

117TH CONGRESS
2D SESSION

H. R. 7885

To amend the Servicemembers Civil Relief Act to ensure that certain education and workforce development benefits administered by the Secretary of Veterans Affairs are treated as income by landlords evaluating the ability of a servicemember, veteran, or a spouse or child of a servicemember or veteran, to pay rent, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 27, 2022

Mr. ESPAILLAT introduced the following bill; which was referred to the
Committee on Veterans' Affairs

A BILL

To amend the Servicemembers Civil Relief Act to ensure that certain education and workforce development benefits administered by the Secretary of Veterans Affairs are treated as income by landlords evaluating the ability of a servicemember, veteran, or a spouse or child of a servicemember or veteran, to pay rent, 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 “Protect Veteran Stu-
5 dents, Job Seekers, and Entrepreneurs Housing Act”.

1 **SEC. 2. TREATMENT OF CERTAIN DEPARTMENT OF VET-**
2 **ERANS AFFAIRS BENEFITS IN DETERMINING**
3 **INCOME FOR PURPOSES OF ENTERING INTO**
4 **RESIDENTIAL LEASES.**

5 (a) IN GENERAL.—Title III of the Servicemembers
6 Civil Relief Act (50 U.S.C. 3951 et seq.) is amended by
7 adding at the end the following new section (and con-
8 forming the table of contents at the beginning of such Act
9 accordingly):

10 **“SEC. 309. TREATMENT OF CERTAIN DEPARTMENT OF VET-**
11 **ERANS AFFAIRS BENEFITS IN DETERMINING**
12 **INCOME FOR PURPOSES OF ENTERING INTO**
13 **RESIDENTIAL LEASES.**

14 “(a) PROTECTION.—In determining whether a cov-
15 ered individual has an income sufficient to enter into a
16 lease of premises for a residential purpose, the landlord
17 (or other person with paramount title) of the premises
18 shall treat any educational assistance received by the cov-
19 ered individual under any of chapter 30, 31, 32, 33, 34,
20 35, or 36 of title 38, United States Code, or chapter 1606
21 or 1607 of title 10, United States Code, as income.

22 “(b) LEASE PERIOD.—When entering into a lease of
23 premises for a residential purpose with a covered indi-
24 vidual pursuant to subsection (a), the landlord (or other
25 person with paramount title) shall guarantee that the pe-
26 riod of the lease does not exceed the number of months

1 of entitlement the individual has for the educational assist-
2 ance described in such subsection.

3 “(c) PENALTIES.—(1) A landlord (or other person
4 with paramount title) who knowingly takes an action con-
5 trary to this section, or attempts to do so, may not partici-
6 pate in a covered Federally assisted rental housing pro-
7 gram.

8 “(2) A person who knowingly takes an action con-
9 trary to this section, or attempts to do so, shall be fined
10 as provided in title 18, United States Code, or imprisoned
11 for not more than one year, or both.

12 “(d) DEFINITIONS.—In this section:

13 “(1) The term ‘covered individual’ means a
14 servicemember, veteran, or a spouse or child of a
15 servicemember or veteran, who is entitled to edu-
16 cational assistance under chapter 30, 31, 32, 33, 34,
17 35, or 36 of title 38, United States Code, or chapter
18 1606 or 1607 of title 10, United States Code.

19 “(2) The term ‘covered Federally assisted rent-
20 al housing’ means a residential dwelling unit that is
21 made available for rental and for which assistance is
22 provided, or that is part of a housing project for
23 which assistance is provided, under any program ad-
24 ministered by the Secretary of Housing and Urban
25 Development, the Secretary of Veterans Affairs

1 (other than stipends made in connection with edu-
2 cational assistance), the Secretary of Agriculture, or
3 the Secretary of the Treasury, including—

4 “(A) the public housing program under the
5 United States Housing Act of 1937 (42 U.S.C.
6 1437 et seq.);

7 “(B) the program for rental assistance
8 under section 8 of the United States Housing
9 Act of 1937 (42 U.S.C. 1437f);

10 “(C) the HOME Investment Partnerships
11 program under title II of the Cranton-Gonzalez
12 National Affordable Housing Act (42 U.S.C.
13 12721 et seq.);

14 “(D) title IV of the McKinney-Vento
15 Homeless Assistance Act (42 U.S.C. 11360 et
16 seq.);

17 “(E) housing assistance for homeless vet-
18 erans under section 2041 of title 38, United
19 States Code;

20 “(F) the Housing Trust Fund program
21 under section 1338 of the Housing and Com-
22 munity Development Act of 1992 (12 U.S.C.
23 4568);

1 “(G) the program for supportive housing
2 for the elderly under section 202 of the Hous-
3 ing Act of 1959 (12 U.S.C. 1701q);

4 “(H) the program for supportive housing
5 for persons with disabilities under section 811
6 of the Cranston-Gonzalez National Affordable
7 Housing Act (42 U.S.C. 8013);

8 “(I) the AIDS Housing Opportunities pro-
9 gram under subtitle D of title VIII of the Cran-
10 ston-Gonzalez National Affordable Housing Act
11 (42 U.S.C. 12901 et seq.);

12 “(J) the program for Native American
13 housing under the Native American Housing
14 Assistance and Self-Determination Act of 1996
15 (25 U.S.C. 4101 et seq.);

16 “(K) the program for housing assistance
17 for Native Hawaiians under title VIII of the
18 Native American Housing Assistance and Self-
19 Determination Act of 1996 (25 U.S.C. 4221 et
20 seq.);

21 “(L) the programs for assistance for rural
22 rental housing under title V of the Housing Act
23 of 1949 (42 U.S.C. 1471 et seq.); and

1 “(M) the low-income housing tax credit
2 program under section 42 of the Internal Rev-
3 enue Code.”.

4 (b) EXTENDED GRACE PERIOD TO MAINTAIN BENE-
5 FITS.—Chapter 36 of title 38, United States Code, is
6 amended by adding at the end the following new section
7 (and conforming the table of sections at the beginning of
8 such chapter accordingly):

9 **“§ 3699C. Grace period for individuals to maintain**
10 **benefits**

11 “(a) REQUIREMENT.—If the Secretary determines
12 that a covered individual is not eligible for educational as-
13 sistance described in subsection (b)(1) by reason of the
14 covered individual failing to fulfill a single program re-
15 quirement, the Secretary may not terminate the individual
16 from using such assistance until—

17 “(1) the Secretary notifies the individual of
18 such failure; and

19 “(2) a period of 60 days has elapsed following
20 such notification.

21 “(b) DEFINITIONS.—In this section:

22 “(1) The term ‘covered individual’ means an in-
23 dividual who is entitled to educational assistance
24 under chapter 30, 31, 32, 33, 34, 35, or 36 of this
25 title or chapter 1606 or 1607 of title 10.

1 “(2) The term ‘program requirement’ means a
2 requirement to participate in educational assistance
3 described in paragraph (1) relating to any of the fol-
4 lowing:

5 “(A) Missing a recertification appointment.

6 “(B) Withdrawing from a class.

7 “(C) With respect to a dependent, the
8 death of the veteran.

9 “(D) Loss of employment.

10 “(E) Any other requirement the Secretary
11 determines appropriate.”.

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