

110TH CONGRESS
2D SESSION

S. 2736

To amend section 202 of the Housing Act of 1959 to improve the program under such section for supportive housing for the elderly, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 7, 2008

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

A BILL

To amend section 202 of the Housing Act of 1959 to improve the program under such section for supportive housing for the elderly, and for other purposes.

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 AND TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Section 202 Supportive Housing for the Elderly Act of
6 2008”.

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

Sec. 1. Short title and table of contents.

TITLE I—NEW CONSTRUCTION REFORMS

- Sec. 101. Project rental assistance.
- Sec. 102. Selection criteria.
- Sec. 103. Development cost limitations.
- Sec. 104. Owner deposits.
- Sec. 105. Definition of private nonprofit organization.
- Sec. 106. Preferences for homeless elderly.

TITLE II—REFINANCING

- Sec. 201. Approval of prepayment of debt.
- Sec. 202. Sources of refinancing.
- Sec. 203. Use of unexpended amounts.
- Sec. 204. Use of project residual receipts.
- Sec. 205. Additional provisions.

TITLE III—ASSISTED LIVING FACILITIES

- Sec. 301. Definition of assisted living facility.
- Sec. 302. Monthly assistance payment under rental assistance.

TITLE IV—FACILITATING AFFORDABLE HOUSING PRESERVATION
TRANSACTIONS

- Sec. 401. Use of sale or refinancing proceeds.

TITLE V—NATIONAL SENIOR HOUSING CLEARINGHOUSE

- Sec. 501. National senior housing clearinghouse.

1 **TITLE I—NEW CONSTRUCTION**

2 **REFORMS**

3 **SEC. 101. PROJECT RENTAL ASSISTANCE.**

4 Paragraph (2) of section 202(c) of the Housing Act
5 of 1959 (12 U.S.C. 1701q(c)(2)) is amended—

6 (1) by inserting after “ASSISTANCE.—” the fol-
7 lowing: “(A) INITIAL PROJECT RENTAL ASSISTANCE
8 CONTRACT.—”;

9 (2) in the last sentence, by striking “may” and
10 inserting “shall”; and

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

1 “(B) RENEWAL OF AND INCREASES IN CON-
2 TRACT AMOUNTS.—

3 “(i) EXPIRATION OF CONTRACT TERM.—

4 Upon the expiration of each contract term, the
5 Secretary shall adjust the annual contract
6 amount to provide for reasonable project costs,
7 and any increases, including adequate reserves,
8 supportive services, and service coordinators,
9 except that any contract amounts not used by
10 a project during a contract term shall not be
11 available for such adjustments upon renewal.

12 “(ii) EMERGENCY SITUATIONS.—In the
13 event of emergency situations that are outside
14 the control of the owner, the Secretary shall in-
15 crease the annual contract amount, subject to
16 reasonable review and limitations as the Sec-
17 retary shall provide.”.

18 **SEC. 102. SELECTION CRITERIA.**

19 Subsection (f) of section 202 of the Housing Act of
20 1959 (12 U.S.C. 1701q(f)) is amended—

21 (1) by striking “SELECTION CRITERIA.—” and
22 inserting “INITIAL SELECTION CRITERIA AND PROC-
23 ESSING.—(1) SELECTION CRITERIA.—”;

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

4 (3) by inserting after subparagraph (E) (as so
 5 redesignated by paragraph (2) of this subsection)
 6 the following new subparagraph:

7 “(F) the extent to which the applicant has en-
 8 sured that a service coordinator will be employed or
 9 otherwise retained for the housing, who has the
 10 managerial capacity and responsibility for carrying
 11 out the actions described in subparagraphs (A) and
 12 (B) of subsection (g)(2);” and

13 (4) by adding at the end the following new
 14 paragraph:

15 “(2) DELEGATED PROCESSING.—

16 “(A) In issuing a capital advance under this
 17 subsection for any project for which financing for
 18 the purposes described in the last two sentences of
 19 subsection (b) is provided by a combination of a cap-
 20 ital advance under subsection (c)(1) and sources
 21 other than this section, within 30 days of award of
 22 the capital advance, the Secretary shall delegate re-
 23 view and processing of such projects to a State or
 24 local housing agency that—

1 “(i) is in geographic proximity to the prop-
2 erty;

3 “(ii) has demonstrated experience in and
4 capacity for underwriting multifamily housing
5 loans that provide housing and supportive serv-
6 ices;

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

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

12 “(B) The Secretary shall retain the authority to
13 process capital advances in cases in which no State
14 or local housing agency has applied to provide dele-
15 gated processing pursuant to this paragraph or no
16 such agency has entered into an agreement with the
17 Secretary to serve as a delegated processing agency.
18 The Secretary shall develop a schedule for reason-
19 able fees under this subparagraph to be paid to dele-
20 gated processing agencies, which shall take into con-
21 sideration any other fees to be paid to the agency for
22 other funding provided to the project by the agency,
23 including bonds, tax credits, and other gap funding.

