

110TH CONGRESS
2D SESSION

S. 2684

To reform the housing choice voucher program under section 8 of the United States Housing Act of 1937.

IN THE SENATE OF THE UNITED STATES

MARCH 3, 2008

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

A BILL

To reform the housing choice voucher program under section 8 of the United States Housing Act of 1937.

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 “Section 8 Voucher Reform Act of 2008”.

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. Inspection of dwelling units.
- Sec. 3. Rent reform and income reviews.
- Sec. 4. Eligibility for assistance based on assets and income.
- Sec. 5. Targeting assistance to low-income working families.
- Sec. 6. Voucher renewal funding.

- Sec. 7. Administrative fees.
- Sec. 8. Homeownership.
- Sec. 9. Performance assessments.
- Sec. 10. PHA project-based assistance.
- Sec. 11. Rent burdens.
- Sec. 12. Establishment of fair market rent.
- Sec. 13. Screening of applicants.
- Sec. 14. Enhanced vouchers.
- Sec. 15. Project-based preservation vouchers.
- Sec. 16. Demonstration program waiver authority.
- Sec. 17. Study to identify obstacles to using vouchers in federally subsidized housing projects.
- Sec. 18. Collection of data on tenants in projects receiving tax credits.
- Sec. 19. Agency authority for utility payments in certain circumstances.
- Sec. 20. Access to HUD programs for persons with limited English proficiency.
- Sec. 21. Authorization of appropriations.
- Sec. 22. Effective date.

1 SEC. 2. INSPECTION OF DWELLING UNITS.

2 (a) INSPECTION OF UNITS BY PHA'S.—Section
 3 8(o)(8) of the United States Housing Act of 1937 (42
 4 U.S.C. 1437f(o)(8)) is amended—

5 (1) by striking subparagraph (A) and inserting
 6 the following new subparagraph:

7 “(A) INITIAL INSPECTION.—

8 “(i) IN GENERAL.—For each dwelling
 9 unit for which a housing assistance pay-
 10 ment contract is established under this
 11 subsection, the public housing agency (or
 12 other entity pursuant to paragraph (11))
 13 shall inspect the unit before any assistance
 14 payment is made to determine whether the
 15 dwelling unit meets the housing quality
 16 standards under subparagraph (B), except

1 as provided in clause (ii) or (iii) of this
2 subparagraph.

3 “(ii) CORRECTION OF NON-LIFE
4 THREATENING CONDITIONS.—In the case
5 of any dwelling unit that is determined,
6 pursuant to an inspection under clause (i),
7 not to meet the housing quality standards
8 under subparagraph (B), assistance pay-
9 ments may be made for the unit notwith-
10 standing subparagraph (C) if failure to
11 meet such standards is a result only of
12 non-life threatening conditions. A public
13 housing agency making assistance pay-
14 ments pursuant to this clause for a dwell-
15 ing unit shall, 30 days after the beginning
16 of the period for which such payments are
17 made, suspend any assistance payments
18 for the unit if any deficiency resulting in
19 noncompliance with the housing quality
20 standards has not been corrected by such
21 time, and may not resume such payments
22 until each such deficiency has been cor-
23 rected.

24 “(iii) PROJECTS RECEIVING CERTAIN
25 FEDERAL HOUSING SUBSIDIES.—In the

1 case of any property that within the pre-
2 vious 12 months has been determined to
3 meet Federal housing quality and safety
4 standards under any Federal housing pro-
5 gram inspection standard equivalent to the
6 standards under the program under this
7 subsection, including the program under
8 section 42 of the Internal Revenue Code of
9 1986 or under subtitle A of title II of the
10 Cranston Gonzalez National Affordable
11 Housing Act, a public housing agency
12 may—

13 “(I) authorize occupancy before
14 the inspection under clause (i) has
15 been completed; and

16 “(II) make assistance payments
17 retroactive to the beginning of the
18 lease term after the unit has been de-
19 termined pursuant to an inspection
20 under clause (i) to meet the housing
21 quality standards under subparagraph
22 (B), provided that such inspection is
23 conducted pursuant to the require-
24 ments of subparagraph (C).”;

(2) by striking subparagraph (D) and inserting the following new subparagraph:

“(D) BIENNIAL INSPECTIONS.—

“(i) REQUIREMENT.—Each public housing agency providing assistance under this subsection (or other entity, as provided in paragraph (11)) shall make, for each assisted dwelling unit, inspections not less than biennially during the term of the housing assistance payments contract for the unit to determine whether the unit is maintained in accordance with the requirements under subparagraph (A). The agency (or other entity) shall retain the records of the inspection for a reasonable time and shall make the records available upon request to the Secretary, the Inspector General for the Department of Housing and Urban Development, and any auditor conducting an audit under section 5(h).

“(ii) SUFFICIENT INSPECTION.—An inspection of a property shall be sufficient to comply with the inspection requirement under clause (i) if—

1 “(I) the inspection was conducted
2 pursuant to requirements under a
3 Federal, State, or local housing assist-
4 ance program (including the HOME
5 Investment Partnerships Program
6 under title II of the Cranston-Gon-
7 zalez National Affordable Housing
8 Act (42 U.S.C. 12721 et seq.) or the
9 low-income housing tax credit under
10 section 42 of the Internal Revenue
11 Code of 1986); and

12 “(II) pursuant to such inspec-
13 tion, the property was determined to
14 meet the standards or requirements
15 regarding housing quality or safety
16 applicable to units assisted under such
17 program, and if a non-Federal stand-
18 ard was used, the public housing
19 agency has certified to the Secretary
20 that such standards or requirements
21 provide the same protection to occu-
22 pants of dwelling units meeting such
23 standards or requirements as, or
24 greater protection than, the housing

1 quality standards under subparagraph
2 (B).”; and

3 (3) by adding at the end the following new sub-
4 paragraph:

5 “(F) INTERIM INSPECTIONS.—Upon notifi-
6 cation by a family on whose behalf tenant-based
7 assistance is provided under this subsection,
8 that the dwelling unit for which such assistance
9 is provided does not comply with housing qual-
10 ity standards under subparagraph (B), the pub-
11 lic housing agency shall inspect the dwelling
12 unit—

13 “(i) in the case of a life threatening
14 condition, within 24 hours of such notice;
15 and

16 “(ii) in the case of any non-life threat-
17 ening condition, within 15 days of such no-
18 tice.

19 “(G) ENFORCEMENT OF HOUSING QUALITY
20 STANDARDS.—

21 “(i) DETERMINATION OF NONCOMPLI-
22 ANCE.—A dwelling unit that is covered by
23 a housing assistance payments contract
24 under this subsection shall be considered,
25 for purposes of this subparagraph, to be in

1 noncompliance with the housing quality
2 standards under subparagraph (B) if—

3 “(I) the public housing agency or
4 an inspector authorized by the State
5 or unit of local government deter-
6 mines upon inspection of the unit that
7 the unit fails to comply with such
8 standards;

9 “(II) the agency or inspector no-
10 tifies the owner of the unit in writing
11 of such failure to comply; and

12 “(III) the failure to comply is not
13 corrected—

14 “(aa) in the case of any
15 such failure that is a result of a
16 life threatening condition, within
17 24 hours after receipt of such no-
18 tice; and

19 “(bb) in the case of any fail-
20 ure that is a result of a non-life
21 threatening condition, within 30
22 days after provision of such no-
23 tice, or such other reasonable pe-
24 riod as the public housing agency
25 may establish.

1 “(ii) ABATEMENT OF ASSISTANCE.—

2 “(I) IN GENERAL.—A public
3 housing agency providing assistance
4 under this subsection shall abate such
5 assistance with respect to any assisted
6 dwelling unit that is determined to be
7 in noncompliance with the housing
8 quality standards under subparagraph
9 (B). Upon a showing by the owner of
10 the unit that sufficient repairs to the
11 unit have been completed so that the
12 unit complies with such housing qual-
13 ity standards, the public housing
14 agency may recommence payment of
15 such assistance.

16 “(II) USE OF ABATED ASSIST-
17 ANCE TO PAY FOR REPAIRS.—The
18 public housing agency may use any
19 assistance amounts abated pursuant
20 to subclause (I) to make repairs or to
21 contract for such repairs for life-
22 threatening conditions, except that a
23 contract to make repairs may not be
24 entered into with the inspector for the
25 dwelling unit.

1 “(iii) PROTECTION OF TENANTS.—If
2 a public housing agency providing assist-
3 ance under this subsection abates rental
4 assistance payments under clause (ii), the
5 public housing agency shall—

6 “(I) notify the tenant—

7 “(aa) when such abatement
8 begins; and

9 “(bb) at the start of the
10 abatement period that if the unit
11 is not brought into compliance
12 within 120 days, the tenant will
13 have to move; and

14 “(II) issue the tenant the nec-
15 essary forms to allow the tenant to
16 move with their voucher to another
17 housing unit; and

18 “(III) use funds that otherwise
19 would have gone to pay the rental
20 amount, for the reasonable moving ex-
21 penses or security deposit costs of the
22 tenant.

23 “(iv) RIGHT OF THE TENANT TO TER-
24 MINATE TENANCY.—During any period
25 that housing assistance payments are

1 abated with respect to any assisted dwell-
2 ing unit pursuant to this subparagraph,
3 the tenant of such dwelling may terminate
4 his or her tenancy without penalty by noti-
5 fying the owner of the dwelling unit.

6 “(v) LIMITATION ON AUTHORITY OF
7 AN OWNER.—An owner of a dwelling unit
8 that is considered to be in noncompliance
9 with the housing quality standards under
10 subparagraph (B) may not terminate the
11 tenancy of a tenant, or refuse to renew a
12 lease for such unit, as a result of an abate-
13 ment order carried out by a public housing
14 agency under clause (ii).

15 “(vi) TERMINATION OF LEASE OR AS-
16 SISTANCE PAYMENTS CONTRACTS.—If a
17 public housing agency providing assistance
18 under this subsection abates rental assist-
19 ance payments under clause (ii) and the
20 owner of the unit does not correct the non-
21 compliance within 120 days after the effec-
22 tive date of the determination of non-
23 compliance under clause (i), the public
24 housing agency shall terminate the housing
25 assistance payment contract subject to

1 clause (vii). The termination of the hous-
2 ing assistance payment contract shall ter-
3 minate the lease agreement.

4 “(vii) RELOCATION OF TENANTS.—

5 “(I) 120-DAY PERIOD TO RELO-
6 CATE.—The public housing agency
7 shall provide to the individual or fam-
8 ily residing in any unit whose lease is
9 terminated under clause (vi) at least
10 120 days beginning at the start of the
11 abatement period to lease a new resi-
12 dence with tenant-based assistance
13 under this paragraph.

14 “(II) PREFERENCE IN CASE OF
15 RELOCATION HARDSHIP.—If the indi-
16 vidual or family residing in any unit
17 whose lease is terminated under
18 clause (vi) is unable to lease a new
19 residence pursuant to subclause (I),
20 the public housing agency shall pro-
21 vide, at the option of the individual or
22 family—

23 “(aa) additional search time
24 to such individual or family; or

1 “(bb) preference for occu-
2 pancy in a public housing unit
3 owned or operated by the public
4 housing agency.

5 “(III) PROVISION OF REASON-
6 ABLE RELOCATION ASSISTANCE.—The
7 public housing agency shall provide
8 reasonable assistance to each indi-
9 vidual or family residing in any unit
10 whose lease is terminated under
11 clause (vi) in finding a new residence,
12 including the use of up to 2 months of
13 any assistance abated pursuant to
14 clause (ii) for relocation expenses, in-
15 cluding moving expenses and security
16 deposits. The public housing agency
17 may require that an individual or
18 family receiving assistance for a secu-
19 rity deposit, remit, to the extent of
20 such assistance, the amount of any se-
21 curity deposit refunded by the owner
22 of the unit for which the lease was
23 terminated.

24 “(viii) TENANT CAUSED DAMAGES.—
25 If a public housing agency determines that

1 the noncompliance of a dwelling unit was
 2 caused by a tenant, member of the tenant's
 3 family, or a guest of the tenant, the public
 4 housing agency may waive the applicability
 5 of this subparagraph.

6 “(ix) TREATMENT OF CERTAIN
 7 ABATEMENT ASSISTANCE.—Assistance
 8 amounts abated and used to make repairs
 9 or to contract for such repairs for life-
 10 threatening conditions pursuant to clause
 11 (ii)(II) or used for relocation assistance
 12 pursuant to clause (viii)(iv) shall be treat-
 13 ed as costs which shall be considered in de-
 14 termining the allocation of renewal funding
 15 under subsection (dd)(2).”.

16 (b) LEASING OF UNITS OWNED BY PHA'S.—Section
 17 8(o)(11) of the United States Housing Act of 1937 (42
 18 U.S.C. 1437f(o)(11)) is amended by striking “the Sec-
 19 retary shall require the unit of general local government
 20 or another entity approved by the Secretary,” and insert-
 21 ing “the public housing agency shall arrange for a third
 22 party”.

