

107TH CONGRESS
2D SESSION

H. R. 4033

To provide affordable housing opportunities for families that are headed
by grandparents and other relatives of children.

IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 2002

Mr. CAPUANO (for himself and Mrs. MORELLA) introduced the following bill;
which was referred to the Committee on Financial Services

A BILL

To provide affordable housing opportunities for families that
are headed by grandparents and other relatives of children.

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 “Living Equitably:
5 Grandparents Aiding Children and Youth Act”.

6 **SEC. 2. DEMONSTRATION PROGRAM FOR ELDERLY HOUS-**
7 **ING FOR INTERGENERATIONAL FAMILIES.**

8 (a) IN GENERAL.—The Secretary of Housing and
9 Urban Development shall carry out a demonstration pro-
10 gram to determine the feasibility of providing

1 intergenerational dwelling units for intergenerational fam-
2 ilies in connection with the supportive housing program
3 under section 202 of the Housing Act of 1959 (12 U.S.C.
4 1701q).

5 (b) INTERGENERATIONAL DWELLING UNITS.—
6 Under the demonstration program, the Secretary shall
7 provide assistance under this section to private nonprofit
8 organizations (as such term is defined in section 202(k)
9 of the Housing Act of 1959 (12 U.S.C. 1701q(k)) for use
10 only for expanding the supply of intergenerational dwelling
11 units, which units shall be provided—

12 (1) by designating and retrofitting, for use as
13 intergenerational dwelling units, existing dwelling
14 units that are located within a project assisted under
15 such section 202;

16 (2) through development of buildings or
17 projects comprised solely of intergenerational dwell-
18 ing units; or

19 (3) through the development of an annex or ad-
20 dition to such an existing project assisted under
21 such section 202, which contains intergenerational
22 dwelling units, including through the development of
23 elder cottage housing opportunity units that are
24 small, freestanding, barrier-free, energy-efficient, re-

1 movable dwelling units located adjacent to a larger
2 project or dwelling.

3 (c) PROGRAM TERMS.—Assistance provided pursuant
4 to this section shall be subject to the provisions of section
5 202 of the Housing Act of 1959 (12 U.S.C. 1701q), except
6 that—

7 (1) notwithstanding subsection (d)(1) of such
8 section or any provision of such section restricting
9 occupancy to elderly persons, any intergenerational
10 dwelling unit assisted under the demonstration pro-
11 gram may be occupied as provided in subsection
12 (e)(2) of this section;

13 (2) subsections (e) and (f) of such section 202
14 (relating to applications and selection criteria) shall
15 not apply;

16 (3) in addition to the requirements under sub-
17 section (g) of such section 202, the Secretary of
18 Housing and Urban Development shall ensure that
19 occupants of dwelling units assisted under the dem-
20 onstration program are provided a range of services
21 tailored to the needs of elderly persons, children, and
22 intergenerational families and shall coordinate with
23 the heads of other Federal agencies as may be ap-
24 propriate to ensure the provision of such services;
25 and

1 (4) the Secretary may waive or alter any other
2 provision of such section 202 necessary to provide
3 for assistance under the demonstration program
4 under this section.

5 (d) SELECTION.—The Secretary of Housing and
6 Urban Development shall provide for private nonprofit or-
7 ganizations to submit applications for assistance under
8 this section and, during the period consisting of fiscal
9 years 2003 through 2006 shall, to the extent amounts are
10 available pursuant to subsection (g), select not less than
11 2 and not more than 4 projects assisted under section 202
12 of the Housing Act of 1959 for such assistance based on
13 the ability of the applicant to develop and operate
14 intergenerational dwelling units and national geographical
15 diversity among projects funded.

16 (e) DEFINITIONS.—For purposes of this section:

17 (1) ELDERLY PERSON.—The term “elderly per-
18 son” has the meaning given such term in section
19 202(k) of the Housing Act of 1959 (12 U.S.C.
20 1701q(k)).

