

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 453

To authorize the Secretary of Housing and Urban Development to make grants and offer technical assistance to local governments and others to design and implement innovative policies, programs, and projects that address widespread property vacancy and abandonment, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 23, 2009

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

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## A BILL

To authorize the Secretary of Housing and Urban Development to make grants and offer technical assistance to local governments and others to design and implement innovative policies, programs, and projects that address widespread property vacancy and abandonment, 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.**

4        This Act may be cited as the “Community Regenera-  
5        tion, Sustainability, and Innovation Act of 2009”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

3 (1) many older industrial cities have experi-  
4 enced significant population loss due to large-scale  
5 employment losses—especially well-paying jobs in  
6 basic industry and manufacturing;

7 (2) beginning in the 1940s, Federal policies es-  
8 tablished by the Federal Housing Administration  
9 and the Department of Transportation promoted  
10 suburban flight, which also caused population and  
11 income loss in many older cities;

12 (3) by 1970, these trends were clearly evident  
13 in decennial data produced by the United States  
14 Census Bureau;

15 (4) population loss and economic decline in  
16 such cities has caused widespread housing vacancy  
17 and abandonment, resulting in a landscape of gap-  
18 toothed streets where many homes have been demol-  
19 ished, vast numbers of unattractive, dilapidated  
20 properties that pose a threat to public safety, and  
21 underused, crumbling public infrastructure, that cit-  
22 ies cannot afford to maintain;

23 (5) by 2000, such conditions had spread beyond  
24 the central cities to adjacent suburbs in many met-  
25 ropolitan areas;

1           (6) as these trends continued after 2000, condi-  
2           tions were exacerbated by the subprime lending cri-  
3           sis, which led to unprecedented rates of mortgage  
4           foreclosures resulting in even more abandonments in  
5           many of the most vulnerable neighborhoods in the  
6           most distressed cities and suburbs;

7           (7) unmanaged vacant property and land causes  
8           community abandonment, crime, further depopula-  
9           tion, and despair;

10          (8) unmanaged vacant property and land can  
11          also have a detrimental impact on adjacent residen-  
12          tial property values, while the creation of green  
13          space and infrastructure on vacant land, even on an  
14          interim basis, can increase property values;

15          (9) experience has demonstrated that land  
16          banking, undertaken by public entities and accom-  
17          panied by other innovative strategies, is a rationale  
18          and efficient way for local governments to assert  
19          public control and management over vacant and  
20          abandoned property in order to stabilize neighbor-  
21          hoods and real estate markets, rationalize land use,  
22          provide new public amenities, including open space  
23          and green infrastructure, and renew, strengthen,  
24          and reposition for the future communities that have  
25          experienced significant population loss;

1           (10) beginning in 1999, the State of Michigan  
2           reformed its property tax foreclosure processes and  
3           enacted new land banking legislation which opened  
4           the door for communities to reclaim, reinvest in, and  
5           rebuild their neighborhoods by creating a highly suc-  
6           cessful land banking model that has proven effective  
7           in removing dilapidated structures, redeveloping  
8           abandoned properties, creating new open space, and  
9           increasing property values in communities hard-hit  
10          by employment and population losses such as the  
11          City of Flint and Genesee County, where thousands  
12          of parcels have been returned to productive use or  
13          set aside as green, open space; and

14          (11) the Federal Government can assist State  
15          and local governments by providing financial support  
16          to establish and maintain land banks, including,  
17          where appropriate, multi-jurisdictional land banks,  
18          and to develop innovative strategies to convert such  
19          land to productive use or for long-term strategic  
20          public purposes.

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

22                (1) to provide Federal assistance, through  
23                grants and the provision of technical assistance, to  
24                establish land banks in communities and metropoli-  
25                tan areas that have experienced significant popu-

1 lation loss due to large-scale employment losses  
2 which have resulted in widespread abandonment of  
3 real property;

4 (2) to encourage innovation, experimentation,  
5 and environmentally sustainable practices through  
6 collaborative efforts to reuse and rehabilitate land  
7 bank property in ways that will provide long-term  
8 benefits to the public;

9 (3) to encourage the creation of green infra-  
10 structure;

11 (4) to encourage the creation of new employ-  
12 ment opportunities, especially in areas related to en-  
13 vironmental sustainability and green infrastructure  
14 directly related to the implementation of regenera-  
15 tion plans assisted under this Act; and

16 (5) to encourage the strategic use of other Fed-  
17 eral, State, local, private, and nonprofit resources  
18 not provided under this Act to stabilize and improve  
19 neighborhoods not presently experiencing widespread  
20 vacancy and abandonment, but whose stability is or  
21 may be threatened if current demographic or em-  
22 ployment trends continue.