1 **SEC. 3. RENT REFORM AND INCOME REVIEWS.**

2 (a) RENT FOR PUBLIC HOUSING AND SECTION 8
3 PROGRAMS.—Section 3 of the United States Housing Act
4 of 1937 (42 U.S.C. 1437a(a)) is amended—

5 (1) in subsection (a)—

6 (A) in paragraph (1) by inserting “LOW-
7 INCOME OCCUPANCY REQUIREMENT AND RENT-
8 AL PAYMENTS.—” after “(1)”; and

9 (B) by adding at the end the following new
10 paragraphs:

11 “(6) REVIEWS OF FAMILY INCOME.—

12 “(A) FREQUENCY.—Reviews of family in-
13 come for purposes of this section—

14 “(i) shall be made in the case of all
15 families, upon the initial provision of hous-
16 ing assistance for the family;

17 “(ii) shall be made annually there-
18 after, except as provided in subparagraph
19 (B)(i);

20 “(iii) shall be made upon the request
21 of the family, at any time the income or
22 deductions (under subsection (b)(5)) of the
23 family change by an amount that is esti-
24 mated to result in a decrease of \$1,000 (or
25 such lower amount as the public housing
26 agency or owner may, at the option of the

1 agency or owner, establish) or more in an-
2 nual adjusted income;

3 “(iv) shall be made at any time the
4 income or deductions (under subsection
5 (b)(5)) of the family change by an amount
6 that is estimated to result in an increase of
7 \$1,000 or more in annual adjusted income,
8 except that any increase in the earned in-
9 come of a family shall not be considered
10 for purposes of this clause (except that
11 earned income may be considered if the in-
12 crease corresponds to previous decreases
13 under clause (iii)), except that a public
14 housing agency or owner may elect not to
15 conduct such review in the last 3 months
16 of a certification period; and

17 “(v) may be made, in the discretion of
18 the public housing agency, when the in-
19 come of a family, including earned income,
20 changes in an amount that is less than the
21 amounts specified in clause (iii) or (iv), if
22 the amount so specified for increases is not
23 lower than the amount specified for de-
24 creases.

25 “(B) FIXED-INCOME FAMILIES.—

1 “(i) SELF CERTIFICATION AND 3-YEAR
2 REVIEW.—In the case of any family de-
3 scribed in clause (ii), after the initial re-
4 view of the family’s income pursuant to
5 subparagraph (A)(i), the public housing
6 agency or owner shall not be required to
7 conduct a review of the family’s income
8 pursuant to subparagraph (A)(ii) for any
9 year for which such family certifies, in ac-
10 cordance with such requirements as the
11 Secretary shall establish, that the income
12 of the family meets the requirements of
13 clause (ii) of this subparagraph, except
14 that the public housing agency or owner
15 shall conduct a review of each such fam-
16 ily’s income not less than once every 3
17 years.

18 “(ii) ELIGIBLE FAMILIES.—A family
19 described in this clause is a family who has
20 an income, as of the most recent review
21 pursuant to subparagraph (A) or clause (i)
22 of this subparagraph, of which 90 percent
23 or more consists of fixed income, as such
24 term is defined in clause (iii).

1 “(iii) FIXED INCOME.—For purposes
 2 of this subparagraph, the term ‘fixed in-
 3 come’ includes income from—

4 “(I) the supplemental security in-
 5 come program under title XVI of the
 6 Social Security Act, including supple-
 7 mentary payments pursuant to an
 8 agreement for Federal administration
 9 under section 1616(a) of the Social
 10 Security Act and payments pursuant
 11 to an agreement entered into under
 12 section 212(b) of Public Law 93–66;

13 “(II) Social Security payments;

14 “(III) Federal, State, local and
 15 private pension plans; and

16 “(IV) other periodic payments re-
 17 ceived from annuities, insurance poli-
 18 cies, retirement funds, disability or
 19 death benefits, and other similar types
 20 of periodic receipts.

21 “(C) IN GENERAL.—Reviews of family in-
 22 come for purposes of this section shall be sub-
 23 ject to the provisions of section 904 of the
 24 Stewart B. McKinney Homeless Assistance
 25 Amendments Act of 1988.

1 “(7) CALCULATION OF INCOME.—

2 “(A) USE OF PRIOR YEAR’S OR ANTICI-
3 PATED INCOME.—In determining the income of
4 a family for purposes of paragraph (6)(A)(ii) or
5 (6)(B)(i), a public housing agency or owner
6 shall use the income of the family as deter-
7 mined by the agency or owner for the preceding
8 year. In determining the income of a family
9 under clauses (i), (iii), (iv), or (v) of paragraph
10 (6)(A) a public housing agency or owner shall
11 use the anticipated income of the family as esti-
12 mated by the agency or owner for the coming
13 year.

14 “(B) INFLATIONARY ADJUSTMENT FOR
15 FIXED INCOME FAMILIES.—If, for any year, a
16 public housing agency or owner determines the
17 income for any family described in paragraph
18 (6)(B)(ii), based on a review of the income of
19 the family conducted during a preceding year,
20 such income shall be adjusted by applying an
21 inflationary factor as the Secretary shall, by
22 regulation, establish.

23 “(C) SAFE HARBOR.—A public housing
24 agency or owner may, to the extent such infor-
25 mation is available to the public housing agency

1 or owner, determine the family's income for
 2 purposes of this section based on timely income
 3 determinations made for purposes of other
 4 means-tested Federal public assistance pro-
 5 grams (including the program for block grants
 6 to States for temporary assistance for needy
 7 families under part A of title IV of the Social
 8 Security Act, a program for Medicaid assistance
 9 under a State plan approved under title XIX of
 10 the Social Security Act, and the Food Stamp
 11 Program as defined in section 3(h) of the Food
 12 Stamp Act of 1977). The Secretary shall work
 13 with other appropriate Federal agencies to de-
 14 velop procedures to enable public housing agen-
 15 cies and owners to have access to such income
 16 determinations made by other Federal pro-
 17 grams.

18 “(D) PHA AND OWNER COMPLIANCE.—A
 19 public housing agency or owner may not be con-
 20 sidered to fail to comply with this paragraph or
 21 paragraph (6) due solely to any de minimis er-
 22 rors made by the agency or owner in calculating
 23 family incomes.”;

24 (2) by striking subsections (d) and (e); and

1 (3) by redesignating subsection (f) as sub-
2 section (d).

3 (b) INCOME.—Section 3(b) of the United States
4 Housing Act of 1937 (42 U.S.C. 1437a(b)) is amended—

5 (1) by striking paragraph (4) and inserting the
6 following new paragraph:

7 “(4) INCOME.—The term ‘income’ means, with
8 respect to a family, income received from all sources
9 by each member of the household who is 18 years
10 of age or older or is the head of household or spouse
11 of the head of the household, plus unearned income
12 by or on behalf of each dependent who is less than
13 18 years of age, as determined in accordance with
14 criteria prescribed by the Secretary, in consultation
15 with the Secretary of Agriculture, subject to the fol-
16 lowing requirements:

17 “(A) INCLUDED AMOUNTS.—Such term in-
18 cludes recurring gifts and receipts, actual in-
19 come from assets, and profit or loss from a
20 business.

21 “(B) EXCLUDED AMOUNTS.—Such term
22 does not include any—

23 “(i) imputed return on assets;

24 “(ii) amounts that would be eligible
25 for exclusion under section 1613(a)(7) of

1 the Social Security Act (42 U.S.C.
2 1382b(a)(7)); and

3 “(iii) deferred Veterans Administra-
4 tion disability benefits that are received in
5 a lump sum amount or in prospective
6 monthly amounts.

7 “(C) EARNED INCOME OF STUDENTS.—

8 Such term does not include earned income of
9 any dependent earned during any period that
10 such dependent is attending school on a full-
11 time basis or any grant-in-aid or scholarship
12 amounts related to such attendance used for
13 the cost of tuition or books.

14 “(D) EDUCATIONAL SAVINGS ACCOUNTS.—

15 Income shall be determined without regard to
16 any amounts in or from, or any benefits from,
17 any Coverdell Education Savings Account under
18 section 530 of the Internal Revenue Code of
19 1986 or any qualified tuition program under
20 section 529 of such Code.

21 “(E) OTHER EXCLUSIONS.—Such term

22 shall not include other exclusions from income
23 as are established by the Secretary or any
24 amount required by Federal law to be excluded
25 from consideration as income. The Secretary

1 may not require a public housing agency or
 2 owner to maintain records of any amounts ex-
 3 cluded from income pursuant to this subpara-
 4 graph.”; and

5 (2) by striking paragraph (5) and inserting the
 6 following new paragraph:

7 “(5) ADJUSTED INCOME.—The term ‘adjusted
 8 income’ means, with respect to a family, the amount
 9 (as determined by the public housing agency or
 10 owner) of the income of the members of the family
 11 residing in a dwelling unit or the persons on a lease,
 12 after any deductions from income as follows:

13 “(A) ELDERLY AND DISABLED FAMI-
 14 LIES.—\$700 in the case of any family that is
 15 an elderly family or a disabled family.

16 “(B) DEPENDENTS.—In the case of any
 17 family that includes a member or members
 18 who—

19 “(i) are less than 18 years of age or
 20 attending school or vocational training on
 21 a full-time basis; or

22 “(ii) is a person with disabilities who
 23 is 18 years of age or older and resides in
 24 the household,

25 \$480 for each such member.

1 “(C) EARNED INCOME DISREGARD.—An
2 amount equal to 10 percent of the lesser of the
3 family’s earned income or \$9,000.

4 “(D) CHILD CARE.—The amount, if any,
5 exceeding 5 percent of annual income used to
6 pay for childcare for preschool age children, for
7 before- or after-care for children in school, or
8 for other childcare necessary to enable a mem-
9 ber of the family to be employed or further his
10 or her education.

11 “(E) HEALTH AND MEDICAL EXPENSES.—
12 The amount, if any, by which 10 percent of an-
13 nual family income is exceeded by the sum of—

14 “(i) in the case of any elderly or dis-
15 abled family, any unreimbursed health and
16 medical care expenses; and

17 “(ii) any unreimbursed reasonable at-
18 tendant care and auxiliary apparatus ex-
19 penses for each handicapped member of
20 the family, to the extent necessary to en-
21 able any member of such family to be em-
22 ployed.

23 “(F) PERMISSIVE DEDUCTIONS.—Such ad-
24 ditional deductions as a public housing agency
25 or owner may, at its discretion, establish, except

1 that the Secretary shall establish procedures to
2 ensure that such deductions do not increase
3 Federal expenditures.

4 The Secretary shall annually adjust the amounts of
5 the deductions under subparagraphs (A) and (B), as
6 such amounts may have been previously adjusted, by
7 applying an inflationary factor as the Secretary
8 shall, by regulation, establish. If the dollar amount
9 of any such deduction determined for any year by
10 applying such inflationary factor is not a multiple of
11 \$25, the Secretary shall round such amount to the
12 next lowest multiple of \$25, except that in no in-
13 stance shall the dollar amount of any such deduction
14 be less than the initial amount of the deduction es-
15 tablished under subparagraphs (A) and (B). The
16 Secretary shall annually adjust the fixed numerical
17 dollar amount under subparagraph (C) (\$9,000 as of
18 the date of enactment of the Section 8 Voucher Re-
19 form Act of 2008), as such amount may have been
20 previously adjusted, by applying an inflationary fac-
21 tor as the Secretary shall, by regulation, establish.
22 If such dollar amount determined for any year by
23 applying such inflationary factor is not a multiple of
24 \$1,000, the Secretary shall round such amount to
25 the next lowest multiple of \$1,000.”.

1 (c) HOUSING CHOICE VOUCHER PROGRAM.—Para-
 2 graph (5) of section 8(o) of the United States Housing
 3 Act of 1937 (42 U.S.C. 1437f(o)(5)) is amended—

4 (1) in the paragraph heading, by striking “AN-
 5 NUAL REVIEW” and inserting “REVIEWS”;

6 (2) in subparagraph (A)—

7 (A) by striking “the provisions of” and in-
 8 serting “paragraphs (6) and (7) of section 3(a)
 9 and to”; and

10 (B) by striking “and shall be conducted
 11 upon the initial provision of housing assistance
 12 for the family and thereafter not less than an-
 13 nually”; and

14 (3) in subparagraph (B), by striking the second
 15 sentence.

16 (d) ENHANCED VOUCHER PROGRAM.—Section
 17 8(t)(1)(D) of the United States Housing Act of 1937 (42
 18 U.S.C. 1437f(t)(1)(D)) is amended by striking “income”
 19 and inserting “annual adjusted income”.

20 (e) PROJECT-BASED HOUSING.—Paragraph (3) of
 21 section 8(c) of the United States Housing Act of 1937
 22 (42 U.S.C. 1437f(c)(3)) is amended by striking the last
 23 sentence.

