

110TH CONGRESS  
1ST SESSION

# S. 1668

To assist in providing affordable housing to those affected by the 2005 hurricanes.

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IN THE SENATE OF THE UNITED STATES

JUNE 20, 2007

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

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## A BILL

To assist in providing affordable housing to those affected by the 2005 hurricanes.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Gulf Coast Housing Recovery Act of 2007”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

Sec. 1. Short title; table of contents.  
Sec. 2. Limitation on use of authorized amounts.

### TITLE I—COMMUNITY DEVELOPMENT BLOCK GRANTS

Sec. 101. Flexibility of Federal Funds for Road Home Program.

- Sec. 102. Household assistance programs funded with CDBG disaster assistance.
- Sec. 103. Community development pilot programs.
- Sec. 104. Road Home Program shortfall.
- Sec. 105. Elimination of prohibition of use for match requirement.
- Sec. 106. Reimbursement of amounts used for rental housing assistance.

## TITLE II—PUBLIC HOUSING

- Sec. 201. Survey of public housing residents.
- Sec. 202. Housing for previous residents of public housing.
- Sec. 203. Replacement of public housing dwelling units.
- Sec. 204. Resident support services.
- Sec. 205. Public housing in Katrina and Rita disaster areas.
- Sec. 206. Reports on proposed conversions of public housing units.
- Sec. 207. Authorization of appropriations for repair and rehabilitation for Katrina and Rita disaster areas.
- Sec. 208. Existing public housing redevelopment.
- Sec. 209. Reports on compliance.
- Sec. 210. Independent administration of Housing Authority of New Orleans.
- Sec. 211. Definition.

## TITLE III—DISASTER VOUCHER PROGRAM AND PROJECT-BASED RENTAL ASSISTANCE

- Sec. 301. Disaster voucher program.
- Sec. 302. Tenant replacement vouchers for all lost units.
- Sec. 303. Voucher assistance for households receiving FEMA assistance.
- Sec. 304. Voucher assistance for supportive housing.
- Sec. 305. Project-basing of vouchers.
- Sec. 306. Preservation of project-based housing assistance payments contracts for dwelling units damaged or destroyed.
- Sec. 307. GAO study of wrongful or erroneous termination of Federal rental housing assistance.

## TITLE IV—DAMAGES ARISING FROM FEMA ACTIONS

- Sec. 401. Reimbursement of landlords.

## TITLE V—FHA HOUSING

- Sec. 501. Treatment of nonconveyable properties.
- Sec. 502. FHA single-family insurance.
- Sec. 503. FHA-New Orleans Homeownership Opportunities Initiative.

## TITLE VI—FAIR HOUSING ENFORCEMENT

- Sec. 601. Fair housing initiatives program.

## TITLE VII—IMPROVED DISTRIBUTION OF FEDERAL HURRICANE HOUSING FUNDS FOR HURRICANE RELIEF

- Sec. 701. GAO study of improved distribution of Federal housing funds for hurricane relief.

TITLE VIII—COMMENDING AMERICANS FOR THEIR REBUILDING  
EFFORTS

Sec. 801. Commending Americans.

1 **SEC. 2. LIMITATION ON USE OF AUTHORIZED AMOUNTS.**

2       None of the amounts authorized by this Act may be  
3 used to lobby or retain a lobbyist for the purpose of influ-  
4 encing a Federal, State, or local governmental entity or  
5 officer.

6                   **TITLE I—COMMUNITY**  
7                   **DEVELOPMENT BLOCK GRANTS**

8 **SEC. 101. FLEXIBILITY OF FEDERAL FUNDS FOR ROAD**  
9                   **HOME PROGRAM.**

10       (a) PROHIBITION OF RESTRICTION ON USE OF  
11 AMOUNTS.—

12               (1) IN GENERAL.—Subject to paragraph (4)  
13 and notwithstanding any other provision of law, the  
14 Administrator of the Federal Emergency Manage-  
15 ment Agency shall allow the uses specified in para-  
16 graph (2), by the State of Louisiana under the Road  
17 Home Program of such State, of any amounts speci-  
18 fied in paragraph (5), provided such funds are used  
19 in full compliance with the requirements of the De-  
20 partment of Housing and Urban Development's  
21 Supplemental Community Development Block Grant  
22 Program, as such requirements are established

1 under title I of the Housing and Community Devel-  
2 opment Act of 1974 (42 U.S.C. 5301 et seq.).

3 (2) ELIGIBLE USES.—As specified in paragraph  
4 (1), the Administrator of the Federal Emergency  
5 Management Agency shall allow the State of Lou-  
6 isiana to use any amounts specified in paragraph (5)  
7 for the purposes of—

8 (A) acquiring property, including both land  
9 and buildings, for the purposes of removing any  
10 structure located on such property and perma-  
11 nently returning the property to a use compat-  
12 ible with open space, as required pursuant to  
13 section 404 of the Robert T. Stafford Disaster  
14 Relief and Emergency Assistance Act (42  
15 U.S.C. 5170c);

16 (B) covering all or a portion of the cost of  
17 elevating a damaged residential structure lo-  
18 cated on any property acquired under subpara-  
19 graph (A) in order to make the property com-  
20 pliant with State building codes, local ordi-  
21 nances or building requirements, and the Na-  
22 tional Flood Insurance Program, including ele-  
23 vating the lowest habitable level to at least 1  
24 foot above the base flood elevation or the ele-  
25 vation described using the current best available

1 data from the Federal Emergency Management  
2 Agency, whichever elevation is higher;

3 (C) covering all or a portion of the cost  
4 of—

5 (i) the demolition of any home deemed  
6 to be more than 50 percent damaged as a  
7 result of an inspection; and

8 (ii) the reconstruction of another  
9 home on the same property on which a  
10 home was demolished under clause (i), in-  
11 cluding site preparation, utility connection,  
12 and transactional costs, such that the  
13 newly constructed home is elevated so the  
14 lowest habitable level will be at least 1 foot  
15 above the base flood elevation or the ele-  
16 vation described using the current best  
17 available data from the Federal Emergency  
18 Management Agency, whichever elevation  
19 is higher;

20 (D) funding individual mitigation measures  
21 that can be incorporated into a home to reduce  
22 risk to both life and property, provided that no  
23 individual measure to be funded costs in excess  
24 of \$7,500; and

1 (E) covering the reasonable cost to manage  
2 and administer such funds consistent with ex-  
3 isting funding formulas identified under the  
4 Robert T. Stafford Disaster Relief and Emer-  
5 gency Assistance Act (42 U.S.C. 5121 et seq.)  
6 and its implementing regulations.

7 (3) CONSISTENCY REQUIREMENT.—Uses speci-  
8 fied in paragraph (2) shall be deemed eligible when  
9 implemented in a way consistent with the require-  
10 ments of the Department of Housing and Urban De-  
11 velopment’s Supplemental Community Development  
12 Block Grant Program, as such requirements are es-  
13 tablished under title I of the Housing and Commu-  
14 nity Development Act of 1974 (42 U.S.C. 5301 et  
15 seq.), irrespective of any other requirements man-  
16 dated under the Hazard Mitigation Grant Program  
17 under section 404 of the Robert T. Stafford Disaster  
18 Relief and Emergency Assistance Act (42 U.S.C.  
19 5170c).

20 (4) SAVINGS PROVISION.—Except as provided  
21 in paragraph (3), all other provisions of section 404  
22 of the Robert T. Stafford Disaster Relief and Emer-  
23 gency Assistance Act (42 U.S.C. 5170c) shall apply  
24 to amounts specified in paragraph (3) that are used

1 by the State of Louisiana under the Road Home  
2 Program of such State.

3 (5) COVERED AMOUNTS.—The amounts speci-  
4 fied in this paragraph is \$1,170,000,000 designated  
5 for Hurricanes Katrina and Rita under the Hazard  
6 Mitigation Grant Program of the Federal Emer-  
7 gency Management Agency to the State of Louisiana  
8 as of June 1, 2007.

9 (6) EXPEDITED TRANSFER OF FUNDS.—

10 (A) IN GENERAL.—The Administrator of  
11 the Federal Emergency Management Agency  
12 shall, not later than 90 days after the date of  
13 enactment of this Act, transfer the amounts  
14 specified in paragraph (5) to the State of Lou-  
15 isiana.

16 (B) PROCEDURES.—The Administrator of  
17 the Federal Emergency Management Agency  
18 shall identify and implement mechanisms to be  
19 applied to all funds made available to the State  
20 of Louisiana as a result of Hurricanes Katrina  
21 and Rita under the Hazard Mitigation Grant  
22 Program under section 404 of the Robert T.  
23 Stafford Disaster Relief and Emergency Assist-  
24 ance Act (42 U.S.C. 5170c) that will simplify  
25 the requirements of such program and ensure

1 the expedited distribution of such funds under  
2 the program, including—

3 (i) creating a programmatic cost-ben-  
4 efit analysis to provide a means of con-  
5 ducting cost-benefit analysis by project  
6 type and geographic factors rather than on  
7 a structure-by-structure basis; and

8 (ii) developing a streamlined environ-  
9 mental review process to significantly  
10 speed the approval of project applications.

11 (7) FUTURE AMOUNTS.—Notwithstanding the  
12 provisions of this section, for the period beginning  
13 June 1, 2007 and ending December 31, 2007, any  
14 amounts in addition to the \$1,170,000,000 described  
15 under paragraph (5) that are made available to the  
16 State of Louisiana as a result of Hurricanes Katrina  
17 and Rita under the Hazard Mitigation Grant Pro-  
18 gram under section 404 of the Robert T. Stafford  
19 Disaster Relief and Emergency Assistance Act (42  
20 U.S.C. 5170c) shall be provided by such State to  
21 local government entities, based upon the severity of  
22 hurricane damage incurred in such areas, to be used  
23 solely for the purposes set forth under such section  
24 404.

1 (b) REPORTING REQUIREMENT.—The Administrator  
 2 of the Federal Emergency Management Agency shall pro-  
 3 vide quarterly reports to the Committees on Banking,  
 4 Housing, and Urban Affairs, and Homeland Security and  
 5 Governmental Affairs of the Senate, and the Committees  
 6 on Financial Services and Transportation and Infrastruc-  
 7 ture of the House of Representatives on—

8 (1) specific mechanisms that are being utilized  
 9 to expedite funding distribution under this section;  
 10 and

11 (2) how such mechanisms are performing.

12 **SEC. 102. HOUSEHOLD ASSISTANCE PROGRAMS FUNDED**  
 13 **WITH CDBG DISASTER ASSISTANCE.**

14 (a) REPORTING REQUIREMENT.—Each State that re-  
 15 ceived amounts made available under the heading “De-  
 16 partment of Housing and Urban Development—Commu-  
 17 nity Planning and Development—Community Develop-  
 18 ment Fund” in chapter 9 of title I of division B of Public  
 19 Law 109–148 (119 Stat. 2779) or under such heading in  
 20 chapter 9 of title II of Public Law 109–234 (120 Stat.  
 21 472) shall submit reports, and make such reports available  
 22 to the public on the Internet, under this subsection regard-  
 23 ing each grant program of the State for assistance for in-  
 24 dividual households funded in whole or in part with such  
 25 amounts to the committees identified in paragraph (4).

