

110TH CONGRESS  
2D SESSION

# H. R. 5772

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 18 (legislative day, SEPTEMBER 17), 2008

Received

OCTOBER 2 (legislative day, SEPTEMBER 17), 2008

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

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## AN ACT

To amend section 811 of the Cranston-Gonzalez National  
Affordable Housing Act to improve the program under  
such section for supportive housing for persons with dis-  
abilities.

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; REFERENCES.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Frank Melville Supportive Housing Investment Act of  
4 2008”.

5 (b) REFERENCES.—Except as otherwise expressly  
6 provided, wherever in this Act an amendment or repeal  
7 is expressed in terms of an amendment to, or repeal of,  
8 section 811 or any other provision of section 811, the ref-  
9 erence shall be considered to be made to section 811 of  
10 the Cranston-Gonzalez National Affordable Housing Act  
11 (42 U.S.C. 8013).

12 **SEC. 2. TENANT-BASED RENTAL ASSISTANCE THROUGH**  
13 **CERTIFICATE FUND.**

14 (a) TERMINATION OF MAINSTREAM TENANT-BASED  
15 RENTAL ASSISTANCE PROGRAM.—Section 811 is amend-  
16 ed—

17 (1) in subsection (b)—

18 (A) by striking the first subsection des-  
19 ignation and all that follows through the end of  
20 subparagraph (B) of paragraph (2) and insert-  
21 ing the following:

22 “(b) AUTHORITY TO PROVIDE ASSISTANCE.—The  
23 Secretary is authorized to provide assistance to private  
24 nonprofit organizations to expand the supply of supportive  
25 housing for persons with disabilities, which shall be pro-  
26 vided as—

1 “(1) capital advances in accordance with sub-  
2 section (d)(1), and

3 “(2) contracts for project rental assistance in  
4 accordance with subsection (d)(2).”; and

5 (B) by striking “assistance under this  
6 paragraph” and inserting “Assistance under  
7 this subsection”;

8 (2) in subsection (d), by striking paragraph (4);  
9 and

10 (3) in subsection (l), by striking paragraph (1).

11 (b) RENEWAL THROUGH SECTION 8.—Section 811  
12 is amended by adding at the end the following new sub-  
13 section:

14 “(p) AUTHORIZATION OF APPROPRIATIONS FOR SEC-  
15 TION 8 ASSISTANCE.—

16 “(1) IN GENERAL.—There is authorized to be  
17 appropriated for tenant-based rental assistance  
18 under section 8(o) of the United States Housing Act  
19 of 1937 (42 U.S.C. 1437f(o)) for persons with dis-  
20 abilities in fiscal year 2009 the amount necessary to  
21 provide a number of incremental vouchers under  
22 such section that is equal to the number of vouchers  
23 provided in fiscal year 2008 under the tenant-based  
24 rental assistance program under subsection (d)(4) of  
25 this section (as in effect before the date of the enact-

ment of the Frank Melville Supportive Housing Investment Act of 2008).

“(2) REQUIREMENTS UPON TURNOVER.—The Secretary shall develop and issue, to public housing agencies that receive voucher assistance made available under this subsection and to public housing agencies that received voucher assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) for non-elderly disabled families pursuant to appropriation Acts for fiscal years 1997 through 2002 or any other subsequent appropriations for incremental vouchers for non-elderly disabled families, guidance to ensure that, to the maximum extent possible, such vouchers continue to be provided upon turnover to qualified persons with disabilities or to qualified non-elderly disabled families, respectively.”.

