

111TH CONGRESS
2D SESSION

S. 4059

To authorize the Department of Housing and Urban Development to transform neighborhoods of extreme poverty into sustainable, mixed-income neighborhoods with access to economic opportunities, by revitalizing severely distressed housing, and investing and leveraging investments in well-functioning services, educational opportunities, public assets, public transportation, and improved access to jobs.

IN THE SENATE OF THE UNITED STATES

DECEMBER 22, 2010

Mr. MENENDEZ introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To authorize the Department of Housing and Urban Development to transform neighborhoods of extreme poverty into sustainable, mixed-income neighborhoods with access to economic opportunities, by revitalizing severely distressed housing, and investing and leveraging investments in well-functioning services, educational opportunities, public assets, public transportation, and improved access to jobs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Choice Neighborhoods Initiative Act of 2010”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Grant authority.
- Sec. 4. Eligible entities.
- Sec. 5. Eligible neighborhoods.
- Sec. 6. Authorized activities.
- Sec. 7. Interagency consultation and notification of available funding.
- Sec. 8. Transformation plan and selection.
- Sec. 9. Program requirements.
- Sec. 10. Definitions.
- Sec. 11. Demolition and disposition.
- Sec. 12. Administration by other entities.
- Sec. 13. Withdrawal of funding.
- Sec. 14. Annual report.
- Sec. 15. Program evaluation.
- Sec. 16. Funding.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) the geographic concentration of poverty re-
9 mains a serious and often unrecognized challenge to
10 the ability of poor families and children to access op-
11 portunity and move up the economic ladder;

12 (2) the HOPE VI program, authorized by sec-
13 tion 24 of the United States Housing Act of 1937
14 (42 U.S.C. 1437v), presented a successful first step
15 in transforming neighborhoods of extreme poverty
16 with severely distressed housing into revitalized
17 mixed-income neighborhoods;

1 (3) there remains a large amount of severely
2 distressed public and privately owned assisted hous-
3 ing concentrated in neighborhoods of extreme pov-
4 erty; and

5 (4) a broader approach is needed, using con-
6 centrated and coordinated neighborhood investment
7 from multiple sources to transform neighborhoods of
8 extreme poverty into communities that will improve
9 the quality of life of current and future residents.

10 (b) PURPOSES.—The purposes of this Act are—

11 (1) to transform neighborhoods of extreme pov-
12 erty into mixed-income neighborhoods of long-term
13 viability, by revitalizing severely distressed housing,
14 improving access to economic opportunities, and in-
15 vesting and leveraging investments in well-func-
16 tioning services, effective schools and education pro-
17 grams, public assets, public transportation, and im-
18 proved access to jobs;

19 (2) to grow communities and metropolitan
20 areas by concentrating, leveraging, and coordinating
21 Federal, State, local, and private funding for public
22 transportation, education, housing, energy, health
23 and mental health services, supportive services, pub-
24 lic safety, and environmental programs and initia-
25 tives;

1 (3) to support positive outcomes for all neigh-
2 borhood residents, including improvements in edu-
3 cational achievements, and economic self-sufficiency;
4 and

5 (4) to ensure that current residents benefit
6 from transformation by preserving affordable hous-
7 ing in the neighborhood or providing residents with
8 the choice to move to affordable housing in another
9 neighborhood of opportunity.

10 **SEC. 3. GRANT AUTHORITY.**

11 The Secretary is authorized to make competitive
12 grants to eligible entities that submit transformation plans
13 that will further the purposes of this Act in eligible neigh-
14 borhoods.

15 **SEC. 4. ELIGIBLE ENTITIES.**

16 Entities eligible to be grantees under this Act include
17 local governments, public housing agencies, community de-
18 velopment corporations (as defined in 12 U.S.C. 1715z–
19 11a(b)(11)), assisted housing owners, and other for-profit
20 and nonprofit entities.

21 **SEC. 5. ELIGIBLE NEIGHBORHOODS.**

22 Eligible neighborhoods for grant funds under this Act
23 include neighborhoods with—

24 (1) a concentration of extreme poverty;

25 (2) severely distressed housing; and

1 (3) a potential for long-term viability, once key
2 problems are addressed, including neighborhoods
3 with characteristics such as proximity to educational
4 institutions, medical centers, central business dis-
5 tricts, major employers, effective transportation al-
6 ternatives (including public transit, walking, and bi-
7 cycling) and being close to low poverty neighbor-
8 hoods.

9 **SEC. 6. AUTHORIZED ACTIVITIES.**

10 (a) IN GENERAL.—Activities authorized to be funded
11 under this Act are those that will further the purposes
12 of this Act, in accordance with a transformation plan ap-
13 proved under section 8, to carry out transformational pro-
14 grams and initiatives.

