

116TH CONGRESS
1ST SESSION

H. R. 2657

To provide priority under certain federally assisted housing programs to assist youths who are aging out of foster care, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2019

Mr. TURNER introduced the following bill; which was referred to the
Committee on Financial Services

A BILL

To provide priority under certain federally assisted housing programs to assist youths who are aging out of foster care, 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 “Fostering Stable Hous-
5 ing Opportunities Act of 2019”.

6 **SEC. 2. DEFINITION OF FAMILY.**

7 Subparagraph (A) of section 3(b)(3) of the United
8 States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(A))
9 is amended—

10 (1) in the first sentence—

1 (A) by striking “(v)” and inserting “(vi)”;

2 and

3 (B) by inserting after “tenant family,” the

4 following: “(v) a child who is in foster care and

5 has attained an age such that the provision of

6 foster care for such child will end by reason of

7 the age of the child within 6 months,”; and

8 (2) in the second sentence, by inserting “or

9 (vi)” after “clause (v)”.

10 **SEC. 3. PRIORITY FOR PUBLIC HOUSING OCCUPANCY AND**

11 **SECTION 8 ASSISTANCE.**

12 (a) PUBLIC HOUSING.—Subparagraph (A) of section

13 6(c)(4) of the United States Housing Act of 1937 (42

14 U.S.C. 1437d(c)(4)(A)) is amended—

15 (1) by striking “may establish a system for

16 making dwelling units available that provides pref-

17 erence” and inserting the following: “shall establish

18 a system for making dwelling units available that—

19 “(i) shall provide preferences”;

20 (2) by striking “each system of preferences es-

21 tablished pursuant to this subparagraph shall be

22 based” and inserting the following:

23 “(ii) except as provided in clause (iii),

24 shall be based”;

1 (3) by adding at the end the following new
2 clause:

3 “(iii) except for projects or portions of
4 projects designated for occupancy pursuant
5 to section 7(a), shall provide that the high-
6 est preference for occupancy shall be given
7 to otherwise eligible children who are in
8 foster care, have attained an age such that
9 the provision of foster care for such child
10 will end by reason of the age of the child
11 within 6 months, meet the requirements
12 under clauses (i) and (ii) of paragraph (1)
13 of the definition of ‘at risk of homeless-
14 ness’ in section 91.5 of the Secretary’s reg-
15 ulations (24 C.F.R. 91.5), as in effect on
16 September 1, 2016, and have agreed to
17 comply with the requirements under sec-
18 tion 39(c); and

19 “(iv) may provide highest preference
20 for occupancy to, in addition to eligible
21 children described in clause (iii), not more
22 than two other types of families.”.

23 (b) VOUCHER ASSISTANCE.—Subparagraph (A) of
24 section 8(o)(6) of the United States Housing Act of 1937
25 (42 U.S.C. 1437f(o)(6)(A)) is amended—

1 (1) in clause (i), by striking “may” the first
2 place such term appears and inserting “shall”;

3 (2) by redesignating clause (ii) as clause (iii);

4 (3) by inserting before clause (iii), as so rededesignated
5 by paragraph (1) of this subsection, the following new clause:
6

7 “(ii) HIGHEST PREFERENCE.—Each
8 system of preferences established pursuant
9 to this subparagraph—

10 “(I) shall provide that the highest
11 preference for assistance shall be
12 given to otherwise eligible children
13 who are in foster care, have attained
14 an age such that the provision of foster
15 care for such child will end by reason
16 of the age of the child within 6
17 months, meet the requirements under
18 clauses (i) and (ii) of paragraph (1) of
19 the definition of ‘at risk of homelessness’
20 in section 91.5 of the Secretary’s
21 regulations (24 C.F.R. 91.5),
22 as in effect on September 1, 2016,
23 and have agreed to comply with the
24 requirements under section 39(c); and

1 “(II) may provide highest pref-
 2 erence for assistance to, in addition to
 3 eligible children described in subclause
 4 (I), not more than two other types of
 5 eligible families.”; and

6 (4) in clause (iii), as so redesignated by para-
 7 graph (2) of this subsection, by striking “Each sys-
 8 tem” and inserting “Except as provided in clause
 9 (ii)(I), each system”.