1 **SEC. 3. DEMONSTRATION PROGRAM FOR INNOVATIVE VA-**  
2 **CANT PROPERTY RECLAMATION AND URBAN**  
3 **INFRASTRUCTURE RENEWAL STRATEGIES.**

4 (a) **IN GENERAL.**—The Secretary of Housing and  
5 Urban Development shall carry out a demonstration pro-  
6 gram under this section to encourage and test innovative  
7 vacant property reclamation and urban infrastructure re-  
8 newal strategies in older industrial cities, suburbs of such  
9 cities, and metropolitan areas having a history of severe  
10 population and employment loss, blight, and decay caused  
11 by vacant properties.

12 (b) **ELIGIBILITY OF UNITS OF GENERAL LOCAL GOV-**  
13 **ERNMENT.**—A unit of general local government, or a con-  
14 sortia of such units, shall be eligible for selection for par-  
15 ticipation in the demonstration program under this section  
16 only if the unit or consortium meets one of the following  
17 two requirements:

18 (1) **SUBSTANTIAL POPULATION LOSS.**—The ap-  
19 plicant unit of general local government, or the most  
20 populous unit of general local government of the ap-  
21 plicant consortium, has experienced at least 20 per-  
22 cent population loss since 1970, as measured by  
23 data from the 2000 decennial census.

24 (2) **CONCENTRATED HOUSING VACANCY AND**  
25 **ABANDONMENT.**—The applicant unit of general local

1 government, or the most populous unit of general  
2 local government of applicant consortium—

3 (A) has experienced prolonged population,  
4 income, and employment loss resulting in sub-  
5 stantial levels of housing vacancy and abandon-  
6 ment; and

7 (B) such housing vacancies and abandon-  
8 ments are concentrated in more than one neigh-  
9 borhood or geographic area within a jurisdiction  
10 or jurisdictions.

11 (c) MULTIYEAR COOPERATIVE AGREEMENTS.—

12 (1) AUTHORITY.—In carrying out the dem-  
13 onstration program under this section, the Secretary  
14 shall enter into multiyear cooperative agreements  
15 with units of general local government, or consortia  
16 consisting of units of general local government, se-  
17 lected for participation pursuant to subsection (h) in  
18 the demonstration program under this section, to de-  
19 sign and implement regeneration plans to address  
20 problems associated with vacant and abandoned  
21 properties.

22 (2) TERMS.—A cooperative agreement entered  
23 into under this subsection—

24 (A) shall have a term of not less than 3  
25 years;

1 (B) shall provide for the Secretary to make  
2 grants under subsection (d) to the unit of gen-  
3 eral local government or consortium;

4 (C) shall provide for interaction between  
5 the Department of Housing and Urban Devel-  
6 opment and the unit of general local govern-  
7 ment or consortium to implement a regenera-  
8 tion plan; and

9 (D) may reference the responsibilities of  
10 third parties, such as State governments, uni-  
11 versities, and non-profit organizations, and in  
12 such instances, each such entity shall enter into  
13 a memorandum of understanding with the unit  
14 of general local government or consortium.

15 (3) DETERMINATION OF EFFECT ON HISTORIC  
16 PROPERTIES.—Notwithstanding that a unit of gen-  
17 eral local government, or consortium of such units,  
18 has been selected for participation in the demonstra-  
19 tion program under this section, the Secretary may  
20 not enter into a cooperative agreement under this  
21 subsection until the Secretary has complied with the  
22 requirements under section 106 of the National His-  
23 toric Preservation Act (16 U.S.C. 470f) and the reg-  
24 ulations issued under such section (36 C.F.R. Part  
25 800) to take into account the effects, on historic

1 properties, of the regeneration plan of the partici-  
2 pant approved by the Secretary under subsection (h)  
3 of this section.

4 (d) GRANTS.—To the extent amounts for grants  
5 under this section are made available in advance in appro-  
6 priation Acts, the Secretary shall make a grant under this  
7 section to each unit of general local government, or con-  
8 sortia of such units, selected to participate in the dem-  
9 onstration program under this section, for each fiscal year  
10 covered by the multiyear cooperative agreement entered  
11 into by the unit or consortium pursuant to subsection (c).

12 (e) ELIGIBLE USES.—Amounts from grants provided  
13 under this section may be used for any of the following  
14 purposes:

15 (1) VACANT PROPERTY AND PROGRAM CAPAC-  
16 ITY ACTIVITIES.—For the following vacant property  
17 and program capacity activities:

18 (A) Establishment or expansion of local or  
19 regional land banks.

20 (B) Establishment of recovered building  
21 materials reuse and recycling infrastructure, fa-  
22 cilities, and technical support.

23 (C) Establishment of local government  
24 purchasing requirements for deconstruction to

1 make use of existing building materials stock in  
2 new and rehabilitation construction.

3 (D) Expansion and improvement of code  
4 enforcement capabilities.

5 (E) Development of data and information  
6 systems such as comprehensive real property  
7 systems, early warning systems, and vacant  
8 property inventory and tracking systems.

