

107TH CONGRESS
2D SESSION

S. 2592

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

IN THE SENATE OF THE UNITED STATES

JUNE 5, 2002

Ms. LANDRIEU (for herself, Mr. DEWINE, and Ms. STABENOW) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To provide affordable housing opportunities for families that are headed by grandparents and other relatives of children, 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 “Living Equitably:
5 Grandparents Aiding Children and Youth Act of 2002”
6 commonly known as the “LEGACY Act of 2002”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

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

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

5 (B) is attending school and is not more
 6 than 19 years of age.

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

9 (A) includes a child; and

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

11 (i) a grandparent of the child who is
 12 raising the child; or

13 (ii) a relative of the child who is rais-
 14 ing the child.

15 (3) ELDERLY PERSON.—The term “elderly per-
 16 son” has the same meaning as in section 202(k) of
 17 the Housing Act of 1959 (12 U.S.C. 1701q(k)).

18 (4) GRANDPARENT.—

19 (A) IN GENERAL.—The term “grand-
 20 parent” means, with respect to a child, an indi-
 21 vidual who is a grandparent or stepgrandparent
 22 of the child by blood or marriage, regardless of
 23 the age of such individual.

24 (B) CASE OF ADOPTION.—In the case of a
 25 child who was adopted, the term includes an in-

1 dividual who, by blood or marriage, is a grand-
 2 parent or stepgrandparent of the child as
 3 adopted.

4 (5) INTERGENERATIONAL DWELLING UNIT.—
 5 The term “intergenerational dwelling unit” means a
 6 qualified dwelling unit that is reserved for occupancy
 7 only by an intergenerational family.

8 (6) INTERGENERATIONAL FAMILY.—The term
 9 “intergenerational family” means a covered family
 10 that has a head of household who is an elderly per-
 11 son.

12 (7) PRIVATE NONPROFIT ORGANIZATION.—The
 13 term “private nonprofit organization” has the same
 14 meaning given that term in section 202(k) of the
 15 Housing Act of 1959 (12 U.S.C. 1701q(k)).

16 (8) QUALIFIED DWELLING UNIT.—The term
 17 “qualified dwelling unit” means a dwelling unit
 18 that—

19 (A) has not fewer than 2 separate bed-
 20 rooms;

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

1 (C) is equipped with design features appro-
 2 priate to meet the special physical needs of
 3 young children, as needed.

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

7 (A) resides with the child; and

8 (B) is the primary caregiver for the
 9 child—

10 (i) because the biological or adoptive
 11 parents of the child do not reside with the
 12 child or are unable or unwilling to serve as
 13 the primary caregiver for the child; and

14 (ii) regardless of whether the indi-
 15 vidual has a legal relationship to the child
 16 (such as guardianship or legal custody) or
 17 is caring for the child informally and has
 18 no such legal relationship with the child.

19 (10) RELATIVE.—

20 (A) IN GENERAL.—The term “relative”
 21 means, with respect to a child, an individual
 22 who—

23 (i) is not a parent of the child by
 24 blood or marriage; and

1 (ii) is a relative of the child by blood
 2 or marriage, regardless of the age of the
 3 individual.

4 (B) CASE OF ADOPTION.—In the case of a
 5 child who was adopted, the term includes an in-
 6 dividual who, by blood or marriage, is a relative
 7 of the family who adopted the child.

8 (11) SECRETARY.—The term “Secretary”
 9 means the Secretary of Housing and Urban Develop-
 10 ment.

11 **SEC. 3. DEMONSTRATION PROGRAM FOR ELDERLY HOUS-**
 12 **ING FOR INTERGENERATIONAL FAMILIES.**

13 (a) DEMONSTRATION PROGRAM.—The Secretary
 14 shall carry out a demonstration program (referred to in
 15 this section as the “demonstration program”) to provide
 16 assistance for intergenerational dwelling units for
 17 intergenerational families in connection with the sup-
 18 portive housing program under section 202 of the Housing
 19 Act of 1959 (12 U.S.C. 1701q).

