

109TH CONGRESS
1ST SESSION

H. R. 3422

IN THE SENATE OF THE UNITED STATES

DECEMBER 14, 2005

Received; read twice and referred to the Committee on Banking, Housing, and
Urban Affairs

AN ACT

To amend the United States Housing Act of 1937 to exempt
small public housing agencies from the requirement of
preparing an annual public housing agency plan.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Small Public Housing
3 Authority Act”.

4 **SEC. 2. PUBLIC HOUSING AGENCY PLANS FOR CERTAIN**
5 **SMALL PUBLIC HOUSING AGENCIES.**

6 (a) IN GENERAL.—Section 5A(b) of the United
7 States Housing Act of 1937 (42 U.S.C. 1437e–1(b)) is
8 amended by adding at the end the following new para-
9 graph:

10 “(3) EXEMPTION OF CERTAIN SMALL PHAS
11 FROM FILING REQUIREMENT.—

12 “(A) IN GENERAL.—Notwithstanding para-
13 graph (1) or any other provision of this Act—

14 “(i) the requirement under paragraph
15 (1) shall not apply to any qualified small
16 public housing agency; and

17 “(ii) except as provided in subsection
18 (e)(4)(B), any reference in this section or
19 any other provision of law to a ‘public
20 housing agency’ shall not be considered to
21 refer to any qualified small public housing
22 agency, to the extent such reference ap-
23 plies to the requirement to submit an an-
24 nual public housing agency plan under this
25 subsection.

1 “(B) CIVIL RIGHTS CERTIFICATION.—Not-
2 withstanding that qualified small public housing
3 agencies are exempt pursuant to subparagraph
4 (A) from the requirement under this section to
5 prepare and submit an annual public housing
6 plan, each qualified small public housing agency
7 shall, on an annual basis, make the certification
8 described in paragraph (15) of subsection (d) of
9 this section, except that for purposes of such
10 small public housing agencies, such paragraph
11 shall be applied by substituting ‘the public
12 housing program of the agency’ for ‘the public
13 housing agency plan’.

14 “(C) DEFINITION.—For purposes of this
15 section, the term ‘qualified small public housing
16 agency’ means a public housing agency that
17 meets all of the following requirements:

18 “(i) The sum of (I) the number of
19 public housing dwelling units administered
20 by the agency, and (II) the number of
21 vouchers under section 8(o) of the United
22 States Housing Act of 1937 (42 U.S.C.
23 1437f(o)) administered by the agency, is
24 250 or fewer.

1 “(ii) The agency is not designated
2 pursuant to section 6(j)(2) as a troubled
3 public housing agency.”.

4 (b) RESIDENT PARTICIPATION.—Section 5A of the
5 United States Housing Act of 1937 (42 U.S.C. 1437c-1)
6 is amended—

7 (1) in subsection (e), by inserting after para-
8 graph (3) the following:

9 “(4) QUALIFIED SMALL PUBLIC HOUSING
10 AGENCIES.—

11 “(A) IN GENERAL.—Except as provided in
12 subparagraph (B), nothing in this section may
13 be construed to exempt a qualified small public
14 housing agency from the requirement under
15 paragraph (1) to establish one or more resident
16 advisory boards. Notwithstanding that qualified
17 small public housing agencies are exempt pur-
18 suant to subsection (b)(3)(A) from the require-
19 ment under this section to prepare and submit
20 an annual public housing plan, each qualified
21 small public housing agency shall consult with,
22 and consider the recommendations of the resi-
23 dent advisory boards for the agency, in any de-
24 terminations and actions of the agency regard-

ing establishing goals, objectives, and policies of the agency.

“(B) APPLICABILITY OF WAIVER AUTHORITY.—Paragraph (3) shall apply to qualified small public housing agencies, except that for purposes of such small public housing agencies, subparagraph (B) of such paragraph shall be applied by substituting ‘the functions described in the second sentence of paragraph (4)(A)’ for ‘the functions described in paragraph (2)’.

“(f) PUBLIC HEARINGS.—”; and

(2) in subsection (f) (as so designated by the amendment made by paragraph (1) of this subsection), by adding at the end the following new paragraph:

“(5) QUALIFIED SMALL PUBLIC HOUSING AGENCIES.—

“(A) REQUIREMENT.—Notwithstanding that qualified small public housing agencies are exempt pursuant to subsection (b)(3)(A) from the requirement under this section to conduct a public hearing regarding the annual public housing plan of the agency, each qualified small public housing agency shall, not less than annually, conduct a public hearing to discuss the

1 goals, objectives, and policies of the agency, and
2 any changes to such goals, objectives, and poli-
3 cies, and to invite public comment regarding
4 such issues.

5 “(B) AVAILABILITY OF INFORMATION AND
6 NOTICE.—Not later than 45 days before the
7 date of such a hearing, the qualified small pub-
8 lic housing agency shall—

9 “(i) make all information relevant to
10 the hearing and any determinations of the
11 agency regarding the goals, objectives, and
12 policies of the agency to be considered at
13 the hearing available for inspection by the
14 public at the principal office of the public
15 housing agency during normal business
16 hours; and

17 “(ii) publish a notice informing the
18 public that (I) the information is available
19 as required under clause (i), and (II) a

1 public hearing under subparagraph (A) will
2 be conducted.”.

Passed the House of Representatives December 13,
2005.

Attest:

KAREN L. HAAS,
Clerk.