15 (b) REQUIRED ACTIVITIES.—The following author-
16 ized activities shall be contained in the transformation
17 plan to be submitted under section 8 and implemented by
18 a grantee under an approved transformation plan:

19 (1) The transformation of housing through re-
20 habilitation, preservation, or demolition, or any com-
21 bination thereof, and replacement of severely dis-
22 tressed housing projects that incorporates energy ef-
23 ficient design principles.

1 (2) Activities that promote the economic self-
2 sufficiency of residents of the revitalized housing
3 and of the surrounding neighborhood.

4 (3) Activities that preserve affordable housing
5 in the neighborhood and other activities necessary to
6 ensure that existing residents have access to the
7 benefits of the neighborhood transformation.

8 (4) Activities that demonstrate that each tenant
9 relocated from severely distressed housing who wish-
10 es to return to the revitalized on-site housing in the
11 neighborhood or to replacement housing outside of
12 the neighborhood, can return, and shall be provided
13 a preference in accordance with the program re-
14 quirements in section 9(a).

15 (5) Activities that meet the program require-
16 ments for replacement of housing units in section
17 9(b).

18 (6) Activities that meet the fair housing pro-
19 gram requirements in section 9(c) and the accessi-
20 bility requirements in section 9(d).

21 (7) Appropriate service coordination, support
22 services, mobility counseling, and housing search as-
23 sistance for residents displaced as a result of revital-
24 ization of severely distressed projects.

1 (8) Involvement of residents of severely dis-
2 tressed housing and of the neighborhood in planning
3 and implementation of the transformation plan, in-
4 cluding reasonable steps to help ensure meaningful
5 participation for residents who, as a result of their
6 national origin, are limited in their English pro-
7 ficiency.

8 (9) Relocation assistance, including tenant-
9 based rental assistance renewable under section 8 of
10 the United States Housing Act of 1937, and sup-
11 portive services for families that are displaced, in-
12 cluding mobility and relocation counseling over mul-
13 tiple years, reasonable moving costs, and security de-
14 posits.

15 (10) Tracking of tenants relocated during rede-
16 velopment throughout the life of the grant or until
17 full occupancy of replacement housing, whichever is
18 longer.

19 (11) Links to local education efforts, as de-
20 scribed in subsection (c)(4).

21 (c) ELIGIBLE ACTIVITIES.—In addition to the activi-
22 ties required under subsection (b), activities eligible for
23 funding under this Act include—

24 (1) construction, acquisition or rehabilitation of
25 public, assisted, and privately owned housing that

1 incorporates sustainable design principles, including
2 energy efficiency;

3 (2) construction, acquisition, or rehabilitation of
4 mixed-use developments that include public or as-
5 sisted housing;

6 (3) the acquisition, demolition, or disposition of
7 properties, including Federal Housing Administra-
8 tion-foreclosed properties;

9 (4) partnering with local educators, and engag-
10 ing in local community planning, to help increase ac-
11 cess to place-based programs that combine a con-
12 tinuum of effective community services, strong fam-
13 ily support, and comprehensive education reform to
14 improve the educational and life outcomes for resi-
15 dent children and youth;

16 (5) providing support services for residents pri-
17 marily focused on case management, service coordi-
18 nation (including family self-sufficiency coordina-
19 tors), workforce development, financial literacy and
20 technical assistance to enable residents to access
21 programs from other key agencies and local service
22 providers, in order to help residents with stable
23 housing, improve outcomes for children, enhance
24 adults' capacity for self-sufficiency and economic se-

1 curity, and services for the elderly and persons with
2 disabilities to maintain independence;

3 (6) rehabilitation, physical improvement and de-
4 velopment of community facilities that are primarily
5 intended to facilitate the delivery of economic, com-
6 munity, and supportive services which have a signifi-
7 cant benefit to residents of housing assisted by the
8 grant and residents of off-site replacement housing;

9 (7) work incentives designed to help public and
10 assisted housing residents access jobs and move to-
11 ward self-sufficiency;

12 (8) partnerships involving the police, commu-
13 nity organizations, and other entities to reduce crime
14 and promote safety;

15 (9) partnering with employers and for-profit
16 and nonprofit organizations to create jobs and job
17 training opportunities, with a focus on job opportu-
18 nities accessible by mass transit;

19 (10) activities that promote sustainable neigh-
20 borhoods and incorporate principles of sustainable
21 design and development;

22 (11) critical community improvements not oth-
23 erwise covered by this Act; and

24 (12) loss reserves to protect residents of hous-
25 ing assisted by the grant and continue the project in

1 case of default, foreclosure, or any other adverse fi-
 2 nancial event.