1 Each such report under this subsection shall describe and  
2 analyze the status and effectiveness of each such grant  
3 program and shall include the information described in  
4 paragraph (2) regarding each such program, for the appli-  
5 cable reporting period and for the entire period of such  
6 program.

7 (b) CONTENTS.—The following information shall be  
8 included in any report submitted under subsection (a):

9 (1) The number of applications submitted for  
10 assistance under the program.

11 (2) The number of households for which assist-  
12 ance has been provided under the program.

13 (3) The average amount of assistance requested  
14 and provided for each household under the program  
15 and the total amount of assistance provided under  
16 the program.

17 (4) The number of personnel involved in exe-  
18 cuting all aspects of the program.

19 (5) Actions to affirmatively further fair hous-  
20 ing.

21 (6) Comprehensive data, by program, on who is  
22 served during the period, by number, percentage,  
23 and zip code, including data on race, ethnicity, in-  
24 come, disability, family size, and family status.

1           (7) Actions taken to improve the program and  
2       recommendations for further such improvements.

3       (c) REPORTING PERIODS.—With respect to any pro-  
4       gram described in subsection (a), the first report under  
5       this section shall be submitted not later than the expira-  
6       tion of the 30-day period that begins upon the date of  
7       the enactment of this Act. Reports shall be submitted,  
8       during the term of each such program, not later than the  
9       expiration of each successive calendar quarter thereafter.

10       (d) RECEIVING COMMITTEES.—The committees spec-  
11      ified in this paragraph are—

12           (1) the Committees on Banking, Housing, and  
13       Urban Affairs and Homeland Security and Govern-  
14       mental Affairs of the Senate; and

15           (2) the Committees on Financial Services and  
16       Transportation and Infrastructure of the House of  
17       Representatives.

18       (e) ONGOING REPORTS ON USE OF AMOUNTS.—

19           (1) QUARTERLY REPORTS.—During the period  
20       that amounts are being expended under the State  
21       grant programs referred to in subsection (a), the  
22       Secretary of Housing and Urban Development shall  
23       submit reports on a quarterly basis to the Commit-  
24       tees on Banking, Housing, and Urban Affairs and  
25       Homeland Security and Governmental Affairs of the

1 Senate, the Committees on Financial Services and  
2 Transportation and Infrastructure of the House of  
3 Representatives, and the Comptroller General of the  
4 United States. Such reports shall be made available  
5 to the public on the Internet. Such reports shall—

6 (A) describe and account for the use of all  
7 such amounts expended during the applicable  
8 quarterly period;

9 (B) certify that internal controls are in  
10 place to prevent waste, fraud, and abuse; and

11 (C) identify any waste, fraud, or abuse in-  
12 volved in the use of such amounts.

13 (2) MONITORING.—The Secretary of Housing  
14 and Urban Development shall monitor funds ex-  
15 pended by each State required to submit reports  
16 under subsection (a) and, pursuant to such moni-  
17 toring—

18 (A) upon determining that at least 2 per-  
19 cent of such amount has been expended, shall  
20 include in the first quarterly report thereafter a  
21 written determination of such expenditure; and

22 (B) upon determining, at any time after  
23 the determination under subparagraph (A), that  
24 the portion of such total amount expended at  
25 such time that was subject to waste, fraud, or

1           abuse exceeds 10 percent, shall include in the  
 2           first quarterly report thereafter a certification  
 3           to that effect.

4           (3) ACTIONS IN RESPONSE TO WASTE, FRAUD,  
 5           AND ABUSE.—If at any time the Secretary of Hous-  
 6           ing and Urban Development submits a report under  
 7           paragraph (1) that includes a certification under  
 8           paragraph (2)(B), the Comptroller General shall  
 9           submit a report to the Committees referred to in  
 10          paragraph (1) within 90 days recommending actions  
 11          to be taken—

12                   (A) to recover any improper expenditures;

13                   and

14                   (B) to prevent further waste, fraud, and  
 15                   abuse in expenditure of such amounts.

16 **SEC. 103. COMMUNITY DEVELOPMENT PILOT PROGRAMS.**

17          (a) AVAILABILITY OF AMOUNTS.—The Secretary of  
 18          Housing and Urban Development shall require the State  
 19          of Louisiana to make available, from any amounts made  
 20          available for such State under the heading “Department  
 21          of Housing and Urban Development—Community Plan-  
 22          ning and Development—Community Development Fund”  
 23          in chapter 9 of title I of division B of Public Law 109–  
 24          148 (119 Stat. 2779) or under such heading in chapter

1 9 of title II of Public Law 109–234 (120 Stat. 472) and  
2 that remain unexpended, the following amounts:

3 (1) FOR ORLEANS PARISH.—\$30,000,000 to the  
4 New Orleans Redevelopment Authority (in this sec-  
5 tion referred to as the “Redevelopment Authority”),  
6 subject to subsection (c), only for use to carry out  
7 the pilot program under this section, provided that,  
8 of such amounts, \$5,000,000 be used to provide low-  
9 interest loans for second mortgages (commonly re-  
10 ferred to as “soft” loans) for homes sold to low-in-  
11 come individuals.

12 (2) OTHER PARISHES.—\$25,000,000 to the  
13 Louisiana Housing Finance Agency to provide  
14 grants to parishes, not including Orleans Parish,  
15 that were declared a disaster area by the President  
16 as a result of Hurricanes Katrina and Rita of 2005  
17 to establish redevelopment programs in those par-  
18 ishes that have requirements that are the same or  
19 substantially similar to the requirements under this  
20 section.

21 (b) PURPOSE.—The pilot program under this section  
22 shall fund, through the combination of amounts provided  
23 under this section with public and private capital from  
24 other sources, the purchase or costs associated with the  
25 acquisition or disposition of individual parcels of land in

1 New Orleans, Louisiana, by the Redevelopment Authority  
 2 to be aggregated, assembled, and sold for the purpose of  
 3 development by the Redevelopment Authority or private  
 4 entities only in accordance with, and subject to, any recovery and redevelopment plans developed and adopted by the  
 5 City of New Orleans. The costs associated with acquisition  
 6 or disposition of a parcel of land may include costs for  
 7 activities described in subsection (c)(3) with respect to  
 8 such parcel and costs described in subsection (c)(6).

10 (c) CERTIFICATIONS.—The Secretary of Housing and  
 11 Urban Development shall ensure that amounts are made  
 12 available pursuant to subsection (a) to the Redevelopment  
 13 Authority only upon the submission to the Secretary of  
 14 certifications to ensure that the Redevelopment Authority—  
 15

16 (1) has the authority to purchase land for re-  
 17 sale for the purpose of development in accordance  
 18 with the pilot program under this section;

19 (2) has bonding authority (either on its own or  
 20 through a State bonding agency) or has credit en-  
 21 hancements sufficient to support public/private fi-  
 22 nancing to acquire land for the purposes of the pilot  
 23 program under this section;

24 (3) has the authority and capacity to ensure  
 25 clean title to land sold under the pilot program and

1 to reduce the risk attributable to and indemnify  
2 against environmental, flood, and other liabilities;

3 (4) will, where practicable, provide a first right  
4 to purchase any land acquired by the Redevelopment  
5 Authority to the seller who sold the land to the Re-  
6 development Authority, consistent with any recovery  
7 and redevelopment plans developed and adopted by  
8 the City of New Orleans;

9 (5) has in place sufficient internal controls to  
10 prevent waste, fraud, and abuse and to ensure that  
11 funds made available under this subsection may not  
12 be used to fund salaries or other administrative  
13 costs of the employees of the Redevelopment Author-  
14 ity; and

15 (6) will, in carrying out the pilot program  
16 under this section, consult with the City of New Or-  
17 leans regarding coordination of activities under the  
18 program with the recovery and redevelopment plans  
19 referred to in subsection (b), reimbursement of such  
20 City for costs incurred in support of the program,  
21 and use of program income and other amounts gen-  
22 erated through the program.

23 (d) DEVELOPMENT REQUIREMENTS.—In carrying  
24 out the pilot program under this section, the Redevelop-  
25 ment Authority shall—

1           (1) sell land acquired under the pilot program  
2           only as provided in subsection (b);

3           (2) use any proceeds from the sale of such land  
4           to replenish funds available for use under the pilot  
5           program for the purpose of acquiring new parcels of  
6           land or to repay any private financing for such pur-  
7           chases;

8           (3) require that in instances where land is de-  
9           veloped under this section, and used for housing, not  
10          less than 25 percent of such housing be affordable  
11          and made available to low-, very low-, and extremely  
12          low-income households;

13          (4) sell land only—

14                (A) to purchasers who agree to develop  
15                such sites for sale to the public;

16                (B) to purchasers pursuant to subsection  
17                (c)(4); or

18                (C) to developers who are developing sites,  
19                including public housing development sites, as  
20                part of a neighborhood revitalization plan;

21          (5) ensure that any—

22                (A) development under the program is con-  
23                sistent with neighborhood revitalization plans  
24                and in accordance with any recovery and rede-

1           velopment plans developed and adopted by the  
2           City of New Orleans; and

3           (B) uses of such development are not in-  
4           consistent with redevelopment of adjacent par-  
5           cels, where possible; and

6           (6) where properties are located in neighbor-  
7           hoods where public housing redevelopment is occur-  
8           ring, give priority consideration to making such  
9           properties available to meet the housing replacement  
10          requirements under this Act.

11          (e) INAPPLICABILITY OF STAFFORD ACT LIMITA-  
12          TIONS.—Any requirements or limitations under or pursu-  
13          ant to the Robert T. Stafford Disaster Relief and Emer-  
14          gency Assistance Act relating to use of properties acquired  
15          with amounts made available under such Act for certain  
16          purposes, restricting development of such properties, or  
17          limiting subsequent alienation of such properties shall not  
18          apply to amounts provided under this section or properties  
19          acquired under the pilot program with such amounts.

20          (f) GAO STUDY AND REPORT.—

21               (1) IN GENERAL.—Upon the expiration of the  
22          2-year period beginning on the date of the enact-  
23          ment of this Act, the Comptroller General of the  
24          United States shall conduct a study of the pilot pro-  
25          gram carried out under this section to determine the

1 effectiveness and limitations of, and potential im-  
2 provements for, such program.

3 (2) TIMING OF REPORT.—Not later than 180  
4 days after the expiration of the 2-year period de-  
5 scribed in paragraph (1), the Comptroller General  
6 shall submit a report to the Committees on Banking,  
7 Housing, and Urban Affairs and Homeland Security  
8 and Governmental Affairs of the Senate, and the  
9 Committees on Financial Services and Transpor-  
10 tation and Infrastructure of the House of Represent-  
11 atives and regarding the results of the study.