20 (b) INTERGENERATIONAL DWELLING UNITS.—The
 21 Secretary shall provide assistance under this section to
 22 private nonprofit organizations for use only for expanding
 23 the supply of intergenerational dwelling units, which units
 24 shall be provided—

1 (1) by designating and retrofitting, for use as
2 intergenerational dwelling units, existing dwelling
3 units that are located within a project assisted under
4 section 202 of the Housing Act of 1959 (12 U.S.C.
5 1701q);

6 (2) through development of buildings or
7 projects comprised solely of intergenerational dwell-
8 ing units; or

9 (3) through the development of an annex or ad-
10 dition to an existing project assisted under section
11 202 of the Housing Act of 1959 (12 U.S.C. 1701q),
12 that contains intergenerational dwelling units, in-
13 cluding through the development of elder cottage
14 housing opportunity units that are small, free-
15 standing, barrier free, energy efficient, removable
16 dwelling units located adjacent to a larger project or
17 dwelling.

18 (c) PROGRAM TERMS.—Assistance provided pursuant
19 to this section shall be subject to the provisions of section
20 202 of the Housing Act of 1959 (12 U.S.C. 1701q), except
21 that—

22 (1) notwithstanding subsection (d)(1) of that
23 section 202 or any provision of that section restrict-
24 ing occupancy to elderly persons, any
25 intergenerational dwelling unit assisted under the

1 demonstration program may be occupied by an
2 intergenerational family;

3 (2) subsections (e) and (f) of that section 202
4 shall not apply;

5 (3) in addition to the requirements under sub-
6 section (g) of that section 202, the Secretary shall—

7 (A) ensure that occupants of
8 intergenerational dwelling units assisted under
9 the demonstration program are provided a
10 range of services that are tailored to meet the
11 needs of elderly persons, children, and
12 intergenerational families; and

13 (B) coordinate with the heads of other
14 Federal agencies as may be appropriate to en-
15 sure the provision of such services; and

16 (4) the Secretary may waive or alter any other
17 provision of that section 202 necessary to provide
18 for assistance under the demonstration program.

19 (d) SELECTION.—The Secretary shall—

20 (1) establish application procedures for private
21 nonprofit organizations to apply for assistance under
22 this section; and

23 (2) to the extent that amounts are made avail-
24 able pursuant to subsection (f), select not less than
25 2 and not more than 4 projects that are assisted

1 under section 202 of the Housing Act of 1959 (12
 2 U.S.C. 1701q) for assistance under this section,
 3 based on the ability of the applicant to develop and
 4 operate intergenerational dwelling units and national
 5 geographical diversity among those projects funded.

6 (e) REPORT.—Not later than 36 months after the
 7 date of enactment of this Act, the Secretary shall submit
 8 a report to Congress that—

9 (1) describes the demonstration program; and

10 (2) analyzes the effectiveness of the demonstra-
 11 tion program.

12 (f) FUNDING.—Of amounts made available for assist-
 13 ance under section 202 of the Housing Act of 1959 (12
 14 U.S.C. 1701q) for fiscal years 2003 through 2006, the
 15 Secretary shall reserve such sums as may be necessary for
 16 each fiscal year for use only for providing assistance under
 17 this section.

18 (g) SUNSET.—The demonstration program carried
 19 out under this section shall terminate 5 years after the
 20 date of enactment of this Act.

21 **SEC. 4. DEMONSTRATION PROGRAM FOR RENTAL ASSIST-**
 22 **ANCE FOR GRANDPARENT-HEADED OR REL-**
 23 **ATIVE-HEADED FAMILIES.**

24 (a) IN GENERAL.—The Secretary shall carry out a
 25 demonstration program (referred to in this section as the

1 “demonstration program”) to provide rental assistance
2 under section 8 of the United States Housing Act of 1937
3 (42 U.S.C. 1437f) for the rental of suitable dwelling units
4 by covered families.