24 (f) IMPACT ON PUBLIC HOUSING REVENUES.—

1 (1) INTERACTION WITH ASSET MANAGEMENT
2 RULE.—If a public housing agency determines that
3 the application of the amendments made by this sec-
4 tion results in a net reduction in the dwelling rental
5 income of the public housing agency and such reduc-
6 tion in the first quarter of a calendar year is pro-
7 jected to be more than one-half percent of the net
8 dwelling rents received by the public housing agency
9 during the preceding calendar year, the public hous-
10 ing agency may, any time prior to April 15th of each
11 year following the effective date of the amendments
12 made by this section, certify to the Secretary of
13 Housing and Urban Development the anticipated net
14 reduction in annual dwelling rental income and the
15 Secretary, within 45 days of receipt of such state-
16 ment, shall reimburse the agency from funds appro-
17 priated for operating assistance under section 9(e) of
18 the United States Housing Act of 1937 (42 U.S.C.
19 1437g(e)) if such funds are available. Each public
20 housing agency so assisted shall maintain the books,
21 documents, papers, and records supporting the cer-
22 tification submitted to the Secretary and such mate-
23 rials shall be available for review and audit by the
24 Secretary and by the Comptroller General of the
25 United States and their authorized representatives.

1 (2) HUD REPORTS ON PUBLIC HOUSING REV-
 2 ENUE IMPACT.—For each of fiscal years 2009 and
 3 2010, the Secretary of Housing and Urban Develop-
 4 ment shall submit a report to Congress identifying
 5 and calculating the impact of changes made by the
 6 amendments made by this section on the revenues
 7 and costs of operating public housing units.

8 (3) EFFECTIVE DATE.—This subsection shall
 9 take effect during the first year that the amend-
 10 ments made by this section are effective.

11 (g) ACCESS TO INFORMATION.—Section 904(2)(C) of
 12 the Stewart B. McKinney Homeless Assistance Amend-
 13 ments Act of 1988 (42 U.S.C. 3544) is amended by strik-
 14 ing the period and inserting the following: “, and each ap-
 15 plicant or participant, or the authorized representative
 16 thereof, shall have the opportunity to examine all informa-
 17 tion obtained for purposes of verifying the applicant or
 18 participant’s eligibility for or levels of benefits.”.

19 **SEC. 4. ELIGIBILITY FOR ASSISTANCE BASED ON ASSETS**
 20 **AND INCOME.**

21 (a) ASSETS.—Section 16 of the United States Hous-
 22 ing Act of 1937 (42 U.S.C. 1437n) is amended by insert-
 23 ing after subsection (d) the following new subsection:

24 “(e) ELIGIBILITY FOR ASSISTANCE BASED ON AS-
 25 SETS.—

1 “(1) LIMITATION ON ASSETS.—Subject to para-
 2 graph (3) and notwithstanding any other provision
 3 of this Act, a dwelling unit assisted under this Act
 4 may not be rented and assistance under this Act
 5 may not be provided, either initially or at each recer-
 6 tification of family income, to any family—

7 “(A) whose net family assets exceed
 8 \$100,000, as such amount is adjusted annually
 9 by applying an inflationary factor as the Sec-
 10 retary considers appropriate; or

11 “(B) who has a present ownership interest
 12 in, and a legal right to reside in, real property
 13 that is suitable for occupancy as a residence,
 14 except that the prohibition under this subpara-
 15 graph shall not apply to—

16 “(i) any property for which the family
 17 is receiving assistance under this Act;

18 “(ii) any person that is a victim of do-
 19 mestic violence; or

20 “(iii) any family that is making a
 21 good faith effort to sell such property.

22 “(2) NET FAMILY ASSETS.—

23 “(A) IN GENERAL.—For purposes of this
 24 subsection, the term ‘net family assets’ means,
 25 for all members of the household, the net cash

1 value of all assets after deducting reasonable
2 costs that would be incurred in disposing of real
3 property, savings, stocks, bonds, and other
4 forms of capital investment. Such term does not
5 include interests in Indian trust land, equity in
6 real property to which the prohibition under
7 paragraph (1)(B) does not apply, savings ac-
8 counts in homeownership programs of the De-
9 partment of Housing and Urban Development,
10 or Family Self-Sufficiency program accounts.

11 “(B) EXCLUSIONS.—Such term does not
12 include—

13 “(i) necessary items of personal prop-
14 erty, such as furniture and automobiles, as
15 the public housing agency may determine
16 for purposes of the voucher and public
17 housing programs, and as the Secretary
18 shall determine for purposes of other Fed-
19 eral housing programs;

20 “(ii) the value of any retirement ac-
21 count;

22 “(iii) any amounts recovered in any
23 civil action or settlement based on a claim
24 of malpractice, negligence, or other breach
25 of duty owed to a member of the family

1 and arising out of law, that resulted in a
2 member of the family being disabled; and

3 “(iv) the value of any Coverdell Edu-
4 cation Savings Account under section 530
5 of the Internal Revenue Code of 1986 or
6 any qualified tuition program under sec-
7 tion 529 of such Code.

8 “(C) TRUST FUNDS.—In cases where a
9 trust fund has been established and the trust is
10 not revocable by, or under the control of, any
11 member of the family or household, the value of
12 the trust fund shall not be considered an asset
13 of a family if the fund continues to be held in
14 trust. Any income distributed from the trust
15 fund shall be considered income for purposes of
16 section 3(b) and any calculations of annual
17 family income, except in the case of medical ex-
18 penses for a minor.

19 “(D) SELF-CERTIFICATION.—A public
20 housing agency or owner may determine the net
21 assets of a family, for purposes of this section,
22 based on the amounts reported by the family at
23 the time the agency or owner reviews the fam-
24 ily’s income.

1 “(3) COMPLIANCE FOR PUBLIC HOUSING
 2 DWELLING UNITS.—When recertifying family income
 3 with respect to families residing in public housing
 4 dwelling units, a public housing agency may, in the
 5 discretion of the agency and only pursuant to a pol-
 6 icy that is set forth in the public housing agency
 7 plan under section 5A for the agency, choose not to
 8 enforce the limitation under paragraph (1).

9 “(4) AUTHORITY TO DELAY EVICTIONS.—In the
 10 case of a family residing in a dwelling unit assisted
 11 under this Act who does not comply with the limita-
 12 tion under paragraph (1), the public housing agency
 13 or project owner may—

14 “(A) delay eviction or termination of the
 15 family, based on such noncompliance for a pe-
 16 riod of not more than 6 months; and

17 “(B) continue to provide assistance to the
 18 family if the family rectifies its noncompliance
 19 with such limitation during the period of delay
 20 described under subparagraph (A).”.

21 (b) INCOME.—The United States Housing Act of
 22 1937 is amended—

23 (1) in section 3(a)(1) (42 U.S.C. 1437a(a)(1)),
 24 by striking the first sentence and inserting the fol-
 25 lowing: “Dwelling units assisted under this Act may

1 be rented, and assistance under this Act may be pro-
2 vided, whether initially or at time of recertification,
3 only to families who are low-income families at the
4 time such initial or continued assistance, respec-
5 tively, is provided, except that families residing in
6 dwelling units as of the date of the enactment of the
7 Section 8 Voucher Reform Act of 2008 that, under
8 agreements in effect on such date of enactment, may
9 have incomes up to 95 percent of local area median
10 income shall continue to be eligible for assistance at
11 recertification as long as they continue to comply
12 with such income restrictions. Public housing agen-
13 cies and owners shall determine whether a family re-
14 ceiving assistance under this Act is a low-income
15 family at the time of recertification based on the
16 highest area median income determined by the Sec-
17 retary for the area since the family began receiving
18 assistance under this Act. When recertifying family
19 income with respect to families residing in public
20 housing dwelling units, a public housing agency may,
21 in the discretion of the agency and only pursuant to
22 a policy that is set forth in the public housing agen-
23 cy plan under section 5A for the agency, choose not
24 to enforce the prohibition under the preceding sen-
25 tence. When recertifying family income with respect

1 to families residing in dwelling units for which
 2 project-based assistance is provided, a project owner
 3 may, in the owner’s discretion and only pursuant to
 4 a policy adopted by such owner, choose not to en-
 5 force such prohibition. In the case of a family resid-
 6 ing in a dwelling unit assisted under this Act who
 7 does not comply with the prohibition under the first
 8 sentence of this paragraph or the prohibition in sec-
 9 tion 8(o)(4), the public housing agency or project
 10 owner may delay eviction or termination of the fam-
 11 ily, based on such noncompliance for a period of not
 12 more than 6 months and may continue to provide
 13 assistance to the family if the family rectifies its
 14 noncompliance with such limitation during this pe-
 15 riod of delay.”;

16 (2) in section 8(o)(4) (42 U.S.C. 1437f(o)(4)),
 17 by striking the matter preceding subparagraph (A)
 18 and inserting the following:

19 “(4) ELIGIBLE FAMILIES.—Assistance under
 20 this subsection may be provided, whether initially or
 21 at each recertification, only pursuant to subsection
 22 (t) to a family eligible for assistance under such sub-
 23 section or to a family who at the time of such initial
 24 or continued assistance, respectively, is a low-income
 25 family that is—”; and

1 (3) in section 8(c)(4) (42 U.S.C. 1437f(c)(4)),
 2 by striking “at the time it initially occupied such
 3 dwelling unit” and insert “according to the restric-
 4 tions under section 3(a)(1)”.

5 **SEC. 5. TARGETING ASSISTANCE TO LOW-INCOME WORK-**
 6 **ING FAMILIES.**

7 (a) **VOUCHERS.**—Section 16(b)(1) of the United
 8 States Housing Act of 1937 (42 U.S.C. 1437n(b)(1)) is
 9 amended—

10 (1) by inserting after “do not exceed” the fol-
 11 lowing: “the higher of (A) the poverty line (as such
 12 term is defined in section 673 of the Omnibus Budg-
 13 et Reconciliation Act of 1981 (42 U.S.C. 9902), in-
 14 cluding any revision required by such section) appli-
 15 cable to a family of the size involved, or (B)”;

16 (2) by inserting before the period at the end the
 17 following: “; and except that clause (A) of this sen-
 18 tence shall not apply in the case of public housing
 19 agencies located in Puerto Rico or any other terri-
 20 tory or possession of the United States”.

21 (b) **PUBLIC HOUSING.**—Section 16(a)(2)(A) of the
 22 United States Housing Act of 1937 (42 U.S.C.
 23 1437n(a)(2)(A)) is amended—

24 (1) by inserting after “do not exceed” the fol-
 25 lowing: “the higher of (i) the poverty line (as such

1 term is defined in section 673 of the Omnibus Budg-
 2 et Reconciliation Act of 1981 (42 U.S.C. 9902), in-
 3 cluding any revision required by such section) appli-
 4 cable to a family of the size involved, or (ii)”; and

5 (2) by inserting before the period at the end the
 6 following: “; and except that clause (i) of this sen-
 7 tence shall not apply in the case of public housing
 8 agencies located in Puerto Rico or any other terri-
 9 tory or possession of the United States”.

10 (c) PROJECT-BASED SECTION 8 ASSISTANCE.—Sec-
 11 tion 16(b)(1) of the United States Housing Act of 1937
 12 (42 U.S.C. 1437n(b)(1)) is amended—

13 (1) by inserting after “do not exceed” the fol-
 14 lowing: “the higher of (A) the poverty line (as such
 15 term is defined in section 673 of the Omnibus Budg-
 16 et Reconciliation Act of 1981 (42 U.S.C. 9902), in-
 17 cluding any revision required by such section) appli-
 18 cable to a family of the size involved, or (B)”; and

19 (2) by inserting before the period at the end the
 20 following: “; and except that clause (A) of this sen-
 21 tence shall not apply in the case of projects located
 22 in Puerto Rico or any other territory or possession
 23 of the United States”.

1 **SEC. 6. VOUCHER RENEWAL FUNDING.**

2 (a) IN GENERAL.—Section 8 of the United States
3 Housing Act of 1937 (42 U.S.C. 1437f) is amended by
4 striking subsection (dd) and inserting the following new
5 subsection:

6 “(dd) TENANT-BASED VOUCHERS.—

7 “(1) AUTHORIZATION OF APPROPRIATIONS.—

8 There are authorized to be appropriated, for each of
9 fiscal years 2009 through 2013, such sums as may
10 be necessary for tenant-based assistance under sub-
11 section (o) for the following purposes:

12 “(A) To renew all expiring annual con-
13 tributions contracts for tenant-based rental as-
14 sistance.

15 “(B) To provide tenant-based rental assist-
16 ance for—

17 “(i) relocation and replacement of
18 housing units that are demolished or dis-
19 posed of pursuant to the Omnibus Consoli-
20 dated Rescissions and Appropriations Act
21 of 1996 (Public Law 104–134);

22 “(ii) conversion of section 23 projects
23 to assistance under this section;

24 “(iii) the family unification program
25 under subsection (x) of this section;

1 “(iv) relocation of witnesses in con-
2 nection with efforts to combat crime in
3 public and assisted housing pursuant to a
4 request from a law enforcement or pros-
5 ecution agency;

6 “(v) enhanced vouchers authorized
7 under subsection (t) of this section;

8 “(vi) relocation and replacement of
9 public housing units that are demolished or
10 disposed of in connection with the HOPE
11 VI program under section 24;

12 “(vii) relocation and replacement of
13 vouchers used to preserve public housing
14 developed from sources other than under
15 section 9 of the United States Housing Act
16 of 1937 (42 U.S.C. 1437g);

17 “(viii) mandatory conversions of pub-
18 lic housing to vouchers, pursuant to sec-
19 tions 33 of the United States Housing Act
20 of 1937 (42 U.S.C. 1437z-5);

21 “(ix) voluntary conversion of public
22 housing to vouchers pursuant to section 22
23 of the United States Housing Act of 1937
24 (42 U.S.C. 1437t);

1 “(x) vouchers necessary to comply
2 with a consent decree or court order;

3 “(xi) relocation and replacement of
4 public housing units that are demolished or
5 disposed of pursuant to eminent domain,
6 homeownership programs, in connection
7 with a mixed-finance project under section
8 35 of the United States Housing Act of
9 1937 (42 U.S.C. 1437z-7), or otherwise;

10 “(xii) vouchers to replace dwelling
11 units that cease to receive project-based
12 assistance under subsection (b), (c), (d),
13 (e), or (v) of this section;

14 “(xiii) vouchers used to preserve pub-
15 lic housing developed from sources other
16 than under section 9 of the United States
17 Housing Act of 1937 (42 U.S.C. 1437g);

18 “(xiv) tenant protection assistance, in-
19 cluding replacement and relocation assist-
20 ance; and

21 “(xv) emergency voucher assistance
22 for the protection of victims of domestic vi-
23 olence, dating violence, sexual assault, or
24 stalking.

