

116TH CONGRESS
2D SESSION

S. 5004

To authorize the Secretary of Housing and Urban Development to provide funding to public housing agencies for the purpose of providing tenant-based assistance to individuals experiencing an economic crisis or natural disaster, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 10, 2020

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

A BILL

To authorize the Secretary of Housing and Urban Development to provide funding to public housing agencies for the purpose of providing tenant-based assistance to individuals experiencing an economic crisis or natural disaster, 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 “Crisis Housing Act
5 of 2020”.

1 **SEC. 2. CRISIS HOUSING ASSISTANCE PROGRAM.**

2 (a) IN GENERAL.—Title I of the United States Hous-
 3 ing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by
 4 adding at the end the following:

5 **“SEC. 39. CRISIS HOUSING ASSISTANCE PROGRAM.**

6 “(a) DEFINITIONS.—In this section:

7 “(1) AFFECTED AREA.—The term ‘affected
 8 area’ means—

9 “(A) a State in which a trigger event oc-
 10 curs;

11 “(B) a county in which a trigger event oc-
 12 curs; or

13 “(C) an Indian tribal government that is
 14 subject to a trigger event.

15 “(2) ADMINISTRATOR.—The term ‘Adminis-
 16 trator’ means the Administrator of the Federal
 17 Emergency Management Agency.

18 “(3) COUNTY.—The term ‘county’ means a
 19 county, parish, or other equivalent county division,
 20 as defined by the Bureau of the Census.

21 “(4) ELIGIBLE RECIPIENT.—The term ‘eligible
 22 recipient’ means a family—

23 “(A)(i) that is a low-income family; or

24 “(ii) that has been determined to re-
 25 quire housing assistance by the Adminis-
 26 trator under section 408(b) of the Robert

1 T. Stafford Disaster Relief and Emergency
2 Assistance Act (42 U.S.C. 5174(b));

3 “(B)(i) that resides or is homeless in an
4 affected area on a date that is on or not more
5 than 7 days before the date on which a trigger
6 event occurs in the affected area, regardless of
7 whether the family resides or experiences home-
8 lessness in the affected area on the date on
9 which the family applies for assistance under
10 this section; or

11 “(ii) that is governed by an Indian tribal
12 government that is subject to a trigger event;
13 and

14 “(C) that, not later than 180 days after
15 the date on which the trigger event described in
16 subparagraph (B) occurs, submits an applica-
17 tion to a public housing agency for rental as-
18 sistance under this section.

19 “(5) HOMELESS.—The term ‘homeless’ has the
20 meaning given the term in section 103 of the
21 McKinney-Vento Homeless Assistance Act (42
22 U.S.C. 11302).

23 “(6) INDIAN TRIBAL GOVERNMENT.—The term
24 ‘Indian tribal government’ has the meaning given
25 the term in section 102 of the Robert T. Stafford

1 Disaster Relief and Emergency Assistance Act (42
2 U.S.C. 5122).

3 “(7) RENTAL ASSISTANCE.—The term ‘rental
4 assistance’ means tenant-based assistance that is au-
5 thorized under this section.

6 “(8) RENTAL CONTRIBUTION.—The term ‘rent-
7 al contribution’ means a contribution of an eligible
8 recipient towards the rental price of a housing unit
9 paid for with rental assistance.

10 “(9) STATE.—The term ‘State’ means any
11 State of the United States, the District of Columbia,
12 and any territory of the United States.

13 “(10) TENANT-BASED ASSISTANCE.—The term
14 ‘tenant-based assistance’ means housing assistance
15 that allows an eligible recipient to—

16 “(A) select a housing unit where the eligi-
17 ble recipient will be assisted under this section;
18 and

19 “(B) move to another housing unit and
20 continue to receive assistance under this sec-
21 tion, as long as the eligible recipient complies
22 with the requirements of this section.