21 (2) INTERGENERATIONAL DWELLING UNIT.—
22 The term “intergenerational dwelling unit” means a
23 qualified dwelling unit (as such term is defined in
24 section 9 of this Act) that is reserved for occupancy
25 only by an intergenerational family.

1 (3) INTERGENERATIONAL FAMILY.—The term
2 “intergenerational family” means a covered family
3 (as such term is defined in section 9 of this Act)
4 that has a head of household who is an elderly per-
5 son.

6 (f) REPORT.—Not later than 18 months after the
7 date of the enactment of this Act, the Secretary of Hous-
8 ing and Urban Development shall submit a report to the
9 Congress describing the demonstration program under
10 this section and analyzing the effectiveness of the pro-
11 gram.

12 (g) FUNDING.—Of any amounts made available for
13 assistance under section 202 of the Housing Act of 1959
14 (12 U.S.C. 1701q) for each of fiscal years 2003 through
15 2006, the Secretary of Housing and Urban Development
16 shall reserve amounts in such fiscal years as may be nec-
17 essary to fund the demonstration projects selected under
18 subsection (d). Such amounts shall be available for use
19 only for providing assistance under this section.

20 **SEC. 3. DEMONSTRATION PROGRAM FOR RENTAL ASSIST-**
21 **ANCE FOR GRANDPARENT-HEADED OR REL-**
22 **ATIVE-HEADED FAMILIES.**

23 (a) IN GENERAL.—The Secretary of Housing and
24 Urban Development shall carry out a demonstration pro-
25 gram to determine the feasibility of providing rental as-

1 sistance under section 8 of the United States Housing Act
2 of 1937 (42 U.S.C. 1437f) for the rental of suitable dwell-
3 ing units by covered families.

4 (b) ELIGIBLE UNITS.—Under the demonstration pro-
5 gram, the Secretary shall make rental assistance amounts
6 reserved pursuant to subsection (f) of this section avail-
7 able to public housing agencies selected to participate in
8 the program for use only for assistance on behalf of cov-
9 ered families renting qualified dwelling units. Such a pub-
10 lic housing agency may not initially provide voucher assist-
11 ance under this section for any family after the end of
12 fiscal year 2006.

13 (c) SERVICES.—The Secretary of Housing and Urban
14 Development shall require any public housing agency par-
15 ticipating in the demonstration program under this section
16 to provide, to covered families receiving rental assistance
17 pursuant to the program, supportive services that are tai-
18 lored to the needs of children and covered families. The
19 Secretary shall coordinate with the heads of other Federal
20 agencies as may be appropriate to assist in ensuring the
21 provision of such services

22 (d) SELECTION.—The Secretary of Housing and
23 Urban Development shall provide for public housing agen-
24 cies to apply to participate in the demonstration program
25 under this section and, during the period consisting of fis-

1 cal years 2003 through 2006 shall, to the extent amounts
2 are available pursuant to subsection (f), select not less
3 than two and not more than four agencies for such partici-
4 pation based on the ability of the applicant to provide as-
5 sistance and services under the program and national geo-
6 graphical diversity among agencies participating in the
7 program.

8 (e) REPORT.—Not later than 18 months after the
9 date of the enactment of this Act, the Secretary of Hous-
10 ing and Urban Development shall submit a report to the
11 Congress describing the demonstration program under
12 this section and analyzing the effectiveness of the pro-
13 gram.

14 (f) FUNDING.—Of any amounts made available for
15 voucher assistance under section 8(o) of the United States
16 Housing Act of 1937 (42 U.S.C. 1437f(o)) for fiscal year
17 2003 and fiscal years thereafter, the Secretary of Housing
18 and Urban Development shall reserve such amounts in
19 such fiscal years as may be necessary to provide voucher
20 assistance for the agencies selected under subsection (d)
21 for use only for providing assistance under this section.