**SEC. 3. MODERNIZED CAPITAL ADVANCE PROGRAM.**

(a) PROJECT RENTAL ASSISTANCE CONTRACTS.—

Section 811 is amended—

(1) in subsection (d)(2)—

(A) by inserting “(A) INITIAL PROJECT RENTAL ASSISTANCE CONTRACT.—” after “PROJECT RENTAL ASSISTANCE.—”

1 (B) in the first sentence, by inserting after  
2 “shall” the following: “comply with subsection  
3 (e)(2) and shall”;

4 (C) by striking “annual contract amount”  
5 each place such term appears and inserting  
6 “amount provided under the contract for each  
7 year covered by the contract”; and

8 (D) by adding at the end the following new  
9 subparagraph:

10 “(B) RENEWAL OF AND INCREASES IN CON-  
11 TRACT AMOUNTS.—

12 “(i) EXPIRATION OF CONTRACT TERM.—

13 Upon the expiration of each contract term, sub-  
14 ject to the availability of amounts made avail-  
15 able in appropriation Acts, the Secretary shall  
16 adjust the annual contract amount to provide  
17 for reasonable project costs, and any increases,  
18 including adequate reserves and service coordi-  
19 nators, except that any contract amounts not  
20 used by a project during a contract term shall  
21 not be available for such adjustments upon re-  
22 newal.

23 “(ii) EMERGENCY SITUATIONS.—In the  
24 event of emergency situations that are outside  
25 the control of the owner, the Secretary shall in-

crease the annual contract amount, subject to reasonable review and limitations as the Secretary shall provide.”.

(2) in subsection (e)(2)—

(A) in the first sentence, by inserting before the period at the end the following: “, except that, in the case of the sponsor of a project assisted with any low-income housing tax credit pursuant to section 42 of the Internal Revenue Code of 1986 or with any tax-exempt housing bonds, the contract shall have an initial term of not be less than 360 months and shall provide funding for a term of 60 months”; and

(B) by striking “extend any expiring contract” and insert “upon expiration of a contract (or any renewed contract), renew such contract”.

(b) PROGRAM REQUIREMENTS.—Section 811 is amended—

(1) in subsection (e)—

(A) by striking the subsection heading and inserting the following: “PROGRAM REQUIREMENTS”;

(B) by striking paragraph (1) and inserting the following new paragraph:

1 “(1) USE RESTRICTIONS.—

2 “(A) TERM.—Any project for which a cap-  
3 ital advance is provided under subsection (d)(1)  
4 shall be operated for not less than 40 years as  
5 supportive housing for persons with disabilities,  
6 in accordance with the application for the  
7 project approved by the Secretary and shall,  
8 during such period, be made available for occu-  
9 pancy only by very low-income persons with dis-  
10 abilities.

11 “(B) CONVERSION.—If the owner of a  
12 project requests the use of the project for the  
13 direct benefit of very low-income persons with  
14 disabilities and, pursuant to such request the  
15 Secretary determines that a project is no longer  
16 needed for use as supportive housing for per-  
17 sons with disabilities, the Secretary may ap-  
18 prove the request and authorize the owner to  
19 convert the project to such use.”; and

20 (C) by adding at the end the following new  
21 paragraphs:

22 “(3) LIMITATION ON USE OF FUNDS.—No as-  
23 sistance received under this section (or any State or  
24 local government funds used to supplement such as-  
25 sistance) may be used to replace other State or local

1 funds previously used, or designated for use, to as-  
2 sist persons with disabilities.

3 “(4) MULTIFAMILY PROJECTS.—

4 “(A) LIMITATION.—Except as provided in  
5 subparagraph (B), of the total number of dwell-  
6 ing units in any multifamily housing project  
7 (including any condominium or cooperative  
8 housing project) containing any unit for which  
9 assistance is provided from a capital grant  
10 under subsection (d)(1) made after the date of  
11 the enactment of the Frank Melville Supportive  
12 Housing Investment Act of 2008, the aggregate  
13 number that are used for persons with disabili-  
14 ties, including supportive housing for persons  
15 with disabilities, or to which any occupancy  
16 preference for persons with disabilities applies,  
17 may not exceed 25 percent of such total.

18 “(B) EXCEPTION.—Subparagraph (A)  
19 shall not apply in the case of any project that  
20 is a group home or independent living facility.”;  
21 and

22 (2) in subsection (l), by striking paragraph (4).

