

105TH CONGRESS  
1ST SESSION

# H. R. 1014

To amend the United States Housing Act of 1937 to authorize public housing agencies to establish rental payment amounts for assisted families that do not discourage members of such families from obtaining employment, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 1997

Mr. FRANK of Massachusetts (for himself, Mr. KENNEDY of Massachusetts, Mr. GONZALEZ, Mr. JACKSON of Illinois, Mr. GUTIERREZ, Mr. SCHUMER, Mr. STARK, Mr. McDERMOTT, Mr. KLECZKA, Mrs. CARSON, Mr. LA-FALCE, Mr. KANJORSKI, Mr. HINCHEY, Ms. ROYBAL-ALLARD, Mr. WATT of North Carolina, and Ms. NORTON) introduced the following bill; which was referred to the Committee on Banking and Financial Services

---

## A BILL

To amend the United States Housing Act of 1937 to authorize public housing agencies to establish rental payment amounts for assisted families that do not discourage members of such families from obtaining employment, 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 “Brooke Amendment  
5       Restoration Act”.

1 **SEC. 2. DISCRETION FOR PUBLIC HOUSING AGENCIES TO**  
 2 **ESTABLISH RENTAL CONTRIBUTIONS OF**  
 3 **LESS, BUT NOT MORE, THAN 30 PERCENT OF**  
 4 **ASSISTED FAMILIES' INCOMES.**

5 The third sentence of section 3(a)(1) of the United  
 6 States Housing Act of 1937 (42 U.S.C. 1437a(a)(1)) is  
 7 amended by inserting “an amount (determined by the pub-  
 8 lic housing agency) that does not exceed” before “the  
 9 highest of the following amounts”.

10 **SEC. 3. CONFORMING AMENDMENTS.**

11 (a) **SECTION 8 VOUCHERS.**—Section 8(o) of the  
 12 United States Housing Act of 1937 (42 U.S.C. 1437f(o))  
 13 is amended—

14 (1) in paragraph (2), by inserting “an amount  
 15 (determined by the public housing agency) that is  
 16 not less than” after “shall be”; and

17 (2) in paragraph (11)(B)(ii), by inserting “an  
 18 amount (determined by the public housing agency)  
 19 that is not less than” after “shall be”.

20 (b) **SECTION 8 CERTIFICATES.**—Section 8(c)(3) of  
 21 the United States Housing Act of 1937 (42 U.S.C.  
 22 1437f(c)(3)(A)) is amended—

23 (1) in subparagraph (A), by striking the first  
 24 sentence and inserting the following new sentence:  
 25 “The amount of the monthly assistance payment  
 26 with respect to any dwelling unit shall be the dif-

1       ference between the maximum monthly rent which  
 2       the contract provides that the owner is to receive for  
 3       the unit and (i) in the case of tenant-based assist-  
 4       ance, the rent the family is required by the public  
 5       housing agency to pay pursuant to section 3(a), and  
 6       (ii) in the case of project-based assistance, the maxi-  
 7       mum amount of rent authorized to be charged under  
 8       section 3(a) to the family.”; and

9               (2) in subparagraph (B)(i), in the matter pre-  
 10       ceding subclause (I), by striking “that” and insert-  
 11       ing “the maximum amount”.

12       (c) SECTION 8 ASSISTANCE FOR MANUFACTURED  
 13 HOMES.—Section 8(j) of the United States Housing Act  
 14 of 1937 (42 U.S.C. 1437f(j)) is amended—

15               (1) in paragraph (2)(B), by striking “to pay  
 16       under” and inserting “by the public housing agency  
 17       (or in the case of contracts under paragraph (1)(B),  
 18       the Secretary) to pay pursuant to”; and

19               (2) in paragraph (3)(B), by striking “to pay  
 20       under” and inserting “by the public housing agency  
 21       (or in the case of contracts under paragraph (1)(B),  
 22       the Secretary) to pay pursuant to”.