1 Subject only to the availability of sufficient
 2 amounts provided in appropriation Acts, the
 3 Secretary shall provide tenant-based rental as-
 4 sistance to replace all dwelling units that cease
 5 to be available as assisted housing as a result
 6 of clause (i), (ii), (v), (vi), (vii), (viii), (xi), (xii),
 7 or (xiii).

8 “(2) ALLOCATION OF RENEWAL FUNDING
 9 AMONG PUBLIC HOUSING AGENCIES.—

10 “(A) From amounts appropriated for each
 11 year pursuant to paragraph (1)(A), the Sec-
 12 retary shall provide renewal funding for each
 13 public housing agency—

14 “(i) based on leasing and cost data
 15 from the preceding calendar year, as ad-
 16 justed by an annual adjustment factor to
 17 be established by the Secretary, which shall
 18 be established using the smallest geo-
 19 graphical areas for which data on changes
 20 in rental costs are annually available;

21 “(ii) by making any adjustments nec-
 22 essary to provide for—

23 “(I) the first-time renewal of
 24 vouchers funded under paragraph
 25 (1)(B); and

1 “(II) any incremental vouchers
2 funded in previous years;

3 “(iii) by making any adjustments nec-
4 essary for full-year funding of vouchers
5 moved into or out of the jurisdiction of the
6 public housing agency in the prior calendar
7 year pursuant to the portability procedures
8 under subsection (r)(2); and

9 “(iv) by making such other adjust-
10 ments as the Secretary considers appro-
11 priate, including adjustments necessary to
12 address changes in voucher utilization
13 rates and voucher costs related to natural
14 and other major disasters.

15 “(B) LEASING AND COST DATA.—For pur-
16 poses of subparagraph (A)(i), leasing and cost
17 data shall be calculated annually by using the
18 average for the preceding calendar year. Such
19 leasing and cost data shall be adjusted to in-
20 clude vouchers that were set aside under a com-
21 mitment to provide project-based assistance
22 under subsection (o)(13) and to exclude
23 amounts funded through advances under para-
24 graph (3). Such leasing and cost data shall not
25 include funds not appropriated for tenant-based

1 assistance under section 8(o), unless the agen-
2 cy's funding was prorated in the prior year and
3 the agency used other funds to maintain vouch-
4 ers in use.

5 “(C) OVERLEASING.—For the purpose of
6 determining allocations under subsection (A)(i),
7 the leasing rate calculated for the prior cal-
8 endar year may exceed an agency's authorized
9 voucher level, except that such calculation shall
10 not include amounts resulting from a leasing
11 rate in excess of 103 percent of an agency's au-
12 thorized vouchers in the prior year which re-
13 sults from the use of accumulated amounts, as
14 referred to in paragraph (4)(A).

15 “(D) MOVING TO WORK.—Notwithstanding
16 subparagraphs (A) and (B), each public hous-
17 ing agency participating in any year in the mov-
18 ing to work demonstration under section 204 of
19 the Departments of Veterans Affairs and Hous-
20 ing and Urban Development, and Independent
21 Agencies Appropriations Act, 1996 (42 U.S.C.
22 1437f note) shall be—

23 “(i) funded pursuant to its agreement
24 under such program, if such agreement in-

1 cludes an alternate to the provisions of this
2 subsection; and

3 “(ii) subject to any pro rata adjust-
4 ment made under subparagraph (E)(i).

5 “(E) PRO RATA ALLOCATION.—

6 “(i) INSUFFICIENT FUNDS.—To the
7 extent that amounts made available for a
8 fiscal year are not sufficient to provide
9 each public housing agency with the full al-
10 location for the agency determined pursu-
11 ant to subparagraphs (A) and (D), the
12 Secretary shall reduce such allocation for
13 each agency on a pro rata basis, except
14 that renewal funding of enhanced vouchers
15 under section 8(t) shall not be subject to
16 such proration.

17 “(ii) EXCESS FUNDS.—To the extent
18 that amounts made available for a fiscal
19 year exceed the amount necessary to pro-
20 vide each housing agency with the full allo-
21 cation for the agency determined pursuant
22 to subparagraphs (A) and (D), such excess
23 amounts shall be used for the purposes
24 specified in subparagraphs (B) and (C) of
25 paragraph (4).

1 “(F) PROMPT FUNDING ALLOCATION.—

2 The Secretary shall allocate all funds under this
3 subsection for each year before the latter of (i)
4 February 15, or (ii) the expiration of the 45-
5 day period beginning upon the enactment of the
6 appropriations Act funding such renewals.

7 “(3) ADVANCES.—

8 “(A) AUTHORITY.—During the last 3
9 months of each calendar year, the Secretary
10 shall provide funds out of any appropriations
11 made under paragraph (1) for the fiscal year
12 beginning on October 1 of that calendar year,
13 to any public housing agency, at the request of
14 the agency, in an amount up to 2 percent of the
15 allocation for the agency for such calendar year,
16 subject to subparagraph (C).

17 “(B) USE.—Amounts advanced under sub-
18 paragraph (A) may be used to pay for addi-
19 tional voucher costs, including costs related to
20 temporary overleasing.

21 “(C) USE OF PRIOR YEAR AMOUNTS.—

22 During the last 3 months of a calendar year, if
23 amounts previously provided to a public housing
24 agency for tenant-based assistance for such

1 year or for previous years remain unobligated
 2 and available to the agency—

3 “(i) the agency shall exhaust such
 4 amounts to cover any additional voucher
 5 costs under subparagraph (B) before
 6 amounts advanced under subparagraph (A)
 7 may be so used; and

8 “(ii) the amount that may be ad-
 9 vanced under subparagraph (A) to the
 10 agency shall be reduced by an amount
 11 equal to the total of such previously pro-
 12 vided and unobligated amounts.

13 “(D) REPAYMENT.—Amounts advanced
 14 under subparagraph (A) in a calendar year
 15 shall be repaid to the Secretary in the subse-
 16 quent calendar year by reducing the amounts
 17 made available for such agency for such subse-
 18 quent calendar year pursuant to allocation
 19 under paragraph (2) by an amount equal to the
 20 amount so advanced to the agency.

21 “(4) OFFSET.—

22 “(A) IN GENERAL.—The Secretary shall
 23 offset, from amounts provided under the annual
 24 contributions contract for a public housing
 25 agency for a calendar year, all accumulated

1 amounts allocated under paragraph (2) and
2 from previous years that are unused by the
3 agency at the end of each calendar year ex-
4 cept—

5 “(i) with respect to the offset under
6 this subparagraph at the end of 2008, an
7 amount equal to 12.5 percent of the
8 amount allocated to the public housing
9 agency for such year pursuant to para-
10 graph (2)(A);

11 “(ii) with respect to the offset under
12 this subparagraph at the end of 2009, an
13 amount equal to 7.5 percent of the amount
14 allocated to the public housing agency for
15 such year pursuant to paragraph (2)(A);
16 and

17 “(iii) with respect to the offset under
18 this subparagraph at the end of each of
19 2010, 2011, and 2012, an amount equal to
20 5 percent of such amount allocated to the
21 agency for such year. Notwithstanding any
22 other provision of law, each public housing
23 agency may retain all amounts not author-
24 ized to be offset under this subparagraph,
25 and may use such amounts for all author-

1 ized purposes. Funds initially allocated
2 prior to the effective date of the Section 8
3 Voucher Reform Act of 2008 for the pur-
4 poses specified in paragraph (1)(B) shall
5 not be included in the calculation of accu-
6 mulated amounts subject to offset under
7 this paragraph.

8 “(B) REALLOCATION.—Not later than May
9 1 of each calendar year, the Secretary shall—

10 “(i) calculate the aggregate savings
11 due to the offset of unused amounts for
12 the preceding year recaptured pursuant to
13 subparagraph (A);

14 “(ii) set aside such amounts as the
15 Secretary considers likely to be needed to
16 reimburse public housing agencies for in-
17 creased costs related to portability and
18 family self-sufficiency activities during
19 such year, which amounts shall be made
20 available for allocation upon submission of
21 a request that meets criteria prescribed by
22 the Secretary; and

23 “(iii) reallocate all remaining amounts
24 among public housing agencies, with pri-
25 ority given based on the extent to which an

1 agency has utilized the amount allocated
 2 under paragraph (2) for the agency to
 3 serve eligible families, as well as the rel-
 4 ative need of communities for additional
 5 assistance under this subsection.

6 “(C) USE.—Amounts reallocated to a pub-
 7 lic housing agency pursuant to subparagraph
 8 (B)(iii) may be used only to increase voucher
 9 leasing rates to the level eligible for renewal
 10 funding under paragraph (2)(C).”.

11 (b) ABSORPTION OF VOUCHERS FROM OTHER AGEN-
 12 CIES.—

13 (1) IN GENERAL.—Section 8(r)(2) of the
 14 United States Housing Act of 1937 (42 U.S.C.
 15 1437f(r)(2)) is amended—

16 (A) by striking “The public housing agen-
 17 cy” and inserting “(A) IN GENERAL.—The pub-
 18 lic housing agency”; and

19 (B) by adding the end the following:

20 “(B) ABSORPTION AND PRIORITY.—

21 “(i) IN GENERAL.—The public hous-
 22 ing agency shall—

23 “(I) absorb any family that
 24 moves under this subsection into its
 25 program for voucher assistance under

1 this section after the initial month,
2 except that the Secretary may limit
3 the absorption of vouchers in excess of
4 a public housing agency's authorized
5 level if the Secretary makes the deter-
6 mination under subparagraph (C) that
7 there is insufficient funding for such
8 vouchers in the current year; and

9 “(II) have priority to receive ad-
10 ditional funding from the Secretary
11 for the net additional cost of housing
12 assistance provided pursuant to this
13 requirement from amounts made
14 available pursuant to subsection
15 (dd)(4)(B) or otherwise, except that
16 the obligation to absorb vouchers
17 under subclause (I) does not override
18 any provision of a judgement, consent
19 decree, contract with the Secretary
20 pursuant to section 3(b)(6), or any
21 other similar arrangement under
22 which the public housing agency ad-
23 ministers voucher assistance under
24 this section without regard to any

1 other applicable limitation on the pub-
2 lic housing agency's area of operation.

3 “(ii) NO DELAY OF VOUCHERS FOR
4 FAMILIES ON WAITING LIST.—The Sec-
5 retary shall provide the funding required to
6 carry out the activities under clause (i) as
7 needed for a public housing agency to meet
8 its obligation under this subparagraph
9 without delaying issuance of vouchers to
10 families on its waiting list.

11 “(C) EXCEPTION.—If in any fiscal year,
12 the Secretary does not have sufficient funds
13 available under subsection (dd)(4)(B) or that
14 otherwise may be used for the purposes of this
15 subsection, the Secretary shall suspend the re-
16 quirement described in subparagraph (B). Such
17 suspension shall take effect no earlier than 60
18 days after the Secretary provides notice of the
19 suspension by electronic mail to all public hous-
20 ing agencies and to the public by posting of the
21 notice on the website of the Department. The
22 obligation of the Secretary to fund vouchers ab-
23 sorbed under subparagraph (B) shall continue
24 for all vouchers that are leased prior to the ef-
25 fective date of such suspension.”.

1 (2) TRANSITION.—The amendments made by
2 paragraph (1) shall take effect January 1, 2010,
3 provided that in each calendar quarter of 2010 and
4 2011, a public housing agency shall absorb no more
5 than one-eighth of the vouchers subject to absorp-
6 tion on such effective date of each public housing
7 agency that is providing assistance for the vouchers
8 on such effective date. Public housing agencies may
9 by mutual agreement alter the absorption rate estab-
10 lished in the previous sentence.

11 (3) REPORT TO CONGRESS.—Not later than
12 May 1, 2009, the Secretary of Housing and Urban
13 Development shall provide to Congress an estimate
14 of the net additional cost to the Department of
15 Housing and Urban Development in the first year of
16 implementation of the new requirements added by
17 the amendments made in paragraph (1), and of the
18 savings likely to be available in 2010 and 2011 as
19 a result of the reduction in the permitted level of re-
20 tained funds under subsection (dd)(4)(A) of section
21 8 of the United States Housing Act of 1937 (42
22 U.S.C. 1437f(dd)(4)(A)).