5 (b) ELIGIBLE UNITS.—Under the demonstration pro-
6 gram, the Secretary shall make rental assistance amounts
7 reserved pursuant to subsection (f) available to public
8 housing agencies selected to participate in the demonstra-
9 tion program for use only for assistance on behalf of cov-
10 ered families renting qualified dwelling units.

11 (c) SERVICES.—The Secretary shall—

12 (1) require any public housing agency partici-
13 pating in the demonstration program to ensure that
14 families receiving rental assistance pursuant to this
15 section are provided with supportive services that
16 are tailored to the needs of children and covered
17 families; and

18 (2) coordinate with the heads of other Federal
19 agencies as may be appropriate to ensure the provi-
20 sion of such services.

21 (d) SELECTION.—The Secretary shall—

22 (1) establish application procedures for public
23 housing agencies to apply to participate in the dem-
24 onstration program; and

1 (2) to the extent that amounts are made avail-
2 able pursuant to subsection (f), select not less than
3 2 and not more than 4 agencies for participation in
4 the demonstration program, based on the ability of
5 the applicant to provide assistance and services
6 under the demonstration program and national geo-
7 graphical diversity among agencies participating in
8 the demonstration program.

9 (e) REPORT.—Not later than 36 months after the
10 date of enactment of this Act, the Secretary shall submit
11 a report to Congress that—

12 (1) describes the demonstration program; and

13 (2) analyzes the effectiveness of the demonstra-
14 tion program.

15 (f) FUNDING.—Of amounts made available for vouch-
16 er assistance under section 8(o) of the United States
17 Housing Act of 1937 (42 U.S.C. 1437f(o)) for fiscal year
18 2003 and fiscal years thereafter, the Secretary shall re-
19 serve such sums as may be necessary for each fiscal year
20 for use only for providing rental assistance under this sec-
21 tion.

22 (g) SUNSET.—The demonstration program carried
23 out under this section shall terminate 5 years after the
24 date of enactment of this Act.

1 **SEC. 5. 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 “of (A) any family (i) who”
 10 and inserting the following: “of—

11 “(A) any family—

12 “(i) who”;

13 (C) by striking “assistance, and (ii) who”
 14 and inserting the following: “assistance; and

15 “(ii) who”;

16 (D) by striking “care and (B) for” and in-
 17 serting the following: “care;

18 “(B) for”; and

19 (E) by striking “older.” and inserting the
 20 following: “older; or

21 “(C) a covered family (as that term is de-
 22 fined in section 2 of the LEGACY Act of
 23 2002), who is otherwise eligible for such assist-
 24 ance, for rental of a qualified dwelling unit (as
 25 that term is defined in section 2 of the LEG-
 26 ACY Act of 2002).”; and

1 (2) in paragraph (3)—

2 (A) by striking “The” and inserting the
3 following:

4 “(A) IN GENERAL.—The”;

5 (B) by striking “To” and inserting the fol-
6 lowing:

7 “(B) REQUIRED SUBMISSION.—To”;

8 (C) by striking “containing a report” and
9 inserting the following: “containing—

10 “(i) a report”; and

11 (D) by striking “subsection.” and inserting
12 the following: “subsection; or

13 “(ii) a description of the need for as-
14 sistance under this subsection for covered
15 families (as that term is defined in section
16 2 of the LEGACY Act of 2002).”.

17 **SEC. 6. ELIGIBILITY OF HOME PROGRAM ECHO UNITS FOR**
18 **USE FOR GRANDPARENT-HEADED AND REL-**
19 **ATIVE-HEADED FAMILIES.**

20 Section 104(8) of the Cranston-Gonzalez National
21 Affordable Housing Act (42 U.S.C. 12704(8)) is
22 amended—

23 (1) by striking “includes manufactured” and in-
24 serting the following: “includes—

25 “(A) manufactured”; and

1 (2) by inserting before the period at the end the
 2 following: “; and

3 “(B) cottage housing opportunity units
 4 that are installed adjacent to existing 1- to 4-
 5 family dwellings, are occupied by children who
 6 are members of covered families (as that term
 7 is defined in section 2 of the LEGACY Act of
 8 2002), and facilitate the habitation of covered
 9 families as a single family unit”.