24 “(C) An agency to which review and processing
25 is delegated pursuant to subparagraph (A) may as-

1 sess a reasonable fee which shall be included in the
 2 capital advance amounts and may recommend
 3 project rental assistance amounts in excess of those
 4 initially awarded by the Secretary.

5 “(D) Under such delegated system, the Sec-
 6 retary shall retain the authority to approve rents
 7 and development costs and to execute a capital ad-
 8 vance within 60 days of receipt of the commitment
 9 from the State or local agency. The Secretary shall
 10 provide to such agency and the project sponsor, in
 11 writing, the reasons for any reduction in capital ad-
 12 vance amounts or project rental assistance and such
 13 reductions shall be subject to appeal.”.

14 **SEC. 103. DEVELOPMENT COST LIMITATIONS.**

15 Section 202(h)(1) of the Housing Act of 1959 (12
 16 U.S.C. 1701q(h)(1)) is amended, in the matter preceding
 17 subparagraph (A), by inserting “reasonable” before “de-
 18 velopment cost limitations”.

19 **SEC. 104. OWNER DEPOSITS.**

20 Section 202(j)(3)(A) of the Housing Act of 1959 (12
 21 U.S.C. 1701q(j)(3)(A)) is amended by inserting after the
 22 period at the end the following: “Such amount shall be
 23 used only to cover operating deficits during the first 3
 24 years of operations and shall not be used to cover con-

1 struction shortfalls or inadequate initial project rental as-
 2 sistance amounts.”.

3 **SEC. 105. DEFINITION OF PRIVATE NONPROFIT ORGANIZA-**
 4 **TION.**

5 Subparagraph (B) of section 202(k)(4) of the Hous-
 6 ing Act of 1959 (12 U.S.C. 1701q(k)(4)(B)) is amended
 7 by inserting before the semicolon the following: “, except
 8 that, in the case of any national organization that is the
 9 owner of multiple housing projects assisted under this sec-
 10 tion, the organization may comply with clause (i) of this
 11 subparagraph by having a local advisory board to the gov-
 12 erning board of the organization the membership which
 13 is selected in the manner required under clause (i)”.

14 **SEC. 106. PREFERENCES FOR HOMELESS ELDERLY.**

15 Subsection (j) of section 202 of the Housing Act of
 16 1959 (12 U.S.C. 1701q(j)) is amended by adding at the
 17 end the following new paragraph:

18 “(9) PREFERENCES FOR HOMELESS ELDER-
 19 LY.—The Secretary shall permit an owner of hous-
 20 ing assisted under this section to establish for, and
 21 apply to, such housing a preference in tenant selec-
 22 tion for the homeless elderly, either within the appli-
 23 cation or after selection pursuant to subsection (f),
 24 but only if—

1 “(A) such preference is consistent with
2 paragraph (2); and

3 “(B) the owner demonstrates that the sup-
4 portive services identified pursuant to sub-
5 section (e)(4), or additional supportive services
6 to be made available upon implementation of
7 the preference, will meet the needs of the home-
8 less elderly, maintain safety and security for all
9 tenants, and be provided on a consistent, long-
10 term, and economical basis.”.