3 (d) ELIGIBLE METHODS OF SUPPORT.—Activities
 4 carried out with amounts from a grant under this Act may
 5 be carried out through—

- 6 (1) endowments, revolving loan funds, reserves
 7 or other instruments that the Secretary approves for
 8 tenant services and ongoing operating and capital
 9 needs; and
- 10 (2) land assembly and land banking.

11 (e) FUNDING RESTRICTIONS.—

12 (1) RESTRICTION ON ACTIVITIES.—

13 (A) IN GENERAL.—No funds made avail-
 14 able under this Act may be used for construc-
 15 tion or rehabilitation of a K–12 school building
 16 or a higher educational institution.

17 (B) NON-HOUSING ACTIVITIES AND SUP-
 18 PORTIVE SERVICES.—For each grant under this
 19 Act, the grantee shall comply with each of the
 20 following requirements:

- 21 (i) Not more than 30 percent of the
 22 amount of the grant may be used for eligi-
 23 ble activities under paragraphs (4) through
 24 (12) of subsection (c).

1 (ii) Not more than 5 percent of the
2 amount of the grant may be used for eligi-
3 ble activities under paragraphs (8) and (9)
4 of subsection (c).

5 (2) WAIVER.—The Secretary may waive the
6 funding limits in this subsection in order to promote
7 the purposes of this Act.

8 **SEC. 7. INTERAGENCY CONSULTATION AND NOTIFICATION**
9 **OF AVAILABLE FUNDING.**

10 (a) ANNUAL CONSULTATION.—The Secretary shall
11 consult with appropriate Federal agencies to identify addi-
12 tional funding opportunities that may be available to eligi-
13 ble neighborhoods and ensure that eligible entities are
14 aware of such opportunities as follows:

15 (1) The Secretary shall consult with the Sec-
16 retary of Labor, the Secretary of Education, the
17 Secretary of Transportation, the Secretary of Health
18 and Human Services, the Administrator of the Envi-
19 ronmental Protection Agency, and other agencies, as
20 the President may prescribe.

21 (2) The Secretary shall include in the notifica-
22 tion of funding availability for Choice Neighborhoods
23 information about other Federal funding opportuni-
24 ties that the Secretary deems related to the Choice
25 Neighborhoods program.

1 (3) The Secretary shall consult with the Sec-
2 retary of Labor, the Secretary of Education, the
3 Secretary of Transportation, the Secretary of Health
4 and Human Services, the Administrator of the Envi-
5 ronmental Protection Agency, and other agencies, as
6 the Secretary may prescribe, to identify barriers to
7 and opportunities for greater coordination of Federal
8 resources for meeting the purposes of this Act.

9 (b) REPORTS TO CONGRESS.—The Secretary shall—

10 (1) not later than 1 year after the date of en-
11 actment of this Act, issue a report to the Committee
12 on Banking, Housing, and Urban Affairs of the Sen-
13 ate and the Committee on Financial Services of the
14 House of Representatives identifying barriers and
15 opportunities to the coordination of Federal funding
16 to meet the purposes of this Act, including any regu-
17 latory or statutory recommendations for addressing
18 such barriers; and

19 (2) issue an annual report to be posted on the
20 agency website that identifies Federal funding op-
21 portunities for eligible neighborhoods and best prac-
22 tices in coordinating Federal funding for purposes of
23 this Act.

1 **SEC. 8. TRANSFORMATION PLAN AND SELECTION.**

2 (a) TRANSFORMATION PLAN.—An application for a
3 grant under this Act shall be submitted in the form of
4 a transformation plan that—

5 (1) demonstrates how the transformation plan
6 will achieve the desired priority outcomes of trans-
7 forming a distressed neighborhood of extreme pov-
8 erty into a mixed-income neighborhood with high
9 quality, safe, affordable housing, economic opportu-
10 nities, well-functioning services, public assets, access
11 to jobs, public transportation, and effective edu-
12 cation programs and public schools, including char-
13 ter schools and other autonomous public schools;

14 (2) includes a long-term affordability plan that
15 describes how the grantee will maintain affordable
16 housing in the neighborhood over the succeeding 50
17 years or longer, including affordability provisions re-
18 lating to dwelling units provided using assistance
19 under the grant under this Act, and an agreement
20 by the applicant to update such plan every 5 years
21 during such period;

22 (3) demonstrates how the required activities
23 under section 6(b) will be carried out, with par-
24 ticular focus on the housing transformation;

1 (4) describes the other eligible activities listed
2 in section 6(c) that will occur in support of the
3 housing transformation;

4 (5) defines desired outcomes of the strategy,
5 identifies the population that will benefit, describes
6 the challenges they face, and the evidence base that
7 informs the proposed strategies that will result in
8 the desired outcomes for the community and resi-
9 dents; and

10 (6) includes such other information and shall be
11 submitted at such time and in accordance with pro-
12 cedures as the Secretary shall prescribe.