12 (3) REQUIRED CONTENT.—The report required  
13 under paragraph (2) shall include a forensic audit  
14 that examines the effectiveness of internal controls  
15 to prevent waste, fraud, and abuse within the pilot  
16 program.

17 **SEC. 104. ROAD HOME PROGRAM SHORTFALL.**

18 (a) AUTHORIZATION OF APPROPRIATIONS.—There  
19 are authorized to be appropriated such sums as may be  
20 necessary for the State of Louisiana to carry out the Road  
21 Home Program, provided that as of June 1, 2007, the  
22 State of Louisiana has provided at least \$1,000,000,000  
23 for such program.

24 (b) EXCEPTION FROM PROHIBITION ON DUPLICA-  
25 TION OF BENEFITS.—Notwithstanding any other provi-

1 sion of law, to the extent that amounts made available  
 2 under the heading “Department of Housing and Urban  
 3 Development-Community Planning and Development—  
 4 Community Development Fund” in chapter 9 of title I of  
 5 division B of Public Law 109–148 (119 Stat. 2779),  
 6 under such heading in chapter 9 of title II of Public Law  
 7 109–234 (120 Stat. 472), and under section 101 of this  
 8 title, are used by the State of Louisiana under the Road  
 9 Home Program, the procedures preventing duplication of  
 10 benefits established pursuant to the penultimate proviso  
 11 under such heading in Public Law 109–148 (119 Stat.  
 12 2781) and the 15th proviso under such heading in Public  
 13 Law 109–234 (120 Stat. 473) shall not apply with respect  
 14 to any benefits received from disaster payments from the  
 15 Federal Emergency Management Agency, or disaster as-  
 16 sistance provided from the Small Business Administration,  
 17 except to the extent that the inapplicability of such proce-  
 18 dures would result in a household receiving more than is  
 19 necessary to repair or rebuild their structure and property,  
 20 and pay for temporary relocation and necessities.

21 **SEC. 105. ELIMINATION OF PROHIBITION OF USE FOR**  
 22 **MATCH REQUIREMENT.**

23 (a) IN GENERAL.—Notwithstanding any other provi-  
 24 sion of law, any amounts made available before the date  
 25 of the enactment of this Act for activities under the Com-

1 munity Development Block Grant Program under title I  
 2 of the Housing and Community Development Act of 1974  
 3 (42 U.S.C. 5301 et seq.) for expenses related to disaster  
 4 relief, long-term recovery, and restoration of infrastruc-  
 5 ture in the areas impacted or distressed by the con-  
 6 sequences of Hurricane Katrina, Rita, or Wilma in States  
 7 for which the President declared a major disaster, or made  
 8 available before such date of enactment for such activities  
 9 for such expenses in the areas impacted or distressed by  
 10 the consequences of Hurricane Dennis, may be used by  
 11 a State or locality as a matching requirement, share, or  
 12 contribution for any other Federal program.

13 (b) EFFICIENT ENVIRONMENTAL REVIEW.—If an en-  
 14 vironmental review for a project funded by any amounts  
 15 referred to in subsection (a) has been completed by a Fed-  
 16 eral agency, such environmental review shall be considered  
 17 sufficient for receipt and use of all Federal funds, provided  
 18 that such environmental review is substantially similar to  
 19 an environmental review under the procedures authorized  
 20 under section 104(g) of the Housing and Community De-  
 21 velopment Act of 1974 (42 U.S.C. 5304(g)).

22 **SEC. 106. REIMBURSEMENT OF AMOUNTS USED FOR RENT-**  
 23 **AL HOUSING ASSISTANCE.**

24 There are authorized to be appropriated, from any  
 25 amounts made available before the date of the enactment

1 of this Act under any provision of law to the Federal  
2 Emergency Management Agency for disaster relief under  
3 the Robert T. Stafford Disaster Relief and Emergency As-  
4 sistance Act relating to the consequences of Hurricane  
5 Katrina, Rita, or Wilma that remain unobligated, and  
6 from any amounts made available before such date of en-  
7 actment under any provision of law to such Agency for  
8 such disaster relief relating to the consequences of Hurri-  
9 cane Dennis that remain unobligated, such sums as may  
10 be necessary to be made available to the Administrator  
11 of the Federal Emergency Management Agency for trans-  
12 fer to the Secretary of Housing and Urban Development,  
13 for such Secretary to provide assistance under title I of  
14 the Housing and Community Development Act of 1974  
15 (42 U.S.C. 5301 et seq.) to reimburse metropolitan cities  
16 and urban counties for amounts used, including amounts  
17 from the Community Development Block Grant Program,  
18 the HOME Investment Partnership Program, and other  
19 programs, to provide rental housing assistance for families  
20 residing in such city or county pursuant to evacuation  
21 from their previous residences because of such hurricanes,  
22 provided that such city or county has not previously been  
23 reimbursed for such expenditures.

## 1       **TITLE II—PUBLIC HOUSING**

### 2   **SEC. 201. SURVEY OF PUBLIC HOUSING RESIDENTS.**

3       (a) SURVEY.—The Secretary of Housing and Urban  
 4 Development shall contract with an independent research  
 5 entity to conduct a survey, using appropriate scientific re-  
 6 search methods to determine, of the households who as  
 7 of August 28, 2005, resided in public housing (as such  
 8 term is defined in section 3(b) of the United States Hous-  
 9 ing Act of 1937 (42 U.S.C. 1437a(b)) operated or admin-  
 10 istered by the Housing Authority of New Orleans, in Lou-  
 11 isiana—

12               (1) which and how many such households in-  
 13 tend to return to residences in dwelling units de-  
 14 scribed in section 202(d) of this Act, when presented  
 15 with the options of—

16                       (A) returning to residence in a repaired  
 17 public housing or comparable dwelling unit in  
 18 New Orleans immediately;

19                       (B) returning to residence in a temporary  
 20 repaired residence in New Orleans immediately,  
 21 and then moving from such repaired residence  
 22 to a newly redeveloped public housing unit at a  
 23 later date; or

24                       (C) continuing to receive rental housing as-  
 25 sistance from the Federal Government in a lo-

1 cation other than New Orleans or in New Orle-  
2 ans; and

3 (2) when households who choose the options de-  
4 scribed under subparagraphs (A) or (B) of para-  
5 graph (1) intend to return.

6 (b) PARTICIPATION OF RESIDENTS.—The Secretary  
7 shall solicit recommendations from resident councils and  
8 residents of public housing operated or administered by  
9 such Housing Authority in designing and conducting the  
10 survey under subsection (a).

11 (c) PROPOSED SURVEY DOCUMENT.—The Secretary  
12 shall submit the full research design of the proposed docu-  
13 ment to be used in conducting the survey to the Com-  
14 mittee on Banking, Housing, and Urban Affairs of the  
15 Senate and the Committee on Financial Services of the  
16 House of Representatives not less than 10 business days  
17 before the commencement of such survey.

18 (d) REPORT.—The Secretary shall submit a report  
19 to the committees referred to in subsection (c) detailing  
20 the results of the survey conducted under subsection (a)  
21 not later than 90 days after the date of the enactment  
22 of this Act.

1 **SEC. 202. HOUSING FOR PREVIOUS RESIDENTS OF PUBLIC**  
2 **HOUSING.**

3 (a) PROVISION OF DWELLING UNITS.—Not later  
4 than 90 days after the date of the enactment of this Act,  
5 the Housing Authority of New Orleans shall make avail-  
6 able for temporary or permanent occupancy, subject to  
7 subsection (b), a number of dwelling units (including those  
8 currently occupied) described in subsection (d) that is not  
9 less than the greater of—

10 (1) 3,000; or

11 (2) the number of households who have indi-  
12 cated, in the survey conducted pursuant to section  
13 201, that they intend to return to residence within  
14 120 days after the date of the enactment of this Act,  
15 in public housing operated or administered by such  
16 public housing agency.

17 (b) HOUSING FOR FORMER PUBLIC HOUSING RESI-  
18 DENTS.—

19 (1) IN GENERAL.—Subject only to subsection  
20 (c), the Housing Authority of New Orleans shall  
21 make available, upon the request of any household  
22 who, as of August 28, 2005, was a tenant of public  
23 housing operated or administered by such public  
24 housing agency, permanent or temporary occupancy  
25 (as may be necessary for redevelopment plans) for

1 such household in a dwelling unit provided pursuant  
2 to subsection (a), so long as—

3 (A) the tenant—

4 (i) notifies the Housing Authority of  
5 New Orleans, not later than 75 days after  
6 the date of the enactment of this Act, of  
7 that tenant's intent to return; and

8 (ii) identifies a date that the tenant  
9 intends to occupy such a dwelling unit,  
10 which shall be not later than 120 days  
11 after the date of the enactment of this Act;  
12 and

13 (B) the tenant was rightfully occupying a  
14 public housing unit of the Housing Authority of  
15 New Orleans on August 28, 2005.

16 (2) PREFERENCES.—In making dwelling units  
17 available to households pursuant to paragraph (1),  
18 such Housing Authority shall provide to each return-  
19 ing tenant the choice to live in—

20 (A) a dwelling unit in the same public  
21 housing project occupied by the tenant as of  
22 August 28, 2005, or in the surrounding neigh-  
23 borhood in which such public housing project  
24 was located, if available; or

1 (B) in any other available dwelling unit in  
2 various other areas of the City of New Orleans,  
3 provided that the Housing Authority give each  
4 resident a choice of available units in various  
5 neighborhoods throughout the City of New Or-  
6 leans.

7 (c) PROHIBITION OF EXCLUSION.—The Housing Au-  
8 thority of New Orleans shall not, including through the  
9 application of any waiting list or eligibility, screening, oc-  
10 cupancy, or other policy or practice, prevent any household  
11 referred to in subsection (b)(1) from occupying a replace-  
12 ment dwelling unit provided pursuant to subsection (a),  
13 except that such Housing Authority or other manager  
14 shall prevent a household from occupying such a dwelling  
15 unit, and shall provide for occupancy in such dwelling  
16 units, as follows:

17 (1) Notwithstanding any priority under para-  
18 graph (4), a household shall be prevented from such  
19 occupancy to the extent that any other provision of  
20 Federal law prohibits occupancy or tenancy of such  
21 household, or any individual who is a member of  
22 such household, in the type of housing of the re-  
23 placement dwelling unit provided for such household.

24 (2) Notwithstanding any priority under para-  
25 graph (4), a household shall be prevented from such

1 occupancy if it includes any individual who has been  
2 convicted of a drug dealing offense, sex offense, or  
3 crime of domestic violence.

4 (d) REPLACEMENT DWELLING UNITS.—A dwelling  
5 unit described in this subsection is—

6 (1) a dwelling unit in public housing operated  
7 or administered by the Housing Authority of New  
8 Orleans; or

9 (2) a dwelling unit in other comparable housing  
10 located in the jurisdiction of the Housing Authority  
11 of New Orleans for which the sum of the amount re-  
12 quired to be contributed by the tenant for rent and  
13 any separate utility costs for such unit borne by the  
14 tenant is comparable to the sum of the amount re-  
15 quired to be contributed by the tenant for rental of  
16 a comparable public housing dwelling unit and any  
17 separate utility costs for such unit borne by the ten-  
18 ant.