11 **TITLE II—REFINANCING**

12 **SEC. 201. APPROVAL OF PREPAYMENT OF DEBT.**

13 Subsection (a) of section 811 of the American Home-
14 ownership and Economic Opportunity Act of 2000 (12
15 U.S.C. 1701q note) is amended—

16 (1) in the matter preceding paragraph (1), by
17 inserting “, for which the Secretary’s consent to pre-
18 payment is required,” after “Affordable Housing
19 Act)”;

20 (2) in paragraph (1)—

21 (A) by inserting “at least 20 years fol-
22 lowing” before “the maturity date”;

23 (B) by inserting “project-based” before
24 “rental assistance payments contract”;

1 (C) by inserting “project-based” before
 2 “rental housing assistance programs”; and

3 (D) by inserting “, or any successor
 4 project-based rental assistance program,” after
 5 “1701s))”;

6 (3) by amending paragraph (2) to read as fol-
 7 lows:

8 “(2) the prepayment may involve refinancing of
 9 the loan if such refinancing results in—

10 “(A) a lower interest rate on the principal
 11 of the loan for the project and in reductions in
 12 debt service related to such loan; or

13 “(B) a transaction in which the project
 14 owner will address the physical needs of the
 15 project, but only if, as a result of the refi-
 16 nancing—

17 “(i) the rent charges for unassisted
 18 families residing in the project do not in-
 19 crease or such families are provided rental
 20 assistance under a senior preservation
 21 rental assistance contract for the project
 22 pursuant to subsection (e); and

23 “(ii) the overall cost for providing
 24 rental assistance under section 8 for the

1 project (if any) is not increased, except,
 2 upon approval by the Secretary to—

3 “(I) mark-up-to-market contracts
 4 pursuant to section 524(a)(3) of the
 5 Multifamily Assisted Housing Reform
 6 and Affordability Act (42 U.S.C.
 7 1437f note), as such section is carried
 8 out by the Secretary for properties
 9 owned by nonprofit organizations; or

10 “(II) mark-up-to-budget con-
 11 tracts pursuant to section 524(a)(4)
 12 of the Multifamily Assisted Housing
 13 Reform and Affordability Act (42
 14 U.S.C. 1437f note), as such section is
 15 carried out by the Secretary for prop-
 16 erties owned by eligible owners (as
 17 such term is defined in section 202(k)
 18 of the Housing Act of 1959 (12U.S.C.
 19 1701q(k)); and”; and

20 (4) by adding at the end the following:

21 “(3) notwithstanding paragraph (2)(A), the
 22 prepayment and refinancing authorized pursuant to
 23 paragraph (2)(B) involves an increase in debt service
 24 only in the case of a refinancing of a project assisted

1 with a loan under such section 202 carrying an in-
 2 terest rate of 6 percent or lower.”.

3 **SEC. 202. SOURCES OF REFINANCING.**

4 The last sentence of section 811(b) of the American
 5 Homeownership and Economic Opportunity Act of 2000
 6 (12 U.S.C. 1701q note) is amended—

7 (1) by inserting after “National Housing Act,”
 8 the following: “or approving the standards used by
 9 authorized lenders to underwrite a loan refinanced
 10 with risk sharing as provided by section 542 of the
 11 Housing and Community Development Act of 1992
 12 (12 U.S.C.1701 note),”; and

13 (2) by striking “may” and inserting “shall”.

14 **SEC. 203. USE OF UNEXPENDED AMOUNTS.**

15 Subsection (c) of section 811 of the American Home-
 16 ownership and Economic Opportunity Act of 2000 (12
 17 U.S.C. 1701q note) is amended—

18 (1) by striking “USE OF UNEXPENDED
 19 AMOUNTS.—” and inserting “USE OF PROCEEDS.—
 20 ”;

21 (2) by amending the matter preceding para-
 22 graph (1) to read as follows: “Upon execution of the
 23 refinancing for a project pursuant to this section,
 24 the Secretary shall ensure that proceeds are used in
 25 a manner advantageous to tenants, or are used in

1 the provision of affordable rental housing and re-
2 lated social services for elderly persons by the pri-
3 vate nonprofit organization project owner, private
4 nonprofit organization project sponsor, or private
5 nonprofit organization project developer, including—
6 ”;

7 (3) in paragraph (1), by striking “not more
8 than 15 percent of”;

9 (4) in paragraph (2), by inserting before the
10 semicolon the following; “, including reducing the
11 number of units by reconfiguring units that are
12 functionally obsolete, unmarketable, or not economi-
13 cally viable”;

14 (5) in paragraph (3), by striking “or” at the
15 end;

16 (6) in paragraph (4), by striking “according to
17 a pro rata allocation of shared savings resulting
18 from the refinancing.” and inserting a semicolon;
19 and

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

22 “(5) rehabilitation of the project to ensure long-
23 term viability;