13 (b) SELECTION CRITERIA.—The Secretary shall es-
14 tablish criteria for the award of grants under this Act,
15 which shall include the extent to which the transformation
16 plan—

17 (1) demonstrates the ability of the plan to fur-
18 ther the purposes of this Act, as evidenced by,
19 among other factors, a track record of effective part-
20 nerships and community engagement;

21 (2) demonstrates inclusive local planning with
22 input from local government, housing owners and
23 providers, educators, residents, local community or-
24 ganizations, public schools, early learning programs,
25 health service organizations, and community stake-

1 holders in the development and implementation of a
2 sustainable revitalization program;

3 (3) coordinates multiple funding resources, in-
4 cluding public, private, and philanthropic funding,
5 and emphasizes collaboration between the local gov-
6 ernment, early learning programs, and public
7 schools, or a public housing agency, or all three;

8 (4) submits current data showing that the
9 neighborhood targeted for revitalization is in need of
10 and can benefit from the authorized activities de-
11 scribed in section 6 and proposed in the trans-
12 formation plan;

13 (5) demonstrates that the neighborhood has, or
14 will have, the potential for long-term viability;

15 (6) demonstrates the capability and record of
16 the applicant and its partners for managing housing
17 redevelopment or modernization projects and meet-
18 ing performance benchmarks;

19 (7) demonstrates that sustainable building and
20 energy efficient design principles are incorporated or
21 will be incorporated in the activities;

22 (8) demonstrates that the neighborhood has, or
23 will have within a reasonable time, public transpor-
24 tation that provides effective access to economic op-
25 portunities and commercial and public services;

1 (9) demonstrates that the residents of revital-
2 ized housing developments have or will have access
3 to high quality educational opportunities, including
4 early learning and effective K–12 public schools, in
5 or outside of the neighborhood;

6 (10) demonstrates that the transformation plan
7 includes the provision of appropriate supportive serv-
8 ices and activities that promote economic self-suffi-
9 ciency of residents, and a plan to sustain those serv-
10 ices;

11 (11) demonstrates that the transformation plan
12 provides support for residents displaced as a result
13 of the revitalization of the project, including assist-
14 ance in obtaining housing in areas with low con-
15 centrations of poverty and minority populations;

16 (12) demonstrates that sufficient housing op-
17 portunities are available in the neighborhood to be
18 revitalized and in nonminority, low-poverty areas to
19 accommodate displaced residents;

20 (13) has a well-documented assessment of the
21 number of households with special needs for ongoing
22 supportive services residing in the public or assisted
23 properties that are the target of the grant and an
24 effective plan to address those needs;

1 (14) demonstrates the ability to leverage funds
2 from—

3 (A) other programs of the Department of
4 Housing and Urban Development;

5 (B) other Federal, State, or local pro-
6 grams; or

7 (C) the private sector, including donations
8 of land or services;

9 (15) replaces the public and assisted housing
10 units in accordance with section 9(2), if targeting a
11 project that meets the definition of section 10(9)(B);

12 (16) demonstrates, if feasible, phased redevelop-
13 ment that provides for demolition and construction
14 of dwelling units in phases, to limit disruptions to
15 residents;

16 (17) demonstrates how the applicant will use
17 indicators of housing redevelopment, neighborhood
18 quality, resident well-being, and other outcomes to
19 measure success, manage program implementation,
20 and engage stakeholders, consistent with require-
21 ments established by the Secretary; and

22 (18) demonstrates compliance with any other
23 factors and priorities, as the Secretary may pre-
24 scribe through a notice of funding availability and
25 that further the purposes of this Act.

1 **SEC. 9. PROGRAM REQUIREMENTS.**

2 The following requirements shall apply to any grant
3 made under this Act:

4 (1) HOUSING CHOICE OPPORTUNITIES FOR RE-
5 TURNING TENANTS.—An approved transformation
6 plan under section 8 shall demonstrate that each
7 former tenant who wishes to return to the on-site or
8 off-site replacement housing may return if the ten-
9 ant was lease-compliant at the time of departure
10 from the housing subject to rehabilitation or demoli-
11 tion, and would be eligible, as of the time of such
12 return, for occupancy under the eligibility, screening,
13 and occupancy standards, policies, or practices appli-
14 cable to the housing from which the resident was
15 displaced, as in effect at such time of displacement.
16 A returning tenant shall be provided a preference for
17 occupancy of on-site or off-site replacement units be-
18 fore such units are made available to any other eligi-
19 ble households, or the tenant may choose to retain
20 tenant-based voucher assistance provided under sec-
21 tion 8(o) of the United States Housing Act of 1937,
22 for relocation from the properties revitalized under
23 this Act.