9 (F) Establishment or strengthening of the  
10 ability of State courts, local courts, and admin-  
11 istrative agencies to address problems caused by  
12 vacant and abandoned properties, and to facili-  
13 tating, where feasible, such properties' transfer  
14 to public control under a local or regional land  
15 bank.

16 (G) Amendment or reform of State and  
17 local property tax foreclosure procedures.

18 (2) STABILIZATION ACTIVITIES.—For the fol-  
19 lowing stabilization activities:

20 (A) Deconstruction and demolition of va-  
21 cant and abandoned properties.

22 (B) Demolition and removal of public in-  
23 frastructure.

24 (C) Relocation of structures.

1 (D) Reconfiguration of existing infrastruc-  
2 ture.

3 (E) Protection and limited maintenance of  
4 vacant or abandoned properties for the pur-  
5 poses of stemming the spread of blight.

6 (F) Assessment and remediation of prop-  
7 erty.

8 (G) Relocation under the Uniform Reloca-  
9 tion and Real Property Acquisition Policies Act  
10 of 1970 (42 U.S.C. 4601 et seq.) or applicable  
11 State and local relocation statutes and policies.

12 (3) DESIGN, DEVELOPMENT, AND REUSE AC-  
13 TIVITIES.—For the following design, development,  
14 and reuse activities:

15 (A) Creation of open space and networks  
16 of green infrastructure.

17 (B) Establishing and maintaining urban  
18 agriculture and farm markets.

19 (C) Adaptive reuse, rehabilitation, or im-  
20 provement of architecturally, historically, or cul-  
21 turally significant structures, or other struc-  
22 tures of community significance, in areas tar-  
23 getted for conservation under a regeneration  
24 plan.

1           (D) Development of infrastructure to  
2           produce renewable energy on vacant land, in-  
3           cluding solar energy, wind power, and geo-  
4           thermal power.

5           (4) PLANNING AND POLICY INNOVATION AC-  
6           TIVITIES.—For the following planning and policy in-  
7           novation activities:

8           (A) Strategic planning, neighborhood plan-  
9           ning, brownfield plans, vacant property plans,  
10          city and neighborhood typologies, and collabo-  
11          rative vacant property assessment processes  
12          that identify and target Federal, State, local,  
13          and nonprofit resources for neighborhoods and  
14          communities.

15          (B) Reforms of existing State and local  
16          codes, policies, and processes to promote vacant  
17          property reclamation and reuse through flexible,  
18          performance based standards, regulations, and  
19          development processes.

20          (5) OTHER USES.—For such other uses in ac-  
21          cordance with the purposes of this Act as the Sec-  
22          retary may designate.

23          (f) INELIGIBLE USES.—Amounts from grants pro-  
24          vided under this section shall not be used—

1           (1) to demolish public housing, as such term is  
2 defined in section 3 of the United States Housing  
3 Act of 1937 (42 U.S.C. 1437a);

4           (2) to demolish any property listed, or eligible  
5 to be listed, in the National Register of Historic  
6 Places under the National Historic Preservation Act  
7 (16 U.S.C. 470 et seq.), or designated as historic  
8 under State or local law;

9           (3) to alter or modify any property listed or eli-  
10 gible for listing in the National Register of Historic  
11 Places, unless the proposed alteration or modifica-  
12 tion is determined to be consistent with the Stand-  
13 ards for the Treatment of Historic Properties of the  
14 Secretary of the Interior pursuant to section 106 of  
15 the National Historic Preservation Act (16 U.S.C.  
16 470f) and the regulations issued under such section  
17 (36 C.F.R. Part 800);

18           (4) to clean-up any brownfield site, except for  
19 planning activities related to the clean-up of a  
20 brownfield site; or

21           (5) to redevelop any brownfield site, except for  
22 planning activities related to the redevelopment of a  
23 brownfield site.

24           (g) LIMITATION ON USE FOR ADMINISTRATIVE  
25 COSTS.—Of any amounts received from a grant under this

1 section in any fiscal year, a participant in the demonstra-  
 2 tion program under this section may use not more than  
 3 20 percent for any administrative costs of the jurisdiction  
 4 in carrying out the regeneration plan of such participant  
 5 and in carrying out the responsibilities of the participant  
 6 in connection such program.

7 (h) SELECTION OF PARTICIPANT REGENERATION  
 8 COMMUNITIES.—

9 (1) APPLICATION.—To be eligible to participate  
 10 in the demonstration program established under this  
 11 section, a unit of general local government or con-  
 12 sortium of such units shall submit an application for  
 13 assistance under this section in such form and in ac-  
 14 cordance with such requirements as the Secretary  
 15 shall establish, together with a regeneration plan  
 16 under paragraph (2) for the community or region of  
 17 the unit of general local government or consortium.