1 “(6) the payment to the project owner, sponsor,
2 or third party developer of a developer’s fee in an
3 amount not to exceed—

4 “(A) in the case of a project refinanced
5 through a State low income housing tax credit
6 program, the fee permitted by the low income
7 housing tax credit program as calculated by the
8 State program as a percentage of acceptable de-
9 velopment cost as defined by that State pro-
10 gram; or

11 “(B) in the case of a project refinanced
12 through any other source of refinancing, 15
13 percent of the acceptable development cost; and
14 “(7) the payment of equity, if any, to—

15 “(A) in the case of a sale, to the seller or
16 the sponsor of the seller, in an amount equal to
17 the lesser of the purchase price or the appraised
18 value of the project, as each is reduced by the
19 cost of prepaying any outstanding indebtedness
20 on the project and transaction costs of the sale;
21 or

22 “(B) in the case of a refinancing without
23 the transfer of the project, to the project owner
24 or the project sponsor, in an amount equal to
25 the difference between the appraised value of

1 the project less the outstanding indebtedness
2 and total acceptable development cost.

3 For purposes of paragraphs (6)(B) and (7)(B), the term
4 “acceptable development cost” shall include, as applicable,
5 the cost of acquisition, rehabilitation, loan prepayment,
6 initial reserve deposits, and transaction costs.”.

7 **SEC. 204. USE OF PROJECT RESIDUAL RECEIPTS.**

8 Paragraph (1) of section 811(d) of the American
9 Homeownership and Economic Opportunity Act of 2000
10 (12 U.S.C. 1701q note) is amended—

11 (1) by striking “not more than 15 percent of”;
12 and

13 (2) by inserting before the period at the end the
14 following: “or other purposes approved by the Sec-
15 retary”.

16 **SEC. 205. ADDITIONAL PROVISIONS.**

17 Section 811 of the American Homeownership and
18 Economic Opportunity Act of 2000 (12 U.S.C. 1701q
19 note) is amended by adding at the end the following new
20 subsections:

21 “(e) SENIOR PRESERVATION RENTAL ASSISTANCE
22 CONTRACTS.—Notwithstanding any other provision of
23 law, in connection with a prepayment plan for a project
24 approved under subsection (a) by the Secretary or as oth-
25 erwise approved by the Secretary to prevent displacement

1 of elderly residents of the project in the case of refinancing
 2 or recapitalization and to further preservation and afford-
 3 ability of such project, the Secretary shall provide project-
 4 based rental assistance for the project under a senior pres-
 5 ervation rental assistance contract, as follows:

6 “(1) Assistance under the contract shall be
 7 made available to the private nonprofit organization
 8 owner—

9 “(A) for a term of at least 20 years, sub-
 10 ject to annual appropriations; and

11 “(B) under the same rules governing
 12 project-based rental assistance made available
 13 under section 8 of the Housing Act of 1937.

14 “(2) Any projects for which a senior preserva-
 15 tion rental assistance contract is provided shall be
 16 subject to a use agreement to ensure continued
 17 project affordability having a term of the longer of
 18 (A) the term of the senior preservation rental assist-
 19 ance contract, or (B) such term as is required by the
 20 new financing.

21 “(f) MORTGAGE SALE DEMONSTRATION.—

22 “(1) IN GENERAL.—The Secretary may sell
 23 mortgages associated with loans made under section
 24 202 of the Housing Act of 1959 (as in effect before
 25 the enactment of the Cranston-Gonzalez National

1 Affordable Housing Act) in accordance with the rel-
2 evant terms for sales of subsidized loans on multi-
3 family housing projects under section 203 of the
4 Housing and Community Development Amendments
5 of 1978 (12 U.S.C. 1701z–11). For the purpose of
6 demonstrating the efficiency, effectiveness, quality,
7 and timeliness of asset management and regulatory
8 oversight of certain portfolios of such mortgages by
9 State housing finance agencies, the Secretary shall
10 carry out a demonstration program, in not more
11 than 5 States, to sell portfolios of such mortgages to
12 State housing finance agencies for a price not to ex-
13 ceed the unpaid principal balances of such mort-
14 gages and otherwise in accordance with the require-
15 ments of such section 203.