1 **SEC. 4. ELIGIBILITY OF GRANDPARENT-HEADED AND REL-**
2 **ATIVE-HEADED FAMILIES FOR FAMILY UNIFI-**
3 **CATION ASSISTANCE.**

4 Section 8(x) of the United States Housing Act of
5 1937 (42 U.S.C. 1437f(x)) is amended—

6 (1) in paragraph (2)—

7 (A) by striking “section 8” and inserting
8 “this section”;

9 (B) by striking “and” before “(B)” and in-
10 serting a comma; and

11 (C) by inserting before the period at the
12 end the following: “, or (C) a covered family (as
13 such term is defined in section 9 of the Living
14 Equitably: Grandparents Aiding Children and
15 Youth Act), who is otherwise eligible for such
16 assistance, for rental of a qualified dwelling
17 unit (as such term is defined in such section
18 9)”;

19 (2) in the second sentence of paragraph (3)—

20 (A) by inserting “, as appropriate (A)”
21 after “containing”;

22 (B) by inserting before the period at the
23 end the following: “, or (B) a description of the
24 need for assistance under this subsection for
25 covered families (as such term is defined in sec-

tion 9 of the Living Equitably: Grandparents
Aiding Children and Youth Act)’’.

**SEC. 5. ELIGIBILITY OF HOME PROGRAM ECHO UNITS FOR
USE FOR GRANDPARENT-HEADED AND REL-
ATIVE-HEADED FAMILIES.**

Section 104(8) of the Cranston-Gonzalez National
Affordable Housing Act (42 U.S.C. 12704(8)) is amended
by adding at the end the following new sentence: “Such
term also includes cottage housing opportunity units that
are installed adjacent to existing 1- to 4-family dwellings,
are occupied by children who are members of covered fam-
ilies, and facilitate the habitation of covered families (as
such term is defined in section 9 of the Living Equitably:
Grandparents Aiding Children and Youth Act) as a single
family unit.”.

**SEC. 6. ASSISTANCE UNDER FAIR HOUSING INITIATIVES
PROGRAM FOR EDUCATION AND OUTREACH
REGARDING HOUSING OPPORTUNITIES FOR
GRANDPARENT-HEADED AND RELATIVE-
HEADED FAMILIES.**

Section 561 of the Housing and Community Develop-
ment Act of 1987 (42 U.S.C. 3616a) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “and” at
the end;

1 (B) in paragraph (2), by striking the pe-
 2 riod at the end and inserting “; and”; and

3 (C) by adding at the end the following new
 4 paragraph:

5 “(3) education, outreach, counseling, and as-
 6 sistance programs designed to inform covered fami-
 7 lies (as such term is defined in section 9 of the Liv-
 8 ing Equitably: Grandparents Aiding Children and
 9 Youth Act) of affordable housing opportunities and
 10 services and to assist in obtaining such opportunities
 11 and services.”; and

12 (2) in subsection (d), by adding at the end the
 13 following new paragraph:

14 “(4) HOUSING PROGRAMS FOR GRANDPARENT-
 15 HEADED AND RELATIVE-HEADED FAMILIES.—The
 16 Secretary shall provide funding to State and local
 17 governments and public and nonprofit organizations
 18 and institutions to carry out the activities under
 19 subsection (a)(3).”.

20 **SEC. 7. TRAINING FOR HUD PERSONNEL REGARDING**
 21 **GRANDPARENT-HEADED AND RELATIVE-**
 22 **HEADED FAMILIES ISSUES.**

23 Section 7 of the Department of Housing and Urban
 24 Development Act (42 U.S.C. 3535) is amended by adding
 25 at the end the following new subsection:

1 “(t) TRAINING REGARDING ISSUES RELATING TO
2 GRANDPARENT-HEADED AND RELATIVE-HEADED FAMI-
3 LIES.—The Secretary shall ensure that all personnel em-
4 ployed in field offices of the Department who have respon-
5 sibilities for administering the program under section 8
6 of the United States Housing Act of 1937 or under section
7 202 of the Housing Act of 1959, and an appropriate num-
8 ber of personnel in the headquarters office of the Depart-
9 ment who have responsibilities for such programs, have
10 received adequate training regarding the particular needs
11 and problems of covered families (as such term is defined
12 in section 9 of the Living Equitably: Grandparents Aiding
13 Children and Youth Act), including appropriate affordable
14 housing opportunities and legal custody issues.”.

