

109TH CONGRESS  
1ST SESSION

# H. R. 3894

---

IN THE SENATE OF THE UNITED STATES

OCTOBER 6, 2005

Received

OCTOBER 25, 2005

Read twice and referred to the Committee on Banking, Housing, and Urban  
Affairs

---

## AN ACT

To provide for waivers under certain housing assistance programs of the Department of Housing and Urban Development to assist victims of Hurricane Katrina and Hurricane Rita in obtaining housing.

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 “Hurricane Katrina  
3 Emergency Housing Act of 2005”.

4 **SEC. 2. WAIVERS FOR SECTION 8 VOUCHER PROGRAM.**

5       (a) IN GENERAL.—The Secretary of Housing and  
6 Urban Development (in this section referred to as the  
7 “Secretary”) may, for all or any part of the period speci-  
8 fied under subsection (c), waive any of the requirements  
9 described in subsection (b) in the connection with the pro-  
10 vision of assistance under section 8(o) of the United  
11 States Housing Act of 1937 (42 U.S.C. 1437f(o)) on be-  
12 half of an individual or family if—

13               (1) the individual or family—

14                       (A) resides or resided, on August 25,  
15                       2005, in any area that is subject to a declara-  
16                       tion by the President of a major disaster or  
17                       emergency under the Robert T. Stafford Dis-  
18                       aster Relief and Emergency Assistance Act (42  
19                       U.S.C. 5121 et seq.) in connection with Hurri-  
20                       cane Katrina; or

21                       (B) resides or resided, on September 24,  
22                       2005, in any area that is subject to a declara-  
23                       tion by the President of a major disaster or  
24                       emergency under the Robert T. Stafford Dis-  
25                       aster Relief and Emergency Assistance Act (42

1 U.S.C. 5121 et seq.) in connection with Hurri-  
2 cane Rita;

3 (2) the residence of the individual or family be-  
4 came uninhabitable or inaccessible as result of such  
5 major disaster or emergency; and

6 (3) as of the date referred to in paragraph (1),  
7 as applicable, rental assistance under such section  
8 8(o) was provided on behalf of such individual or  
9 family.

10 (b) WAIVER OF ELIGIBILITY REQUIREMENTS.—The  
11 requirements described in this subsection are the require-  
12 ments under—

13 (1) paragraph (2) of section 8(o) of the United  
14 States Housing Act of 1937 (42 U.S.C.  
15 1437f(o)(2)), relating to tenant contributions to-  
16 wards rent, except that any such waiver shall expire  
17 on an individual's return to work;

18 (2) paragraph (4) of such section 8(o), relating  
19 to the eligibility of individuals to receive assistance;

20 (3) subsection (k) of such section 8 and para-  
21 graph (5) of such section 8(o), relating to  
22 verification of income;

23 (4) paragraph (7)(A) of such section 8(o), relat-  
24 ing to the requirement that leases shall be for a  
25 term of 1 year;

1           (5) paragraph (8) of such section 8(o), relating  
2           to initial inspection of housing units by a public  
3           housing agency;

4           (6) subsection (r)(1)(B) of such section 8, relat-  
5           ing to restrictions on portability;

6           (7) any regulation, notice, or order requiring  
7           prior approval by the Secretary with respect to any  
8           addendum to the model lease that permits lease ter-  
9           minations in the event that a tenant—

10           (A) was not eligible for assistance at the  
11           time of lease approval;

12           (B) would not have been eligible for assist-  
13           ance if a criminal background check had been  
14           completed prior to lease approval; or

15           (C) would not have met that landlord's  
16           screening criteria with respect to rent or credit  
17           history if a full a screening had been completed  
18           prior to lease approval; and

19           (8) any regulation or Executive Order providing  
20           for access to Federally funded programs by eligible  
21           persons having limited English proficiency.

22           (c) TERMINATION OF AUTHORITY.—The period spec-  
23           ified under this subsection is the 12-month period begin-  
24           ning on the date of the enactment of this Act., unless be-  
25           fore the expiration of the 6-month period beginning on

1 such date of enactment the Secretary makes a determina-  
 2 tion that waivers under this section are no longer needed,  
 3 in which case the period specified under this subsection  
 4 is the 6-month period beginning on such date of enact-  
 5 ment.

6 **SEC. 3. AUTHORITY OF THE SECRETARY TO DIRECTLY AD-**  
 7 **MINISTER VOUCHERS WHEN PHAS ARE UN-**  
 8 **ABLE TO DO SO.**

9 If the Secretary of Housing and Urban Development  
 10 determines that a public housing agency is unable to im-  
 11 plement the provisions of subsection (o) of section 8 of  
 12 the United States Housing Act of 1937 (42 U.S.C.  
 13 1437f(o)) or section 2 of this Act due to the effects of  
 14 Hurricane Katrina or Hurricane Rita, the Secretary  
 15 may—

16 (1) directly administer any voucher program de-  
 17 scribed in such subsection or in section 2 of this Act;  
 18 and

19 (2) perform the functions assigned to a public  
 20 housing agency by such subsection or section 2 of  
 21 this Act.