10 (c) PHA PROJECT-BASED VOUCHER ASSISTANCE.—
 11 Subparagraph (J) of section 8(o)(13) of the United States
 12 Housing Act of 1937 (42 U.S.C. 1437f(o)(13)(J)) is
 13 amended—

14 (1) by striking “(J) TENANT SELECTION.—A
 15 public” and inserting the following:

16 “(J) TENANT SELECTION.—

17 “(i) SELECTION AND ELIGIBILITY.—A
 18 public”;

19 (2) by striking “The agency or owner may es-
 20 tablish preferences or criteria for selection for a unit
 21 assisted under this paragraph that” and inserting
 22 the following:

23 “(ii) PREFERENCES FOR OCCU-
 24 PANCY.—The agency or owner shall estab-
 25 lish a system of preferences or criteria for

1 selection for a unit assisted under this sec-
2 tion that—

3 “(I) shall provide that the high-
4 est preference shall be given to other-
5 wise eligible children who are in foster
6 care, have attained an age such that
7 the provision of foster care for such
8 child will end by reason of the age of
9 the child within 6 months, meet the
10 requirements under clauses (i) and (ii)
11 of paragraph (1) of the definition of
12 ‘at risk of homelessness’ in section
13 91.5 of the Secretary’s regulations
14 (24 C.F.R. 91.5), as in effect on Sep-
15 tember 1, 2016, and have agreed to
16 comply with the requirements under
17 section 39(c);

18 “(II) may provide highest pref-
19 erence to, in addition to eligible chil-
20 dren described in subclause (I), not
21 more than two other types of eligible
22 families; and

23 “(III) except as provided under
24 subclause (I),”; and

1 (3) by striking “Any family that” and inserting
2 the following:

3 “(iii) WAITING LISTS.—Any family
4 that”.

5 (d) PROJECT-BASED SECTION 8 RENTAL ASSIST-
6 ANCE.—Subparagraph (A) of section 8(d)(1) of the
7 United States Housing Act of 1937 (42 U.S.C.
8 1437f(d)(1)(A)) is amended—

9 (1) by realigning such subparagraph so as to be
10 indented 2 ems from the left margin;

11 (2) by striking “except that with respect” and
12 inserting the following: “except that—

13 “(i) with respect to assisted dwelling units
14 in a project assisted with project-based assist-
15 ance under this section, the tenant selection cri-
16 teria used by the owner—

17 “(I) shall provide that the highest
18 preference shall be given to otherwise eligi-
19 ble children who are in foster care, have
20 attained an age such that the provision of
21 foster care for such child will end by rea-
22 son of the age of the child within 6
23 months, meet the requirements under
24 clauses (i) and (ii) of paragraph (1) of the
25 definition of ‘at risk of homelessness’ in

1 section 91.5 of the Secretary’s regulations
 2 (24 C.F.R. 91.5), as in effect on Sep-
 3 tember 1, 2016, and have agreed to comply
 4 with the requirements under section 39(c);
 5 and

6 “(II) may provide highest preference
 7 to, in addition to eligible children described
 8 in subclause (I), not more than two other
 9 types of eligible families; and
 10 “(ii) with respect”; and

11 (3) by inserting “who are not eligible for high-
 12 est preference pursuant to clause (i)(I)” after “to be
 13 assisted”.

14 (e) TERMS AND CONDITIONS ON PRIORITY.—Title I
 15 of the United States Housing Act of 1937 (42 U.S.C.
 16 1437 et seq.) is amended by adding at the end the fol-
 17 lowing new section:

18 **“SEC. 39. TERMS AND CONDITIONS ON PREFERENCE FOR**
 19 **ASSISTANCE FOR CHILDREN AGING OUT OF**
 20 **FOSTER CARE.**

21 “(a) PREFERENCE.—For purposes of this section,
 22 the term ‘preference for housing assistance’ means pref-
 23 erence, for an otherwise eligible child in foster care, for—

24 “(1) occupancy in a public housing dwelling
 25 unit, pursuant to section 6(c)(4)(A)(iii);

1 “(2) tenant-based assistance under section 8(o),
2 pursuant to paragraph (6)(A)(ii)(I) of such section;

3 “(3) project-based assistance under section
4 8(o)(13), pursuant to subparagraph (J)(ii)(I) of
5 such section; and

6 “(4) occupancy in a dwelling unit in a project
7 assisted with project-based assistance under section
8 8, pursuant to subsection (d)(1)(A)(i)(I) of such sec-
9 tion.

10 “(b) EARLY APPLICATION FOR ASSISTANCE.—Not-
11 withstanding the period during which a preference for
12 housing assistance is provided for a person, an otherwise
13 eligible person may apply for such occupancy or assistance
14 at any time after such person attains 16 years of age.