15 **SEC. 8. STUDY OF HOUSING NEEDS OF GRANDPARENT-**
16 **HEADED AND RELATIVE-HEADED FAMILIES.**

17 (a) IN GENERAL.—The Secretary of Housing and
18 Urban Development and the Bureau of the Census shall
19 jointly conduct a study to determine an estimate of the
20 number of covered families in the United States and their
21 affordable housing needs and shall submit a report to the
22 Congress regarding the results of the study.

23 (b) REPORT AND RECOMMENDATIONS.—The report
24 required under subsection (a) shall be submitted to the
25 Congress not later than 12 months after the date of the

1 enactment of this Act. The report shall include rec-
2 ommendations by the Secretary of Housing and Urban
3 Development regarding how the major assisted housing
4 programs of the Department of Housing and Urban De-
5 velopment (including the rental assistance and public
6 housing programs under the United States Housing Act
7 of 1937 and the supportive housing for the elderly pro-
8 gram under section 202 of the Housing Act of 1959) can
9 be used and, if appropriate, amended or altered, to meet
10 the affordable housing needs of covered families.

11 **SEC. 9. DEFINITIONS.**

12 For purposes of this Act:

13 (1) CHILD.—The term “child” means an indi-
14 vidual who—

15 (A) is not attending school and is not more
16 than 18 years of age; or

17 (B) is attending school and is not more
18 than 19 years of age.

19 (2) COVERED FAMILY.—The term “covered
20 family” means a family that—

21 (A) includes a child; and

22 (B) has a head of household who is—

23 (i) a grandparent of the child who is
24 raising the child; or

1 (ii) a relative of the child who is rais-
2 ing the child.

3 (3) GRANDPARENT.—The term “grandparent”
4 means, with respect to a child, an individual who is
5 a grandparent or stepgrandparent of the child by
6 blood or marriage, regardless of the age of such in-
7 dividual. In the case of a child who was adopted, the
8 term includes an individual who, by blood or mar-
9 riage, is a grandparent or stepgrandparent of the
10 child as adopted.

11 (4) QUALIFIED DWELLING UNIT.—The term
12 “qualified dwelling unit” means a dwelling unit
13 that—

14 (A) has at least 2 separate bedrooms;

15 (B) is equipped with design features ap-
16 propriate to meet the special physical needs of
17 elderly persons, as needed; and

18 (C) is equipped with design features appro-
19 priate to meet the special physical needs of
20 young children.

21 (5) RAISING A CHILD.—The term “raising a
22 child” means, with respect to an individual, that the
23 individual—

24 (A) resides with the child; and

1 (B) is the primary caregiver for the
2 child—

3 (i) because the biological or adoptive
4 parents of the child do not reside with the
5 child or are unable or unwilling to serve as
6 the primary caregiver for the child; and

7 (ii) regardless of whether the indi-
8 vidual has a legal relationship to the child
9 (such as guardianship or legal custody) or
10 is caring for the child informally and has
11 no such legal relationship with the child.

12 (6) RELATIVE.—The term “relative” means,
13 with respect to a child, an individual who—

14 (A) is not a parent of the child by blood
15 or marriage; and

16 (B) is a relative of the child by blood or
17 marriage, regardless of the age of the indi-
18 vidual.

19 In the case of a child who was adopted, the term in-
20 cludes an individual who, by blood or marriage, is a
21 relative of the family who adopted the child.

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