24 (2) RELOCATION AND NOTICE.—All relocation
25 activities resulting from, or that will result from,
26 demolition, disposition, or both demolition and dis-

1 position, to be carried out under a transformation
2 plan relating to a grant under this Act shall be sub-
3 ject to the following requirements:

4 (A) THE UNIFORM RELOCATION ACT.—The
5 Uniform Relocation and Real Property Acquisi-
6 tion Policies Act of 1970 (42 U.S.C. 61) shall
7 apply to all relocation activities pursuant to a
8 transformation plan under this Act, except as
9 otherwise provided in this Act.

10 (B) RELOCATION PLAN.—The applicant
11 shall submit to the Secretary, before acquisition
12 or demolition, a relocation plan providing for
13 the relocation of residents occupying the public
14 or assisted housing for which the demolition or
15 disposition is proposed.

16 (3) NOTICE UPON APPROVAL OF APPLICA-
17 TION.—Within a reasonable time after notice to the
18 applicant of the approval of an application for a
19 grant under this section, the applicant shall provide
20 notice in writing, in plain and non-technical lan-
21 guage, to the residents of the public and assisted
22 housing subject to the approved transformation plan
23 that—

24 (A) states that the application and trans-
25 formation plan has been approved;

1 (B) describes the process involved to relo-
2 cate the residents, including a statement that
3 the residents may not be relocated until the
4 conditions in this section have been met;

5 (C) provides information regarding reloca-
6 tion options; and

7 (D) advises residents of the availability of
8 relocation counseling.

9 (4) NOTICE BEFORE RELOCATION.—Except in
10 the cases of a substantial and imminent threat to
11 health or safety, not later than 90 days before the
12 date on which residents will be relocated, the grantee
13 shall provide notice in writing, in plain and nontech-
14 nical language, to each family residing in a public or
15 assisted housing project that is subject to an ap-
16 proved transformation plan, and in accordance with
17 such guidelines as the Secretary may issue governing
18 such notification, of the demolition, their rights, and
19 relocation options.

20 (5) ONE-FOR-ONE REPLACEMENT OF PUBLIC
21 OR ASSISTED HOUSING UNITS.—Each trans-
22 formation plan that provides for dwelling units to be
23 demolished or disposed shall provide as follows:

24 (A) NUMBER OF UNITS.—For one hundred
25 percent of all such dwelling units in existence,

1 as of the date of the application for the grant,
2 that are to be demolished or disposed, the
3 transformation plan shall provide for replace-
4 ment of the dwelling unit.

5 (B) NUMBER OF BEDROOMS.—Replace-
6 ment housing for demolished properties shall
7 reflect the number of bedrooms that are needed
8 to adequately serve returning tenants, house-
9 holds currently on the waiting list and that are
10 needed based on other market data, except that
11 in instances where the tenants of the original
12 properties need a different number of bedrooms
13 than households on the waiting list, the plan
14 may enable displaced tenants to exercise their
15 opportunity under paragraph (1), using a ten-
16 ant-based voucher in the original neighborhood
17 or other neighborhood of the tenants' choice.

18 (C) LOCATION.—

19 (i) REPLACEMENT UNITS.—Replace-
20 ment housing units shall be developed—

21 (I) in the neighborhood being re-
22 vitalized; and

23 (II) within the metropolitan area,
24 up to 25 miles from the original
25 project site, as necessary to—

- 1 (aa) comply with fair hous-
2 ing requirements;
3 (bb) deconcentrate poverty;
4 (cc) redevelop onsite with
5 appropriate densities; or
6 (dd) meet other factors, as
7 determined by the Secretary in
8 order to further the purposes of
9 this Act.

10 (ii) REPLACEMENT HOUSING OUTSIDE
11 IMMEDIATE NEIGHBORHOOD.—Replace-
12 ment housing outside the immediate neigh-
13 borhood shall offer access to economic op-
14 portunities and public transportation and
15 shall be accessible to social, recreational,
16 educational, commercial, health facilities
17 and services, and other municipal services
18 and facilities that are comparable, under
19 such standards as the Secretary may pre-
20 scribe.

21 (iii) OFF-SITE REPLACEMENT HOUS-
22 ING.—Off-site replacement housing, out-
23 side the immediate neighborhood, shall not
24 be located in areas of minority concentra-
25 tion, defined in relation to the metropolitan

1 area or rural county in which the Choice
 2 Neighborhoods project is located, or in
 3 areas of extreme poverty.