15 “(c) REQUIREMENT FOR EDUCATION OR TRAIN-
16 ING.—

17 “(1) REQUIREMENT.—Except as provided in
18 paragraph (2), each person occupying a dwelling
19 unit pursuant to a preference for housing assistance
20 shall, not later than 30 months after such initial oc-
21 cupancy, comply with the requirements under one of
22 the following subparagraphs, as selected by the pub-
23 lic housing agency for or project owner of the as-
24 sisted housing dwelling unit involved, in consultation
25 with relevant public child welfare agencies:

1 “(A) OPTION 1.—The requirements under
2 this subparagraph are—

3 “(i) obtaining a recognized postsec-
4 ondary credential or a secondary school di-
5 ploma or its recognized equivalent;

6 “(ii) enrollment in an institution of
7 higher education, as such term is defined
8 in section 101(a) of the Higher Education
9 Act of 1965 (20 U.S.C. 1001(a)) and in-
10 cluding the institutions described in sub-
11 paragraphs (A) and (B) of section
12 102(a)(1) of such Act (20 U.S.C.
13 1002(a)(1)); or

14 “(iii) participation in a career path-
15 way, as such term is defined in section 3
16 of the Workforce Innovation and Oppor-
17 tunity Act (29 U.S.C. 3102).

18 Notwithstanding any other provision of this
19 paragraph, a public housing agency or project
20 owner may consider employment as satisfying
21 the requirements under this subparagraph.

22 “(B) OPTION 2.—The requirements under
23 this subparagraph are compliance with the
24 terms and conditions applicable under section
25 23 of the United States Housing Act of 1937

1 (42 U.S.C. 1437u) and the regulations imple-
2 menting such section to a person participating
3 in a family self-sufficiency program under such
4 section, except that—

5 “(i) a public housing agency may se-
6 lect the option under this subparagraph
7 only if the agency is participating in such
8 self-sufficiency program or has made such
9 commitments to commence participation as
10 the Secretary considers sufficient; and

11 “(ii) a project owner of assisted hous-
12 ing may select the option under this sub-
13 paragraph only if the public housing agen-
14 cy in whose jurisdiction the project is lo-
15 cated is participating in such self-suffi-
16 ciency program or has made such commit-
17 ments to commence participation as the
18 Secretary considers sufficient.

19 “(C) OPTION 3.—The requirements under
20 this subparagraph are compliance with any
21 combination of the terms, conditions, and re-
22 quirements under subparagraphs (A) and (B),
23 as may be established by the public housing
24 agency, except that a project owner of assisted
25 housing may select the option under this sub-

1 paragraph only if the public housing agency in
2 whose jurisdiction the project is located has se-
3 lected the option under this subparagraph and
4 has established such terms, conditions, and re-
5 quirements. In designing such terms, condi-
6 tions, and requirements, the public housing
7 agency may consult with local workforce devel-
8 opment agencies and other organizations and
9 entities with expertise and experience in this
10 field.

11 “(2) EXCEPTIONS.—The requirement under
12 paragraph (1) shall not apply to—

13 “(A) a parent or other household member
14 responsible for the care of a dependent child
15 under the age of 6 or for the care of an inca-
16 pacitated person;

17 “(B) a person who is regularly and actively
18 participating in a drug addiction or alcohol
19 treatment and rehabilitation program; and

20 “(C) a person who is incapable of com-
21 plying with the requirement under paragraph
22 (1) due to a documented medical condition.

23 “(3) VERIFICATION OF COMPLIANCE.—The Sec-
24 retary shall require the public housing agency or
25 project owner, as applicable, to verify compliance

1 with the requirement under paragraph (1) by each
2 person occupying a dwelling unit assisted or admin-
3 istered by such agency or owner, as applicable, pur-
4 suant to a preference for housing assistance annu-
5 ally in conjunction with reviews of income for pur-
6 poses of determining eligibility for assistance de-
7 scribed in subsection (a).

8 “(d) LIMITATION ON BEDROOMS.—A dwelling unit
9 that is occupied by a person, or assisted with assistance
10 made available on behalf of a person, pursuant to a pref-
11 erence for housing assistance may contain more than one
12 bedroom only if such additional bedrooms are occupied
13 only by other persons who occupy such dwelling unit, or
14 receive assistance made available, pursuant to a preference
15 for housing assistance.