22 **SEC. 4. WAIVERS FOR PROJECT-BASED SECTION 8 TO FA-**  
 23 **CILITATE HOUSING OF AFFECTED FAMILIES.**

24 (a) IN GENERAL.—For all or part of the period speci-  
 25 fied under subsection (c), the Secretary of Housing and

1 Urban Development (in this section referred to as the  
2 “Secretary”) may waive the applicability of any of the re-  
3 quirements described subsection (b) with respect to any  
4 housing provided project-based assistance under section 8  
5 of the United States Housing Act of 1937 (42 U.S.C.  
6 1437f) for any individual or family that meets the require-  
7 ments of paragraphs (1) and (2) of section 2(a) of this  
8 Act.

9 (b) PROVISIONS WAIVED.—The requirements de-  
10 scribed in this subsection are—

11 (1) section 3(a) of the United States Housing  
12 Act of 1937 (42 U.S.C. 1437a(a)), relating to ten-  
13 ant contributions towards rent, except that any such  
14 waiver shall expire on an individual’s return to work;

15 (2) section 8(k) of such Act, relating to  
16 verification of income;

17 (3) section 8(d)(1)(B)(i) of such Act, relating  
18 to the requirement that leases shall be for a term of  
19 1 year;

20 (4) any requirement relating to initial inspec-  
21 tion of housing units by a public housing agency;

22 (5) any regulation, notice, or order requiring  
23 prior approval by the Secretary with respect to any  
24 addendum to the model lease that permits lease ter-  
25 minations in the event that a tenant—

1 (A) was not eligible for assistance at the  
2 time of lease approval;

3 (B) would not have been eligible for assist-  
4 ance if a criminal background check had been  
5 completed prior to lease approval; or

6 (C) would not have met that landlord's  
7 screening criteria with respect to rent or credit  
8 history if a full a screening had been completed  
9 prior to lease approval; and

10 (6) any regulation or Executive Order providing  
11 for access to Federally funded programs by eligible  
12 persons having limited English proficiency.

13 (c) TERMINATION.—The period specified under this  
14 subsection is the 12-month period beginning on the date  
15 of the enactment of this Act., unless before the expiration  
16 of the 6-month period beginning on such date of enact-  
17 ment the Secretary makes a determination that waivers  
18 under this section are no longer needed, in which case the  
19 period specified under this subsection is the 6-month pe-  
20 riod beginning on such date of enactment.

1 **SEC. 5. PRESERVATION OF PROJECT-BASED SECTION 8**  
2 **HOUSING ASSISTANCE PAYMENTS CON-**  
3 **TRACTS FOR DAMAGED OR DESTROYED**  
4 **HOUSING UNITS.**

5 Notwithstanding any other provision of law, a  
6 project-based housing assistance payments contract en-  
7 tered into pursuant to section 8 of the United States  
8 Housing Act of 1937 (42 U.S.C. 1437f) covering a project  
9 damaged or destroyed by Hurricane Katrina or Hurricane  
10 Rita shall not expire or be terminated because of the dam-  
11 age or destruction of dwelling units in the project. The  
12 expiration date of the contract shall be deemed to be the  
13 later of the date specified in the contract or a date ending  
14 three months after the units are first made habitable.

15 **SEC. 6. REPORT ON INVENTORY OF AVAILABILITY OF FA-**  
16 **CILITIES AND PROPERTIES FOR HOUSING**  
17 **USE.**

18 (a) COMPILING OF INVENTORY.—Not later than 20  
19 days after the date of the enactment of this Act—

20 (1) the Secretary of Housing and Urban Devel-  
21 opment, the Secretary of Defense, the Administrator  
22 of the General Services Administration, the Sec-  
23 retary of Agriculture, the Secretary of Veterans Af-  
24 fairs, and such other agency heads as the Secretary  
25 of Housing and Urban Development determines ap-  
26 propriate, and the Federal National Mortgage Asso-

1 ciation and the Federal Home Loan Mortgage Cor-  
2 poration, shall compile an inventory of Federal civil-  
3 ian and defense facilities (or, in the case of the Fed-  
4 eral National Mortgage Association and the Federal  
5 Home Loan Mortgage Corporation, properties held  
6 by such entities) that—

7 (A) identifies such facilities and properties  
8 that can be used—

9 (i) to provide emergency housing;

10 (ii) as locations for the construction  
11 or deployment of temporary housing units;

12 or

13 (iii) to provide permanent housing;

14 and

15 (B) for each such facility and property in-  
16 cluded, identifies the appropriate use or uses  
17 under clauses (i) through (iii) of subparagraph  
18 (A); and

19 (2) each such agency head and entity shall sub-  
20 mit the inventory compiled pursuant to paragraph  
21 (1) to the Secretary of Housing and Urban Develop-  
22 ment.

23 (b) REPORT TO CONGRESS.—Not later than 30 days  
24 after the date of the enactment of this Act, the Secretary  
25 of Housing and Urban Development shall compile and

1 submit to the Congress an aggregate inventory comprised  
2 of the inventory compiled by the Secretary pursuant to  
3 subsection (a) and all the inventories submitted to the Sec-  
4 retary pursuant to such subsection.

5 **SEC. 7. GAO REPORT ON STATE EMERGENCY HOUSING**  
6 **PLANS.**

7 Not later than 180 days after the date of the enact-  
8 ment of this Act, the Comptroller General of the United  
9 States shall submit a report to the Congress—

- 10 (1) identifying any States that have developed  
11 emergency housing contingency plans for use in the  
12 event of a disaster;  
13 (2) describing such plans; and  
14 (3) assessing the effectiveness of such plans.

Passed the House of Representatives October 6,  
2005.

Attest:

JEFF TRANDAHL,  
*Clerk.*