23 “(11) TRIBALLY DESIGNATED HOUSING ENTI-
24 TY.—The term ‘Tribally designated housing entity’
25 has the meaning given the term ‘tribally designated

housing entity' in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

“(12) TRIGGER EVENT.—The term ‘trigger event’ means—

“(A) with respect to a State—

“(i) an increase in the 6-month moving average of the unemployment rate in the State that is not less than 0.5 percentage points greater than the lowest unemployment rate in the State during the 12-month period preceding the date of the increase; or

“(ii) a major disaster under which assistance is authorized under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) in counties in which a majority of the residents of the State reside;

“(B) with respect to a county, a major disaster under which assistance is authorized for individuals in the county under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174); and

1 “(C) with respect to an Indian tribal gov-
2 ernment—

3 “(i) an event described in subpara-
4 graph (A) that occurs within a State in
5 which the Indian tribal government is lo-
6 cated;

7 “(ii) an event described in subpara-
8 graph (B) that occurs within a county in
9 which the Indian tribal government is lo-
10 cated;

11 “(iii) an increase in the 6-month mov-
12 ing average of the unemployment rate of
13 the individuals governed by the Indian
14 tribal government that is not less than 0.5
15 percentage points greater than the lowest
16 unemployment rate of the individuals gov-
17 erned by the Indian tribal government dur-
18 ing the 12-month period preceding the
19 date of the increase; or

20 “(iv) a major disaster under which as-
21 sistance is authorized for individuals gov-
22 erned by the Indian tribal government
23 under section 408 of the Robert T. Staf-
24 ford Disaster Relief and Emergency Assist-
25 ance Act (42 U.S.C. 5174).

1 “(b) PROGRAM AUTHORIZED.—

2 “(1) IN GENERAL.—The Secretary shall provide
3 funding to public housing agencies that provide rent-
4 al assistance to eligible recipients under this section
5 in accordance with this subsection.

6 “(2) ACCEPTANCE OF APPLICATIONS.—A public
7 housing agency may begin to accept applications for
8 rental assistance on the date on which the Secretary
9 provides notice to the public housing agency under
10 subsection (h)(2).

11 “(3) CONFIRMATION OF ELIGIBILITY.—Not
12 later than 30 days after the date on which a public
13 housing agency receives an application for rental as-
14 sistance from an individual—

15 “(A) the public housing agency shall co-
16 ordinate with the Secretary to determine wheth-
17 er the individual qualifies as an eligible recipi-
18 ent; and

19 “(B) the Secretary shall confirm the deter-
20 mination made under subparagraph (A).

21 “(4) ISSUING OF RENTAL ASSISTANCE.—For
22 each individual who applies to a public housing
23 agency that is confirmed as an eligible recipient
24 under paragraph (3)—

1 “(A) the Secretary shall guarantee pay-
 2 ment to the public housing agency for the cost
 3 of rental assistance and the administrative fees
 4 established under subsection (f); and

5 “(B) the public housing agency shall issue
 6 rental assistance to the eligible recipient.

7 “(5) PRIORITY IN THE CASE OF A MAJOR DIS-
 8 ASTER.—In issuing rental assistance under para-
 9 graph (4)(B), an eligible public housing agency shall
 10 prioritize the eligible recipients described in sub-
 11 section (a)(4)(A)(ii).

12 “(6) INCREMENTAL INCREASE IN RENTAL CON-
 13 TRIBUTION.—

14 “(A) IN GENERAL.—The Secretary may re-
 15 quire that the rental contribution of an eligible
 16 recipient receiving rental assistance incremen-
 17 tally increases beginning on the date that is 1
 18 year after the date on which the first rental
 19 payment on a housing unit using the rental as-
 20 sistance occurs.

21 “(B) FREQUENCY.—An increase described
 22 in subparagraph (A) may occur not more fre-
 23 quently than quarterly.

24 “(C) AMOUNTS.—

1 “(i) FIRST INCREASE.—The first in-
2 crease described in subparagraph (A) shall
3 be in an amount that ensures that an eligi-
4 ble recipient contributes not more than 30
5 percent of the adjusted income of the eligi-
6 ble recipient towards a rental unit.

7 “(ii) FINAL INCREASE.—The final in-
8 crease described in subparagraph (A) shall
9 be in an amount that ensures that an eligi-
10 ble recipient contributes not more than 40
11 percent of the adjusted income of the eligi-
12 ble recipient towards a rental unit.