16 “(2) LIMITATIONS.—In carrying out the dem-
17 onstration program required under paragraph (1),
18 the Secretary shall—

19 “(A) prohibit State housing finance agen-
20 cies from giving preference to, or conditioning
21 the approval of, awards of subordinate debt
22 funds, allocations of tax credits, or tax exempt
23 bonds based on the use of financing for the first
24 mortgage that is provided by such State hous-
25 ing finance agency;

1 “(B) require such agencies to allow, in ac-
2 cordance with this section, for the refinancing
3 or prepayment of loans made under section 202
4 of the Housing Act of 1959 with a loan selected
5 by the owners, except that any use restrictions
6 on the property for which the loan was made
7 shall remain in effect for the duration provided
8 under the original terms of such loan; and

9 “(C) only carry out the demonstration pro-
10 gram in a State that has experience with oper-
11 ating and maintaining a housing preservation
12 revolving loan fund.

13 “(3) STUDY.—The Secretary shall conduct a
14 study to evaluate the performance and results of the
15 demonstration program carried out under paragraph
16 (1). In conducting such study, the Secretary shall
17 place particular emphasis on whether the asset man-
18 agement functions and activities related to loans and
19 properties held in the portfolios sold to State hous-
20 ing finance agencies under such demonstration pro-
21 gram have been accomplished in a timely, effective,
22 and efficient manner, including an analysis of ap-
23 provals of refinancings and preservation trans-
24 actions, rent increase requests, withdrawals from re-
25 serves or residual receipts (where there is no con-

1 tract administrator), and provider and resident sat-
 2 isfaction.

3 “(4) REPORT.—Not later than 3 years after the
 4 date of enactment of this subsection, the Secretary
 5 shall submit a report to the Committee on Banking,
 6 Housing, and Urban Affairs of the Senate and the
 7 Committee on Financial Services of the House of
 8 Representatives on—

9 “(A) the findings of the study required
 10 under paragraph (3); and

11 “(B) any recommendations the Secretary
 12 may have for expanding the demonstration
 13 project required under paragraph (1).

14 “(g) SUBORDINATION OR ASSUMPTION OF EXISTING
 15 DEBT.—In lieu of prepayment under this section of the
 16 indebtedness with respect to a project, the Secretary may
 17 approve—

18 “(1) in connection with new financing for the
 19 project, the subordination of the loan for the project
 20 under section 202 of the Housing Act of 1959 (as
 21 in effect before the enactment of the Cranston-Gon-
 22 zalez National Affordable Housing Act) and the con-
 23 tinued subordination of any other existing subordi-
 24 nate debt previously approved by the Secretary to

1 facilitate preservation of the project as affordable
2 housing; or

3 “(2) the assumption (which may include the
4 subordination described in paragraph (1)) of the
5 loan for the project under such section 202 in con-
6 nection with the transfer of the project with such a
7 loan to a private nonprofit organization.

8 “(h) FLEXIBLE SUBSIDY DEBT.—The Secretary
9 shall waive the requirement that debt for a project pursu-
10 ant to the flexible subsidy program under section 201 of
11 the Housing and Community Development Amendments
12 of 1978 (12 U.S.C. 1715z–1a) be prepaid in connection
13 with a prepayment, refinancing, or transfer under this sec-
14 tion of a project if such waiver is necessary for the finan-
15 cial feasibility of the transaction and is consistent with
16 the long-term preservation of the project as affordable
17 housing.

18 “(i) TENANT INVOLVEMENT IN PREPAYMENT AND
19 REFINANCING.—The Secretary shall not accept an offer
20 to prepay the loan for any project under section 202 of
21 the Housing Act of 1959 unless the Secretary has—

22 “(1) determined that the owner of the project
23 has notified the tenants of the owner’s request for
24 approval of a prepayment;

1 “(2) determined that the owner of the project
 2 has provided the tenants with an opportunity to
 3 comment on the owner’s request for approval of a
 4 prepayment, including a description of any antici-
 5 pated rehabilitation or other use of the proceeds
 6 from the transaction, and its impacts on project
 7 rents, tenant contributions, or the affordability re-
 8 strictions for the project; and

9 “(3) taken such comments into consideration.

10 “(j) DEFINITION OF PRIVATE NONPROFIT ORGANI-
 11 ZATION.—For purposes of this section, the term ‘private
 12 nonprofit organization’ has the meaning given such term
 13 in section 202(k) of the Housing Act of 1959 (12 U.S.C.
 14 1701q(k)).”.