23 (c) DELEGATED PROCESSING.—Subsection (g) of  
24 section 811 (42 U.S.C. 8013(g)) is amended—



1           (1) by striking “SELECTION CRITERIA.—” and  
2           inserting “SELECTION CRITERIA AND PROC-  
3           ESSING.—(1) SELECTION CRITERIA.—”;

4           (2) by redesignating paragraphs (1), (2), (3),  
5           (4), (5), (6), and (7) as subparagraphs (A), (B),  
6           (C), (D), (E), (G), and (H), respectively;

7           (3) by adding at the end the following new  
8           paragraph:

9           “(2) DELEGATED PROCESSING.—

10           “(A) In issuing a capital advance under sub-  
11           section (d)(1) for any multifamily project (but not  
12           including any project that is a group home or inde-  
13           pendent living facility) for which financing for the  
14           purposes described in the last sentence of subsection  
15           (b) is provided by a combination of the capital ad-  
16           vance and sources other than this section, within 30  
17           days of award of the capital advance, the Secretary  
18           shall delegate review and processing of such projects  
19           to a State or local housing agency that—

20           “(i) is in geographic proximity to the prop-  
21           erty;

22           “(ii) has demonstrated experience in and  
23           capacity for underwriting multifamily housing  
24           loans that provide housing and supportive serv-  
25           ices;

1           “(iii) may or may not be providing low-in-  
2           come housing tax credits in combination with  
3           the capital advance under this section; and

4           “(iv) agrees to issue a firm commitment  
5           within 12 months of delegation.

6           “(B) The Secretary shall retain the authority to  
7           process capital advances in cases in which no State  
8           or local housing agency has applied to provide dele-  
9           gated processing pursuant to this paragraph or no  
10          such agency has entered into an agreement with the  
11          Secretary to serve as a delegated processing agency.

12          “(C) An agency to which review and processing  
13          is delegated pursuant to subparagraph (A) may as-  
14          sess a reasonable fee which shall be included in the  
15          capital advance amounts and may recommend  
16          project rental assistance amounts in excess of those  
17          initially awarded by the Secretary. The Secretary  
18          shall develop a schedule for reasonable fees under  
19          this subparagraph to be paid to delegated processing  
20          agencies, which shall take into consideration any  
21          other fees to be paid to the agency for other funding  
22          provided to the project by the agency, including  
23          bonds, tax credits, and other gap funding.

24          “(D) Under such delegated system, the Sec-  
25          retary shall retain the authority to approve rents

1 and development costs and to execute a capital ad-  
2 vance within 60 days of receipt of the commitment  
3 from the State or local agency. The Secretary shall  
4 provide to such agency and the project sponsor, in  
5 writing, the reasons for any reduction in capital ad-  
6 vance amounts or project rental assistance and such  
7 reductions shall be subject to appeal.”.

8 (d) LEVERAGING OTHER RESOURCES.—Paragraph  
9 (1) of section 811(g) (as so designated by subsection  
10 (c)(1) of this section) is amended by inserting after sub-  
11 paragraph (E) (as so redesignated by subsection (c)(2) of  
12 this section) the following new subparagraph:

13 “(F) the extent to which the per-unit cost  
14 of units to be assisted under this section will be  
15 supplemented with resources from other public  
16 and private sources;”.

17 (e) TENANT PROTECTIONS AND ELIGIBILITY FOR  
18 OCCUPANCY.—Section 811 is amended by striking sub-  
19 section (i) and inserting the following new subsection:

20 “(i) ADMISSION AND OCCUPANCY.—

21 “(1) TENANT SELECTION.—

22 “(A) PROCEDURES.—An owner shall adopt  
23 written tenant selection procedures that are sat-  
24 isfactory to the Secretary as (i) consistent with  
25 the purpose of improving housing opportunities

1 for very low-income persons with disabilities;  
2 and (ii) reasonably related to program eligibility  
3 and an applicant's ability to perform the obliga-  
4 tions of the lease. Owners shall promptly notify  
5 in writing any rejected applicant of the grounds  
6 for any rejection.

7 “(B) REQUIREMENT FOR OCCUPANCY.—  
8 Occupancy in dwelling units provided assistance  
9 under this section shall be available only to per-  
10 sons with disabilities and households that in-  
11 clude at least one person with a disability.