19 (e) RELOCATION ASSISTANCE.—The Housing Au-  
20 thority of New Orleans shall provide, to each household  
21 provided occupancy in a dwelling unit pursuant to sub-  
22 section (b), assistance under the Uniform Relocation As-  
23 sistance and Real Property Acquisitions Policy Act of  
24 1970 (42 U.S.C. 4601 et seq.) for relocation to such dwell-  
25 ing unit.

1 **SEC. 203. REPLACEMENT OF PUBLIC HOUSING DWELLING**  
2 **UNITS.**

3 (a) **CONDITIONS ON DEMOLITION.**—After the date of  
4 the enactment of this Act, the Housing Authority of New  
5 Orleans may only demolish or dispose of dwelling units  
6 of public housing operated or administered by such agency  
7 (including any uninhabitable unit) pursuant to a plan for  
8 replacement of such units, as approved by the Secretary  
9 of Housing and Urban Development pursuant to sub-  
10 section (b).

11 (b) **PLAN REQUIREMENTS.**—The Secretary may only  
12 approve a plan for demolition or disposition of dwelling  
13 units of public housing referred to in subsection (a), if—

14 (1) there is a clear process for the opportunity  
15 to comment by the residents and resident councils of  
16 public housing operated or administered by such  
17 Housing Authority or the City of New Orleans, and  
18 the community in which such demolition or disposi-  
19 tion is to occur, including the opportunity for com-  
20 ment on specific proposals at each stage of redevelop-  
21 ment, demolition, or disposition;

22 (2) not later than 60 days before the date of  
23 the approval of such plan, such Housing Authority  
24 has convened and conducted at least 1 public hear-  
25 ing regarding the demolition or disposition proposed  
26 in the plan;

1           (3) such plan provides that for each such dwell-  
2           ing unit demolished or disposed of, such public hous-  
3           ing agency will provide additional affordable housing  
4           as set forth under subsection (c);

5           (4) such plan provides for the implementation  
6           of a right for households to occupancy housing in ac-  
7           cordance with section 202;

8           (5) such plan provides priority in making units  
9           available under paragraph (3) to residents identified  
10          in section 201;

11          (6) such plan provides for offering public hous-  
12          ing units built on site, first to former residents of  
13          that public housing development who indicate they  
14          would like to return, subject to exclusions permitted  
15          under Federal law for criminal activity;

16          (7) such plan provides that the proposed demo-  
17          lition or disposition and relocation will be carried out  
18          in a manner that affirmatively furthers fair housing,  
19          as described in subsection (e) of section 808 of the  
20          Civil Rights Act of 1968;

21          (8) such plan provides for comprehensive resi-  
22          dent services; and

23          (9) such plan provides for procedures for people  
24          who were on the waiting list on August 28, 2005, to

1 receive consideration to receive housing for any units  
2 that are not needed for returning residents.

3 (c) REPLACEMENT UNITS.—

4 (1) PREVIOUSLY OCCUPIED UNITS.—For each  
5 public housing unit demolished or disposed of under  
6 this section, which was occupied by tenants on Au-  
7 gust 28, 2005, the Housing Authority of New Orle-  
8 ans and the Secretary of Housing and Urban Devel-  
9 opment shall provide at least 1 of the following re-  
10 placement housing opportunities:

11 (A) The acquisition or development of ad-  
12 ditional public housing dwelling units, including  
13 units in the neighborhood where the demolished  
14 or disposed of units were located.

15 (B) The acquisition, development, or con-  
16 tracting (including through project-based assist-  
17 ance) of additional dwelling units that are sub-  
18 ject to requirements regarding eligibility for oc-  
19 cupancy, tenant contribution toward rent, and  
20 long-term affordability restrictions which are  
21 comparable to public housing units, including  
22 units in the neighborhood where the demolished  
23 or disposed of units were located.

24 (C) The development or contracting of  
25 project-based voucher assistance under section

1           8(o)(13) of the United States Housing Act of  
2           1937 (42 U.S.C. 1437f(o)(13)), for not less  
3           than 15 years.

4           (2) NONOCCUPIED UNITS.—For each public  
5           housing unit demolished or disposed of under this  
6           section, which was not occupied by tenants on Au-  
7           gust 28, 2005, the Secretary of Housing and Urban  
8           Development shall provide, and the Housing Author-  
9           ity of New Orleans shall provide a replacement hous-  
10          ing unit as described in paragraph (1) or shall issue  
11          a voucher under section 8(o) of the United States  
12          Housing Act of 1937 (42 U.S.C. 1437f(o)), provided  
13          that the Housing Authority establishes, within 60  
14          days after the date of enactment of this Act, a sys-  
15          tem to project base such vouchers, as permitted  
16          under section 8(o)(13) of such Act.

17          (d) INAPPLICABLE PROVISIONS.—Subparagraphs (B)  
18          and (D) of section 8(o)(13) of the United States Housing  
19          Act of 1937 (42 U.S.C. 1437f(o)(13)) shall not apply with  
20          respect to vouchers used to comply with the requirements  
21          of subsection (b)(3) of this section, except that not more  
22          than 50 percent of the units in any such affordable hous-  
23          ing project may be assisted under a housing assistance  
24          contract for project-based assistance under such section

1 8(o)(13), unless all units are specifically made available  
 2 to seniors or people with disabilities.

3 (e) MONITORING.—The Secretary of Housing and  
 4 Urban Development shall provide for the appropriate field  
 5 offices of the Department to monitor and supervise en-  
 6 forcement of this section and plans approved under this  
 7 section and to consult, regarding such monitoring and en-  
 8 forcement, with resident councils of, and residents of pub-  
 9 lic housing operated or administered by, the Housing Au-  
 10 thority of New Orleans and with the City of New Orleans.

11 **SEC. 204. RESIDENT SUPPORT SERVICES.**

12 (a) IN GENERAL.—In any instance where the Hous-  
 13 ing Authority of New Orleans is providing housing vouch-  
 14 ers or affordable housing that is not public housing, as  
 15 described in section 203, the Housing Authority shall, di-  
 16 rectly or through the use of contractors—

17 (1) provide mobility counseling to residents of  
 18 such housing;

19 (2) conduct outreach to landlords of such hous-  
 20 ing in all areas of the City of New Orleans and the  
 21 region; and

22 (3) work with developers to project-base vouch-  
 23 er assistance under section 8(o)(13) of the United  
 24 States Housing Act of 1937 (42 U.S.C.

1        1437f(o)(13)) in low-poverty neighborhoods, and  
 2        neighborhoods undergoing revitalization.

3        (b) REPORTS.—Not later than 6 months after the  
 4        date of enactment of this Act, and every 6 months there-  
 5        after, the Housing Authority of New Orleans shall submit  
 6        a report to the Secretary and Congress on its activities  
 7        under this section, including—

8                (1) the number and location of nonpublic hous-  
 9        ing units provided;

10               (2) the census tract in which those units are lo-  
 11       cated;

12               (3) the poverty rate in those census tracts;

13               (4) the rent burdens of households assisted  
 14       under this section;

15               (5) any demographic data, reported by census  
 16       tract, on who is served in the program; and

17               (6) the efforts of the Authority to affirmatively  
 18       further fair housing.

19       **SEC. 205. PUBLIC HOUSING IN KATRINA AND RITA DIS-**  
 20               **ASTER AREAS.**

21        (a) CONDITIONS ON DEMOLITION.—For the 2-year  
 22       period after the date of the enactment of this Act, a public  
 23       housing agency may only dispose or demolish public hous-  
 24       ing dwelling units located in any area for which a major  
 25       disaster or emergency was declared by the President pur-

1 suant to the Robert T. Stafford Disaster Relief and Emer-  
 2 gency Assistance Act as a result of Hurricane Katrina or  
 3 Rita of 2005, other than those covered under section 203,  
 4 pursuant to a plan for replacement of such units in ac-  
 5 cordance with, and approved by the Secretary of Housing  
 6 and Urban Development pursuant to subsections (b) and  
 7 (c).

8 (b) PLAN REQUIREMENTS.—The Secretary may only  
 9 approve a plan for demolition or disposition of dwelling  
 10 units of public housing referred to in subsection (a), if—

11 (1) there is a clear process for the opportunity  
 12 to comment by the residents and resident councils of  
 13 public housing operated or administered by the  
 14 Housing Authority, and the community in which  
 15 such demolition or disposition is to occur, including  
 16 the opportunity for comment on specific proposals  
 17 for redevelopment, demolition, or disposition;

18 (2) not later than 60 days before the date of  
 19 the approval of such plan, such Housing Authority  
 20 has convened and conducted at least 1 public hear-  
 21 ing regarding the demolition or disposition proposed  
 22 in the plan;

23 (3) such plan provides that for each such dwell-  
 24 ing unit demolished or disposed of, such public hous-

1       ing agency will provide additional affordable replace-  
2       ment housing as set forth under subsection (c);

3           (4) such plan provides that the proposed demo-  
4       lition or disposition and relocation will be carried out  
5       in a manner that affirmatively furthers fair housing,  
6       as described in subsection (e) of section 808 of the  
7       Civil Rights Act of 1968;

8           (5) such plan provides for comprehensive resi-  
9       dent services;

10          (6) such plan provides for offering public hous-  
11       ing units built on site, first to former residents of  
12       that public housing development who indicate they  
13       would like to return, subject to exclusions permitted  
14       under Federal law for criminal activity; and

15          (7) such plan provides for procedures for people  
16       who were on the waiting list on August 28, 2005, to  
17       receive consideration to receive housing for any units  
18       that are not needed for returning residents.

19       (c) REPLACEMENT UNITS.—

20          (1) PREVIOUSLY OCCUPIED UNITS.—For each  
21       public housing unit demolished or disposed of under  
22       this section, which was occupied by tenants on Au-  
23       gust 28, 2005, the Housing Authority shall provide  
24       at least 1 of the following replacement housing op-  
25       portunities:

1 (A) The acquisition or development of ad-  
 2 ditional public housing dwelling units.

3 (B) The acquisition, development, or con-  
 4 tracting (including through project-based assist-  
 5 ance) of additional dwelling units that are sub-  
 6 ject to requirements regarding eligibility for oc-  
 7 cupancy, tenant contribution toward rent, and  
 8 long-term affordability restrictions which are  
 9 comparable to public housing units.

10 (C) Project-based voucher assistance under  
 11 section 8(o) of the United States Housing Act  
 12 of 1937 (42 U.S.C. 1437f(o)), for not less than  
 13 10 years.

14 (2) NONOCCUPIED UNITS.—For each public  
 15 housing unit demolished or disposed of under this  
 16 section, which was not occupied by tenants on Au-  
 17 gust 28, 2005, the Secretary of Housing and Urban  
 18 Development shall provide, and the Housing Author-  
 19 ity shall provide a replacement housing unit as de-  
 20 scribed in paragraph (1) or shall issue a voucher  
 21 under section 8(o) of the United States Housing Act  
 22 of 1937 (42 U.S.C. 1437f(o)).