18 (2) REGENERATION PLAN.—A regeneration  
 19 plan under this paragraph for a community or re-  
 20 gion shall meet the following requirements:

21 (A) MANDATORY ELEMENTS.—The plan  
 22 shall include, for such community or region, the  
 23 following elements:

24 (i) A comprehensive land use plan  
 25 that reflects the population loss the com-

1 community or region has experienced, reflects  
2 future population trends, including any an-  
3 ticipated further losses, using the most  
4 current data available, and provides for the  
5 efficient and sustainable use of land, struc-  
6 tures, neighborhoods, and resources within  
7 the community or region.

8 (ii) A plan for creation of green infra-  
9 structure to be set aside in the community  
10 or region for recreation, open space, agri-  
11 culture, park use, educational use, or pur-  
12 poses related to future economic or resi-  
13 dential development.

14 (iii) A detailed implementation strat-  
15 egy for the plan, including modifications to  
16 a comprehensive or master land use plan,  
17 neighborhood plans, and zoning and build-  
18 ing codes.

19 (iv) A plan for integrating related pro-  
20 grams and strategies funded through other  
21 sources, including Federal, State, local,  
22 and private sources, into the implementa-  
23 tion strategy pursuant to clause (iii).

24 (v) Any other elements, as determined  
25 by the Secretary.

1 (B) OTHER INCLUDED ELEMENTS.—The  
2 plan shall include as many of the following ele-  
3 ments as may be appropriate or feasible:

4 (i) Good urban design principles.

5 (ii) Sustainability principles.

6 (iii) Integration and targeting of fund-  
7 ing provided under the community develop-  
8 ment block grant program under title I of  
9 the Housing and Community Development  
10 Act of 1974 (42 U.S.C. 5301 et seq.).

11 (iv) Use of other funds and resources,  
12 Federal, State, local, private, financial, or  
13 otherwise.

14 (v) Brownfields remediation and rede-  
15 velopment funded through other sources.

16 (vi) Smart growth principles, includ-  
17 ing, complete streets, new urbanism, af-  
18 fordable housing, mixed uses, infill develop-  
19 ment, public infrastructure improvements,  
20 and form based codes.

21 (vii) Deconstruction activities with  
22 measurable outcomes.

23 (viii) To the extent necessary, im-  
24 provement of real property data and infor-  
25 mation systems with respect to property

1 conditions, and streamlining and improve-  
2 ment of code enforcement procedures to  
3 expedite the process of asserting public  
4 control over vacant and abandoned prop-  
5 erties.

6 (ix) Promotion of energy-use effi-  
7 ciency, green collar jobs, natural systems  
8 storm water management, and other eco-  
9 logical services.

10 (x) Neighborhood plans developed  
11 through a community-based process for  
12 component communities within the appli-  
13 cant's jurisdiction or jurisdictions.

14 (xi) The potential to create new em-  
15 ployment opportunities, especially in areas  
16 directly related to the implementation of  
17 the regeneration plan, including building  
18 deconstruction, removal of buildings and  
19 infrastructure, creation of green infrastruc-  
20 ture, environmental remediation, and long  
21 term-employment in environmentally sus-  
22 tainable activities, including urban agri-  
23 culture, open space maintenance, and re-  
24 newable energy production.

1                   (xii) Adaptive reuse, rehabilitation, or  
2                   improvement of architecturally, histori-  
3                   cally, or culturally significant structures,  
4                   or other structures of community signifi-  
5                   cance, in areas targeted for conservation.

6                   (xiii) Any other elements as the Sec-  
7                   retary may prescribe.

8                   (C) CITIZEN PARTICIPATION REQUIRE-  
9                   MENTS.—The Secretary shall, by regulations  
10                  issued under section 7, provide for citizen par-  
11                  ticipation requirements relating to the develop-  
12                  ment and implementation of regeneration plans  
13                  as necessary to ensure, to the extent prac-  
14                  ticable, that affected citizens and community  
15                  groups, including environmental organizations,  
16                  and any others who would be impacted by the  
17                  adoption of a regeneration plan, have notice of,  
18                  and the opportunity to effectively participate in,  
19                  the development of such a plan through public  
20                  hearings, community workshops, charrettes,  
21                  town hall meetings, or other means.

22                  (D) IMPLEMENTATION OF REGENERATION  
23                  PLANS.—To the extent practicable, the Sec-  
24                  retary shall, by regulations issued under section  
25                  7, ensure that processes are established and

1 maintained providing for the continued imple-  
2 mentation and periodic updating of regenera-  
3 tion plans for a reasonable amount of time fol-  
4 lowing the full expenditure of assistance re-  
5 ceived under this Act.

6 (3) COMPETITION.—The Secretary shall select  
7 applicants for participation in the demonstration  
8 program under this section on a competitive basis  
9 using the evaluation and selection criteria estab-  
10 lished pursuant to paragraph (5) and in accordance  
11 with section 102 of the Department of Housing and  
12 Urban Development Reform Act of 1989 (42 U.S.C.  
13 3545).