12 “(C) AVAILABILITY.—Except only as pro-  
13 vided in subparagraph (D), occupancy in dwell-  
14 ing units in housing provided with assistance  
15 under this section shall be available to all per-  
16 sons with disabilities eligible for such occupancy  
17 without regard to the particular disability in-  
18 volved.

19 “(D) LIMITATION ON OCCUPANCY.—Not-  
20 withstanding any other provision of law, the  
21 owner of housing developed under this section  
22 may, with the approval of the Secretary, limit  
23 occupancy within the housing to persons with  
24 disabilities who can benefit from the supportive  
25 services offered in connection with the housing.

1 “(2) TENANT PROTECTIONS.—

2 “(A) LEASE.—The lease between a tenant  
3 and an owner of housing assisted under this  
4 section shall be for not less than one year, and  
5 shall contain such terms and conditions as the  
6 Secretary shall determine to be appropriate.

7 “(B) TERMINATION OF TENANCY.—An  
8 owner may not terminate the tenancy or refuse  
9 to renew the lease of a tenant of a rental dwell-  
10 ing unit assisted under this section except—

11 “(i) for serious or repeated violation  
12 of the terms and conditions of the lease,  
13 for violation of applicable Federal, State,  
14 or local law, or for other good cause; and

15 “(ii) by providing the tenant, not less  
16 than 30 days before such termination or  
17 refusal to renew, with written notice speci-  
18 fying the grounds for such action.

19 “(C) VOLUNTARY PARTICIPATION IN SERV-  
20 ICES.—A supportive service plan for housing  
21 assisted under this section shall permit each  
22 resident to take responsibility for choosing and  
23 acquiring their own services, to receive any sup-  
24 portive services made available directly or indi-

1 rectly by the owner of such housing, or to not  
2 receive any supportive services.”.

3 (f) DEVELOPMENT COST LIMITATIONS.—Subsection  
4 (h) of section 811 is amended—

5 (1) in paragraph (1)—

6 (A) by striking the paragraph heading and  
7 inserting “GROUP HOMES”;

8 (B) in the first sentence, by striking “var-  
9 ious types and sizes” and inserting “group  
10 homes”;

11 (C) by striking subparagraph (E); and

12 (D) by redesignating subparagraphs (F)  
13 and (G) as subparagraphs (E) and (F), respec-  
14 tively;

15 (2) in paragraph (3), by inserting “established  
16 pursuant to paragraph (1)” after “cost limitation”;  
17 and

18 (3) by adding at the end the following new  
19 paragraph:

20 “(6) APPLICABILITY OF HOME PROGRAM COST  
21 LIMITATIONS.—

22 “(A) IN GENERAL.—The provisions of sec-  
23 tion 212(e) of the Cranston-Gonzalez National  
24 Affordable Housing Act (42 U.S.C. 12742(e))  
25 and the cost limits established by the Secretary

1           pursuant to such section with respect to the  
2           amount of funds under subtitle A of title II of  
3           such Act that may be invested on a per unit  
4           basis, shall apply to supportive housing assisted  
5           with a capital advance under subsection (d)(1)  
6           and the amount of funds under such subsection  
7           that may be invested on a per unit basis.

8           “(B) WAIVERS.—The Secretary shall pro-  
9           vide for waiver of the cost limits applicable pur-  
10          suant to subparagraph (A)—

11           “(i) in the cases in which the cost lim-  
12          its established pursuant to section 212(e)  
13          of the Cranston-Gonzalez National Afford-  
14          able Housing Act may be waived; and

15           “(ii) to provide for—

16           “(I) the cost of special design  
17          features to make the housing acces-  
18          sible to persons with disabilities;

19           “(II) the cost of special design  
20          features necessary to make individual  
21          dwelling units meet the special needs  
22          of persons with disabilities; and

23           “(III) the cost of providing the  
24          housing in a location that is accessible  
25          to public transportation and commu-

1                   nity organizations that provide sup-  
 2                   portive services to persons with dis-  
 3                   abilities.”.