23 (c) VOUCHERS FOR PERSONS WITH DISABILITIES.—
24 The Secretary of Housing and Urban Development shall
25 develop and issue, to public housing agencies that received

1 voucher assistance under section 8(o) for non-elderly dis-
 2 abled families pursuant to appropriations Acts, guidance
 3 to ensure that, to the maximum extent practicable, such
 4 vouchers continue to be provided upon turnover to quali-
 5 fied non-elderly disabled families.

6 **SEC. 7. ADMINISTRATIVE FEES.**

7 (a) IN GENERAL.—Section 8(q) of the United States
 8 Housing Act of 1937 (42 U.S.C. 1437f(q)) is amended—

9 (1) in paragraph (1)—

10 (A) by amending subparagraphs (B) and
 11 (C) to read as follows:

12 “(B) CALCULATION.—The fee under this
 13 subsection shall—

14 “(i) be payable to each public housing
 15 agency for each month for which a dwell-
 16 ing unit is covered by an assistance con-
 17 tract;

18 “(ii) be based on the per unit fee pay-
 19 able to the agency in fiscal year 2003, up-
 20 dated for each subsequent year as specified
 21 in subsection (iv), unless the Secretary es-
 22 tablishes by rulemaking a revised method
 23 of calculating the per unit fee for each
 24 agency, which method—

1 “(I) shall otherwise comply with
2 this subparagraph; and

3 “(II) may include performance
4 incentives, consistent with subsection
5 (o)(21);

6 “(iii) include an amount for the cost
7 of issuing vouchers to new participants
8 who lease units in the jurisdiction of the
9 agency or in another jurisdiction under the
10 procedures established in subsection (r);

11 “(iv) be updated each year using an
12 index of changes in wage data or other ob-
13 jectively measurable data that reflect the
14 costs of administering the program for
15 such assistance, as determined by the Sec-
16 retary; and

17 “(v) include an amount for the cost of
18 family self-sufficiency coordinators, as pro-
19 vided in section 23(h)(1).

20 “(C) PUBLICATION.—The Secretary shall
21 cause to be published in the Federal Register
22 the fee rate for each geographic area.”; and

23 (B) by striking subparagraph (E); and

24 (2) in paragraph (4), by striking “1999” and
25 inserting “2008”.

1 (b) ADMINISTRATIVE FEES FOR FAMILY SELF-SUF-
 2 FICIENCY PROGRAM COSTS.—Subsection (h) of section 23
 3 of the United States Housing Act of 1937 (42 U.S.C.
 4 1437u(h)) is amended by striking paragraph (1) and in-
 5 serting the following new paragraph:

6 “(1) SECTION 8 FEES.—

7 “(A) IN GENERAL.—The Secretary shall
 8 establish a fee under section 8(q) for the costs
 9 incurred in administering the self-sufficiency
 10 program under this section to assist families re-
 11 ceiving voucher assistance through section 8(o).

12 “(B) ELIGIBILITY FOR FEE.—The fee shall
 13 provide funding for family self-sufficiency coor-
 14 dinators as follows:

15 “(i) BASE FEE.—A public housing
 16 agency serving 25 or more participants in
 17 the Family Self-Sufficiency program under
 18 this section shall receive a fee equal to the
 19 costs of employing 1 full-time family self-
 20 sufficiency coordinator. An agency serving
 21 fewer than 25 such participants shall re-
 22 ceive a prorated fee.

23 “(ii) ADDITIONAL FEE.—An agency
 24 that meets minimum performance stand-
 25 ards shall receive an additional fee suffi-

1 cient to cover the costs of employing a sec-
 2 ond family self-sufficiency coordinator if
 3 the agency has 75 or more participating
 4 families, and a third such coordinator if it
 5 has 125 or more participating families.

6 “(iii) PREVIOUSLY FUNDED AGEN-
 7 CIES.—An agency that received funding
 8 from the Department of Housing and
 9 Urban Development for more than 3 such
 10 coordinators in any of fiscal years 1998
 11 through 2008 shall receive funding for the
 12 highest number of coordinators funded in a
 13 single fiscal year during that period, pro-
 14 vided they meet applicable size and per-
 15 formance standards.

16 “(iv) INITIAL YEAR.—For the first
 17 year in which a public housing agency ex-
 18 ercises its right to develop a family self-
 19 sufficiency program for its residents, it
 20 shall be entitled to funding to cover the
 21 costs of up to 1 family self-sufficiency co-
 22 ordinator, based on the size specified in its
 23 action plan for such program.

24 “(v) STATE AND REGIONAL AGEN-
 25 CIES.—For purposes of calculating the

1 family self-sufficiency portion of the ad-
2 ministrative fee under this subparagraph,
3 each administratively distinct part of a
4 State or regional public housing agency
5 shall be treated as a separate agency.

6 “(vi) DETERMINATION OF NUMBER
7 OF COORDINATORS.—In determining
8 whether a public housing agency meets a
9 specific threshold for funding pursuant to
10 this paragraph, the number of participants
11 being served by the agency in its family
12 self-sufficiency program shall be considered
13 to be the average number of families en-
14 rolled in such agency’s program during the
15 course of the most recent fiscal year for
16 which the Department of Housing and
17 Urban Development has data.

18 “(C) PRORATION.—If insufficient funds
19 are available in any fiscal year to fund all of the
20 coordinators authorized under this section, the
21 first priority shall be given to funding 1 coordi-
22 nator at each agency with an existing family
23 self-sufficiency program. The remaining funds
24 shall be prorated based on the number of re-

1 maining coordinators to which each agency is
2 entitled under this subparagraph.

3 “(D) RECAPTURE.—Any fees allocated
4 under this subparagraph by the Secretary in a
5 fiscal year that have not been spent by the end
6 of the subsequent fiscal year shall be recaptured
7 by the Secretary and shall be available for pro-
8 viding additional fees pursuant to subparagraph
9 (B)(ii).

10 “(E) PERFORMANCE STANDARDS.—Within
11 6 months after the date of the enactment of
12 this paragraph, the Secretary shall publish a
13 proposed rule specifying the performance stand-
14 ards applicable to funding under clauses (ii)
15 and (iii) of subparagraph (B). Such standards
16 shall include requirements applicable to the
17 leveraging of in-kind services and other re-
18 sources to support the goals of the family self-
19 sufficiency program.

20 “(F) DATA COLLECTION.—Public housing
21 agencies receiving funding under this paragraph
22 shall collect and report to the Secretary, in such
23 manner as the Secretary shall require, informa-
24 tion on the performance of their family self-suf-
25 ficiency programs.

1 “(G) EVALUATION.—The Secretary shall
 2 conduct a formal and scientific evaluation of
 3 the effectiveness of well-run family self-suffi-
 4 ciency programs, using random assignment of
 5 participants to the extent practicable. Not later
 6 than the expiration of the 4-year period begin-
 7 ning upon the enactment of this paragraph, the
 8 Secretary shall submit an interim evaluation re-
 9 port to Congress. Not later than the expiration
 10 of the 8-year period beginning upon such enact-
 11 ment, the Secretary shall submit a final evalua-
 12 tion report to Congress. There is authorized to
 13 be appropriated \$10,000,000 to carry out the
 14 evaluation under this subparagraph.

15 “(H) INCENTIVES FOR INNOVATION AND
 16 HIGH PERFORMANCE.—The Secretary may re-
 17 serve up to 10 percent of the amounts made
 18 available for administrative fees under this
 19 paragraph to provide support to or reward fam-
 20 ily self-sufficiency programs that are particu-
 21 larly innovative or highly successful in achieving
 22 the goals of the program.”.

23 (c) REPEAL.—Section 202 of the Departments of
 24 Veterans Affairs and Housing and Urban Development,
 25 and Independent Agencies Appropriations Act, 1997 (42

1 U.S.C. 1437f note; Public Law 104–204; 110 Stat. 2893)
 2 is hereby repealed.

3 **SEC. 8. HOMEOWNERSHIP.**

4 (a) SECTION 8 HOMEOWNERSHIP DOWNPAYMENT
 5 PROGRAM.—Section 8(y)(7) of the United States Housing
 6 Act of 1937 (42 U.S.C. 1437f(y)(7)) is amended by strik-
 7 ing subparagraphs (A) and (B) and inserting the following
 8 new subparagraph:

9 “(A) IN GENERAL.—Subject to the provi-
 10 sions of this paragraph, in the case of a family
 11 on whose behalf rental assistance under section
 12 8(o) has been provided for a period of not less
 13 than 12 months prior to the date of receipt of
 14 downpayment assistance under this paragraph,
 15 a public housing agency may, in lieu of pro-
 16 viding monthly assistance payments under this
 17 subsection on behalf of a family eligible for
 18 such assistance and at the discretion of the
 19 agency, provide a downpayment assistance
 20 grant in accordance with subparagraph (B).

21 “(B) GRANT REQUIREMENTS.—A down-
 22 payment assistance grant under this para-
 23 graph—

24 “(i) shall be used by the family only
 25 as a contribution toward the downpayment

1 and reasonable and customary closing
2 costs required in connection with the pur-
3 chase of a home;

4 “(ii) shall be in the form of a single
5 1-time grant; and

6 “(iii) may not exceed \$10,000.

7 “(C) NO EFFECT ON OBTAINING OUTSIDE
8 SOURCES FOR DOWNPAYMENT ASSISTANCE.—
9 This Act may not be construed to prohibit a
10 public housing agency from providing downpay-
11 ment assistance to families from sources other
12 than a grant provided under this Act, or as de-
13 termined by the public housing agency.”.

14 (b) USE OF VOUCHERS FOR MANUFACTURED HOUS-
15 ING.—Section 8(o)(12) of the United States Housing Act
16 of 1937 (42 U.S.C. 1437f(o)(12)) is amended—

17 (1) in subparagraph (A), by striking the period
18 at the end of the first sentence and all that follows
19 through “of” in the second sentence and inserting
20 “and rents”; and

21 (2) in subparagraph (B)—

22 (A) in clause (i), by striking “the rent”
23 and all that follows and inserting the following:
24 “rent shall mean the sum of the monthly pay-
25 ments made by a family assisted under this

1 paragraph to amortize the cost of purchasing
2 the manufactured home, including any required
3 insurance and property taxes, the monthly
4 amount allowed for tenant-paid utilities, and
5 the monthly rent charged for the real property
6 on which the manufactured home is located, in-
7 cluding monthly management and maintenance
8 charges.”;

9 (B) by striking clause (ii); and

10 (C) in clause (iii)—

11 (i) by inserting after the period at the
12 end the following: “If the amount of the
13 monthly assistance payment for a family
14 exceeds the monthly rent charged for the
15 real property on which the manufactured
16 home is located, including monthly man-
17 agement and maintenance charges, a pub-
18 lic housing agency may pay the remainder
19 to the family, lender, or utility company, or
20 may choose to make a single payment to
21 the family for the entire monthly assist-
22 ance amount.”; and

23 (ii) by redesignating such clause as
24 clause (ii).

1 **SEC. 9. PERFORMANCE ASSESSMENTS.**

2 Section 8(o) of the United States Housing Act of
 3 1937 (42 U.S.C. 1437f(o)) is amended by adding at the
 4 end the following new paragraph:

5 “(21) PERFORMANCE ASSESSMENTS.—

6 “(A) ESTABLISHMENT.—The Secretary
 7 shall, by regulation, establish standards and
 8 procedures for assessing the performance of
 9 public housing agencies in carrying out the pro-
 10 grams for tenant-based rental assistance under
 11 this subsection and for homeownership assist-
 12 ance under subsection (y).

13 “(B) CONTENTS.—The standards and pro-
 14 cedures under this paragraph shall provide for
 15 assessment of the performance of public hous-
 16 ing agencies in the following areas:

17 “(i) Quality of dwelling units obtained
 18 using such assistance.

19 “(ii) Extent of utilization of assist-
 20 ance amounts provided to the agency and
 21 of authorized vouchers, adjusted for vouch-
 22 ers set aside to meet commitments under
 23 paragraph (13) and to take into account
 24 the time required for additional lease-up
 25 efforts resulting from absorption of a sig-

1 nificant number or share of an agency's
2 vouchers under subsection (r).

3 “(iii) Timeliness and accuracy of re-
4 porting by the agency to the Secretary.

5 “(iv) Effectiveness in carrying out
6 policies to achieve deconcentration of pov-
7 erty.

8 “(v) Reasonableness of rent burdens,
9 consistent with public housing agency re-
10 sponsibilities under section 8(o)(1)(E)(iii).

11 “(vi) Accurate calculations of rent,
12 utility allowances, and subsidy payments.

13 “(vii) Effectiveness in carrying out
14 family self-sufficiency activities.

15 “(viii) Timeliness of actions related to
16 landlord participation.

17 “(ix) Compliance with targeting re-
18 quirements under section 16(b).

19 “(x) Such other areas as the Sec-
20 retary considers appropriate.