14 (4) SELECTION.—

15 (A) NUMBER AND CATEGORIES OF PAR-  
16 TICIPANTS.—During each of the first three fis-  
17 cal years for which amounts are first made  
18 available for grants under this section, the Sec-  
19 retary shall select units of general local govern-  
20 ment, or consortia consisting of units of general  
21 local government, to be new participants in the  
22 demonstration program under this section, from  
23 each of the following categories as follows:

24 (i) SMALLER UNITS OF GENERAL  
25 LOCAL GOVERNMENT.—During each such

1 fiscal year, the Secretary shall select not  
2 more than five units of general local gov-  
3 ernment having a population of 150,000 or  
4 less, as measured by decennial census data,  
5 or in the case of consortia of units of gen-  
6 eral local government, consortia in which  
7 the largest unit of general local govern-  
8 ment has such a population, except that at  
9 no time may there be more than a total of  
10 15 participants in the demonstration pro-  
11 gram pursuant to this clause.

12 (ii) LARGER UNITS OF GENERAL  
13 LOCAL GOVERNMENT.—During each such  
14 fiscal year, the Secretary shall select not  
15 more than five units of general local gov-  
16 ernment having a population of exceeding  
17 150,000, as measured by decennial census  
18 data, or in the case of consortia of units of  
19 general local government, consortia in  
20 which the largest unit of general local gov-  
21 ernment has such a population, except that  
22 at no time may there be more than a total  
23 of 15 participants in the demonstration  
24 program pursuant to this clause.

1 (B) SUBSTANTIAL POPULATION LOSS.—

2 The Secretary shall ensure that at least five ap-  
3 plicants selected pursuant to subparagraph (A)  
4 in each fiscal year in which new applicants are  
5 selected for participation meet the eligibility  
6 standard set forth in subsection (b)(1).

7 (5) EVALUATION OF APPLICATIONS AND SELEC-  
8 TION CRITERIA.—The Secretary shall establish eval-  
9 uation and selection criteria for participation in the  
10 demonstration program under this section, which  
11 shall include the following criteria:

12 (A) REGIONAL COLLABORATION.—If fea-  
13 sible or appropriate, the extent to which an ap-  
14 plicant proposes to foster regional collaboration  
15 among and across governments, and with pri-  
16 vate and non-profit organizations, in addressing  
17 vacant and abandoned properties, such as the  
18 establishment of one or more—

19 (i) regional vacant property reclama-  
20 tion strategies;

21 (ii) regional land banks to gain public  
22 control of such properties;

23 (iii) regional real property data sys-  
24 tems; and

1 (iv) regional vacant property action  
2 plans that target and coordinate other  
3 Federal, State, local and nonprofit funds  
4 and resources to identified communities  
5 and neighborhoods.

6 (B) TARGETING FOR SUSTAINABLE URBAN  
7 NEIGHBORHOODS AND GREEN INFRASTRUC-  
8 TURE.—The extent to which an applicant pro-  
9 poses to reposition for the future its jurisdiction  
10 or the jurisdictions within a consortium, by tar-  
11 geting resources and investment in clusters of  
12 sustainable urban neighborhoods and by estab-  
13 lishing networks of green infrastructure.

14 (C) PARTNERING TO IMPLEMENT REGEN-  
15 ERATION PLAN.—The extent to which an appli-  
16 cant proposes to partner with institutions such  
17 as universities, museums, historic preservation  
18 organizations, neighborhood and community or-  
19 ganizations, Federal, State, and local govern-  
20 ments, and other organizations or entities  
21 whose participation would promote the success-  
22 ful implementation of a regeneration plan.

23 (D) VACANT PROPERTY RECLAMATION.—  
24 The extent to which an applicant proposes to  
25 design and develop policy and programmatic in-

1 novations that foster vacant property reclama-  
2 tion, such as code reforms and performance-  
3 based regulatory approaches.

4 (E) SEVERITY OF VACANT AND ABAN-  
5 DONED PROPERTY PROBLEMS.—The severity of  
6 the problem of vacant and abandoned property  
7 within an applicant’s or applicants’ jurisdiction  
8 or jurisdictions.

9 (F) CAPACITY TO IMPLEMENT.—The ca-  
10 pacity of an applicant or applicants to imple-  
11 ment a regeneration plan, including its ability  
12 to demonstrate quantifiable outcomes such as  
13 the potential to enhance property values, im-  
14 prove ecosystems, and benefit public health.

15 (G) COMMITMENT.—The level of commit-  
16 ment of an applicant or applicants, and any or-  
17 ganizational partners, to the implementation of  
18 a regeneration plan.