10 **SEC. 7. ASSISTANCE UNDER FAIR HOUSING INITIATIVES**
 11 **PROGRAM FOR EDUCATION AND OUTREACH**
 12 **REGARDING HOUSING OPPORTUNITIES FOR**
 13 **GRANDPARENT-HEADED AND RELATIVE-**
 14 **HEADED FAMILIES.**

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

17 (1) in subsection (a)—

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

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

22 (C) by adding at the end the following:

23 “(3) education, outreach, counseling, and as-
 24 sistance programs designed—

1 “(A) to inform covered families (as that
 2 term is defined in section 2 of the LEGACY
 3 Act of 2002) of affordable housing opportuni-
 4 ties and services; and

5 “(B) to assist in obtaining those opportu-
 6 nities and services.”; and

7 (2) in subsection (d), by adding at the end the
 8 following:

9 “(4) HOUSING PROGRAMS FOR GRANDPARENT-
 10 HEADED AND RELATIVE-HEADED FAMILIES.—The
 11 Secretary shall provide funding to State and local
 12 governments and public and nonprofit organizations
 13 and institutions to carry out the activities under
 14 subsection (a)(3).”.

15 **SEC. 8. TRAINING FOR HUD PERSONNEL REGARDING**
 16 **GRANDPARENT-HEADED AND RELATIVE-**
 17 **HEADED FAMILIES ISSUES.**

18 Section 7 of the Department of Housing and Urban
 19 Development Act (42 U.S.C. 3535) is amended by adding
 20 at the end the following:

21 “(t) TRAINING REGARDING ISSUES RELATING TO
 22 GRANDPARENT-HEADED AND RELATIVE-HEADED FAMI-
 23 LIES.—The Secretary shall ensure that all personnel em-
 24 ployed in field offices of the Department who have respon-
 25 sibilities for administering the housing assistance program

1 under section 8 of the United States Housing Act of 1937
 2 (42 U.S.C. 1437f) or the supportive housing program
 3 under section 202 of the Housing Act of 1959 (12 U.S.C.
 4 1701q), and an appropriate number of personnel in the
 5 headquarters office of the Department who have respon-
 6 sibilities for those programs, have received adequate train-
 7 ing regarding the particular needs and problems of cov-
 8 ered families (as that term is defined in section 2 of the
 9 LEGACY Act of 2002), including appropriate affordable
 10 housing opportunities and legal custody issues.”.

11 **SEC. 9. STUDY OF HOUSING NEEDS OF GRANDPARENT-**
 12 **HEADED AND RELATIVE-HEADED FAMILIES.**

13 (a) IN GENERAL.—The Secretary and the Director
 14 of the Bureau of the Census jointly shall—

15 (1) conduct a study to determine an estimate of
 16 the number of covered families in the United States
 17 and their affordable housing needs; and

18 (2) submit a report to Congress regarding the
 19 results of the study conducted under paragraph (1).

20 (b) REPORT AND RECOMMENDATIONS.—The report
 21 required under subsection (a) shall—

22 (1) be submitted to Congress not later than 12
 23 months after the date of enactment of this Act; and

24 (2) include recommendations by the Secretary
 25 and the Director of the Bureau of the Census re-

1 garding how the major assisted housing programs of
2 the Department of Housing and Urban Develop-
3 ment, including the rental assistance and public
4 housing programs under the United States Housing
5 Act of 1937 (42 U.S.C. 1437 et seq.) and the sup-
6 portive housing for the elderly program under sec-
7 tion 202 of the Housing Act of 1959 (12 U.S.C.
8 1701q) can be used and, if appropriate, amended or
9 altered, to meet the affordable housing needs of cov-
10 ered families.

○