4           (g) REPEAL OF AUTHORITY TO WAIVE SIZE LIMITA-  
 5 TIONS.—Paragraph (1) of section 811(k) is amended—

6               (1) in paragraph (1), by striking the second  
 7               sentence; and

8               (2) in paragraph (4), by striking “(or such  
 9               higher number of persons” and all that follows  
 10              through “subsection (h)(6))”.

11          (h) MINIMUM ALLOCATION FOR MULTIFAMILY  
 12 PROJECTS.—Subsection (l) of section 811, as amended by  
 13 the preceding provisions of this Act, is further amended  
 14 by inserting before paragraph (2) the following new para-  
 15 graph:

16               “(1) MINIMUM ALLOCATION FOR MULTIFAMILY  
 17               PROJECTS.—The Secretary shall establish a min-  
 18               imum percentage of the amount made available for  
 19               each fiscal year for capital advances under sub-  
 20               section (d)(1) that shall be used for multifamily  
 21               projects subject to subsection (e)(4).”.

22 **SEC. 4. PROJECT RENTAL ASSISTANCE COMPETITIVE DEM-**  
 23 **ONSTRATION PROGRAM.**

24          Section 811, as amended by the preceding provisions  
 25 of this Act, is further amended—



1           (1) by redesignating subsections (k) through  
2           (n) as subsections (l) through (o), respectively; and

3           (2) by inserting after subsection (j) the fol-  
4           lowing new subsection:

5           “(k) PROJECT RENTAL ASSISTANCE-ONLY COMPETI-  
6           TIVE DEMONSTRATION PROGRAM.—

7           “(1) AUTHORITY.—The Secretary shall carry  
8           out a demonstration program under this subsection  
9           to expand the supply of supportive housing for non-  
10          elderly adults with disabilities, under which the Sec-  
11          retary shall make funds available for project rental  
12          assistance pursuant to paragraph (2) for eligible  
13          projects under paragraph (3). The Secretary shall  
14          provide for State housing finance agencies and other  
15          appropriate entities to apply to the Secretary for  
16          such project rental assistance funds, which shall be  
17          made available by such agencies and entities for  
18          dwelling units in eligible projects based upon criteria  
19          established by the Secretary for the demonstration  
20          program under this subsection. The Secretary may  
21          not require any State housing finance agency or  
22          other entity applying for project rental assistance  
23          funds under the demonstration program to identify  
24          in such application the eligible projects for which  
25          such funds will be used, and shall allow such agen-

1       cies and applicants to subsequently identify such eli-  
2       gible projects pursuant to the making of commit-  
3       ments described in paragraph (3)(B).

4               “(2) PROJECT RENTAL ASSISTANCE.—

5               “(A) CONTRACT TERMS.—Project rental  
6       assistance under the demonstration program  
7       under this subsection shall be provided—

8               “(i) in accordance with subsection  
9       (d)(2); and

10              “(ii) under a contract having an ini-  
11       tial term of not less than 180 months that  
12       provides funding for a term 60 months,  
13       which funding shall be renewed upon expi-  
14       ration, subject to the availability of suffi-  
15       cient amounts in appropriation Acts.

16              “(B) LIMITATION ON UNITS ASSISTED.—

17       Of the total number of dwelling units in any  
18       multifamily housing project containing any unit  
19       for which project rental assistance under the  
20       demonstration program under this subsection is  
21       provided, the aggregate number that are pro-  
22       vided such project rental assistance, that are  
23       used for supportive housing for persons with  
24       disabilities, or to which any occupancy pref-

1           erence for persons with disabilities applies, may  
2           not exceed 25 percent of such total.

3           “(C)   PROHIBITION   OF   CAPITAL   AD-  
4           VANCES.—The Secretary may not provide a  
5           capital advance under subsection (d)(1) for any  
6           project for which assistance is provided under  
7           the demonstration program.