15 **TITLE III—ASSISTED LIVING** 16 **FACILITIES**

17 **SEC. 301. DEFINITION OF ASSISTED LIVING FACILITY.**

18 Section 202b(g) of the Housing Act of 1959 (12
 19 U.S.C. 1701q–2(g)) is amended by striking paragraph (1)
 20 and inserting the following new paragraph:

21 “(1) the term ‘assisted living facility’ means a
 22 facility that—

23 “(A) is owned by a private nonprofit orga-
 24 nization; and

1 “(B)(i) is licensed and regulated by a
 2 State (or if there is no State law providing for
 3 such licensing and regulation by the State, by
 4 the municipality or other political subdivision in
 5 which the facility is located); or

6 “(ii)(I) makes available, directly or
 7 through recognized and experienced third party
 8 service providers, to residents at the resident’s
 9 request or choice supportive services to assist
 10 the residents in carrying out the activities of
 11 daily living, as described in section
 12 232(b)(6)(B) of the National Housing Act (12
 13 U.S.C. 1715w(b)(6)(B)); and

14 “(II) provides separate dwelling units for
 15 residents, each of which may contain a full
 16 kitchen and bathroom and which includes com-
 17 mon rooms and other facilities appropriate for
 18 the provision of supportive services to the resi-
 19 dents of the facility; and”.

20 **SEC. 302. MONTHLY ASSISTANCE PAYMENT UNDER RENTAL**
 21 **ASSISTANCE.**

22 Clause (iii) of section 8(o)(18)(B) of the United
 23 States Housing Act of 1937 (42 U.S.C.
 24 1437f(o)(18)(B)(iii)) is amended by inserting before the
 25 period at the end the following: “, except that a family

1 may be required at the time the family initially receives
 2 such assistance to pay rent in an amount exceeding 40
 3 percent of the monthly adjusted income of the family by
 4 such an amount or percentage that is reasonable given the
 5 services and amenities provided and as the Secretary
 6 deems appropriate.”.

7 **TITLE IV—FACILITATING AF-**
 8 **FORDABLE HOUSING PRESER-**
 9 **VATION TRANSACTIONS**

10 **SEC. 401. USE OF SALE OR REFINANCING PROCEEDS.**

11 Notwithstanding any other provision of law, in con-
 12 nection with the sale or refinancing of a multifamily hous-
 13 ing project, or the transfer of an assistance contract on
 14 such a property, that requires the approval of the Sec-
 15 retary of Housing and Urban Development, the Secretary
 16 shall not impose any condition that restricts the amount
 17 or use of sale or refinancing proceeds, or requires the fil-
 18 ing of a financial report, unless such condition is expressly
 19 authorized by an existing contract entered into between
 20 the Secretary (or the Secretary’s designee) and the project
 21 owner before the imposition of a condition prohibited by
 22 this section or is a general condition for new financing
 23 with a mortgage insured by the Secretary. Any such condi-
 24 tion previously imposed by the Secretary after January 1,
 25 2005, shall, at the option of the project owner, be consid-

1 ered void and not enforceable, and any agreement con-
 2 taining such a condition shall be rescinded and may be
 3 reissued without the void condition.

4 **TITLE V—NATIONAL SENIOR** 5 **HOUSING CLEARINGHOUSE**

6 **SEC. 501. NATIONAL SENIOR HOUSING CLEARINGHOUSE.**

7 (a) ESTABLISHMENT.—Not later than 180 days after
 8 the date of enactment of this Act, the Secretary of Hous-
 9 ing and Urban Development shall establish and operate
 10 a clearinghouse to serve as a national repository to receive,
 11 collect, process, assemble, and disseminate information re-
 12 garding the availability and quality of multifamily develop-
 13 ments for elderly tenants, including—

14 (1) the availability of—

15 (A) supportive housing for the elderly pur-
 16 suant to section 202 of the Housing Act of
 17 1959 (12 U.S.C. 1701q), including any housing
 18 unit assisted with a project rental assistance
 19 contract under such section;

20 (B) properties and units eligible for assist-
 21 ance under section 8 of the United States
 22 Housing Act of 1937 (42 U.S.C. 1437f);

23 (C) properties eligible for the low-income
 24 housing tax credit under section 42 of the In-
 25 ternal Revenue Code of 1986;