21 “(C) BIENNIAL ASSESSMENT.—Not later
22 than 2 years after the date of enactment of this
23 paragraph, and at least every 2 years there-
24 after, the Secretary, using the standards and

procedures established under this paragraph,
shall—

“(i) conduct an assessment of the performance of each public housing agency carrying out a program referred to in subparagraph (A);

“(ii) make such assessment available to the public housing agency and to the public via the website of the Department of Housing and Urban Development; and

“(iii) submit a report to Congress regarding the results of each such assessment.

“(D) USE OF ASSESSMENTS TO ASSIST PERFORMANCE.—The Secretary shall, by regulation and based upon the results of the assessments of public housing agencies conducted under this paragraph, establish procedures and mechanisms to assist poorly performing public housing agencies in becoming ably performing public housing agencies.”.

SEC. 10. PHA PROJECT-BASED ASSISTANCE.

Section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) is amended—

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

3 “(B) PERCENTAGE LIMITATION.—

4 “(i) IN GENERAL.—Subject to clause
5 (ii), not more than 25 percent of the fund-
6 ing available for tenant-based assistance
7 under this section that is administered by
8 the agency may be attached to structures
9 pursuant to this paragraph.

10 “(ii) EXCEPTION.—An agency may at-
11 tach up to an additional 5 percent of the
12 funding available for tenant-based assist-
13 ance under this section to structures pur-
14 suant to this paragraph for dwelling units
15 that house individuals and families that
16 meet the definition of homeless under sec-
17 tion 103 of the McKinney-Vento Homeless
18 Assistance Act (42 U.S.C. 11302).”;

19 (2) by striking subparagraph (D) and inserting
20 the following new subparagraph:

21 “(D) INCOME MIXING REQUIREMENT.—

22 “(i) IN GENERAL.—Except as pro-
23 vided in clause (ii), not more than the
24 greater of 25 dwelling units or 25 percent
25 of the dwelling units in any project may be

1 assisted under a housing assistance pay-
 2 ment contract for project-based assistance
 3 pursuant to this paragraph. For purposes
 4 of this subparagraph, the term ‘project’
 5 means a single building, multiple contig-
 6 uous buildings, or multiple buildings on
 7 contiguous parcels of land.

8 “(ii) EXCEPTIONS.—

9 “(I) CERTAIN HOUSING.—The
 10 limitation under clause (i) shall not
 11 apply in the case of assistance under
 12 a contract for housing consisting of
 13 single family properties, or for dwell-
 14 ing units that are specifically made
 15 available for households comprised of
 16 elderly families, disabled families, and
 17 families receiving supportive services
 18 only where comprehensive services are
 19 provided to special populations such
 20 as to individuals who were formerly
 21 homeless and other populations with
 22 special needs. For purposes of the
 23 preceding sentence, the term ‘single
 24 family properties’ means buildings
 25 with no more than 4 dwelling units.

1 “(II) CERTAIN AREAS.—With re-
 2 spect to areas in which fewer than 75
 3 percent of families issued vouchers be-
 4 come participants in the program, the
 5 public housing agency has established
 6 the payment standard at 110 percent
 7 of the fair market rent for all census
 8 tracts in the area for the previous 6
 9 months, the public housing agency has
 10 requested a higher payment standard,
 11 and the public housing agency grants
 12 an automatic extension of 90 days (or
 13 longer) to families with vouchers who
 14 are attempting to find housing, clause
 15 (i) shall be applied by substituting ‘40
 16 percent’ for ‘25 percent’.”;

17 (3) in the first sentence of subparagraph (F),
 18 by striking “10 years” and inserting “15 years”;

19 (4) in subparagraph (G)—

20 (A) by inserting after the period at the end
 21 of the first sentence the following: “Such con-
 22 tract may, at the election of the public housing
 23 agency and the owner of the structure, specify
 24 that such contract shall be extended for renewal
 25 terms of up to 15 years each, if the agency

1 makes the determination required by this sub-
2 paragraph and the owner is in compliance with
3 the terms of the contract.”; and

4 (B) by adding at the end the following: “A
5 public housing agency may agree to enter into
6 such a contract at the time it enters into the
7 initial agreement for a housing assistance pay-
8 ment contract or at any time thereafter that is
9 before the expiration of the housing assistance
10 payment contract.”;

11 (5) in subparagraph (H), by inserting before
12 the period at the end of the first sentence the fol-
13 lowing: “, except that in the case of a contract unit
14 that has been allocated low-income housing tax cred-
15 its and for which the rent limitation pursuant to
16 such section 42 is less than the amount that would
17 otherwise be permitted under this subparagraph, the
18 rent for such unit may, in the sole discretion of a
19 public housing agency, be established at the higher
20 section 8 rent, subject only to paragraph (10)(A)”;

21 (6) in subparagraph (I)(i), by inserting before
22 the semicolon the following: “, except that the con-
23 tract may provide that the maximum rent permitted
24 for a dwelling unit shall not be less than the initial

1 rent for the dwelling unit under the initial housing
2 assistance payments contract covering the unit”;

3 (7) in subparagraph (J)—

4 (A) by striking the fifth and sixth sen-
5 tences and inserting the following: “A public
6 housing agency may establish and utilize proce-
7 dures for maintaining site-based waiting lists
8 under which applicants may apply directly at,
9 or otherwise designate to the public housing
10 agency, the project or projects in which they
11 seek to reside, except that all applicants on the
12 waiting list of an agency for assistance under
13 this subsection shall be permitted to place their
14 names on such separate list. All such proce-
15 dures shall comply with title VI of the Civil
16 Rights Act of 1964, the Fair Housing Act, and
17 other applicable civil rights laws. The owner or
18 manager of a structure assisted under this
19 paragraph shall not admit any family to a
20 dwelling unit assisted under a contract pursu-
21 ant to this paragraph other than a family re-
22 ferred by the public housing agency from its
23 waiting list, or a family on a site-based waiting
24 list that complies with the requirements of this
25 subparagraph. A public housing agency shall

1 fully disclose to each applicant each option in
 2 the selection of a project in which to reside that
 3 is available to the applicant.”; and

4 (B) by inserting after the third sentence
 5 the following new sentence: “Any family who re-
 6 sides in a dwelling unit proposed to be assisted
 7 under this paragraph, or in a unit to be re-
 8 placed by a proposed unit to be assisted under
 9 this paragraph shall be given an absolute pref-
 10 erence for selection for placement in the pro-
 11 posed unit, if the family is otherwise eligible for
 12 assistance under this subsection.”; and

13 (8) by adding at the end the following new sub-
 14 paragraphs:

15 “(L) STRUCTURE OWNED BY AGENCY.—

16 Notwithstanding any other provision of law, as
 17 part of an initiative to improve, redevelop, or
 18 replace a public housing site, a public housing
 19 agency may attach assistance to an existing,
 20 newly constructed, or rehabilitated structure in
 21 which the public housing agency has an owner-
 22 ship interest, without following a competitive
 23 process, provided that the agency includes such
 24 action in its public housing agency plan ap-
 25 proved under section 5A and the units that will

1 receive such assistance will not receive assist-
2 ance under section 9. The preceding sentence
3 shall not be construed to limit a public housing
4 agency's ability to attach assistance to struc-
5 tures under applicable law.

6 “(M) USE IN COOPERATIVE HOUSING AND
7 ELEVATOR BUILDINGS.—A public housing agen-
8 cy may enter into a housing assistance pay-
9 ments contract under this paragraph with re-
10 spect to—

11 “(i) dwelling units in cooperative
12 housing; and

13 “(ii) notwithstanding subsection (c),
14 dwelling units in a high-rise elevator
15 project, including such a project that is oc-
16 cupied by families with children, without
17 review and approval of the contract by the
18 Secretary.

19 “(N) REVIEWS.—

20 “(i) SUBSIDY LAYERING.—A subsidy
21 layering review in accordance with section
22 102(d) of the Department of Housing and
23 Urban Development Reform Act of 1989
24 (42 U.S.C. 3545(d)) shall not be required
25 for assistance under this subparagraph in

1 the case of a housing assistance payments
2 contract for an existing structure, or if a
3 subsidy layering review has been conducted
4 by the applicable State or local agency.

5 “(ii) ENVIRONMENTAL REVIEW.—A
6 public housing agency shall not be required
7 to undertake any environmental review be-
8 fore entering into a housing assistance
9 payments contract under this paragraph
10 for an existing structure, except to the ex-
11 tent such a review is otherwise required by
12 law or regulation.

13 “(O) LEASES AND TENANCY.—Assistance
14 provided under this paragraph shall be subject
15 to the provisions of paragraph (7), except that
16 subparagraph (A) of such paragraph shall not
17 apply.

18 “(P) ALLOWABLE TRANSFERS.—To pro-
19 mote regional mobility and increase housing
20 and economic opportunities through expanded
21 use of project-based voucher assistance, a public
22 housing agency may transfer a portion of its
23 vouchers and related budget authority to a pub-
24 lic housing agency that administers a program
25 under this subsection in another jurisdiction in

1 the same or contiguous metropolitan area or
 2 county. The Secretary shall encourage such vol-
 3 untary agreements and promptly execute the
 4 necessary funding and contract modifications.”.

5 **SEC. 11. RENT BURDENS.**

6 (a) **REVIEWS.**—Section 8(o)(1) of the United States
 7 Housing Act of 1937 (42 U.S.C. 1437f(o)(1)) is amended
 8 by striking subparagraph (E) and inserting the following
 9 new subparagraph:

10 “(E) **REVIEWS.**—

11 “(i) **RENT BURDENS.**—

12 “(I) **MONITOR AND REPORT.**—

13 The Secretary shall monitor rent bur-
 14 dens and submit a report to Congress
 15 annually on the percentage of families
 16 assisted under this subsection, occu-
 17 pying dwelling units of each size, that
 18 pay more than 30 percent of their ad-
 19 justed incomes for rent and such per-
 20 centage that pay more than 40 per-
 21 cent of their adjusted incomes for
 22 rent. Using information regularly re-
 23 ported by public housing agencies, the
 24 Secretary shall provide public housing
 25 agencies, on an annual basis, a report

1 with the information described in the
2 first sentence of this clause, and may
3 require a public housing agency to
4 modify a payment standard that re-
5 sults in a significant percentage of
6 families assisted under this sub-
7 section, occupying dwelling units of
8 any size, paying more than 30 percent
9 of their adjusted incomes for rent. In
10 implementing the requirements of this
11 clause, the Secretary shall distinguish
12 excessive rent burdens that result
13 solely from the methods of deter-
14 mining a family's rent contribution
15 under section (3)(A)(3) or clauses (ii)
16 or (iii) of paragraph (2)(A) of this
17 subsection.

18 “(II) PUBLIC AVAILABILITY.—

19 Each public housing agency shall
20 make publicly available the informa-
21 tion on rent burdens provided by the
22 Secretary pursuant to subclause (I),
23 and, for agencies located in metropoli-
24 tan areas, the information on con-

1 centration provided by the Secretary
2 pursuant to clause (ii).

3 “(ii) CONCENTRATION OF POVERTY.—

4 The Secretary shall submit a report to
5 Congress annually on the degree to which
6 families of particular racial and ethnic
7 groups assisted under this subsection in
8 each metropolitan area are clustered in
9 higher poverty areas, and the extent to
10 which greater geographic distribution of
11 such assisted families could be achieved,
12 including by increasing payment standards
13 for particular communities within such
14 metropolitan areas.

15 “(iii) PUBLIC HOUSING AGENCY RE-

16 SPONSIBILITIES.—If a public housing
17 agency has a high degree of concentration
18 of families of particular racial and ethnic
19 groups clustered in a higher poverty area
20 or if such agency has more than 5 percent
21 of families residing in units assisted under
22 this subsection who pay more than 40 per-
23 cent of their adjusted incomes for rent—

24 “(I) the public housing agency

25 shall adjust its payment standard or

1 explain its reasons for not making
2 such adjustment; and

3 “(II) the Secretary may not deny
4 the request of the public housing
5 agency to set a payment standard up
6 to 120 percent of the fair market rent
7 to remedy excessive rent burdens or
8 undue concentration of families as-
9 sisted under this subsection in lower
10 rent, higher poverty sections of a met-
11 ropolitan area, if the public housing
12 agency—

13 “(aa) has conducted a thor-
14 ough review of its payment
15 standards;

16 “(bb) conducts a thorough
17 review of its rent reasonableness
18 policies and procedures, and
19 properly conducts a review of its
20 rent reasonableness on an ongo-
21 ing basis;

22 “(cc) has conducted out-
23 reach to landlords in all areas
24 within the service area of the
25 public housing agency;

1 “(dd) provides search assist-
2 ance to such families, if undue
3 concentration is the reason for
4 the adjustment of the payment
5 standard;

6 “(ee) has completed a review
7 of utility allowances and burdens
8 on such families; and

9 “(ff) the public housing
10 agency has, for the previous 6-
11 month period, had its payment
12 standards set at 110 percent of
13 the fair market rent.”.

14 (b) PUBLIC HOUSING AGENCY PLAN.—Section
15 5A(d)(4) of the United States Housing Act of 1937 (42
16 U.S.C. 1437c–1(d)(4)) is amended by inserting before the
17 period at the end the following: “, including the report
18 with respect to the agency furnished by the Secretary pur-
19 suant to section 8(o)(1)(E) concerning rent burdens and,
20 if applicable, geographic concentration of voucher holders,
21 any changes in rent or other policies the public housing
22 agency is making to address excessive rent burdens or con-
23 centration, and if the public housing agency is not adjust-
24 ing its payment standard, its reasons for not doing so.”.