19 (H) POTENTIAL FOR LIVABILITY.—The  
20 potential for a regeneration plan to promote the  
21 overall livability of a jurisdiction or jurisdictions  
22 for current residents.

23 (i) ACCOUNTABILITY AND REPORTING.—

24 (1) REQUIRED PERFORMANCE PLAN.—A unit of  
25 general local government, or consortium of such

1 units, selected for participation in the demonstration  
2 program under this section may not enter into a co-  
3 operative agreement with the Secretary or receive  
4 any grant under this section unless the unit or con-  
5 sortium has prepared, submitted to the Secretary,  
6 and had approved by the Secretary, a performance  
7 plan for implementing its regeneration plan, which  
8 shall include provisions for public participation and  
9 such other elements as the Secretary may prescribe.

10 (2) ANNUAL PERFORMANCE AND EVALUATION  
11 REPORTS.—

12 (A) REQUIREMENT.—Each participant in  
13 the demonstration program under this Section  
14 that receives grant amounts under this section  
15 shall submit to the Secretary, in such form and  
16 by such deadlines as the Secretary may require,  
17 an annual performance and evaluation report  
18 concerning the use of funds made available  
19 under this Act, which shall include financial dis-  
20 closure information and any other information  
21 as the Secretary may prescribe.

22 (B) PUBLIC AVAILABILITY.—Before sub-  
23 mitting an annual performance and evaluation  
24 report to the Secretary, a participant shall be  
25 make the report publicly available in the par-

1 participant's jurisdiction or jurisdictions in suffi-  
2 cient time to permit citizens of such jurisdiction  
3 to comment on such report before its submis-  
4 sion, and in such manner and at such times as  
5 the participant may determine.

6 (3) REVIEWS.—The Secretary shall periodically  
7 make such reviews as may be necessary or appro-  
8 priate to determine the progress of demonstration  
9 program participants in meeting their performance  
10 objectives identified in their performance plan pursu-  
11 ant to paragraph (1) and identified in their reports  
12 pursuant to paragraph (2).

13 (4) SANCTIONS.—

14 (A) IN GENERAL.—With respect to assist-  
15 ance made available under this section and sub-  
16 ject to paragraph (3), if the Secretary deter-  
17 mines that a participant in the demonstration  
18 program under this section grantee has sub-  
19 stantially failed to meet its performance objec-  
20 tives and outcomes, the Secretary may deter-  
21 mine that the grantee is no longer in good  
22 standing and may reduce or limit the assistance  
23 under this section to the participant, or take  
24 other action as appropriate in accordance with  
25 the Secretary's review and as provided in regu-

1           lations issued by the Secretary to carry out this  
 2           Act, except that any grant amounts already ex-  
 3           pended on eligible activities under this section  
 4           shall not be recaptured or deducted from future  
 5           assistance to such participant.

6           (B) REMEDIAL PLANS.—In cases where  
 7           the Secretary takes action against a grantee  
 8           pursuant to paragraph (1), the grantee shall  
 9           submit a remedial plan for approval by the Sec-  
 10          retary that outlines the actions the grantee will  
 11          take to ensure it meets its performance objec-  
 12          tives in the future.

13 **SEC. 4. PLANNING GRANTS AND SUSTAINABILITY DEM-**  
 14 **ONSTRATION PROJECT GRANTS.**

15          (a) AUTHORITY.—To the extent that amounts are  
 16          made available in advance in appropriation Acts, the Sec-  
 17          retary may make grants to units of general local govern-  
 18          ment and consortia of units of general local government  
 19          as follows:

20               (1) PLANNING GRANTS.—Grants under sub-  
 21               section (c) for development of regeneration plans.

22               (2) SUSTAINABILITY DEMONSTRATION PROJECT  
 23               GRANTS.—Grants under subsection (d) for carrying  
 24               out sustainability demonstration projects.

25          (b) TERMS.—

1           (1) AMOUNT.—A grant made under this section  
2           in any fiscal year to any one unit of general local  
3           government or consortium of units of general local  
4           government shall not exceed \$250,000.

5           (2) INELIGIBILITY.—A participant in the dem-  
6           onstration program under section 3 shall not be eli-  
7           gible to receive a grant under this section.

8           (c) REGENERATION COMMUNITIES PLANNING  
9 GRANTS.—A grant under this subsection shall be used to  
10 develop a regeneration plan in accordance with the re-  
11 quirements of section 3(h)(2), except that such amounts  
12 may be used for the purposes listed in section 3(e)(1)(E)  
13 and for providing technical assistance.

14          (d) SUSTAINABILITY DEMONSTRATION GRANTS.—

15           (1) COMPETITION.—Grants under this sub-  
16           section shall be made on a competitive basis.

17           (2) ELIGIBILITY.—Grants under this subsection  
18           shall not be made to units of general local govern-  
19           ment and consortia of such units that are partici-  
20           pants in the demonstration program under section 3.