23 (d) RELOCATION ASSISTANCE.—A public housing  
 24 agency shall provide, to each household relocated pursuant  
 25 to a plan under this section for demolition or disposition,

1 assistance under the Uniform Relocation Assistance and  
 2 Real Property Acquisitions Policy Act of 1970 for reloca-  
 3 tion to their new residence.

4 (e) RETURN OF PUBLIC HOUSING TENANTS.—A  
 5 public housing agency administering or operating public  
 6 housing dwelling units described in subsection (a) shall—

7 (1) use its best efforts to locate tenants dis-  
 8 placed from such public housing as a result of Hur-  
 9 ricane Katrina or Rita; and

10 (2) provide such residents occupancy in public  
 11 housing dwelling units of such agency that become  
 12 available for occupancy, or other comparable afford-  
 13 able units, and to ensure such residents a means to  
 14 return to such housing if they so choose.

15 (f) INAPPLICABILITY OF CERTAIN PROJECT-BASED  
 16 VOUCHER LIMITATIONS.—Subparagraphs (B) and (D) of  
 17 section 8(o)(13) of the United States Housing Act of 1937  
 18 (42 U.S.C. 1437f(o)(13)) shall not apply with respect to  
 19 any project-based vouchers used to comply with the re-  
 20 quirements of a plan under subsection (c), except that not  
 21 more than 50 percent of the units in any such affordable  
 22 housing project may be assisted under a housing assist-  
 23 ance contract for project-based assistance under such sec-  
 24 tion 8(o)(13), unless all units are specifically made avail-  
 25 able to seniors or people with disabilities.

1 (g) DISPLACEMENT FROM HABITABLE UNITS.—A  
 2 public housing agency may not displace a tenant from any  
 3 public housing dwelling unit described in this section that  
 4 is administered or operated by such agency and is habit-  
 5 able (including during any period of rehabilitation), unless  
 6 the agency provides a suitable and comparable replace-  
 7 ment dwelling unit for such tenant.

8 **SEC. 206. REPORTS ON PROPOSED CONVERSIONS OF PUB-**  
 9 **LIC HOUSING UNITS.**

10 Not later than the expiration of the 15-day period  
 11 beginning on the date of the enactment of this Act, the  
 12 Secretary of Housing and Urban Development shall sub-  
 13 mit to the Committee on Banking, Housing, and Urban  
 14 Affairs of the Senate and the Committee on Financial  
 15 Services of the House of Representatives a detailed report  
 16 identifying all public housing projects located in areas im-  
 17 pacted by Hurricane Katrina or Rita of 2005, for which  
 18 plans exist to transfer ownership to other entities or agen-  
 19 cies. Such report shall include the following information  
 20 for each such project:

- 21 (1) The name and location.
- 22 (2) The number of dwelling units.
- 23 (3) The proposed new owner.
- 24 (4) The existing income eligibility and rent pro-
- 25 visions.

1           (5) Duration of existing affordability restric-  
2       tions.

3           (6) The proposed date of transfer.

4           (7) An analysis of the impact on residents and  
5       low-income families on the waiting list of such trans-  
6       fer.

7       **SEC. 207. AUTHORIZATION OF APPROPRIATIONS FOR RE-**  
8                               **PAIR AND REHABILITATION FOR KATRINA**  
9                               **AND RITA DISASTER AREAS.**

10       There are authorized to be appropriated such sums  
11 as may be necessary to carry out activities eligible for  
12 funding under the Capital Fund under section 9 of the  
13 United States Housing Act of 1937 (42 U.S.C. 1437g)  
14 for the repair, rehabilitation, redevelopment, and replace-  
15 ment of public housing in a designated disaster area, and  
16 for relocation expenses and community and supportive  
17 services for the residents of public housing operated or ad-  
18 ministered by housing agencies in such designated disaster  
19 areas.

20       **SEC. 208. EXISTING PUBLIC HOUSING REDEVELOPMENT.**

21       Notwithstanding the provisions of any request for  
22 qualification or proposal issued before the date of the en-  
23 actment of this Act with respect to any public housing op-  
24 erated or administered by a housing agency in a des-  
25 ignated disaster area, the housing agency shall provide re-

1 placement housing as required under section 203 or 205,  
 2 as applicable.

3 **SEC. 209. REPORTS ON COMPLIANCE.**

4 Not later than the expiration of the 30-day period  
 5 beginning on the date of the enactment of this Act and  
 6 not later than the expiration of each calendar quarter  
 7 thereafter, the Secretary of Housing and Urban Develop-  
 8 ment shall submit a detailed report regarding compliance  
 9 with the requirements of this title, including the resident  
 10 participation requirement under section 203(b)(1), to the  
 11 Committee on Banking, Housing, and Urban Affairs of  
 12 the Senate, the Committee on Financial Services of the  
 13 House of Representatives, the resident councils of, and  
 14 residents of public housing operated or administered by,  
 15 a housing agency in a disaster area, and the City of New  
 16 Orleans.

17 **SEC. 210. INDEPENDENT ADMINISTRATION OF HOUSING**  
 18 **AUTHORITY OF NEW ORLEANS.**

19 (a) RECEIVERSHIP.—Not later than 30 days after the  
 20 date of the enactment of this Act, the Secretary of Hous-  
 21 ing and Urban Development shall petition for judicial re-  
 22 ceivership of the Housing Authority of New Orleans pur-  
 23 suant to section 6(j)(3)(A)(ii) of the United States Hous-  
 24 ing Act of 1937 (42 U.S.C. 1437d(j)(3)(A)(ii)).

1 (b) EFFECT OF RECEIVERSHIP.—Any judicial re-  
 2 ceiver of the Housing Authority of New Orleans appointed  
 3 pursuant to subsection (a) shall be required to comply  
 4 with all the provisions of this Act.

5 (c) SENSE OF CONGRESS.—It is the sense of the Con-  
 6 gress that the judicial receiver of the Housing Authority  
 7 of New Orleans appointed pursuant to subsection (a) shall  
 8 consider new and innovative models for administration of  
 9 the Housing Authority of New Orleans, including public-  
 10 private partnerships.

11 **SEC. 211. DEFINITION.**

12 For purposes of this title, the term “designated dis-  
 13 aster area” means any area that was the subject of a dis-  
 14 aster declaration by the President under title IV of the  
 15 Robert T. Stafford Disaster Relief and Emergency Assist-  
 16 ance Act (42 U.S.C. 5121 et seq.) in response to Hurri-  
 17 canes Katrina or Rita of 2005.

18 **TITLE III—DISASTER VOUCHER**  
 19 **PROGRAM AND PROJECT-**  
 20 **BASED RENTAL ASSISTANCE**

21 **SEC. 301. DISASTER VOUCHER PROGRAM.**

22 (a) AUTHORIZATION.—There are authorized to be ap-  
 23 propriated such sums as may be necessary to provide as-  
 24 sistance under the Disaster Voucher Program of the De-  
 25 partment of Housing and Urban Development established

1 pursuant to Public Law 109–148 (119 Stat. 2779)  
 2 through June 30, 2008, and, to the extent that amounts  
 3 for such purpose are made available, such program, and  
 4 the authority of the Secretary of Housing and Urban De-  
 5 velopment to waive requirements under section 8 of the  
 6 United States Housing Act of 1937 (42 U.S.C. 1437f) in  
 7 administering assistance under such program, shall be so  
 8 extended.

9 (b) TRANSFER OF DISASTER VOUCHER PROGRAM TO  
 10 TENANT-BASED ASSISTANCE.—

11 (1) TRANSFER TO SECTION 8 VOUCHER PRO-  
 12 GRAM.—There are authorized to be appropriated, for  
 13 tenant-based assistance under section 8(o) of the  
 14 United States Housing Act of 1937 (42 U.S.C.  
 15 1437f(o)), such sums as may be necessary to provide  
 16 vouchers for households transitioning from the Dis-  
 17 aster Voucher Program of the Department of Hous-  
 18 ing and Urban Development established pursuant to  
 19 Public Law 109–148 (119 Stat. 2779) for the period  
 20 that such household is eligible for such voucher as-  
 21 sistance, as of the termination date of the Disaster  
 22 Voucher Program, for each household that—

23 (A) is assisted under such program;

24 (B) did not receive assistance under sec-  
 25 tion 8(o) of the United States Housing Act of

1           1937 (42 U.S.C. 1437f(o)) at the time of Hur-  
2           ricane Katrina or Rita of 2005;

3           (C) is not eligible for tenant replacement  
4           voucher assistance under section 302 of this  
5           Act; or

6           (D) is eligible for tenant replacement  
7           voucher assistance under section 302, but has  
8           not received such assistance.

9           (2) ELIGIBILITY FOR ASSISTANCE.—Subject to  
10          the availability of appropriations, as of January 1,  
11          2008, any household meeting the requirements in  
12          paragraph (1) shall receive tenant-based assistance  
13          under section 8(o) of the United States Housing Act  
14          of 1937 (42 U.S.C. 1437f(o)).

15          (3) ADMINISTRATION OF ASSISTANCE.—Vouch-  
16          er assistance provided under this subsection shall be  
17          administered by the public housing agency having  
18          jurisdiction of the area in which such assisted family  
19          resides as of such termination date.

20          (4) TEMPORARY VOUCHERS.—If at any time a  
21          household for whom a voucher for rental housing as-  
22          sistance is provided pursuant to this section becomes  
23          ineligible for such rental assistance—

24                 (A) the public housing agency admin-  
25                 istering such voucher pursuant to this section

1           may not provide rental assistance under such  
2           voucher for any other household;

3                   (B) the Secretary of Housing and Urban  
4           Development shall recapture from such agency  
5           any remaining amounts for assistance attrib-  
6           utable to such voucher and may not reobligate  
7           such amounts to any public housing agency;  
8           and

9                   (C) such voucher shall not be taken into  
10          consideration for purposes of determining fu-  
11          ture allocation of amounts for tenant-based  
12          rental assistance for any public housing agency.

13          (c) FORMER VOUCHER PROGRAM PARTICIPANTS.—  
14          Households who were receiving assistance under section  
15          8(o) of the United States Housing Act of 1937 (42 U.S.C.  
16          1437f(o)) as of August 28, 2005, shall continue to be as-  
17          sisted under such section (8)(o), subject to all the require-  
18          ments under that section.

19          (d) IDENTIFICATION AND NOTIFICATION OF DVP-  
20          ELIGIBLE HOUSEHOLDS NOT ASSISTED.—Prior to Octo-  
21          ber 31, 2007, the Secretary of Housing and Urban Devel-  
22          opment shall work with the Federal Emergency Manage-  
23          ment Agency and State and local housing agencies to iden-  
24          tify households who, as of the date of the enactment of  
25          this Act, are eligible for assistance under this section but

1 are not receiving assistance under this section. Upon iden-  
 2 tification of each such household, the Secretary shall—

3 (1) notify such household of the housing options  
 4 available under this Act; and

5 (2) to the extent that the family is eligible for  
 6 such options at such time of identification, offer the  
 7 household assistance under this section.