4 (D) TYPES OF UNITS.—Replacement hous-
 5 ing is public housing or other assisted housing
 6 units, as defined in section 10, excluding ten-
 7 ant-based vouchers, unless permitted in this
 8 section.

9 (E) USE OF PROJECT-BASED VOUCHERS
 10 FOR REPLACEMENT HOUSING.—The Secretary
 11 may require the use of project-based voucher
 12 assistance under section 8(o)(13) of the United
 13 States Housing Act of 1937 (42 U.S.C.
 14 1437f(o)(13)) to meet the replacement require-
 15 ment. Where project-based voucher units are
 16 developed as replacement housing, subpara-
 17 graph (D) of section 8(o)(13), relating to per-
 18 centage limitation and income-mixing require-
 19 ment for project-based voucher assistance, shall
 20 not apply. The Secretary may waive or modify
 21 other provisions of section 8(o)(13) to promote
 22 the purposes of this program.

23 (F) TENANT-BASED VOUCHERS AS RE-
 24 PLACEMENT HOUSING.—A grantee may replace
 25 up to 20 percent of the public housing or other

1 assisted housing dwelling units that are demol-
2 ished or disposed of under the transformation
3 plan with tenant-based vouchers in housing
4 markets where there is an adequate supply of
5 affordable rental housing in areas of low pov-
6 erty. Such supply shall be demonstrated by data
7 that shows within the housing market or area
8 served by the Choice Neighborhoods project
9 that—

10 (i) a minimum of 80 percent of vouch-
11 ers issued over the preceding 24 months to
12 comparable families were successfully
13 leased within 120 days of issuance or, if a
14 sufficient number of comparable families
15 have not received vouchers, the Secretary
16 shall design an alternative measure;

17 (ii) existing voucher holders are widely
18 dispersed geographically, as determined by
19 the Secretary, among the available private
20 rental housing stock, including in areas of
21 low poverty; and

22 (iii) the grantee provides a market
23 analysis demonstrating that there is a rel-
24 atively high vacancy rate, as determined by
25 the Secretary, within the market area with

1 rent and utility costs not exceeding the ap-
2 plicable payment standard under section
3 8(o) of the United States Housing Act of
4 1937 (42 U.S.C. 1437f(o)).

5 (6) FAIR HOUSING.—The demolition or disposi-
6 tion, relocation, replacement, and re-occupancy of
7 housing units under this Act shall be carried out in
8 a manner that affirmatively furthers fair housing, as
9 required by section 808 of the Civil Rights Act of
10 1968 (42 U.S.C. 3608(e)). Grantees shall adopt af-
11 firmative marketing procedures, and require affirma-
12 tive marketing activities of project owners and man-
13 agers which special outreach efforts shall be targeted
14 to those who are least likely to apply for the hous-
15 ing, to ensure that all persons, regardless of their
16 race, color, national origin, religion, sex, disability or
17 familial status are aware of the housing opportuni-
18 ties in each project funded under this Act.

19 (7) ACCESSIBILITY REQUIREMENTS.—All new
20 construction and substantial alterations of existing
21 buildings receiving assistance under this Act shall
22 comply with the requirements of the Rehabilitation
23 Act of 1973, the Uniform Federal Accessibility
24 Standards, the Fair Housing Act, and any other re-
25 quirements, as determined by the Secretary.

1 (8) AFFORDABILITY REQUIREMENT.—The
2 owner of a property assisted with funding under this
3 Act shall agree to a period of affordability for the
4 property which shall be not less than the period of
5 affordability to which the property is already subject
6 and remains subject, or 30 years, whichever is great-
7 er.

8 (9) COST LIMITS.—Subject to the provisions of
9 this Act, the Secretary shall establish cost limits on
10 eligible activities under this Act sufficient to provide
11 for effective transformation programs.

12 (10) ENVIRONMENTAL REVIEW.—For purposes
13 of environmental review, assistance and projects
14 under this Act shall be treated as assistance for spe-
15 cial projects that are subject to section 305(c) of the
16 Multifamily Housing Property Disposition Reform
17 Act of 1994, and shall be subject to the regulations
18 issued by the Secretary to implement such section.

19 (11) GRANTEE REPORTING.—The Secretary
20 shall require grantees under this Act to report the
21 sources and uses of all amounts expended and other
22 information for transformation plans for the annual
23 report of the Secretary to Congress or other pur-
24 poses, as determined by the Secretary.