1 (c) RENT BURDENS FOR PERSONS WITH DISABIL-
 2 ITIES.—Subparagraph (D) of section 8(o)(1) of the
 3 United States Housing Act of 1937 (42 U.S.C.
 4 1437f(o)(1)) is amended by inserting before the period at
 5 the end the following: “, except that a public housing
 6 agency may establish a payment standard of not more
 7 than 120 percent of the fair market rent where necessary
 8 as a reasonable accommodation for a person with a dis-
 9 ability, without approval of the Secretary. A public hous-
 10 ing agency may seek approval of the Secretary to use a
 11 payment standard greater than 120 percent of the fair
 12 market rent as a reasonable accommodation for a person
 13 with a disability”.

14 (d) RENT BURDENS FOR VOUCHER HOLDERS IN
 15 LOW-INCOME HOUSING TAX CREDIT UNITS.—Section
 16 8(o)(10)(A) of the United States Housing Act of 1937 (42
 17 U.S.C. 1437f(o)(10)(A)) is amended by inserting before
 18 the period the following: “, except that in a unit receiving
 19 tax credits under section 42 of the Internal Revenue Code
 20 or assistance under subtitle A of title II of the Cranston-
 21 Gonzalez National Affordable Housing Act for which a
 22 housing assistance contract not subject to paragraph (13)
 23 is established—

24 “(i) no comparison with rent for units
 25 in the private, unassisted local market

1 shall be required if the rent is at or below
 2 the rent for other comparable units receiv-
 3 ing such tax credits or assistance in the
 4 project that are not occupied by tenant-
 5 based voucher holders; and

6 “(ii) the rent shall not be considered
 7 reasonable if it exceeds the higher of (I)
 8 the rents charged for other comparable
 9 units receiving such tax credits or assist-
 10 ance in the project that are not occupied
 11 by tenant-based voucher holders and (II)
 12 the payment standard established by the
 13 public housing agency for a unit of the
 14 particular size.”.

15 **SEC. 12. ESTABLISHMENT OF FAIR MARKET RENT.**

16 (a) IN GENERAL.—Paragraph (1) of section 8(c) of
 17 the United States Housing Act of 1937 (42 U.S.C.
 18 1437f(c)(1)) is amended—

19 (1) by inserting “(A)” after the paragraph des-
 20 ignation;

21 (2) by striking the seventh, eighth, and ninth
 22 sentences; and

23 (3) by adding at the end the following:

24 “(B)(i) The Secretary shall endeavor to define mar-
 25 ket areas for purposes of this paragraph in a manner that

1 results in fair market rentals that are adequate to cover
2 typical rental costs of units suitable for occupancy by per-
3 sons assisted under this section in as wide a range of com-
4 munities as is feasible, including communities with low
5 poverty rates.

6 “(ii) The Secretary at a minimum shall define a sepa-
7 rate market area for each—

8 “(I) metropolitan city, as such term is defined
9 in section 102(a) of the Housing and Community
10 Development Act of 1974 (42 U.S.C. 5302(a)), with
11 more than 40,000 rental dwelling units; and

12 “(II) county or in the case of a county that in-
13 cludes a metropolitan city specified in subclause (I),
14 for the remainder of that county located outside the
15 boundaries of such metropolitan city.

16 The requirement under subclause (II) shall not apply to
17 any counties wholly within a metropolitan city specified
18 in subclause (I) or any counties in the following States:
19 Connecticut, Maine, Massachusetts, New Hampshire,
20 Rhode Island, or Vermont.

21 “(iii) Notwithstanding clause (ii), the Secretary may
22 establish minimum fair market rents within each State to
23 ensure that fair market rents in a State are adequate to
24 cover the cost of standard quality housing in that State.

1 “(iv) The Secretary shall, at the request of 1 or more
2 public housing agency, establish a separate market area
3 for part or all of the area under the jurisdiction of such
4 agency, if—

5 “(I) the requested market area contains at least
6 20,000 rental dwelling units;

7 “(II) the areas contained in the requested mar-
8 ket area are geographically contiguous and share
9 similar housing market characteristics;

10 “(III) adequate data are available to establish
11 a reliable fair market rental for the requested mar-
12 ket area, and for the remainder of the market area
13 in which it is currently located; and

14 “(IV) establishing the requested market area
15 would raise or lower the fair market rental by 10
16 percent or more at the time the requested market
17 area is established.

18 For purposes of subclause (III), data for an area shall
19 be considered adequate if they are sufficient to establish
20 from time to time a reliable benchmark fair market rental
21 based primarily on data from that area, whether or not
22 those data need to be supplemented with data from a larg-
23 er area for purposes of annual updates.

24 “(v) The Secretary shall not reduce the fair market
25 rental in a market area as a result of a change in the

1 percentile of the distribution of market rents used to es-
 2 tablish the fair market rental.”.

3 (b) PAYMENT STANDARD.—Subparagraph (B) of sec-
 4 tion 8(o)(1) of the United States Housing Act of 1937
 5 (42 U.S.C. 1437f(o)(1)(B)) is amended by inserting be-
 6 fore the period at the end the following: “, except that
 7 no public housing agency shall be required as a result of
 8 a reduction in the fair market rental to reduce the pay-
 9 ment standard applied to a family continuing to reside in
 10 a unit for which the family was receiving assistance under
 11 this section at the time the fair market rental was re-
 12 duced”.

13 **SEC. 13. SCREENING OF APPLICANTS.**

14 Subparagraph (B) of section 8(o)(6) of the United
 15 States Housing Act of 1937 (1437f(o)(6)(B)) is amend-
 16 ed—

17 (1) by inserting after the period at the end of
 18 the second sentence the following: “A public housing
 19 agency’s elective screening shall be limited to criteria
 20 that are directly related to an applicant’s ability to
 21 fulfill the obligations of an assisted lease and shall
 22 consider mitigating circumstances related to such
 23 applicant. The requirements of the prior sentence
 24 shall not limit the ability of a public housing agency
 25 to deny assistance based on the applicant’s criminal

1 background or any other permissible grounds for de-
2 nial under subtitle F of title V of the Quality Hous-
3 ing and Work Responsibility Act of 1998 (42 U.S.C.
4 13661 et seq., relating to safety and security in pub-
5 lic and assisted housing), subject to the procedural
6 requirements of this section. Any applicant or partic-
7 ipant determined to be ineligible for admission or
8 continued participation to the program shall be noti-
9 fied of the basis for such determination and pro-
10 vided, within a reasonable time after the determina-
11 tion, an opportunity for an informal hearing on such
12 determination at which mitigating circumstances, in-
13 cluding remedial conduct subsequent to the conduct
14 that is the basis of such consideration.”; and

15 (2) by adding at the end the following: “Public
16 housing tenants requesting tenant-based voucher as-
17 sistance under this subsection to relocate from pub-
18 lic housing as a result of the demolition or disposi-
19 tion of public housing shall not be considered new
20 applicants under this paragraph and shall not be
21 subject to elective screening by the public housing
22 agency.”.

1 **SEC. 14. ENHANCED VOUCHERS.**

2 (a) IN GENERAL.—Section 8(t)(1) of the United
3 States Housing Act of 1937 (42 U.S.C. 1437f(t)(1)) is
4 amended—

5 (1) in the matter preceding subparagraph (A),
6 by inserting “and shall not require that the family
7 requalify under the selection standards for a public
8 housing agency in order to be eligible for such as-
9 sistance” after “subsection (o)”; and

10 (2) by amending subparagraph (B) to read as
11 follows:

12 “(B)(i) the assisted family may elect to re-
13 main in the same project in which the family
14 was residing on the date of the eligibility event
15 for the project regardless of unit and family
16 size standards normally used by the admin-
17 istering public housing agency (except that ten-
18 ants may be required to move to units of appro-
19 priate size if available on the premises), and the
20 owner of the unit shall accept the enhanced
21 voucher and terminate the tenancy only for se-
22 rious or repeated violation of the terms and
23 conditions of the lease or for violation of appli-
24 cable law; and

25 “(ii) if, during any period the family
26 makes such an election and continues to so re-

1 side, the rent for the dwelling unit of the family
 2 in such project exceeds the applicable payment
 3 standard established pursuant to subsection (o)
 4 for the unit, the amount of rental assistance
 5 provided on behalf of the family shall be deter-
 6 mined using a payment standard that is equal
 7 to the rent for the dwelling unit (as such rent
 8 may be increased from time-to-time), subject to
 9 paragraph (10)(A) of subsection (o) and any
 10 other reasonable limit prescribed by the Sec-
 11 retary, except that a limit shall not be consid-
 12 ered reasonable for purposes of this subpara-
 13 graph if it adversely affects such assisted fami-
 14 lies;”.

15 (b) RULEMAKING.—Not later than 6 months after
 16 the date of enactment of this Act, the Secretary of Hous-
 17 ing and Urban Development shall promulgate regulations
 18 implementing the amendments made by subsection (a).

19 **SEC. 15. PROJECT-BASED PRESERVATION VOUCHERS.**

20 (a) ENHANCED VOUCHERS.—Section 8(t) of the
 21 United States Housing Act of 1937 (42 U.S.C.
 22 1437(t)(1)) is amended by adding at the end the following
 23 new paragraph:

24 “(5) AUTHORIZATION OF PRESERVATION
 25 PROJECT-BASED VOUCHER ASSISTANCE IN LIEU OF

1 ENHANCED VOUCHER ASSISTANCE.—Notwith-
 2 standing any other provision of law, preservation
 3 project-based voucher assistance may be provided
 4 pursuant to subsection (o)(13)(Q) in lieu of en-
 5 hanced voucher assistance at the request of the
 6 owner of the multifamily housing project, subject to
 7 the determinations of the public housing agency pur-
 8 suant to clause (ii) of subsection (o)(13)(Q). Preser-
 9 vation project-based voucher assistance provided
 10 pursuant to subsection (o)(13)(Q) in lieu of en-
 11 hanced voucher assistance shall be subject to the
 12 provisions of subsection (o)(13)(Q) and shall not be
 13 subject to the provisions of this subsection.”.

14 (b) PHA PROJECT-BASED ASSISTANCE.—Section
 15 8(o)(13) of the United States Housing Act of 1937 (42
 16 U.S.C. 1437f(o)(13)) is amended by adding at the end the
 17 following new subparagraph:

18 “(Q) PRESERVATION PROJECT-BASED
 19 VOUCHER ASSISTANCE.—

20 “(i) IN GENERAL.—The Secretary is
 21 authorized to provide assistance under this
 22 paragraph in lieu of enhanced voucher as-
 23 sistance under subsection (t) to a public
 24 housing agency that enters into a contract
 25 with an owner of a multifamily housing

1 project upon the occurrence of an eligibility
2 event with respect to the project as defined
3 in subsection (t)(2). All owners of projects
4 for which enhanced voucher assistance
5 would otherwise be provided may request
6 and receive a contract for preservation
7 project-based voucher assistance at the
8 project in lieu of enhanced voucher assist-
9 ance upon the occurrence of an eligibility
10 event with respect to the project, subject to
11 the determinations of the public housing
12 agency in clause (ii). The contract shall
13 cover all of the units in the project for
14 which enhanced voucher assistance would
15 otherwise be provided under subsection (t).

16 “(ii) PUBLIC HOUSING AGENCY DE-
17 TERMINATIONS.—Prior to entering into a
18 contract pursuant to this subparagraph,
19 the public housing agency shall have deter-
20 mined that (I) the housing to be assisted
21 hereunder is economically viable, and that
22 (II) there is significant demand for the
23 housing, or the housing will contribute to
24 a concerted community revitalization plan
25 or to the goal of deconcentrating poverty

1 and expanding housing and economic op-
 2 portunities, or the continued affordability
 3 of the housing otherwise is an important
 4 asset to the community. The determina-
 5 tions of the public housing agency required
 6 in the previous sentence shall be in lieu of
 7 meeting the requirements of subparagraph
 8 (C).

9 “(iii) SPECIAL RULES.—Funding pro-
 10 vided for preservation project-based vouch-
 11 er assistance pursuant to this subpara-
 12 graph shall be disregarded for the purpose
 13 of calculating the limitation on attaching
 14 funding to structures otherwise applicable
 15 to public housing agency project-based as-
 16 sistance pursuant to subparagraph (B).
 17 Assistance under this subparagraph shall
 18 not be subject to the requirements of sub-
 19 paragraph (D).

20 “(iv) ELIGIBILITY.—Notwithstanding
 21 any other provision of law, each family re-
 22 siding in a project on the date of the eligi-
 23 bility event that would otherwise be eligible
 24 for enhanced voucher assistance under sub-
 25 section (t) shall be eligible for preservation

1 project-based voucher assistance under this
2 subparagraph.”.