8 **SEC. 302. TENANT REPLACEMENT VOUCHERS FOR ALL**  
 9 **LOST UNITS.**

10 (a) IN GENERAL.—There are authorized to be appro-  
 11 priated such sums as may be necessary to provide tenant  
 12 replacement vouchers under section 8 of the United States  
 13 Housing Act of 1937 (42 U.S.C. 1437f) for the number  
 14 of households that are equal to—

15 (1) the number of assisted dwelling units  
 16 (whether occupied or unoccupied) located in covered  
 17 assisted multifamily housing projects (as such term  
 18 is defined in section 308(e) of this Act) that are not  
 19 approved for reuse or resiting by the Secretary of  
 20 Housing and Urban Development; plus

21 (2) the number of public housing dwelling units  
 22 that, as of August 28, 2005, were located in areas  
 23 affected by Hurricane Katrina and were considered  
 24 for purposes of allocating operating and capital as-  
 25 sistance under section 9 of the United States Hous-

1       ing Act of 1937 (whether occupied or unoccupied),  
2       that will not be put back into use for occupancy;  
3       plus

4           (3) the number of public housing dwelling units  
5       that, as of September 24, 2005, were located in  
6       areas affected by Hurricane Rita and were consid-  
7       ered for purposes of allocating operating or capital  
8       assistance under section 9 of the United States  
9       Housing Act of 1937 (whether occupied or unoccu-  
10      pied), that will not be put back into use for occu-  
11      pancy; minus

12          (4) the number of previously awarded enhanced  
13      vouchers for assisted dwelling units and tenant pro-  
14      tection vouchers for public housing units covered  
15      under this section.

16      (b) ALLOCATION.—Any amounts made available pur-  
17      suant to this section shall, upon the request of a public  
18      housing agency for such voucher assistance, be allocated  
19      to the public housing agency based on the number of  
20      dwelling units described in paragraph (1) or (2) of sub-  
21      section (a) that are located in the jurisdiction of the public  
22      housing agency.

23      (c) ISSUANCE.—The Secretary of Housing and Urban  
24      Development shall issue replacement vouchers for all units

1 approved for reuse, resiting, or replacement that are not  
 2 available for occupancy on January 1, 2010.

3 **SEC. 303. VOUCHER ASSISTANCE FOR HOUSEHOLDS RE-**  
 4 **CEIVING FEMA ASSISTANCE.**

5 (a) FEMA TRANSFER OF ASSISTANCE.—As of De-  
 6 cember 21, 2007, the Federal Emergency Management  
 7 Agency shall transfer to the Secretary of Housing and  
 8 Urban Development all of its authority and power relating  
 9 to the administration of rental assistance, and funding for  
 10 such rental assistance, under the Disaster Relief Fund es-  
 11 tablished under the Robert T. Stafford Disaster Relief and  
 12 Emergency Assistance Act (42 U.S.C. 5121 et seq.).

13 (b) HUD ADMINISTRATION OF RENTAL ASSIST-  
 14 ANCE.—

15 (1) IN GENERAL.—Beginning on January 1,  
 16 2008, the Secretary of Housing and Urban Develop-  
 17 ment shall provide temporary housing assistance to  
 18 households who received assistance under section  
 19 408(c)(1) of the Robert T. Stafford Disaster Relief  
 20 and Emergency Assistance Act (42 U.S.C.  
 21 5174(c)(1)) as follows:

22 (A) REQUIRED TENANT ASSISTANCE.—  
 23 Households receiving assistance shall be re-  
 24 quired to pay up to 30 percent of their income  
 25 towards rent and utility costs.

1 (B) MINIMUM RENTAL AMOUNT.—The  
 2 Secretary of Housing and Urban Development  
 3 may implement a minimum rent of up to \$100  
 4 per month, only if the Secretary provides for  
 5 hardship exemptions for households including  
 6 seniors and people with disabilities.

7 (C) LIMITATION ON EXCESSIVE RENTS.—  
 8 The Secretary of Housing and Urban Develop-  
 9 ment shall work with landlords to minimize the  
 10 payment of rents in excess of 120 percent of  
 11 the fair market rent for comparable housing in  
 12 the area.

13 (2) DEFINITION OF FAIR MARKET RENT.—In  
 14 this subsection, the term “fair market rent” means  
 15 the rent (including utilities, except telephone serv-  
 16 ice), as determined by the Department of Housing  
 17 and Urban Development, for units of varying sizes  
 18 (by number of bedrooms), that must be paid in the  
 19 market area to rent privately-owned, existing, de-  
 20 cent, safe, and sanitary rental housing of modest  
 21 (nonluxury) nature with suitable amenities

22 (c) RENTAL ASSISTANCE FOR HOUSEHOLDS RESID-  
 23 ING IN FEMA TRAILERS.—

24 (1) PROVISION OF ASSISTANCE.—There are au-  
 25 thorized to be appropriated, for rental assistance,

1       such sums as may be necessary to provide such as-  
2       sistance for each individual and household who, as  
3       of the date of the enactment of this Act, receives di-  
4       rect assistance for temporary housing under section  
5       408(c)(2) of the Robert T. Stafford Disaster Relief  
6       and Emergency Assistance Act (42 U.S.C.  
7       5174(c)(2)) as a result of Hurricane Katrina, Rita,  
8       or Wilma and is eligible for tenant-based rental as-  
9       sistance under section 8(o) of the United States  
10      Housing Act of 1937 (42 U.S.C. 1437f(o)).

11           (2) OFFER.—Subject to the availability of ap-  
12      propriations, the Secretary of Housing and Urban  
13      Development shall offer tenant-based rental assist-  
14      ance under section 8(o) of the United States Hous-  
15      ing Act of 1937 (42 U.S.C. 1437f(o)) to each indi-  
16      vidual or household who, as of the date of enactment  
17      of this Act, is residing in a trailer provided by the  
18      Federal Emergency Management Agency as part of  
19      the direct assistance that individual or household re-  
20      ceived under section 408(c)(2) of the Robert T.  
21      Stafford Disaster Relief and Emergency Assistance  
22      Act (42 U.S.C. 5174(c)(2)) as a result of Hurricane  
23      Katrina, Rita, or Wilma.

24           (3) CONDITIONS ON ASSISTANCE.—The provi-  
25      sion of temporary housing assistance under this sub-

1 section shall be subject to the following require-  
2 ments:

3 (A) REQUIRED TENANT ASSISTANCE.—

4 Households receiving assistance shall be re-  
5 quired to pay up to 30 percent of their income  
6 towards rent and utility costs.

7 (B) MINIMUM RENTAL AMOUNT.—The  
8 Secretary of Housing and Urban Development  
9 may implement a minimum rent of up to \$100  
10 per month, only if the Secretary provides for  
11 hardship exemptions for household including  
12 seniors and people with disabilities.

13 (C) LIMITATION ON EXCESSIVE RENTS.—  
14 The Secretary of Housing and Urban Develop-  
15 ment shall work with landlords to minimize the  
16 payment of rents in excess of 120 percent of  
17 the fair market rent for comparable housing in  
18 the area.

19 (d) TEMPORARY ASSISTANCE.—

20 (1) ELIGIBILITY.—Individuals or households re-  
21 ceiving rental assistance under this section shall be  
22 eligible for such assistance only if they are eligible  
23 for tenant-based rental assistance under section 8(o)  
24 of the United States Housing Act of 1937 (42  
25 U.S.C. 1437f(o)).

1           (2) EFFECT OF BECOMING INELIGIBLE.—If at  
 2           any time an individual or household for whom a  
 3           voucher for rental housing assistance is provided  
 4           pursuant to this section becomes ineligible for fur-  
 5           ther such rental assistance—

6                   (A) the public housing agency admin-  
 7                   istering such voucher pursuant to this section  
 8                   may not provide rental assistance under such  
 9                   voucher for any other household;

10                   (B) the Secretary of Housing and Urban  
 11                   Development shall recapture from such agency  
 12                   any remaining amounts for assistance attrib-  
 13                   utable to such voucher and may not reobligate  
 14                   such amounts to any public housing agency;  
 15                   and

16                   (C) such voucher shall not be taken into  
 17                   consideration for purposes of determining any  
 18                   future allocation of amounts for such tenant-  
 19                   based rental assistance for any public housing  
 20                   agency.

21 **SEC. 304. VOUCHER ASSISTANCE FOR SUPPORTIVE HOUS-**  
 22 **ING.**

23           There are authorized to be appropriated such sums  
 24           as may be necessary to provide 4,500 vouchers for project-  
 25           based rental assistance under section 8(o)(13) of the

1 United States Housing Act of 1937 (42 U.S.C.  
 2 1437f(o)(13)), and 1,000 units under the Shelter Plus  
 3 Care Program as authorized under subtitle F of title IV  
 4 of the McKinney-Vento Homeless Assistance Act (42  
 5 U.S.C. 11403 et seq.) for use in areas impacted by Hurri-  
 6 canes Katrina and Rita for supportive housing dwelling  
 7 units for elderly families, persons with disabilities, or  
 8 homeless persons. The Secretary of Housing and Urban  
 9 Development shall make available to the State of Lou-  
 10 isiana or its designee or designees, upon request, 3,000  
 11 of such vouchers. Subparagraphs (B) and (D) of section  
 12 8(o)(13) of the United States Housing Act of 1937 (42  
 13 U.S.C. 1437f(o)(13)) shall not apply with respect to  
 14 vouchers made available under this section.

15 **SEC. 305. PROJECT-BASING OF VOUCHERS.**

16 The Secretary of Housing and Urban Development  
 17 may waive the limitations on project-basing under section  
 18 8(o)(13)(B) of the United States Housing Act of 1937 (42  
 19 U.S.C. 1437f(o)(13)(B)) for public housing agencies lo-  
 20 cated in any area in which the President declared a major  
 21 disaster as a result of Hurricane Katrina, Rita, or Wilma,  
 22 if—

23 (1) the public housing agency is working to  
 24 project-base vouchers in—

25 (A) a mixed-income community; or

1 (B) a low-poverty neighborhood, or a  
 2 neighborhood undergoing revitalization; or

3 (2) not more than 50 percent of any project is  
 4 assisted under such 8(o)(13)(B), unless all units in  
 5 such project are specifically designated for seniors or  
 6 the disabled.

7 **SEC. 306. PRESERVATION OF PROJECT-BASED HOUSING AS-**  
 8 **SISTANCE PAYMENTS CONTRACTS FOR**  
 9 **DWELLING UNITS DAMAGED OR DESTROYED.**

10 (a) TOLLING OF CONTRACT TERM.—Notwith-  
 11 standing any other provision of law, a project-based hous-  
 12 ing assistance payments contract for a covered assisted  
 13 multifamily housing project shall not expire or be termi-  
 14 nated because of the damage or destruction of dwelling  
 15 units in the project by Hurricane Katrina or Rita. The  
 16 expiration date of the contract shall be deemed to be the  
 17 later of the date specified in the contract or a date that  
 18 is not less than 3 months after the dwelling units in the  
 19 project or in a replacement project are first made habit-  
 20 able.