8           “(D)   ELIGIBLE   POPULATION.—Project  
9           rental assistance under the demonstration pro-  
10          gram under this subsection may be provided  
11          only for dwelling units for extremely low-income  
12          persons with disabilities and extremely low-in-  
13          come households that include at least one per-  
14          son with a disability.

15          “(3) ELIGIBLE PROJECTS.—An eligible project  
16          under this paragraph is a new or existing multi-  
17          family housing project for which—

18               “(A) the development costs are paid with  
19               resources from other public or private sources;  
20               and

21               “(B) a commitment has been made—

22                       “(i) by the applicable State agency re-  
23                       sponsible for allocation of low-income hous-  
24                       ing tax credits under section 42 of the In-

1           ternal Revenue Code of 1986, for an allo-  
2           cation of such credits;

3           “(ii) by the applicable participating  
4           jurisdiction that receives assistance under  
5           the HOME Investment Partnership Act,  
6           for assistance from such jurisdiction; or

7           “(iii) by any Federal agency or any  
8           State or local government, for funding for  
9           the project from funds from any other  
10          sources.

11          “(4) STATE AGENCY INVOLVEMENT.—Assist-  
12          ance under the demonstration may be provided only  
13          for projects for which the applicable State agency re-  
14          sponsible for health and human services programs,  
15          and the applicable State agency designated to ad-  
16          minister or supervise the administration of the State  
17          plan for medical assistance under title XIX of the  
18          Social Security Act, have entered into such agree-  
19          ments as the Secretary considers appropriate—

20               “(A) to identify the target populations to  
21               be served by the project;

22               “(B) to set forth methods for outreach and  
23               referral; and

24               “(C) to make available appropriate services  
25               for tenants of the project.

1           “(5) USE REQUIREMENTS.—In the case of any  
2           project for which project rental assistance is pro-  
3           vided under the demonstration program under this  
4           subsection, the dwelling units assisted pursuant to  
5           paragraph (2) shall be operated for not less than 30  
6           years as supportive housing for persons with disabili-  
7           ties, in accordance with the application for the  
8           project approved by the Secretary, and such dwelling  
9           units shall, during such period, be made available for  
10          occupancy only by persons and households described  
11          in paragraph (2)(D).

12          “(6) REPORT.—Upon the expiration of the 5-  
13          year period beginning on the date of the enactment  
14          of the Frank Melville Supportive Housing Invest-  
15          ment Act of 2008, the Secretary shall submit to the  
16          Congress a report describing the demonstration pro-  
17          gram under this subsection, analyzing the effective-  
18          ness of the program, including the effectiveness of  
19          the program compared to the program for capital  
20          advances in accordance with subsection (d)(1) (as in  
21          effect pursuant to the amendments made by such  
22          Act), and making recommendations regarding future  
23          models for assistance under this section based upon  
24          the experiences under the program.”.

1 **SEC. 5. TECHNICAL CORRECTIONS.**

2 Section 811 is amended—

3 (1) in subsection (a)—

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

6 (B) in paragraph (2)—

7 (i) by striking “provides” and insert-  
8 ing “makes available”; and

9 (ii) by striking the period at the end  
10 and inserting “; and” ; and

11 (C) by adding at the end the following new  
12 paragraph:

13 “(3) promotes and facilitates community inte-  
14 gration for people with significant and long-term dis-  
15 abilities.”;

16 (2) in subsection (c)—

17 (A) in paragraph (1), by striking “special”  
18 and inserting “housing and community-based  
19 services”; and

20 (B) in paragraph (2)—

21 (i) by striking subparagraph (A) and  
22 inserting the following:

23 “(A) make available voluntary supportive  
24 services that address the individual needs of  
25 persons with disabilities occupying such hous-  
26 ing;”; and

1 (ii) in subparagraph (B), by striking  
2 the comma and inserting a semicolon;

3 (3) in subsection (d)(1), by striking “provided  
4 under” and all that follows through “shall bear” and  
5 inserting “provided pursuant to subsection (b)(1)  
6 shall bear”;

7 (4) in subsection (f)—

8 (A) in paragraph (3)—

9 (i) in subparagraph (B), by striking  
10 “receive” and inserting “be offered”;

