure, with amounts appropriated pursuant  
16 to this section—

17 (1) is newly constructed;

18 (2) receives repairs to substantial damage, or

19 (3) receives substantial improvement.

20 (c) MULTIFAMILY RESIDENCES AND ATTACHED AND  
21 SEMI-ATTACHED HOMES.—With regard to any structure  
22 that is a multifamily residence or an attached or semi-  
23 attached residence, the Administrator shall—

24 (1) consult with the Secretary and establish al-  
25 ternative forms of mitigation; and

1           (2) exempt any multifamily residence or any at-  
2           tached or semi-attached residence that meets the re-  
3           quirements of any such alternative forms of mitiga-  
4           tion from the requirements under subsection (b).

5           (d) WATER AND ENERGY EFFICIENCY.—Not less  
6           than 10 percent of all amounts made available pursuant  
7           to this section shall be used only for activities relating to  
8           water and energy efficiency and, at the discretion of the  
9           Administrator, other strategies to reduce emissions.

10 **SEC. 7. HOUSING TRUST FUND.**

11           (a) IN GENERAL.—There is authorized to be appro-  
12           priated for the Housing Trust Fund under section 1338  
13           of the Housing and Urban Development Act of 1992 (12  
14           U.S.C. 4568) \$5,000,000,000, to remain available until  
15           expended.

16           (b) PRIORITY.—The Secretary shall ensure that pri-  
17           ority for occupancy in dwelling units assisted with  
18           amounts made available pursuant to this section that be-  
19           come available for occupancy shall be given to persons and  
20           households who are homeless or at risk of homelessness.

21           (c) 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 discretion of the  
25           Secretary, other strategies to reduce emissions.

1 **SEC. 8. 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, to remain available until  
7 expended.

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

14 **SEC. 9. 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, to remain avail-  
21 able until expended.

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

1 **SEC. 10. HOME INVESTMENT PARTNERSHIPS PROGRAM.**

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

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

12 **SEC. 11. PROGRAM FOR SUPPORTIVE HOUSING FOR PER-**  
13 **SONS WITH DISABILITIES.**

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

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 discretion of the  
25 Secretary, other strategies to reduce emissions.

1 **SEC. 12. PROGRAM FOR SUPPORTIVE HOUSING FOR THE**  
2 **ELDERLY.**

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

5 (1) capital advances pursuant to section  
6 202(c)(1) of the Housing Act of 1959 (12 U.S.C.  
7 1701q(c)(1)), including amendments to capital ad-  
8 vance contracts for housing for the elderly as au-  
9 thORIZED by section 202 of such Act;

10 (2) project rental assistance for the elderly  
11 under section 202(c)(2) of such Act, including  
12 amendments to contracts for such assistance and re-  
13 newal of expiring contracts for such assistance for  
14 up to a 1-year term;

15 (3) senior preservation rental assistance con-  
16 tracts, including renewals, as authorized by section  
17 811(e) of the American Housing and Economic Op-  
18 portunity Act of 2000 (12 U.S.C. 1701q note); and

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

21 (b) **AVAILABILITY OF AMOUNTS.**—Any amounts ap-  
22 propriated pursuant to this section shall remain available  
23 until September 30, 2023.

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

1 water and energy efficiency and, at the discretion of the  
2 Secretary, other strategies to reduce emissions.

3 **SEC. 13. CAPITAL MAGNET FUND.**

4 (a) IN GENERAL.—There is authorized to be appro-  
5 priated for the Capital Magnet Fund under section 1339  
6 of the Federal Housing Enterprises Financial Safety and  
7 Soundness Act of 1992 (12 U.S.C. 4569) \$2,500,000,000,  
8 to remain available 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 discretion of the  
13 Secretary, other strategies to reduce emissions.

14 **SEC. 14. COMMUNITY DEVELOPMENT BLOCK GRANT FUND-**  
15 **ING FOR AFFORDABLE HOUSING AND INFRA-**  
16 **STRUCTURE.**

17 (a) AUTHORIZATION OF APPROPRIATIONS.—

18 (1) IN GENERAL.—Subject to the provisions of  
19 this section, there is authorized to be appropriated  
20 for assistance under the community development  
21 block grant program under title I of the Housing  
22 and Community Development Act of 1974 (42  
23 U.S.C. 5301 et seq.) \$10,000,000,000, to remain  
24 available until expended.

1           (2) ADMINISTRATIVE AND PLANNING COSTS.—

2           Not more than 15 percent of any amounts appro-  
3           priated pursuant to paragraph (1) may be used for  
4           administrative and planning costs.

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

7           (1) the development and preservation of quali-  
8           fied affordable housing, including the construction of  
9           such housing;

10          (2) the responsible elimination or waiving of  
11          zoning requirements and other requirements that  
12          limit affordable housing development, including high  
13          density and multifamily development restrictions,  
14          off-street parking requirements, and height limita-  
15          tions; and

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

19          (c) LIMITATION.—With respect to amounts used pur-  
20          suant to subsection (b)(2), the Secretary shall ensure that  
21          recipients of amounts provided pursuant to this section  
22          are not incentivized or otherwise rewarded for eliminating  
23          or undermining the intent of the zoning regulations or  
24          other regulations or policies that—

25                (1) establish fair wages for labors;

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

3           (3) protect fair housing;

4           (4) provide environmental protections;

5           (5) prevent tenant displacement; or

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

8           (d) COMPETITION.—Amounts made available for as-  
9 sistance under this section shall be awarded to States,  
10 units of general local government, and Indian Tribes on  
11 a competitive basis, based on the extent to which the appli-  
12 cant—

13           (1) demonstrates that the applicant is respon-  
14 sibly streamlining the process for development of  
15 qualified affordable housing;

16           (2) is eliminating or reducing impact fees for  
17 housing within boundaries of the State, unit of local  
18 government, or Indian Tribe, as applicable, except  
19 such fees that are used for the purposes of devel-  
20 oping housing, and other assessments by State or  
21 local governments upon the owners of new housing  
22 development projects that offset governmental cap-  
23 ital expenditures for infrastructure required to serve  
24 or made necessary by the new housing developments;  
25 and

1           (3) provides assurances that the applicant will  
2           supplement assistance provided under this section  
3           with amounts from non-Federal sources for costs of  
4           the qualified affordable housing or infrastructure eli-  
5           gible under subsection (b) to be funded with assist-  
6           ance under this section, and the extent of such sup-  
7           plemental assistance to be provided.

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

13       **SEC. 15. INCLUSION OF MINORITY AND WOMEN’S BUSINESS**  
14                               **ENTERPRISES.**

15          It shall be the duty of each relevant agency head—

16               (1) to consult and cooperate with grantees and  
17          recipients, when utilizing funds made available pur-  
18          suant to this Act, to promote the inclusion of minor-  
19          ity and women’s business enterprises, including to  
20          establish—

21                       (A) special consideration to increasing  
22                       grantee and recipient outreach to minority and  
23                       women’s business enterprises to inform those  
24                       businesses of hiring opportunities created  
25                       through such funds; and

1                   (B) procurement goals for the utilization of  
2                   minority and women’s business enterprises; and  
3                   (2) to convene meetings with leaders and offi-  
4                   cials of State and local governments, Tribal entities,  
5                   and public housing agencies for the purpose of rec-  
6                   ommending and promoting funding opportunities  
7                   and initiatives needed to advance the position of mi-  
8                   nority and women’s business enterprises when com-  
9                   peting for funds provided in this Act.

○