3 **SEC. 16. DEMONSTRATION PROGRAM WAIVER AUTHORITY.**

4 (a) **AUTHORITY TO ENTER INTO AGREEMENTS.—**
5 Notwithstanding any other provision of law, the Secretary
6 of Housing and Urban Development may enter into such
7 agreements as may be necessary with the Social Security
8 Administration and the Secretary of Health and Human
9 Services to allow for the participation, in any demonstra-
10 tion program described in subsection (c), by the Depart-
11 ment of Housing and Urban Development and the use
12 under such program of housing choice vouchers under sec-
13 tion 8(o) of the United States Housing Act of 1937 (42
14 U.S.C. 1437f(o)).

15 (b) **WAIVER OF INCOME REQUIREMENTS.—**The Sec-
16 retary of Housing and Urban Development may, to the
17 extent necessary to allow rental assistance under section
18 8(o) of the United States Housing Act of 1937 to be pro-
19 vided on behalf of persons described in subsection (c) who
20 participate in a demonstration program described in such
21 subsection, and to allow such persons to be placed on a
22 waiting list for such assistance, partially or wholly dis-
23 regard increases in earned income for the purpose of rent
24 calculations under section 3 for such persons.

1 (c) DEMONSTRATION PROGRAMS.—A demonstration
 2 program described in this subsection is a demonstration
 3 program of a State that provides for persons with signifi-
 4 cant disabilities to be employed and continue to receive
 5 benefits under programs of the Department of Health and
 6 Human Services and the Social Security Administration,
 7 including the program of supplemental security income
 8 benefits under title XVI of the Social Security Act, dis-
 9 ability insurance benefits under title II of such Act, and
 10 the State program for medical assistance (Medicaid) under
 11 title XIX of such Act.

12 **SEC. 17. STUDY TO IDENTIFY OBSTACLES TO USING**
 13 **VOUCHERS IN FEDERALLY SUBSIDIZED**
 14 **HOUSING PROJECTS.**

15 (a) STUDY.—The Comptroller General of the United
 16 States shall conduct a study of (1) the housing voucher
 17 program authorized under section 8(o) of the United
 18 States Housing Act of 1937 (42 U.S.C. 1437f(o)), and
 19 (2) other federally subsidized housing programs, to deter-
 20 mine whether any statutory, regulatory, or administrative
 21 provisions of the housing voucher program or of other fed-
 22 erally subsidized housing programs, or policies and prac-
 23 tices of housing owners or public housing agencies or other
 24 agencies, may have the effect of making occupancy by
 25 voucher holders in federally subsidized housing projects

1 more difficult to obtain than occupancy by non-voucher
2 holders. In conducting the study required under this sub-
3 section the Comptroller General shall determine if any
4 gaps exist in the statute, regulations, or administration
5 of the housing voucher program or of other federally sub-
6 sidized housing programs and policies and practices of
7 housing owners or public housing agencies or other agen-
8 cies that, if addressed, could eliminate or reduce obstacles
9 to voucher holders in seeking occupancy in federally sub-
10 sidized housing projects. Such study shall include data on
11 the use of housing vouchers in federally subsidized housing
12 projects.

13 (b) DEFINITION.—As used in this section, the term
14 “federally subsidized housing projects” includes projects
15 assisted pursuant to the HOME investment partnerships
16 program under title II of the Cranston-Gonzalez National
17 Affordable Housing Act (42 U.S.C. 12721 et seq.) and
18 those projects receiving the benefit of low-income housing
19 credits under section 42 of the Internal Revenue Code of
20 1986 (26 U.S.C. 42).

21 (c) REPORT.—Not later than 6 months after the date
22 of enactment of this Act, the Comptroller General shall
23 report to Congress the findings from the study required
24 under subsection (a) and any recommendations for statu-
25 tory, regulatory, or administrative changes.

1 **SEC. 18. COLLECTION OF DATA ON TENANTS IN PROJECTS**

2 **RECEIVING TAX CREDITS.**

3 Title I of the United States Housing Act of 1937 (42
4 U.S.C. 1437 et seq.) is amended by adding at the end
5 the following new section:

6 **“SEC. 36. COLLECTION OF DATA ON TENANTS IN PROJECTS**

7 **RECEIVING TAX CREDITS.**

8 “(a) IN GENERAL.—State agencies administering
9 credits under section 42 of the Internal Revenue Code
10 shall furnish to the Secretary of Housing and Urban De-
11 velopment, not less than annually, data concerning the
12 race, ethnicity, family composition, age, income, use of
13 rental assistance under section 8(o) of the United States
14 Housing Act of 1937 or other similar assistance, disability
15 status, and monthly rental payments of households resid-
16 ing in each property receiving such credits. State agencies
17 shall, to the extent feasible, collect such data through ex-
18 isting reporting processes and in a manner that minimizes
19 burdens on property owners. In the case of a household
20 continuing to reside in the same unit, such data may rely
21 on information provided by the household in a previous
22 year for categories of information that are not subject to
23 change or if information for the current year is not readily
24 available to the owner of the property.

25 “(b) STANDARDS AND DEFINITIONS.—The Secretary
26 of Housing and Urban Development shall—

1 “(1) by rule, establish standards and definitions
2 for the data collected under subsection (a);

3 “(2) provide States with technical assistance in
4 establishing systems to compile and submit such
5 data; and

6 “(3) in coordination with other Federal agen-
7 cies administering housing programs, establish pro-
8 cedures to minimize duplicative reporting require-
9 ments for properties assisted under multiple housing
10 programs.

11 “(c) PUBLIC AVAILABILITY OF REPORTS.—The Sec-
12 retary of Housing and Urban Development shall compile
13 and make publicly available not less than annually the
14 data furnished by State agencies under subsection (a).

15 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated \$2,500,000 for fiscal
17 year 2009 and \$900,000 for each of the fiscal years 2010
18 to 2013 to cover the cost of the activities required under
19 subsections (b) and (c).”.

20 **SEC. 19. AGENCY AUTHORITY FOR UTILITY PAYMENTS IN**
21 **CERTAIN CIRCUMSTANCES.**

22 Section 8(o) of the United States Housing Act of
23 1937 (42 U.S.C. 1437f(o)) is amended by adding at the
24 end the following new paragraph:

1 “(23) AUTHORITY OF PUBLIC HOUSING AGEN-
2 CIES TO MAKE DIRECT PAYMENTS FOR UTILITIES
3 WHEN OWNER FAILS TO PAY.—

4 “(A) IN GENERAL.—If the owner has
5 failed to pay for utilities that are the responsi-
6 bility of the owner under the lease or applicable
7 law, the public housing agency is authorized to
8 utilize subsidy payments otherwise due the
9 owner to pay for continued utility service to
10 avoid hardship to program participants.

11 “(B) NOTICE.—Before making utility pay-
12 ments as described in subparagraph (A), the
13 public housing agency shall take reasonable
14 steps to notify the owner that it intends to
15 make payments to a utility provider in lieu of
16 payments to the owner, except prior notification
17 shall not be required in any case in which the
18 unit will be or has been rendered uninhabitable
19 due to the termination or threat of termination
20 of service, in which case the public housing
21 agency shall notify the owner within a reason-
22 able time after making such payment.”.

1 **SEC. 20. ACCESS TO HUD PROGRAMS FOR PERSONS WITH**
2 **LIMITED ENGLISH PROFICIENCY.**

3 (a) HUD RESPONSIBILITIES.—To allow the Depart-
4 ment of Housing and Urban Development to better serve
5 persons with limited proficiency in the English language
6 by providing technical assistance to recipients of Federal
7 funds, the Secretary of Housing and Urban Development
8 shall take the following actions:

9 (1) TASK FORCE.—Within 90 days after the en-
10 actment of this Act, convene a task force comprised
11 of appropriate industry groups, recipients of funds
12 from the Department of Housing and Urban Devel-
13 opment (in this section referred to as the “Depart-
14 ment”), community-based organizations that serve
15 individuals with limited English proficiency, civil
16 rights groups, and stakeholders, which shall identify
17 a list of vital documents, including Department and
18 certain property and other documents, to be com-
19 petently translated to improve access to federally
20 conducted and federally assisted programs and ac-
21 tivities for individuals with limited English pro-
22 ficiency. The task force shall meet not less fre-
23 quently than twice per year.

24 (2) TRANSLATIONS.—Within 6 months after
25 identification of documents pursuant to paragraph
26 (1), produce translations of the documents identified

1 in all necessary languages and make such trans-
2 lations available as part of the library of forms avail-
3 able on the website of the Department and as part
4 of the clearinghouse developed pursuant to para-
5 graph (4).

6 (3) PLAN.—Develop and carry out a plan that
7 includes providing resources of the Department to
8 assist recipients of Federal funds to improve access
9 to programs and activities for individuals with lim-
10 ited English proficiency, which plan shall include the
11 elements described in paragraph (4).

12 (4) HOUSING INFORMATION RESOURCE CEN-
13 TER.—Develop and maintain a housing information
14 resource center to facilitate the provision of lan-
15 guage services by providers of housing services to in-
16 dividuals with limited English proficiency. Informa-
17 tion provided by such center shall be made available
18 in printed form and through the Internet. The re-
19 sources provided by the center shall include the fol-
20 lowing:

21 (A) TRANSLATION OF WRITTEN MATE-
22 RIALS.—The center may provide, directly or
23 through contract, vital documents from com-
24 petent translation services for providers of
25 housing services.

(B) TOLL-FREE CUSTOMER SERVICE TELEPHONE NUMBER.—The center shall provide a 24-hour toll-free interpretation service telephone line, by which recipients of funds of the Department and individuals with limited English proficiency may—

(i) obtain information about federally conducted or federally assisted housing programs of the Department;

(ii) obtain assistance with applying for or accessing such housing programs and understanding Federal notices written in English; and

(iii) communicate with housing providers, and learn how to access additional language services.

The toll-free telephone service provided pursuant to this subparagraph shall supplement resources in the community identified by the plan developed pursuant to paragraph (3).

(C) DOCUMENT CLEARINGHOUSE.—The center shall collect and evaluate for accuracy or develop, and make available, templates and documents that are necessary for consumers, relevant industry representatives, and other stake-

holders of the Department, to access, make educated decisions, and communicate effectively about their housing, including—

(i) administrative and property documents;

(ii) legally binding documents;

(iii) consumer education and outreach materials;

(iv) documents regarding rights and responsibilities of any party; and

(v) remedies available to consumers.

(D) STUDY OF LANGUAGE ASSISTANCE PROGRAMS.—The center shall conduct a study that evaluates best-practices models for all programs of the Department that promote language assistance and strategies to improve language services for individuals with limited English proficiency. Not later than 18 months after the date of the enactment of this Act, the center shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, which shall provide recommendations for implementation, specific to programs of the Department,

1 and information and templates that could be
 2 made available to all recipients of grants from
 3 the Department.

4 (E) CULTURAL AND LINGUISTIC COM-
 5 PETENCE MATERIALS.—The center shall pro-
 6 vide information relating to culturally and lin-
 7 guistically competent housing services for popu-
 8 lations with limited English proficiency.

9 (b) AUTHORIZATION OF APPROPRIATIONS.—There
 10 are authorized to be appropriated such sums as may be
 11 necessary to carry out subsection (a).

12 (c) REPORT.—Not later than the expiration of the 6-
 13 month period beginning on the date of the enactment of
 14 this Act, and annually thereafter, the Secretary of Hous-
 15 ing and Urban Development shall submit a report regard-
 16 ing its compliance with the requirements under subsection
 17 (a) to the Committee on Banking, Housing, and Urban
 18 Affairs of the Senate and the Committee on Financial
 19 Services of the House of Representatives.

20 **SEC. 21. AUTHORIZATION OF APPROPRIATIONS.**

21 There is authorized to be appropriated the amount
 22 necessary for each of fiscal years 2009 through 2013 to
 23 provide public housing agencies with incremental tenant-
 24 based assistance under section 8(o) of the United States
 25 Housing Act of 1937 (42 U.S.C. 1437f(o)) sufficient to

1 assist 20,000 incremental dwelling units in each such fis-
 2 cal year. A preference for allocation of such incremental
 3 tenant-based assistance, as part of the competitive process
 4 required by section 213(d) of the Housing and Community
 5 Development Act of 1974 (42 U.S.C. 1439(d)), is to be
 6 given to (1) preserving affordable housing, including State
 7 public housing, and other housing that needs operating
 8 support in order to remain affordable, and (2) entities that
 9 are providing voucher assistance on a regional basis.

10 **SEC. 22. EFFECTIVE DATE.**

11 (a) IN GENERAL.—Except as otherwise specifically
 12 provided in this Act, this Act and the amendments made
 13 by this Act, shall take effect on January 1, 2009.

14 (b) EXCEPTION.—

15 (1) RENT REFORMS.—Sections 3, 4, and 12 of
 16 this Act, and the amendments made by such sec-
 17 tions, shall take effect beginning of the first day of
 18 fiscal year 2010, and shall apply to each fiscal year
 19 thereafter.

20 (2) NOTIFICATION REQUIREMENT.—Beginning
 21 on the date of enactment of this Act, public housing
 22 agencies and owners of dwelling units assisted under
 23 title I of the United States Housing Act of 1937 (42
 24 U.S.C. 1437 et seq.) shall notify tenants as soon as
 25 possible of the—

1 (A) major changes made by the amend-
2 ments in sections 3 and 4, and how such
3 changes affect the current tenants occupying
4 such units; and

5 (B) potential effects of such changes on
6 current tenants in general.

○