16 “(e) SUPPORTIVE SERVICES.—

17 “(1) ELIGIBILITY.—Each person occupying a
18 dwelling unit pursuant to a preference for housing
19 assistance shall be eligible for any supportive serv-
20 ices (as such term is defined in section 103 of the
21 Workforce Innovation and Opportunity Act (29
22 U.S.C. 3102)) made available, in connection with
23 any housing assistance program of the agency, by or
24 through the public housing agency providing such
25 preference or, in the case of a preference for housing

1 assistance for housing not assisted by such agency,
2 by or through the public housing agency in whose
3 jurisdiction the housing is located, including any
4 services provided under a family self-sufficiency pro-
5 gram under section 23 of this Act.

6 “(2) INFORMATION.—Upon the initial provision
7 of housing assistance for any person pursuant to a
8 preference for such assistance, the public housing
9 agency or owner, as applicable, shall inform such
10 person of the existence of any programs or services
11 referred to in paragraph (1) and of their eligibility
12 for such programs and services.

13 “(f) TERMINATION OF ASSISTANCE.—The public
14 housing agency or project owner, as applicable, shall ter-
15 minate any occupancy of, or assistance on behalf of, a per-
16 son pursuant to any preference for housing assistance
17 upon the person attaining 25 years of age or upon sub-
18 stantial noncompliance with the requirement under sub-
19 section (c), except that nothing in this subsection may be
20 construed to prohibit the occupancy of housing assisted
21 under this title by, or the provision of rental assistance
22 under section 8 for, any person, or to affect the eligibility
23 of any person for such occupancy or assistance, other than
24 pursuant to a preference for housing assistance.

1 “(g) APPLICABILITY TO MOVING TO WORK AGEN-
2 CIES.—Notwithstanding any other provision of law, the
3 preferences for housing assistance identified in subsection
4 (a) of this section shall apply to assistance made available
5 by each public housing agency participating in the Moving
6 to Work Program under section 204 of the Departments
7 of Veterans Affairs and Housing and Urban Development,
8 and Independent Agencies Appropriations Act, 1996 (42
9 U.S.C. 1437f note), except that in lieu of compliance with
10 one of the options under subsection (c)(1) of this section,
11 such an agency may comply with the requirement under
12 such subsection by complying with such terms, conditions,
13 and requirements as may be established by the agency for
14 persons occupying dwelling units pursuant to a preference
15 for housing assistance.

16 “(h) REPORTS.—The Secretary of Housing and
17 Urban Development shall require each public housing
18 agency that provides any preference for housing assistance
19 pursuant to this section in any fiscal year to submit a re-
20 port to the Secretary for such fiscal year that—

21 “(1) specifies the number of applications for
22 such preferences received during such fiscal year
23 disaggregated by—

24 “(A) the number received by persons who
25 have attained 16 years of age but have not at-

1 tained an age such that the provision of foster
2 care for such child will end by reason of the age
3 of the child within 6 months; and

4 “(B) the number received by persons who
5 have attained an age such that the provision of
6 foster care for such child will end by reason of
7 the age of the child within 6 months;

8 “(2) specifies the number of persons provided a
9 preference for housing assistance during such fiscal
10 year; and

11 “(3) describes how the public housing agency
12 communicated or collaborated with public child wel-
13 fare agencies to collect such data.”.

14 **SEC. 4. PRIORITY FOR RURAL RENTAL ASSISTANCE.**

15 Paragraph (2) of section 521(a) of the Housing Act
16 of 1949 (42 U.S.C. 1490a(a)(2)) is amended by adding
17 at the end the following new subparagraph:

18 “(F)(i) In making occupancy in a project assisted
19 under this paragraph, and rental assistance under this
20 paragraph, available on behalf of eligible families, the
21 project owner—

22 “(I) shall provide that the highest preference
23 shall be given to otherwise eligible children who—

24 “(aa) are in foster care;

1 “(bb) have attained an age such that the
2 provision of foster care for such child will end
3 by reason of the age of the child within 6
4 months;

5 “(cc) meet the requirements under clauses
6 (i) and (ii) of paragraph (1) of the definition of
7 ‘at risk of homelessness’ in section 91.5 of the
8 Secretary of Housing and Urban Development’s
9 regulations (24 C.F.R. 91.5), as in effect on
10 September 1, 2016; and

11 “(dd) have agreed to comply with the re-
12 quirements under clause (iii); and

13 “(II) may provide highest preference to, in ad-
14 dition to eligible children described in subclause (I),
15 not more than two other types of eligible families.

16 “(ii) Notwithstanding the period during which a pref-
17 erence pursuant to clause (i)(I) for occupancy in project
18 assisted under this paragraph or for rental assistance
19 under this paragraph is provided for a person, an other-
20 wise eligible person may apply for such occupancy or as-
21 sistance at any time after the person attains 16 years of
22 age.