21           (3) ELIGIBLE USES.—Amounts from a grant  
22           made under this subsection shall be used for car-  
23           rying out specific short-term demonstration projects  
24           that are in accordance with the sustainability goals

1 of this Act, which may include one or more of the  
2 following projects:

3 (A) Design and creation of interim and  
4 permanent open space and networks of green  
5 infrastructure, low impact development, and  
6 storm water management activities.

7 (B) Establishment of recovered building  
8 materials, reuse and recycling infrastructure,  
9 facilities, creation of incentives, and technical  
10 support.

11 (C) Development or expansion of urban ag-  
12 riculture initiatives, including community sup-  
13 ported agriculture and farmers markets.

14 (D) Development of infrastructure to  
15 produce renewable energy on vacant land, in-  
16 cluding solar energy, wind power, and geo-  
17 thermal power.

18 (E) Creation of workshops and training for  
19 green collar jobs to support sustainability dem-  
20 onstration projects.

21 (F) Development of any other innovative,  
22 sustainability projects that would further the  
23 purposes of this Act, as determined by the Sec-  
24 retary.

1           (4) MATCHING REQUIREMENT.—A grant under  
2 this subsection may not exceed 4 times the amount  
3 that the grantee certifies to the Secretary are com-  
4 mitted for use for the eligible uses under paragraph  
5 (3) to be carried out by the grantee using grant  
6 amounts.

7 **SEC. 5. FEDERAL INTERAGENCY REGENERATION COMMU-**  
8 **NITIES COORDINATING COUNCIL.**

9           (a) ESTABLISHMENT.—The Secretary shall convene  
10 a Federal Interagency Regeneration Communities Coordi-  
11 nating Council whose members shall include—

12           (1) representatives of Federal agencies, includ-  
13 ing designees of the Secretary of Energy, the Sec-  
14 retary of Commerce, the Secretary of Housing and  
15 Urban Development, and the Administrator of the  
16 Environmental Protection Agency; and

17           (2) representatives of non-Federal entities, such  
18 as academic institution, nonprofit organizations, and  
19 lending institutions.

20           (b) DUTIES.—

21           (1) FEDERAL AGENCY SUPPORT PLANS.—The  
22 Council shall develop Federal agency support plans  
23 for communities receiving grants under this Act that  
24 shall include—

1 (A) offering technical assistance to grant-  
2 ees under this Act through a network of local  
3 and national vacant property assistance pro-  
4 viders;

5 (B) assigning staff through intergovern-  
6 mental personnel agreements;

7 (C) offering guidance and technical assist-  
8 ance to program applicants on leveraging and  
9 coordinating funding from other Federal  
10 sources in regeneration plans, especially assist-  
11 ance provided by the Economic Development  
12 Administration, the Environmental Protection  
13 Agency, and the Department of Housing and  
14 Urban Development, particularly the commu-  
15 nity development block grant program under  
16 title I of the Housing and Community Develop-  
17 ment Act of 1974 (42 U.S.C. 5301 et seq.); and

18 (D) to the extent feasible, instituting alter-  
19 native performance-based regulatory approaches  
20 and standards.

21 (2) ALTERNATIVE REGULATORY AP-  
22 PROACHES.—To the extent feasible and appropriate,  
23 the designee of the Secretary of Housing and Urban  
24 Development shall work with the designees of the  
25 other Federal agencies to institute alternative regu-

1 latory approaches and standards by such other Fed-  
2 eral agencies in order to better facilitate the imple-  
3 mentation of regeneration plans.

4 **SEC. 6. DEFINITIONS.**

5 For purposes of this Act, the following definitions  
6 shall apply:

7 (1) COMPLETE STREETS PRINCIPLES.—The  
8 term “complete streets principles” means transpor-  
9 tation laws, policies, or principles that ensure—

10 (A) all users of the transportation system,  
11 including pedestrians, bicyclists, and transit  
12 users as well as children, older people, motor-  
13 ists, and those with disabilities, are adequately  
14 accommodated in all phases of project planning  
15 and development; and

16 (B) that the safety and convenience of all  
17 users are considered in all phases of project  
18 planning and development.

19 (2) DECONSTRUCTION.—The term  
20 “deconstruction” means the selective dismantlement  
21 of building components for reuse and recycling.

22 (3) GREEN INFRASTRUCTURE.—The term  
23 “green infrastructure” means the interim and per-  
24 manent reuse of vacant properties for an inter-  
25 connected network of open spaces, trails, and nat-

1        ural areas, such as greenways, wetlands, parks, for-  
2        est preserves, and native plant vegetation that can  
3        naturally manage stormwater, reduce flooding risks,  
4        improve water quality, and reduce urban heat is-  
5        lands.

6            (4) LAND BANK.—The term “land bank”  
7        means a governmental, quasi-governmental, or non-  
8        profit entity established, at least in part, to assemble  
9        and manage surplus property for eventual conversion  
10       to productive use, or for holding for other strategic  
11       long-term purposes.

