

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—

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—

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

16 “(2) LIMITATIONS.—In carrying out the demon-  
17 stration 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);

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);

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

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;

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

○