23       (d) SECTION 8 HOMEOWNERSHIP.—Section  
 24 8(y)(2)(A) of the United States Housing Act of 1937 (42  
 25 U.S.C. 1437f(y)(2)(A)) is amended by striking “30 per-

1 cent of the family’s monthly adjusted income” and insert-  
 2 ing “the amount the family is required by the public hous-  
 3 ing agency to pay pursuant to section 3(a)”.

4 (e) PUBLIC HOUSING HOMEOWNERSHIP AND MAN-  
 5 AGEMENT OPPORTUNITIES.—Section 21(b)(4)(B) of the  
 6 United States Housing Act of 1937 (42 U.S.C.  
 7 1437s(b)(4)(B)) is amended by striking “required” and  
 8 inserting “the maximum amount authorized”.

9 (f) DOCUMENTATION OF EXCESSIVE RENT BUR-  
 10 DENS.—Section 550(b)(2) of the Cranston-Gonzalez Na-  
 11 tional Affordable Housing Act (42 U.S.C. 1437f note) is  
 12 amended by striking “amount determined” each place it  
 13 appears and inserting “maximum amount authorized”.

14 (g) PUBLIC HOUSING MIXED-INCOME NEW COMMU-  
 15 NITIES STRATEGY DEMONSTRATION.—Section 522(e)(4)  
 16 of the Cranston-Gonzalez National Affordable Housing  
 17 Act (42 U.S.C. 1437f note) is amended by striking “equal  
 18 to” and inserting “not exceeding”.

19 (h) SUPPORTIVE HOUSING FOR ELDERLY FAMI-  
 20 LIES.—Section 202(c) of the Housing Act of 1959 (12  
 21 U.S.C. 1701q(c)) is amended—

22 (1) in paragraph (2)—

23 (A) in the first sentence, by striking “any  
 24 part of the”;

1 (B) in the first sentence, by striking “is  
2 not met” and inserting “are not met”; and

3 (C) in the second sentence, by inserting be-  
4 fore the period at the end the following: “, and  
5 shall be determined assuming tenant rent con-  
6 tributions of the maximum amount allowable  
7 under paragraph (3)”; and

8 (2) in paragraph (3), by inserting “an amount  
9 that does not exceed” before “the highest”.

10 (i) SUPPORTIVE HOUSING FOR PERSONS WITH DIS-  
11 ABILITIES.—Section 811(d) of the Cranston-Gonzalez Na-  
12 tional Affordable Housing Act (42 U.S.C. 8013(d)) is  
13 amended—

14 (1) in paragraph (2)—

15 (A) in the first sentence, by striking “any  
16 part of the”;

17 (B) in the first sentence, by striking “is  
18 not met” and inserting “are not met”; and

19 (C) in the second sentence, by inserting be-  
20 fore the period at the end the following: “, and  
21 shall be determined assuming tenant rent con-  
22 tributions of the maximum amount allowable  
23 under paragraph (3)”; and

24 (2) in paragraph (3), by inserting “an amount  
25 that does not exceed” before “the higher”.

1       (j) GRANTS FOR COMMUNITY RESIDENCES FOR PER-  
2       SONS WITH AIDS.—Section 861(b)(1)(B) of the Cran-  
3       ston-Gonzalez National Affordable Housing Act (42  
4       U.S.C. 12910(b)(1)(B)) is amended—

5               (1) in the matter preceding clause (i), by strik-  
6       ing “an amount equal to the following” and insert-  
7       ing “the following amount”; and

8               (2) in clause (i), by striking “the amount of  
9       rent” and inserting “an amount that does not ex-  
10      ceed the maximum amount of rent authorized to  
11      be”.

12      (k) HOME PROGRAM.—The second sentence of sec-  
13      tion 215(a)(3) of the Cranston-Gonzalez National Afford-  
14      able Housing Act (42 U.S.C. 12745(a)(3)) is amended by  
15      inserting “an amount (determined by the participating ju-  
16      risdiction that provides the assistance for the housing)  
17      that does not exceed” after “pay as rent”.