1 **SEC. 10. DEFINITIONS.**

2 For purposes of this Act, the following definitions
3 shall apply:

4 (1) AFFORDABLE HOUSING.—The term “afford-
5 able housing” includes—

6 (A) assisted housing, as defined by this
7 Act; or

8 (B) private housing for which the Sec-
9 retary requires the owner or purchaser of the
10 project to maintain affordability for not fewer
11 than 30 years, in accordance with use restric-
12 tions promulgated in regulations by the Sec-
13 retary, which restrictions shall be—

14 (i) contained in a legally enforceable
15 document recorded in the appropriate
16 records; and

17 (ii) consistent with the long-term via-
18 bility of the project as rental or homeown-
19 ership housing.

20 (2) ASSISTED HOUSING.—The term “assisted
21 housing” means housing assisted under—

22 (A) section 8 or 9 of the United States
23 Housing Act of 1937 (42 U.S.C. 1437f and 42
24 U.S.C. 1437g); and

1 (B) section 221(d)(3) or section 236 (12
2 U.S.C. 1715 and 12 U.S.C 1715z-1) of the Na-
3 tional Housing Act.

4 (3) CRITICAL COMMUNITY IMPROVEMENTS.—
5 The term “critical community improvements”
6 means—

7 (A) development or improvement of com-
8 munity facilities to promote upward mobility,
9 self-sufficiency, or improved quality of life for
10 residents of the neighborhood, such as construc-
11 tion or rehabilitation of parks and community
12 gardens, environmental improvements or site
13 remediation at affected sites; and

14 (B) activities to promote economic develop-
15 ment, such as development or improvement of
16 transit, retail, community financial institutions,
17 public services, facilities, assets or other com-
18 munity resources.

19 (4) EXTREME POVERTY.—The term “extreme
20 poverty” neighborhoods means a neighborhood in
21 which a high percentage of residents are estimated
22 to be in poverty or have extremely low incomes,
23 based on the most recent data collected by the Cen-
24 sus Bureau and that is experiencing distress related
25 to—

1 (A) per capita crime rates over 3 or more
 2 years that are significantly higher than the per
 3 capita crime rates of the city or county in which
 4 the neighborhood is located;

5 (B) high rates of vacant, abandoned, or
 6 substandard homes relative to the city or coun-
 7 ty as a whole;

8 (C) a low-performing public school;

9 (D) other such factor as determined by the
 10 Secretary that further the purposes of this Act;
 11 or

12 (E) any combination of such factors.

13 (5) FAMILIES.—The term “families” has the
 14 meaning provided in section 3(B)(3) of the United
 15 States Housing Act of 1937 (42 U.S.C.
 16 1437a(B)(3)).

17 (6) LONG-TERM VIABILITY.—The term “long-
 18 term viability” refers to a neighborhood that is sus-
 19 tainable on an economic, educational, and environ-
 20 mental basis.

21 (7) PUBLIC HOUSING AGENCY.—The term
 22 “public housing agency” has the meaning provided
 23 in section 3(b)(6) of the United States Housing Act
 24 of 1937 (42 U.S.C. 1437a(b)(6)).

1 (8) SECRETARY.—The term “Secretary” means
2 the Secretary of Housing and Urban Development.

3 (9) SEVERELY DISTRESSED HOUSING.—The
4 term “severely distressed housing” means a public
5 or assisted housing project (or building in a project)
6 that—

7 (A)(i) requires major redesign, reconstruc-
8 tion, or redevelopment, or partial or total demo-
9 lition, to correct serious deficiencies in the
10 original design (including inappropriately high
11 population density), deferred maintenance,
12 physical deterioration or obsolescence of major
13 systems, and other deficiencies in the physical
14 plant of the project; and

15 (ii) is a significant contributing factor to
16 the physical decline of and disinvestment by
17 public and private entities in the surrounding
18 neighborhood; or

19 (B) was a project described in subpara-
20 graph (A) that has been legally vacated or de-
21 molished, but for which the Secretary has not
22 yet provided replacement housing assistance
23 other than tenant-based assistance.

24 (10) SUPPORTIVE SERVICES.—The term “sup-
25 portive services” includes all activities for public or

1 assisted housing tenants displaced from the projects
2 being revitalized under this Act, that will promote
3 upward mobility, self-sufficiency, or improved quality
4 of life, including such activities as literacy training,
5 remedial and continuing education, job training, fi-
6 nancial literacy instruction, day care, youth services,
7 aging-in-place, public transportation, physical and
8 mental health services, economic development activi-
9 ties, and other programs for which the community
10 demonstrates need.

11 **SEC. 11. DEMOLITION AND DISPOSITION.**

12 The demolition or disposition of severely distressed
13 public and assisted housing pursuant to a transformation
14 plan is exempt from the provisions of section 18 of the
15 United States Housing Act of 1937 (42 U.S.C. 1437p).