11 (ii) by striking subparagraph (C) and  
12 inserting the following:

13 “(C) evidence of the applicant’s experience  
14 in—

15 “(i) providing such supportive serv-  
16 ices; or

17 “(ii) creating and managing struc-  
18 tured partnerships with service providers  
19 for the delivery of appropriate community-  
20 based services;”;

21 (iii) in subparagraph (D), by striking  
22 “such persons” and all that follows  
23 through “provision of such services” and  
24 inserting “tenants”; and

1 (iv) in subparagraph (E), by inserting  
2 “other Federal, and” before “State”; and

3 (B) in paragraph (4), by striking “special”  
4 and inserting “housing and community-based  
5 services”;

6 (5) in subsection (g), in paragraph (1) (as so  
7 redesignated by section 3(c)(1) of this Act)—

8 (A) in subparagraph (D) (as so redesign-  
9 nated by section 3(c)(2) of this Act), by strik-  
10 ing “the necessary supportive services will be  
11 provided” and inserting “appropriate supportive  
12 services will be made available”; and

13 (B) by striking subparagraph (E) (as so  
14 redesignated by section 3(c)(2) of this Act) and  
15 inserting the following:

16 “(E) the extent to which the location and de-  
17 sign of the proposed project will facilitate the provi-  
18 sion of community-based supportive services and ad-  
19 dress other basic needs of persons with disabilities,  
20 including access to appropriate and accessible trans-  
21 portation, access to community services agencies,  
22 public facilities, and shopping;”;

23 (6) in subsection (j)—

24 (A) by striking paragraph (4); and



1 (B) by redesignating paragraphs (5), (6),  
2 and (7) as paragraphs (4), (5), and (6), respec-  
3 tively;

4 (7) in subsection (l) (as so redesignated by sec-  
5 tion 4(1) of this Act)—

6 (A) in paragraph (1), by inserting before  
7 the period at the end of the first sentence the  
8 following: “, which provides a separate bedroom  
9 for each tenant of the residence”;

10 (B) by striking paragraph (2) and insert-  
11 ing the following:

12 “(2)(A) The term ‘person with disabilities’  
13 means a person who is 18 years of age or older and  
14 less than 62 years of age, who—

15 “(i) has a disability as defined in section  
16 223 of the Social Security Act;

17 “(ii) is determined, pursuant to regulations  
18 issued by the Secretary, to have a physical,  
19 mental, or emotional impairment which—

20 “(I) is expected to be of long-contin-  
21 ued and indefinite duration;

22 “(II) substantially impedes his or her  
23 ability to live independently; and

1                   “(III) is of such a nature that such  
2                   ability could be improved by more suitable  
3                   housing conditions; or

4                   “(iii) has a developmental disability as de-  
5                   fined in section 102 of the Developmental Dis-  
6                   abilities Assistance and Bill of Rights Act of  
7                   2000.

8                   “(B) Such term shall not exclude persons who  
9                   have the disease of acquired immunodeficiency syn-  
10                  drome or any conditions arising from the etiologic  
11                  agent for acquired immunodeficiency syndrome. Not-  
12                  withstanding any other provision of law, no indi-  
13                  vidual shall be considered a person with disabilities,  
14                  for purposes of eligibility for low-income housing  
15                  under this title, solely on the basis of any drug or  
16                  alcohol dependence. The Secretary shall consult with  
17                  other appropriate Federal agencies to implement the  
18                  preceding sentence.