21 (b) OWNER PROPOSALS FOR REUSE OR RESITING.—  
 22 The Secretary of Housing and Urban Development shall  
 23 promptly review and shall approve all feasible proposals  
 24 made by owners of covered assisted multifamily housing  
 25 projects submitted to the Secretary, not later than October

1 1, 2008, that provide for the rehabilitation of the project  
 2 and the resumption of use of the assistance under the con-  
 3 tract for the project, or, alternatively, for the transfer,  
 4 pursuant to subsection (c), of the contract or, in the case  
 5 of a project with an interest reduction payments contract,  
 6 of the remaining budget authority under the contract, to  
 7 another multifamily housing project.

8 (c) TRANSFER OF CONTRACT.—In the case of any  
 9 covered assisted multifamily housing project, the Sec-  
 10 retary of Housing and Urban Development shall—

11 (1) in the case of a project with a project-based  
 12 rental assistance payments contract described in  
 13 subparagraph (A), (B), or (C) of subsection (e)(2),  
 14 transfer the contract to another appropriate and  
 15 habitable existing project or a project to be con-  
 16 structed (having the same or a different owner); and

17 (2) in the case of a project with an interest re-  
 18 duction payments contract pursuant to section 236  
 19 of the National Housing Act, use the remaining  
 20 budget authority under the contract for interest re-  
 21 duction payments to reduce financing costs with re-  
 22 spect to dwelling units in other habitable projects  
 23 not currently so assisted, and such dwelling units  
 24 shall be subject to the low-income affordability re-  
 25 strictions applicable to projects for which such pay-

1       ments are made under section 236 of the National  
2       Housing Act.

3       (d) ALLOWABLE TRANSFERS.—A project-based rent-  
4       al assistance payments contract may be transferred, in  
5       whole or in part, under subsection (c) to—

6               (1) a project with the same or different number  
7       of units or bedroom configuration than the damaged  
8       or destroyed project if approximately the same num-  
9       ber of individuals are expected to occupy the sub-  
10      sidized units in the replacement project as occupied  
11      the damaged or destroyed project; or

12              (2) multiple projects, including some on the  
13      same site, if approximately the same number of indi-  
14      viduals are expected to occupy the subsidized units  
15      in the replacement projects as occupied the damaged  
16      or destroyed project.

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

18              (1) COVERED ASSISTED MULTIFAMILY HOUSING  
19      PROJECT.—The term “assisted multifamily housing  
20      project” means a multifamily housing project that—

21                      (A) as of the date of the enactment of this  
22                      Act, is subject to a project-based rental assist-  
23                      ance payments contract (including pursuant to  
24                      subsection (a) of this section); and

1 (B) was damaged or destroyed by Hurri-  
 2 cane Katrina or Hurricane Rita of 2005.

3 (2) PROJECT-BASED RENTAL ASSISTANCE PAY-  
 4 MENTS CONTRACT.—The term “project-based rental  
 5 assistance payments contract” includes—

6 (A) a contract entered into pursuant to  
 7 section 8 of the United States Housing Act of  
 8 1937 (42 U.S.C. 1437f);

9 (B) a contract for project rental assistance  
 10 pursuant to section 202(c)(2) of the Housing  
 11 Act of 1959 (12 U.S.C. 1701q(c)(2));

12 (C) a contract for project rental assistance  
 13 pursuant to section 811(d)(2) of the Cranston-  
 14 Gonzalez National Affordable Housing Act (42  
 15 U.S.C. 8013(d)(2)); and

16 (D) an interest reduction payments con-  
 17 tract pursuant to section 236 of the National  
 18 Housing Act (12 U.S.C. 1715z–1).

19 **SEC. 307. GAO STUDY OF WRONGFUL OR ERRONEOUS TER-**  
 20 **MINATION OF FEDERAL RENTAL HOUSING**  
 21 **ASSISTANCE.**

22 The Comptroller General of the United States shall  
 23 conduct a study of households that received Federal assist-  
 24 ance for rental housing in connection with Hurricanes  
 25 Katrina and Rita to determine if the assistance for any

1 such households was wrongfully or erroneously termi-  
 2 nated. The Comptroller General shall submit a report to  
 3 the Congress not later than January 1, 2008, on the re-  
 4 sults of the study, which shall include an estimate of how  
 5 many households were subject to such wrongful or erro-  
 6 neous termination and how many of those households have  
 7 incomes eligible for the household to receive tenant-based  
 8 rental assistance under section 8 of the United States  
 9 Housing Act of 1937 (42 U.S.C. 1437f).

## 10 **TITLE IV—DAMAGES ARISING** 11 **FROM FEMA ACTIONS**

### 12 **SEC. 401. REIMBURSEMENT OF LANDLORDS.**

13 There are authorized to be appropriated, from  
 14 amounts made available before the date of the enactment  
 15 of this Act under any provision of law to the Federal  
 16 Emergency Management Agency for disaster relief under  
 17 the Robert T. Stafford Disaster Relief Emergency Assist-  
 18 ance Act, such sums as may be necessary for the Adminis-  
 19 trator of the Federal Emergency Management Agency to  
 20 provide reimbursement to each landlord who entered into  
 21 leases to provide emergency sheltering in response to Hur-  
 22 ricane Katrina, Rita, or Wilma of 2005, pursuant to the  
 23 program of the Federal Emergency Management Agency  
 24 pursuant to section 403 of the Robert T. Stafford Disaster  
 25 Relief and Emergency Assistance Act (42 U.S.C. 5170b)

1 in the amount of actual, documented damages incurred  
 2 by such landlord as a result of abrogation by such Agency  
 3 of commitments entered into under such program, but not  
 4 including reimbursement for any such landlord to the ex-  
 5 tent that such landlord has previously received reimburse-  
 6 ment for such damages under any other Federal or non-  
 7 Federal program.

## 8 **TITLE V—FHA HOUSING**

### 9 **SEC. 501. TREATMENT OF NONCONVEYABLE PROPERTIES.**

10 (a) IN GENERAL.—Notwithstanding any other provi-  
 11 sion of law, in the case of any property consisting of a  
 12 1- to 4-family residence that is subject to a mortgage in-  
 13 sured under title II of the National Housing Act (12  
 14 U.S.C. 1707 et seq.) and was damaged or destroyed as  
 15 a result of Hurricane Katrina or Rita of 2005, if there  
 16 was no failure on the part of the mortgagee or servicer  
 17 to provide hazard insurance for the property or to provide  
 18 flood insurance coverage for the property to the extent  
 19 such coverage is required under Federal law, the Secretary  
 20 of Housing and Urban Development—

21 (1) may not deny conveyance of title to the  
 22 property to the Secretary and payment of the bene-  
 23 fits of such insurance on the basis of the condition  
 24 of the property or any failure to repair the property;

1           (2) may not reduce the amount of such insur-  
2           ance benefits to take into consideration any costs of  
3           repairing the property; and

4           (3) with respect to a property that is destroyed,  
5           condemned, demolished, or otherwise not available  
6           for conveyance of title, may pay the full benefits of  
7           such insurance to the mortgagee notwithstanding  
8           that such title is not conveyed.

9           (b) BUDGET ACT COMPLIANCE.—Insurance claims  
10          may be paid in accordance with subsection (a) only to the  
11          extent or in such amounts as are or have been provided  
12          in advance in appropriations Acts for the costs (as such  
13          term is defined in section 502 of the Federal Credit Re-  
14          form Act of 1990 (2 U.S.C. 661(a)) of such claims.

15       **SEC. 502. FHA SINGLE-FAMILY INSURANCE.**

16          In determining the eligibility of any individual whose  
17          residence was damaged or destroyed as a result of Hurri-  
18          cane Katrina and who was current on their mortgage prior  
19          to August 28, 2005, for mortgage insurance under section  
20          203 of the National Housing Act (12 U.S.C. 1709), the  
21          Secretary of Housing and Urban Development shall look  
22          at the creditworthiness of such individual, as such credit-  
23          worthiness was established prior to August 28, 2005.

1 **SEC. 503. FHA-NEW ORLEANS HOMEOWNERSHIP OPPORTU-**  
2 **NITIES INITIATIVE.**

3 (a) ESTABLISHMENT.—There is established within  
4 the Department of Housing and Urban Development an  
5 FHA-New Orleans Homeownership Opportunities Initia-  
6 tive (in this section referred to as the “Initiative”), which  
7 shall provide for the conveyance or transfer of eligible  
8 homes to the New Orleans Redevelopment Authority for  
9 use in the pilot program established in section 103 of this  
10 Act.

11 (b) ELIGIBLE HOMES.—For purposes of this section,  
12 an eligible home is a 1, 2, 3, or 4-family residence or  
13 multi-family project—

14 (1) that is either vacant, abandoned, or has  
15 been foreclosed upon, subject to subsection  
16 (e)(2)(B), by the Secretary of Housing and Urban  
17 Development;

18 (2) to which the Secretary holds title; and

19 (3) which is not occupied by a person legally  
20 entitled to reside in such residence or project.

21 (c) REPORTS.—

22 (1) INITIAL LIST OF PROPERTIES.—Not later  
23 than 30 days after the date of enactment of this  
24 Act, the Secretary of Housing and Urban Develop-  
25 ment shall submit a report to the Committee on  
26 Banking, Housing, and Urban Affairs of the Senate,

1 the Committee on Financial Services of the House of  
 2 Representatives, and the New Orleans Redevelop-  
 3 ment Authority listing all eligible homes in the New  
 4 Orleans area, including a list of homes in default  
 5 where foreclosure by the Secretary is imminent.

6 (2) UPDATED LISTS.—Not later than 90 days  
 7 after the initial report is submitted under paragraph  
 8 (1), and every 90 days thereafter, the Secretary of  
 9 Housing and Urban Development shall submit a fol-  
 10 low-up report to the Committees and entities de-  
 11 scribed in paragraph (1) listing all—

12 (A) new eligible homes; and

13 (B) 1, 2, 3, or 4-family residences or  
 14 multi-family projects in the New Orleans  
 15 area—

16 (i) that have been foreclosed upon by  
 17 the Secretary, or are in default and where  
 18 foreclosure is imminent; and

19 (ii) where the Secretary has taken all  
 20 necessary actions to avoid such foreclosure.

21 (d) DONATED PROPERTY.—The Secretary of Hous-  
 22 ing and Urban Development, at any time, may accept,  
 23 manage, and convey to the New Orleans Redevelopment  
 24 Authority and residential property donated to the Sec-

1 retary by a nongovernmental entity for purposes of this  
2 section.

3 (e) CONVEYANCE OF PROPERTIES.—

4 (1) REQUEST BY NORA.—Not later than 30  
5 days after any report is submitted under subsection  
6 (c), the New Orleans Redevelopment Authority shall,  
7 in writing, request that the Secretary of Housing  
8 and Urban Development convey any and all eligible  
9 homes listed in such report.