16 **SEC. 12. ADMINISTRATION BY OTHER ENTITIES.**

17 The Secretary may require a grantee under this Act
18 to make arrangements satisfactory to the Secretary for
19 use of an entity other than the original grantee to carry
20 out activities assisted under the transformation plan, if
21 the Secretary determines that such action will help to ef-
22 fectuate the purposes of this Act.

23 **SEC. 13. WITHDRAWAL OF FUNDING.**

24 If a grantee under this Act does not proceed within
25 a reasonable time frame in implementing its trans-

1 formation plan, or does not otherwise comply with the re-
 2 quirements of this Act or the grant agreement, as deter-
 3 mined by the Secretary, the Secretary is authorized to
 4 withdraw any grant amounts under this Act that have not
 5 been obligated by the grantee. The Secretary may redis-
 6 tribute any withdrawn amounts to one or more other eligi-
 7 ble entities capable of proceeding expeditiously in the same
 8 locality in carrying out the transformation plan of the
 9 original grantee, or as such plan may be modified and ap-
 10 proved by the Secretary, or, if that is not feasible, to one
 11 or more other applicants that has already received assist-
 12 ance under this Act.

13 **SEC. 14. ANNUAL REPORT.**

14 The Secretary shall submit to Congress an annual re-
 15 port setting forth—

16 (1) the number, type, and cost of affordable
 17 housing units revitalized pursuant to this Act;

18 (2) the amount and type of financial assistance
 19 provided under and in conjunction with this Act, in-
 20 cluding a specification of the amount and type of as-
 21 sistance provided for educational opportunities, serv-
 22 ices, public assets, public transportation, and access
 23 to jobs; and

24 (3) the impact of grants made under this Act
 25 on the original residents, the target neighborhoods,

1 and the larger communities within which they are lo-
2 cated.

3 **SEC. 15. PROGRAM EVALUATION.**

4 The Secretary shall conduct, and shall submit a re-
5 port to Congress on, an evaluation of the Choice Neighbor-
6 hoods program, with respect to which—

7 (1) the Secretary shall—

8 (A) select an outside expert firm to con-
9 duct the evaluation of the Choice Neighbor-
10 hoods program; and

11 (B) consult with the Secretary of Labor,
12 the Secretary of Education, the Secretary of
13 Transportation, the Secretary of Health and
14 Human Services, the Administrator of the En-
15 vironmental Protection Agency, and other ap-
16 propriate agencies on the evaluation of the pro-
17 gram and selection of the evaluation firm;

18 (2) the Secretary shall submit to Congress a re-
19 port of the results of the evaluation 5 years after the
20 initial grant awards, and annually thereafter;

21 (3) the factors to be considered within the eval-
22 uation include measures of—

23 (A) resident engagement within and after
24 the transformation process;

1 (B) neighborhood improvement, including
2 changes in property values, demographic
3 changes, access to transportation, and survey
4 data on resident satisfaction;

5 (C) self-sufficiency, including changes in
6 resident and neighborhood income, and changes
7 in neighborhood and resident employment sta-
8 tistics;

9 (D) educational improvement, including
10 student performance data, student mobility and
11 absenteeism, and parental involvement; and

12 (E) other indicators deemed appropriate by
13 the Secretary.

14 **SEC. 16. FUNDING.**

15 There are authorized to be appropriated the fol-
16 lowing:

17 (1) \$350,000,000 for fiscal year 2011, and such
18 sums as may be necessary in each of fiscal years
19 2012 through 2015, for grants under this Act. Of
20 the funding authorized in any fiscal year, up to 10
21 percent is authorized for planning grants. In award-
22 ing planning grants, the Secretary may elect to base
23 selection on a subset of the required provisions of
24 this Act. In any fiscal year, up to 5 percent is au-
25 thorized for technical assistance and program eval-

1 uation efforts related to grants awarded under this
2 Act, or under predecessor programs.

3 (2) Such sums as may be necessary for each of
4 fiscal years 2011 through 2015, for providing ten-
5 ant-based assistance for relocation and for rental as-
6 sistance under section 8 of the United States Hous-
7 ing Act of 1937, for the purposes of complying with
8 section 9(2) of this Act, but not to exceed the
9 amount of assistance for the number of units demol-
10 ished or disposed of under section 9(2).

11 (3) Not less than $\frac{2}{3}$ of amounts made available
12 in any fiscal year under this Act shall be used for,
13 or $\frac{2}{3}$ of the number of housing units assisted under
14 this Act shall be, public housing units, subject to de
15 minimis variations, as may result from the grantee
16 selection process.

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