19                  “(C) The Secretary shall prescribe such regula-  
20                  tions as may be necessary to prevent abuses in de-  
21                  termining, under the definitions contained in this  
22                  paragraph, the eligibility of families and persons for  
23                  admission to and occupancy of housing assisted  
24                  under this section. Notwithstanding the preceding  
25                  provisions of this paragraph, the term ‘person with

1 disabilities’ includes two or more persons with dis-  
2 abilities living together, one or more such persons  
3 living with another person who is determined (under  
4 regulations prescribed by the Secretary) to be impor-  
5 tant to their care or well-being, and the surviving  
6 member or members of any household described in  
7 subparagraph (A) who were living, in a unit assisted  
8 under this section, with the deceased member of the  
9 household at the time of his or her death.”;

10 (C) by striking paragraph (3) and insert-  
11 ing the following new paragraph:

12 “(3) The term ‘supportive housing for persons  
13 with disabilities’ means dwelling units that—

14 “(A) are designed to meet the permanent  
15 housing needs of very low-income persons with  
16 disabilities; and

17 “(B) are located in housing that make  
18 available supportive services that address the  
19 individual health, mental health, or other needs  
20 of such persons.”;

21 (D) in paragraph (5), by striking “a  
22 project for”; and

23 (E) in paragraph (6)—

24 (i) by inserting after and below sub-  
25 paragraph (D) the matter to be inserted by

1 the amendment made by section 841 of the  
2 American Homeownership and Economic  
3 Opportunity Act of 2000 (Public Law  
4 106–569; 114 Stat. 3022); and

5 (ii) in the matter inserted by the  
6 amendment made by subparagraph (A) of  
7 this paragraph, by striking “wholly owned  
8 and”; and

9 (8) in subsection (m) (as so redesignated by  
10 section 4(1) of this Act)—

11 (A) in paragraph (2), by striking “sub-  
12 section (c)(1)” and inserting “subsection  
13 (d)(1)”; and

14 (B) in paragraph (3), by striking “sub-  
15 section (c)(2)” and inserting “subsection  
16 (d)(2)”.

17 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

18 Subsection (n) of section 811 (as so redesignated by  
19 section 4(1) of this Act) is amended to read as follows:

20 “(n) AUTHORIZATION OF APPROPRIATIONS.—There  
21 is authorized to be appropriated for each of fiscal years  
22 2008 through 2012 the following amounts:

23 “(1) CAPITAL ADVANCE/PRAC PROGRAM.—For  
24 providing assistance pursuant to subsection (b), such  
25 sums as may be necessary.

1           “(2) DEMONSTRATION PROGRAM.—For car-  
2       rying out the demonstration program under sub-  
3       section (k), such sums as may be necessary to pro-  
4       vide 2,500 incremental dwelling units under such  
5       program in each of fiscal years 2008 and 2009 and  
6       5,000 incremental dwelling units under such pro-  
7       gram in each of fiscal years 2010, 2011, and  
8       2012.”.

9   **SEC. 7. NEW REGULATIONS AND PROGRAM GUIDANCE.**

10       Not later than the expiration of the 180-day period  
11       beginning on the date of the enactment of this Act, the  
12       Secretary of Housing and Urban Development shall issue  
13       new regulations and guidance for the program under sec-  
14       tion 811 of the Cranston-Gonzalez National Affordable  
15       Housing Act for supportive housing for persons with dis-  
16       abilities to carry out such program in accordance with the  
17       amendments made by this Act.

18   **SEC. 8. GAO STUDY.**

19       The Comptroller General of the United States shall  
20       conduct a study of the supportive housing for persons with  
21       disabilities program under section 811 of the Cranston-  
22       Gonzalez National Affordable Housing Act (42 U.S.C.  
23       8013) to determine the adequacy and effectiveness of such  
24       program in assisting households of persons with disabil-  
25       ities. Such study shall determine—

(2) the extent to which households assisted under other programs of the Department of Housing and Urban Development that provide rental assistance or rental housing would be eligible to receive assistance under such section 811 program; and

(3) the extent to which households described in paragraph (2) who are eligible for, but not receiving, assistance under such section 811 program are receiving supportive services from, or assisted by, the Department of Housing and Urban Development other than through the section 811 program (including under the Resident Opportunity and Self-Sufficiency program) or from other sources.

16 Upon the completion of the study required under this sec-  
17 tion, the Comptroller General shall submit a report to the  
18 Congress setting forth the findings and conclusions of the  
19 study.

Passed the House of Representatives September 17,  
2008.

Attest: LORRAINE C. MILLER,  
*Clerk.*