23 “(iii)(I) Except as provided in subclause (II), each
24 person occupying a dwelling unit pursuant to a preference

1 under clause (i)(I) shall, not later than 30 months after
2 such initial occupancy, be—

3 “(aa) obtaining a recognized postsecondary cre-
4 dential or a secondary school diploma or its recog-
5 nized equivalent;

6 “(bb) enrolled in an institution of higher edu-
7 cation, as such term is defined in section 101(a) of
8 the Higher Education Act of 1965 (20 U.S.C.
9 1001(a)) and including the institutions described in
10 subparagraphs (A) and (B) of section 102(a)(1) of
11 such Act (20 U.S.C. 1002(a)(1)); or

12 “(cc) participating in a career pathway, as such
13 term is defined in section 3 of the Workforce Inno-
14 vation and Opportunity Act (29 U.S.C. 3102).

15 Notwithstanding any other provision of this subclause, a
16 project owner may consider employment as satisfying the
17 requirements under this subclause.

18 “(II) The requirement under subclause (I) shall not
19 apply to—

20 “(aa) a parent or other household member re-
21 sponsible for the care of a dependent child under the
22 age of 6 or for the care of an incapacitated person;

23 “(bb) a person who is regularly and actively
24 participating in a drug addiction or alcohol treat-
25 ment and rehabilitation program; and

1 “(cc) a person who is incapable of complying
2 with the requirement under subclause (I) due to a
3 documented medical condition.

4 “(III) The Secretary shall require a project owner to
5 verify compliance with the requirement under this clause
6 by each person occupying a dwelling unit pursuant to a
7 preference under clause (i)(I) annually in conjunction with
8 reviews of income for purposes of determining eligibility
9 for assistance described in clause (i).

10 “(iv) A dwelling unit that is occupied by a person
11 pursuant to a preference under clause (i)(I) may contain
12 more than one bedroom only if such additional bedrooms
13 are occupied only by other persons who occupy such dwell-
14 ing unit pursuant to a preference under clause (i)(I).

15 “(v) The project owner shall terminate any occupancy
16 of a person pursuant to the preference under clause (i)(I)
17 upon the person attaining 25 years of age or upon sub-
18 stantial noncompliance with the requirement under clause
19 (iii), except that nothing in this clause may be construed
20 to prohibit the occupancy in a project assisted under this
21 paragraph by, or the provision of rental assistance under
22 this paragraph for, any person, or to affect the eligibility
23 of any person for such occupancy or assistance, other than
24 pursuant to a preference under clause (i)(I).”.

1 **SEC. 5. EXCEPTIONS TO LIMITATIONS FOR PROJECT-BASED**
2 **VOUCHER ASSISTANCE.**

3 (a) **PERCENTAGE LIMITATION.**—The first sentence of
4 clause (ii) of section 8(o)(13)(B) of the United States
5 Housing Act of 1937 (42 U.S.C. 1437f(o)(13)(B)(ii)) is
6 amended by inserting before “or that” the following: “that
7 house eligible children described in section 6(c)(4)(A)(iii)
8 who comply with the requirements under section 39(c),”.

9 (b) **INCOME-MIXING REQUIREMENT.**—Subclause (I)
10 of section 8(o)(13)(D)(ii) of the United States Housing
11 Act of 1937 (42 U.S.C. 1437f(o)(13)(D)(ii)(I)) is amend-
12 ed by inserting after “elderly families” the following: “,
13 to eligible children described in section 6(c)(4)(A)(iii),”.

14 **SEC. 6. GUIDANCE REGARDING IMPLEMENTATION.**

15 (a) **IN GENERAL.**—The Secretary of Housing and
16 Urban Development jointly with the Secretary of Agri-
17 culture, in consultation with the Secretary of Health and
18 Human Services, shall develop guidance for public housing
19 agencies and owners of assisted housing regarding how to
20 correctly and efficiently implement and comply with the
21 requirements of this Act and the amendments made by
22 this Act and shall make such guidance available to such
23 agencies and owners.

24 (b) **CONSULTATION WITH HHS.**—The Secretary of
25 Housing and Urban Development jointly with the Sec-
26 retary of Agriculture shall consult with the Secretary of

1 Health and Human Services to provide such information
2 and guidance to the Secretary of Health and Human Serv-
3 ices as may be necessary to facilitate such Secretary in
4 informing States and public child welfare agencies on how
5 to correctly and efficiently implement and comply with the
6 requirements of this Act and the amendments made by
7 this Act.