18      (l) SECTION 236 RENTAL ASSISTANCE.—Section  
19      236(f) of the National Housing Act (12 U.S.C. 1715z-  
20      1(f)) is amended—

21               (1) in paragraph (1)—

22                       (A) in the second sentence, by striking  
23               “represents” and inserting “does not exceed”;

1 (B) in the fourth sentence, by striking  
 2 “represents” and inserting “does not exceed”;  
 3 and

4 (C) in the fifth sentence, by striking clause  
 5 (ii) and inserting the following new clause:

6 “(ii) to permit a decrease of the amount other-  
 7 wise charged for rental for such dwelling units by  
 8 such an amount as the Secretary determines rep-  
 9 resents a proportionate decrease for the utility  
 10 charges to be paid by such tenant.”; and

11 (2) in paragraph (2)—

12 (A) in the second sentence, by inserting  
 13 “that would be” before “required”; and

14 (B) by inserting after subparagraph (C)  
 15 the following new sentence:

16 “Notwithstanding the amount of additional assistance  
 17 payments determined under the preceding sentence, the  
 18 amount of rent paid by the tenant may be established at  
 19 an amount less than the highest of the amounts under  
 20 subparagraphs (A), (B), and (C), and establishment of  
 21 such rent shall not affect the amount of the additional  
 22 assistance payments under this paragraph.”.

23 (m) TENANT RENT INCREASES.—Section 206(d)(6)  
 24 of the Housing and Urban-Rural Recovery Act of 1983  
 25 (42 U.S.C. 1437a note) is amended by striking “an

1 amount” and all that follows through “payment for the  
 2 tenant” and inserting “the amount that the tenant pays  
 3 for rent pursuant to”.

4 (n) SHELTER PLUS CARE PROGRAM FOR HOMELESS  
 5 FAMILIES.—Section 458 of the Stewart B. McKinney  
 6 Homeless Assistance Act (42 U.S.C. 11403e–2) is amend-  
 7 ed by striking “in accordance with the provisions of” and  
 8 inserting “by the recipient that does not exceed the maxi-  
 9 mum amount authorized under”.

10 (o) HOUSING FOR RURAL HOMELESS AND MIGRANT  
 11 FARM WORKERS.—Section 516(k)(3)(D) of the Housing  
 12 Act of 1949 (42 U.S.C. 1486(k)(3)(D)) is amended by  
 13 striking “in accordance with the provisions of” and insert-  
 14 ing “by the recipient that does not exceed the maximum  
 15 amount authorized under”.

16 (p) RURAL HOUSING VOUCHER PROGRAM.—The  
 17 third sentence of section 542(a) of the Housing Act of  
 18 1949 (42 U.S.C. 1490r(a)) is amended by inserting “an  
 19 amount that is not less than” after “shall be”.

20 **SEC. 3. RULE OF CONSTRUCTION.**

21 (a) IN GENERAL.—The amendments made by this  
 22 Act may not be construed to authorize, result in, or re-  
 23 quire any increase in the amount of assistance provided  
 24 by the Secretary of Housing and Urban Development—



1           (1) to any public housing agency under any an-  
2           nual contributions contract for tenant-based rental  
3           or homeownership assistance under section 8 of the  
4           United States Housing Act of 1937; or

5           (2) under any contract or other arrangement  
6           under any program for housing assistance that is  
7           subject to any provision so amended.

8           (b) EXCEPTION FOR PUBLIC HOUSING.—Subsection  
9           (a) shall not apply to any amendment made by this Act  
10          that relates to assistance for public housing to the extent  
11          only that such amendment relates to assistance for such  
12          housing. To the extent that the amendment affects assist-  
13          ance for other housing, subsection (a) shall apply to the  
14          amendment.

○