1 (D) units in assisted living facilities in-
2 sured pursuant to section 221(d)(4) of the Na-
3 tional Housing Act (12 U.S.C. 1715l(d)(4));

4 (E) units in any multifamily project that
5 has been converted into an assisted living facil-
6 ity for elderly persons pursuant to section 202b
7 of the Housing Act of 1959 (12 U.S.C. 1701q-
8 2); and

9 (F) any other federally assisted or sub-
10 sidized housing for the elderly;

11 (2) the number of available units in each prop-
12 erty, project, or facility described in paragraph (1);

13 (3) the number of bedrooms in each available
14 unit in each property, project, or facility described in
15 paragraph (1);

16 (4) the estimated cost to a potential tenant to
17 rent or reside in each available unit in each prop-
18 erty, project, or facility described in paragraph (1);

19 (5) the presence of a waiting list for entry into
20 any available unit in each property, project, or facil-
21 ity described in paragraph (1);

22 (6) the number of persons on the waiting list
23 for entry into any available unit in each property,
24 project, or facility described in paragraph (1);

1 (7) the estimated time an individual can expect
2 to be on the waiting list for entry into any available
3 unit in each property, project, or facility described in
4 paragraph (1);

5 (8) the amenities available in each available
6 unit in each property, project, or facility described in
7 paragraph (1), including—

8 (A) the services provided by such property,
9 project, or facility;

10 (B) the size and availability of common
11 space within each property, project, or facility;

12 (C) the availability of organized activities
13 for individuals residing in such property,
14 project, or facility; and

15 (D) any other additional amenities avail-
16 able to individuals residing in such property,
17 project, or facility;

18 (9) the level of care (personal, physical, or nurs-
19 ing) available to individuals residing in any property,
20 project, or facility described in paragraph (1);

21 (10) whether there is a service coordinator in
22 any property, project, or facility described in para-
23 graph (1); and

24 (11) any other criteria determined appropriate
25 by the Secretary.

1 (b) COLLECTION AND UPDATING OF INFORMA-
2 TION.—

3 (1) INITIAL COLLEECTION.—Not later than 90
4 days after the date of enactment of this Act, the
5 Secretary of Housing and Urban Development shall
6 conduct an annual survey requesting information
7 from each owner of a property, project, or facility
8 described in subsection (a)(1) regarding the provi-
9 sions described in paragraphs (2) through (11) of
10 such subsection.

11 (2) RESPONSE TIME.—Not later than 30 days
12 after receiving the request described under para-
13 graph (1), the owner of each such property, project,
14 or facility shall submit such information to the Sec-
15 retary of Housing and Urban Development.

16 (3) PUBLIC AVAILABILITY.—Not later than 60
17 days after the Secretary of Housing and Urban De-
18 velopment receives the submission of any informa-
19 tion required under paragraph (2), the Secretary
20 shall make such information publicly available
21 through the clearinghouse.

22 (4) UPDATES.—The Secretary of Housing and
23 Urban Development shall conduct an annual survey
24 of each owner of a property, project, or facility de-
25 scribed in subsection (a)(1) for the purpose of up-

1 dating or modifying information provided in the ini-
2 tial collection of information under paragraph (1).
3 Not later than 30 days after receiving such a re-
4 quest, the owner of each such property, project, or
5 facility shall submit such updates or modifications to
6 the Secretary. Not later than 60 days after receiving
7 such updates or modifications, the Secretary shall
8 inform the clearinghouse of such updated or modi-
9 fied information.

10 (c) FUNCTIONS.—The clearinghouse established
11 under subsection (a) shall—

12 (1) respond to inquiries from State and local
13 governments, other organizations, and individuals re-
14 questing information regarding the availability of
15 housing in multifamily developments for elderly ten-
16 ants;

17 (2) make such information publicly available via
18 the Internet website of the Department of Housing
19 and Urban Development, which shall include—

20 (A) access via electronic mail; and

21 (B) an easily searchable, sortable,
22 downloadable, and accessible index that itemizes
23 the availability of housing in multifamily devel-
24 opments for elderly tenants by State, county,
25 and zip code;

1 (3) establish a toll-free number to provide the
2 public with specific information regarding the avail-
3 ability of housing in multifamily developments for el-
4 derly tenants; and

5 (4) perform any other duty that the Secretary
6 determines necessary to achieve the purposes of this
7 section.

8 (d) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated such sums as necessary
10 to carry out this section.

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