12           (5) NEW URBANISM.—The term “new urban-  
13        ism” means neighborhood design that incorporates  
14        concepts that promote community function, environ-  
15        mental balance, social integration, pedestrian-friend-  
16        ly streets, and dense development, among other  
17        things, in order to encourage a sense of community  
18        among neighborhood residents.

19           (6) PARTICIPANT.—The term “participant”  
20        means a unit of general local government, or a con-  
21        sortium of units of general local government, that  
22        has—

23                    (A) been selected for participation in the  
24                    demonstration program under section 3; and

1 (B) entered into a cooperative agreement  
2 with the Secretary pursuant to section 3(c).

3 (7) PERFORMANCE-BASED REGULATION.—The  
4 term “performance-based regulation” means regula-  
5 tion focused on results or outcomes of performance,  
6 rather than a prescriptive process, technique, or pro-  
7 cedure.

8 (8) REGIONAL LAND BANK.—The term “re-  
9 gional land bank” means a land bank controlled by  
10 an entity comprising of, or representing more than,  
11 one unit of general local government.

12 (9) SECRETARY.—The term “Secretary” means  
13 the Secretary of Housing and Urban Development.

14 (10) SMART GROWTH.—The term “smart  
15 growth” means concentrating resources and new de-  
16 velopment in areas in or near existing urban and  
17 neighborhood centers served by public transportation  
18 and other existing infrastructure.

19 (11) SUSTAINABILITY PROJECT.—The term  
20 “sustainability project” means a program or project  
21 that integrates innovative ways to conserve re-  
22 sources, reduce harmful emissions, protect public  
23 health, enhance the natural and built environments,  
24 and facilitate social equity.

1           (12) UNIT OF GENERAL LOCAL GOVERN-  
2           MENT.—The term “unit of general local govern-  
3           ment” has the meaning given such term in section  
4           102 of the Housing and Community Development  
5           Act of 1974 (42 U.S.C. 5302).

6           (13) VACANT AND ABANDONED PROPERTY.—  
7           The term “vacant and abandoned property” means  
8           any residential, commercial, or industrial property  
9           (including structures, the underlying site, and vacant  
10          lots) that has not been legally occupied for six  
11          months or longer, and exhibits one or both of the  
12          following conditions or circumstances:

13                 (A) The site presents a threat to public  
14                 safety or constitutes a public nuisance, as de-  
15                 fined by State and local law.

16                 (B) The owners, managers, or any other  
17                 responsible party, have neglected the funda-  
18                 mental duties of property ownership including  
19                 failure to pay taxes or utility bills, or have de-  
20                 faulted on mortgages.

21 **SEC. 7. REGULATIONS, IMPLEMENTATION, AND CITIZEN**  
22 **PARTICIPATION.**

23           (a) REGULATIONS.—Not later than 180 days after  
24 the date of the enactment of this Act, the Secretary shall  
25 issue regulations necessary to carry out this Act.

1 (b) NOTICE OF FUNDING AVAILABILITY.—Not later  
2 than 30 days after publishing a final regulation to imple-  
3 ment this Act, the Secretary shall publish a notice of fund-  
4 ing availability in the Federal Register stating that funds  
5 are available to units of general local government and con-  
6 sortia of units of general local government in accordance  
7 with the provisions of this Act.

8 (c) USE OF PERFORMANCE-BASED REGULATORY  
9 CONCEPTS.—To the extent feasible, the Secretary shall  
10 employ performance-based regulatory concepts in promul-  
11 gating regulations under this section.

12 **SEC. 8. AUTHORIZATIONS OF APPROPRIATIONS.**

13 (a) REGENERATION COMMUNITIES IMPLEMENTA-  
14 TION GRANTS.—For grants under section 3(d), there is  
15 authorized to be appropriated \$100,000,000 for each of  
16 fiscal years 2010, 2011, and 2012.

17 (b) PLANNING GRANTS AND SUSTAINABILITY DEM-  
18 ONSTRATION PROJECT GRANTS.—There is authorized to  
19 be appropriated for planning grants under section 4(c)  
20 and for sustainability demonstration project grants under  
21 section 4(d)—

22 (1) \$25,000,000 for fiscal year 2010; and

23 (2) \$12,500,000 for each of fiscal years 2011  
24 and 2012.

1           (c) FEDERAL INTERAGENCY REGENERATION COM-  
2 MUNITIES COORDINATING COUNCIL.—For costs associ-  
3 ated with the establishment and operation of the Federal  
4 Interagency Regeneration Communities Coordinating  
5 Council under section 5, and technical and staff assistance  
6 under section 5(b), there is authorized to be appropriated  
7 \$24,000,000 for each of fiscal years 2010, 2011, and  
8 2012.

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