13 “(D) DECREASE.—At any time, the Sec-
14 retary may reduce a rental contribution of an
15 eligible recipient receiving rental assistance if
16 the adjusted income of the eligible recipient de-
17 creases suddenly.

18 “(E) LIMIT.—An eligible recipient may not
19 be required to contribute more than 40 percent
20 of the adjusted income of the eligible recipient
21 towards a rental unit paid for with rental as-
22 sistance.

23 “(7) TRIBALLY DESIGNATED HOUSING ENTI-
24 TIES.—In the case of an eligible recipient that is eli-
25 gible as a result of a trigger event described in sub-

1 section (a)(12)(C), a Tribally designated housing en-
 2 tity may be considered a public housing agency for
 3 the purpose of this section.

4 “(8) REASONABLE RENT.—The rental price for
 5 a housing unit paid for with rental assistance shall
 6 be reasonable in comparison with rents charged for
 7 comparable housing units in the private, unassisted
 8 local market of the area in which the housing unit
 9 is located.

10 “(c) HOUSING COUNSELING AND SUPPORT.—

11 “(1) IN GENERAL.—The Secretary, through
 12 agreements with public housing agencies issuing
 13 rental assistance, shall provide housing counseling
 14 services to eligible recipients receiving rental assist-
 15 ance.

16 “(2) SERVICES.—The housing counseling serv-
 17 ices provided under this subsection shall include as-
 18 sisting an eligible recipient find housing—

19 “(A) with the rental assistance; and

20 “(B) after the expiration of the rental as-
 21 sistance.

22 “(3) ADDITIONAL ASSISTANCE.—The Secretary
 23 may provide funding to public housing agencies for
 24 the purpose of paying for utility and security depos-

1 its that are necessary in order for eligible recipients
2 to secure housing with rental assistance.

3 “(4) NONPROFIT ORGANIZATIONS.—A public
4 housing agency may enter into an agreement with a
5 community nonprofit organization to deliver housing
6 counseling services under this subsection.

7 “(d) TIMELINE FOR RENTAL ASSISTANCE.—

8 “(1) IN GENERAL.—Rental assistance shall ex-
9 pire on the date that is 2 years after the date on
10 which the first rental payment on a housing unit
11 using the rental assistance occurs.

12 “(2) EXTENSION.—The Secretary shall extend
13 the validity of rental assistance expiring under para-
14 graph (1) for 1 additional year if—

15 “(A) in the case of rental assistance of an
16 eligible recipient that receives the rental assist-
17 ance as a result of a trigger event that is an in-
18 crease in the 6-month moving average of the
19 unemployment rate of an affected area, on the
20 date that is 2 years after the date on which the
21 trigger event occurred, the unemployment rate
22 of the affected area is not less than 2 percent-
23 age points greater than it was on the date on
24 which the trigger event occurred; and

1 “(B) in the case of rental assistance of an
2 eligible recipient that receives the rental assist-
3 ance as a result of a trigger event occurring in
4 an affected area that is a major disaster under
5 which assistance is authorized under section
6 408 of the Robert T. Stafford Disaster Relief
7 and Emergency Assistance Act (42 U.S.C.
8 5174), the Governor of the State in which the
9 affected area is located, in consultation with the
10 Administrator, if appropriate—

11 “(i) requests the extension; and

12 “(ii) determines that the housing in
13 the affected area that is available to low-
14 income families has not recovered from the
15 trigger event.

16 “(3) ADDITIONAL TRIGGER EVENT.—If an eligi-
17 ble recipient receiving rental assistance as a result of
18 a trigger event resides in an affected area on or not
19 more than 7 days before the date on which an addi-
20 tional trigger event occurs, or if an eligible recipient
21 receiving rental assistance as a result of a trigger
22 event is governed by an Indian tribal government
23 that is subject to an additional trigger event, the
24 Secretary shall—

1 “(A) extend the validity of the rental as-
 2 sistence until the date that is 2 years after the
 3 date of the additional trigger event; and

4 “(B) extend the validity of the rental as-
 5 sistence for 1 additional year if the additional
 6 trigger event meets the requirements of a trig-
 7 ger event under subparagraph (A) or (B) of
 8 paragraph (2).