10 (2) HUD ACTION.—

11 (A) IN GENERAL.—Not later than 30 days  
12 after the receipt of any request under para-  
13 graph (1), the Secretary of Housing and Urban  
14 Development shall convey to the New Orleans  
15 Redevelopment Authority, at no cost, title to  
16 any eligible home requested by the Authority.

17 (B) LIMITATION.—The Secretary of Hous-  
18 ing and Urban Development may only convey  
19 title to an eligible home that is eligible solely  
20 because the Secretary foreclosed upon such  
21 home, if the Secretary had taken all necessary  
22 actions to avoid such foreclosure.

23 (f) USE OF ELIGIBLE PROPERTIES.—Any eligible  
24 home conveyed or transferred to the New Orleans Redevel-

1 opment Authority under this section shall be used in the  
2 following manner:

3 (1) MINIMUM USE REQUIREMENT.—Such home  
4 shall be sold, conveyed, or included in redevelopment  
5 within 18 months of such conveyance or transfer,  
6 and shall be redeveloped to meet applicable local  
7 building codes so as to ensure that such home—

8 (A) will be adequately rehabilitated to sup-  
9 port sustainable homeownership; and

10 (B) may be in such physical condition that  
11 it can be offered for sale for habitation or occu-  
12 pancy within 36 months of such conveyance or  
13 transfer.

14 (2) LOW-INCOME OCCUPANCY REQUIREMENT.—  
15 Notwithstanding any other redevelopment plans, the  
16 New Orleans Redevelopment Authority shall ensure  
17 that a number of homes equal to the number of  
18 homes transferred or conveyed by the Secretary  
19 under this section are redeveloped and sold by the  
20 Authority to low-income households, at a price that  
21 is affordable to such households, subject to the fol-  
22 lowing requirements:

23 (A) Redevelopment of such eligible homes  
24 will be done in concert with other redevelop-  
25 ment activities, as described in section 103.

1 (B) Preference for purchase of such eligi-  
2 ble homes will be given to households—

3 (i) who have received pre-purchase  
4 homeownership counseling; and

5 (ii) which are comprised of individuals  
6 who on August 28, 2005, were residents of  
7 the City of New Orleans and—

8 (I) had, with respect to any  
9 dwelling in the City of New Orleans,  
10 a valid and nonexpired lease for such  
11 dwelling;

12 (II) owned a home in the City of  
13 New Orleans, but who did not receive  
14 funds under the Road Home program;  
15 or

16 (III) received housing vouchers  
17 under section 8 of the United States  
18 Housing Act of 1937 (42 U.S.C.  
19 1437f), or lived in public housing.

20 (3) PRIMARY RESIDENCE REQUIREMENT.—

21 (A) IN GENERAL.—The individual or  
22 household buying such eligible home shall agree  
23 to use the home as their primary residence for  
24 5 years.

1 (B) LIMITATION ON FLIPPING.—The New  
2 Orleans Redevelopment Authority shall ensure,  
3 by any means, including by the use of restric-  
4 tive covenants, that if the individual or house-  
5 hold who purchased the home from the Author-  
6 ity sells the home within 5 years of such pur-  
7 chase, that such sale shall only be valid if the  
8 subsequent buyer is a low-income individual or  
9 household.

10 (4) SALE PRICE REQUIREMENT.—The New Or-  
11 leans Redevelopment Authority or its redevelopment  
12 partners shall sell eligible homes at a discounted  
13 price that is affordable to families at or below 80  
14 percent of area median income.

15 (5) EXCESS PROFIT TO BE RETURNED TO  
16 HUD.—Any profit on the sale of home received by  
17 the New Orleans Redevelopment Authority or a de-  
18 veloper for the sale of an eligible home above the re-  
19 development costs of such home shall be paid to the  
20 Secretary of Housing and Urban Development.

21 (g) COUNSELING.—The New Orleans Redevelopment  
22 Authority shall work with local nonprofit housing coun-  
23 seling agencies to provide pre-purchase counseling to any  
24 interested individuals or households who seek to purchase  
25 an eligible home from the Authority under this section,

1 as required to receive preference under subsection  
2 (f)(2)(B).

3 (h) INSPECTION PROCESS.—The New Orleans Rede-  
4 velopment Authority shall establish a process to inspect  
5 all eligible homes prior to sale under this section to ensure  
6 that such homes—

- 7 (1) meet local building codes;
- 8 (2) need no further rehabilitation; and
- 9 (3) are safe for habitation and occupation.

10 (i) RECAPTURE PROCEDURES.—The Secretary of  
11 Housing and Urban Development, in consultation with the  
12 New Orleans Redevelopment Authority, shall establish  
13 procedures to recapture amounts in instances where—

- 14 (1) eligible homes are not sold to low-income  
15 families;
- 16 (2) eligible home prices exceed redevelopment  
17 costs; and
- 18 (3) eligible homes sold are not used as the pur-  
19 chaser's primary residences for 5 years.

20 (j) COMPLIANCE REPORTS.—

21 (1) IN GENERAL.—The New Orleans Redevelop-  
22 ment Authority shall submit such information as the  
23 Secretary of Housing and Urban Development re-  
24 quires to ensure that eligible homes are being used  
25 as required under subsection (f). If at any time, the

1 Secretary determines the Authority is in noncompli-  
2 ance with the requirements under subsection (f), the  
3 Secretary shall, not later than 15 days after making  
4 such determination, notify, in writing, the Com-  
5 mittee on Banking, Housing, and Urban Affairs of  
6 the Senate, and the Committee on Financial Serv-  
7 ices of the House of Representatives.

8 (2) STATUS REPORT.—Not later than 3 years  
9 after the date of enactment of this Act, and again  
10 not later than 5 years after the date of enactment  
11 of this Act, the New Orleans Redevelopment Author-  
12 ity shall submit a report to the Committee on Bank-  
13 ing, Housing, and Urban Affairs of the Senate, and  
14 the Committee on Financial Services of the House of  
15 Representative on the implementation, status, and  
16 execution of the Initiative established under this sec-  
17 tion.

18 (k) TERMINATION.—The Secretary of Housing and  
19 Urban Development shall not convey or transfer, and the  
20 New Orleans Redevelopment Authority shall not accept,  
21 any property under this section after 5 years from the date  
22 of enactment of this Act.

## **TITLE VI—FAIR HOUSING ENFORCEMENT**

### **SEC. 601. FAIR HOUSING INITIATIVES PROGRAM.**

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out section 561 of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a), in each of fiscal years 2008 and 2009, such sums as may be necessary, but not less than \$5,000,000, for areas affected by Hurricanes Katrina and Rita, of which, in each such fiscal year—

(1) 60 percent shall be available only for private enforcement initiatives for qualified private enforcement fair housing organizations authorized under subsection (b) of such section, and, of the amount made available in accordance with this paragraph, the Secretary shall set aside an amount for multi-year grants to qualified fair housing enforcement organizations;

(2) 20 percent shall be available only for activities authorized under paragraphs (1) and (2) of subsection (c) of such section; and

(3) 20 percent shall be available only for education and outreach programs authorized under subsection (d) of such section.

(b) LOW FUNDING.—If the total amount appropriated to carry out the Fair Housing Initiatives Program for either fiscal year 2008 or 2009 is less than \$50,000,000, not less than 5 percent of such total amount appropriated for such fiscal year shall be available for the areas described in subsection (a) for the activities described in paragraphs (1), (2), and (3) of such subsection.

(c) AVAILABILITY.—Any amounts appropriated under this section shall remain available until expended.

**TITLE VII—IMPROVED DISTRIBUTION OF FEDERAL HURRICANE HOUSING FUNDS FOR HURRICANE RELIEF**

**SEC. 701. GAO STUDY OF IMPROVED DISTRIBUTION OF FEDERAL HOUSING FUNDS FOR HURRICANE RELIEF.**

(a) STUDY.—The Comptroller General of the United States shall conduct a study to examine methods of improving the distribution of Federal housing funds to assist States covered by this Act with recovery from hurricanes, which shall include identifying and analyzing—

(1) the Federal and State agencies used in the past to disburse such funds and the strengths and weakness of existing programs;

1           (2) the means by and extent to which critical  
2           information relating to hurricane recovery, such as  
3           property valuations, is shared among various State  
4           and Federal agencies;

5           (3) program requirements that create impedi-  
6           ments to the distribution of such funds that can be  
7           eliminated or streamlined;

8           (4) housing laws and regulations that have  
9           caused programs to be developed in a manner that  
10          complies with statutory requirements but fails to  
11          meet the housing objectives or needs of the States  
12          or the Federal Government;

13          (5) laws relating to privacy and impediments  
14          raised by housing laws to the sharing, between the  
15          Federal Government and State governments, and  
16          private industry, of critical information relating to  
17          hurricane recovery;

18          (6) methods of streamlining applications for  
19          and underwriting of Federal housing grant or loan  
20          programs; and

21          (7) how to establish more equitable Federal  
22          housing laws regarding duplication of benefits.

23          (b) REPORT.—Not later than 6 months after the date  
24          of the enactment of this Act, the Comptroller General shall  
25          submit to the Congress a report describing the results of

1 the study and any recommendations regarding the issues  
 2 analyzed under the study.

3 **TITLE** **VIII—COMMENDING**  
 4 **AMERICANS FOR THEIR RE-**  
 5 **BUILDING EFFORTS**

6 **SEC. 801. COMMENDING AMERICANS.**

7 (a) CONGRESSIONAL FINDINGS.—The Congress finds  
 8 that—

9 (1) over 500,000 individuals in the United  
 10 States have volunteered their time in helping rebuild  
 11 the Gulf Coast region in the aftermath of Hurri-  
 12 cane’s Katrina and Rita;

13 (2) over \$3,500,000,000 in cash and in-kind do-  
 14 nations have been made for hurricane victims;

15 (3) 110,000,000 pounds of food have been dis-  
 16 tributed by Catholic Charities’ Food Bank through  
 17 hurricane relief efforts;

18 (4) almost 7,000,000 hot meals have been  
 19 served by Salvation Army volunteers in hurricane re-  
 20 lief efforts;

21 (5) over 10,000,000 college students have de-  
 22 voted their spring and fall breaks to hurricane relief  
 23 efforts;

1           (6) almost 20,000 families displaced as a result  
2       of the hurricanes have been supported by Traveler's  
3       Aid volunteers; and

4           (7) faith based and community organizations  
5       donated thousands of man-hours, as well as assist-  
6       ance, to evacuees and assistance in clean-up and re-  
7       covery in the Gulf States.

8       (b) COMMENDATION.—The Congress hereby com-  
9       mends the actions and efforts by the remarkable individ-  
10      uals and organizations who contributed to the hurricane  
11      relief effort and recognizes that the rebuilding of the Gulf  
12      Coast region rests on the selfless dedication of private in-  
13      dividuals and community spirit.

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