9 “(4) ELIMINATION.—The Secretary may re-
 10 quire a public housing agency to invalidate rental as-
 11 sistence of an eligible recipient that—

12 “(A) selects a housing unit with the rental
 13 assistance with a rental price that violates sub-
 14 section (b)(7); or

15 “(B) relinquishes the rental assistance.

16 “(5) RENTAL ASSISTANCE TIED TO RECIPI-
 17 ENT.—An eligible recipient may not transfer rental
 18 assistance to any other person.

19 “(e) OTHER RENTAL ASSISTANCE.—

20 “(1) PROHIBITION ON DUPLICATE ASSIST-
 21 ANCE.—An eligible recipient who receives other ten-
 22 ant-based assistance under section 8 may not receive
 23 rental assistance under this section.

24 “(2) WAITLIST FOR OTHER RENTAL ASSIST-
 25 ANCE.—With respect to an eligible recipient of rent-

1 al assistance who is on a waitlist for other tenant-
 2 based assistance under section 8(o)—

3 “(A) the place or preference status on that
 4 waitlist of the eligible recipient may not be
 5 changed as a result of the receipt of a rental
 6 assistance; and

7 “(B) if the other tenant-based assistance
 8 becomes available to the eligible recipient—

9 “(i) the eligible recipient may elect to
 10 use that other tenant-based assistance; and

11 “(ii) if the eligible recipient makes an
 12 election under clause (i), the rental assist-
 13 ance under this section shall be eliminated.

14 “(f) ADMINISTRATIVE FEES.—

15 “(1) IN GENERAL.—The Secretary, in consulta-
 16 tion with public housing agencies and professional
 17 associations of public housing agencies, shall estab-
 18 lish fees to pay public housing agencies for the costs
 19 of—

20 “(A) administering rental assistance; and

21 “(B) providing the housing counseling and
 22 support services required under subsection (c).

23 “(2) CONSIDERATION OF OTHER ADMINISTRA-
 24 TIVE FEES.—In establishing the administrative fees

1 required under paragraph (1), the Secretary shall
2 consider—

3 “(A) the administrative fees established
4 under section 8(q); and

5 “(B) any administrative fees established to
6 support public housing agencies under—

7 “(i) an interagency agreement be-
8 tween the Administrator and the Secretary
9 to ensure the implementation of a Disaster
10 Housing Assistance Program under section
11 408 of the Robert T. Stafford Disaster Re-
12 lief and Emergency Assistance Act (42
13 U.S.C. 5174) relating to hurricanes Gus-
14 tav, Ike, Katrina, Rita, or Sandy; or

15 “(ii) any other interagency agreement
16 with a similar purpose to the interagency
17 agreement described in clause (i).

18 “(3) RELOCATING FAMILIES.—The Secretary
19 shall ensure that, with respect to an eligible recipi-
20 ent that moves to a dwelling unit under section 8(r)
21 that is located in an area over which the public
22 housing agency that issues rental assistance to the
23 eligible recipient does not have jurisdiction, the pub-
24 lic housing agency that has jurisdiction over the
25 dwelling unit receives the appropriate amount of ad-

1 ministrative fees under this subsection on account of
2 the eligible recipient.

3 “(g) COORDINATION.—The Commissioner of the Bu-
4 reau of Labor Statistics shall coordinate with the Assist-
5 ant Secretary of Indian Affairs to develop reliable unem-
6 ployment measures for American Indian, Native Alaskan,
7 and Native Hawaiian communities in order to understand
8 when the requirements for a trigger event under sub-
9 section (a)(12)(C)(ii) are met.

10 “(h) NOTIFICATION REQUIREMENTS.—

11 “(1) NOTIFICATIONS TO SECRETARY.—

12 “(A) ADMINISTRATOR.—On the date on
13 which a trigger event occurs that is a major
14 disaster under which assistance is authorized
15 under section 408 of the Robert T. Stafford
16 Disaster Relief and Emergency Assistance Act
17 (42 U.S.C. 5174), the Administrator shall no-
18 tify the Secretary of—

19 “(i) the trigger event; and

20 “(ii) the affected area in which the
21 trigger event occurs.

22 “(B) SECRETARY OF LABOR.—On the date
23 on which a trigger event occurs that is an in-
24 crease in the 6-month moving average of the

1 unemployment rate of an affected area, the Sec-
2 retary of Labor shall notify the Secretary of—

3 “(i) the trigger event; and

4 “(ii) the affected area in which the
5 trigger event occurs.

6 “(2) NOTIFICATION BY SECRETARY.—Not later
7 than 14 days after the date on which a trigger event
8 occurs, the Secretary, in coordination with the Ad-
9 ministrator, if appropriate, shall notify public hous-
10 ing agencies, the affected area in which the trigger
11 event occurs, Congress, and the public of—

12 “(A) the trigger event; and

13 “(B) the availability of rental assistance
14 for eligible recipients under this section.

15 “(i) DUPLICATION OF BENEFITS.—

16 “(1) IN GENERAL.—An eligible recipient receiv-
17 ing rental assistance may not concurrently receive
18 any other Federal, State, territorial, local, or Tribal
19 housing assistance, including housing assistance
20 under section 408 of the Robert T. Stafford Disaster
21 Relief and Emergency Assistance Act (42 U.S.C.
22 5174).

23 “(2) REGULATIONS.—The Secretary shall es-
24 tablish regulations to prevent the concurrent receipt
25 of assistance under paragraph (1).

1 “(j) REGULATIONS.—

2 “(1) IN GENERAL.—Not later than 6 months
3 after the date of enactment of this section, the Sec-
4 retary, in coordination with the Administrator, shall
5 promulgate regulations to implement this section.

6 “(2) SECTION 8(O) REGULATIONS.—In issuing
7 the regulations required under paragraph (1), the
8 Secretary may make a regulation that is applicable
9 to section 8(o) applicable to this section, including
10 any regulation relating to the elimination of tenant-
11 based assistance for a family that commits fraud in
12 order to receive the tenant-based assistance.

13 “(k) APPROPRIATIONS.—Out of any money in the
14 Treasury of the United States not otherwise appropriated,
15 there are appropriated to the Department of Housing and
16 Urban Development such sums as may be necessary to
17 carry out this section.

18 “(l) EMERGENCY DESIGNATION.—

19 “(1) IN GENERAL.—The amounts provided by
20 this section are designated as an emergency require-
21 ment pursuant to section 4(g) of the Statutory Pay-
22 As-You-Go Act of 2010 (2 U.S.C. 933(g)).

23 “(2) DESIGNATION IN SENATE.—In the Senate,
24 this section is designated as an emergency require-
25 ment pursuant to section 4112(a) of H. Con. Res.

1 71 (115th Congress), the concurrent resolution on
 2 the budget for fiscal year 2018.”.

3 (b) DEFINITION OF PUBLIC HOUSING AGENCY.—
 4 Section 3(b)(6)(B) of the United States Housing Act of
 5 1937 (42 U.S.C. 1437a(b)(6)(B)) is amended—

6 (1) by striking the paragraph heading and in-
 7 serting “SECTION 8 OR SECTION 39 PROGRAM”; and

8 (2) in the matter preceding clause (i), by insert-
 9 ing “or section 39” after “section 8”.

10 (c) PORTABILITY.—Section 8(r) of the United States
 11 Housing Act of 1937 (42 U.S.C. 1437f(r)) is amended—

12 (1) in paragraph (1) by inserting “or section
 13 39” after “subsection (o)”;

14 (2) in paragraph (3), by inserting “or section
 15 39” after “subsection (o)” each place it appears;
 16 and

17 (3) in paragraph (5)—

18 (A) by inserting “or section 39” after
 19 “under the tenant-based assistance program”
 20 each place it appears; and

21 (B) by inserting “or section 39, as applica-
 22 ble,” after “section 8 program”.

○