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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R.

To reform the screening and eviction policies for Federal housing assistance in order to provide fair access to housing, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. OCASIO-CORTEZ introduced the following bill; which was referred to the Committee on _____

A BILL

To reform the screening and eviction policies for Federal housing assistance in order to provide fair access to housing, 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 “Fair Chance at Hous-
5 ing Act of 2018”.

6 **SEC. 2. DEFINITIONS.**

7 Section 579 of the Quality Housing and Work Re-
8 sponsibility Act of 1998 (42 U.S.C. 13664) is amended—

1 (1) by striking “(a) DEFINITIONS.—”;

2 (2) by striking paragraph (1) and inserting the
3 following new paragraph:

4 “(1) CONVICTION.—

5 “(A) IN GENERAL.—The term ‘conviction’
6 means judgment of guilt or nolo contendere or
7 any disposition arising therefrom.

8 “(B) EXCLUSIONS.—Such term does not
9 include—

10 “(i) an arrest or any disposition there-
11 from that did not result in a conviction;

12 “(ii) any criminal disposition for an
13 offense committed prior to the defendant’s
14 18th birthday;

15 “(iii) a conviction that has been ex-
16 punged, sealed, or subject to similar judi-
17 cial relief;

18 “(iv) a disposition received through
19 successful completion of diversion, deferred
20 adjudication, deferred entry of judgment,
21 drug court, or similar judicial program
22 under State law; or

23 “(v) any other criminal disposition not
24 deemed a conviction under State or Fed-
25 eral law.”; and

1 (3) in paragraph (3), by adding after the period
2 at the end the following: “For purposes of sections
3 576 and 577, such term does not include an owner
4 of federally assisted housing specified in paragraph
5 (3)(B).”.

6 **SEC. 3. SCREENING OF APPLICANTS FOR FEDERALLY AS-**
7 **SISTED HOUSING.**

8 (a) DEFINITION OF COVERED CRIMINAL CON-
9 DUCT.—Section 579 of the Quality Housing and Work Re-
10 sponsibility Act of 1998 (42 U.S.C. 13664), as amended
11 by the preceding provisions of this Act, is further amend-
12 ed—

13 (1) by redesignating paragraphs (2) and (3) as
14 paragraphs (3) and (4), respectively; and

15 (2) by inserting after paragraph (1) the fol-
16 lowing new paragraph:

17 “(2) COVERED CRIMINAL CONDUCT.—

18 “(A) ADMISSION TO FEDERALLY ASSISTED
19 HOUSING.—

20 “(i) IN GENERAL.—The term ‘covered
21 criminal conduct’ means, with respect to
22 admission to federally assisted housing,
23 criminal conduct—

24 “(I) for which the applicant or a
25 member of the applicant’s household

1 has been convicted of a felony under
2 State or Federal criminal law; and

3 “(II) that threatens the health,
4 or safety of other tenants, the employ-
5 ees, or the owner or public housing
6 agency.

7 “(ii) EXCLUSIONS.—Notwithstanding
8 any other provision of law, such term does
9 not include, with respect to admission to
10 federally assisted housing—

11 “(I) a conviction for a drug of-
12 fense for which the individual served a
13 sentence of less than ten years;

14 “(II) an offense or offenses re-
15 lated to fees or back payments associ-
16 ated with incarceration;

17 “(III) any other legal financial
18 obligation; or

19 “(IV) a conviction for which the
20 individual was sentenced only to pro-
21 bation.”.

22 (b) SCREENING OF APPLICANTS.—Section 576 of the
23 Quality Housing and Work Responsibility Act of 1998 (42
24 U.S.C. 13661) is amended to read as follows:

1 **“SEC. 576. SCREENING OF APPLICANTS FOR FEDERALLY**
2 **ASSISTED HOUSING.**

3 “(a) **AUTHORITY TO DENY ADMISSION FOR CRIMI-**
4 **NAL CONDUCT.**—Except as otherwise provided by this sec-
5 tion and in addition to any other authority to screen appli-
6 cants, in selecting among applicants for admission to fed-
7 erally assisted housing or a federally assisted housing pro-
8 gram, including individuals seeking to join a household
9 currently receiving federal housing assistance, a public
10 housing agency or owner of such housing (as applicable)
11 may deny an applicant admission to the program or to
12 federally assisted housing based on any criminal conduct
13 only if the agency or owner determines, based on an indi-
14 vidualized review of the totality of the circumstances, that
15 such applicant or any member of the applicant’s household
16 was engaged in covered criminal conduct, within a reason-
17 able period of time preceding the date when the applicant
18 household would otherwise be admitted to the federally as-
19 sisted housing or to the program.

20 “(b) **INDIVIDUALIZED REVIEW OF THE TOTALITY OF**
21 **THE CIRCUMSTANCES.**—

22 “(1) **REQUIREMENT.**—Before denying admis-
23 sion to an applicant pursuant to subsection (a), a
24 public housing agency or owner of federally assisted
25 housing shall conduct an individualized review of the

1 totality of the circumstances regarding the criminal
2 conduct at issue.

3 “(2) REVIEW PANEL FOR PUBLIC HOUSING AND
4 TENANT-BASED RENTAL ASSISTANCE APPLICANTS.—

5 “(A) REQUIREMENT.—The Secretary shall
6 issue guidance requiring each public housing
7 agency to establish a review panel to conduct
8 the individualized review required under para-
9 graph (1) with respect to applications for feder-
10 ally assisted housing specified in subparagraphs
11 (A) and (B) of section 579B(3). An applicant
12 may present mitigating evidence for the review
13 panel to determine whether the applicant should
14 be admitted.

15 “(B) MEMBERSHIP.—Each committee re-
16 view panel shall include at least one resident
17 representative.

18 “(C) NOTICE.—Applicants shall be notified
19 in writing of their panel review at least 14 days
20 before date of the review. Notice shall be pro-
21 vided in accordance with subsection (c) of this
22 section.

23 “(D) CONVICTION INFORMATION.—A pub-
24 lic housing agency shall produce a detailed
25 criminal conviction report to be used by the

1 panel in the review process. If an applicant
2 identifies an error on the criminal conviction re-
3 port used by the panel, the applicant shall have
4 the opportunity to defer his or her application
5 prior to panel review to correct the report. The
6 report shall be shared only with the applicant
7 and members of the review panel.

8 “(E) BURDEN OF PROOF.—A public hous-
9 ing agency may not deny admission to an appli-
10 cant unless the agency determines, by a prepon-
11 derance of the evidence, that the applicant’s
12 criminal conduct renders the applicant unfit for
13 housing.

14 “(F) CONFIDENTIALITY.—All information
15 gathered in the process of screening for crimi-
16 nal convictions shall be kept confidential and
17 shall not be released unless the applicant agrees
18 in writing or such release it is otherwise re-
19 quired by law. Public housing agencies shall es-
20 tablish a formal confidentiality policy.

21 “(G) DECISION-MAKING PROCESS.—The
22 panel shall review the applicant’s circumstances
23 and other available information, including any
24 information the applicant chooses to bring to
25 the panel’s attention. Within 7 days, the panel

1 shall review all relevant information and mem-
2 bers shall determine whether, by a preponder-
3 ance of the evidence, the applicant’s criminal
4 record renders the applicant unfit for housing..

5 “(H) APPEALS.—Each applicant shall have
6 a right to appeal a decision by the panel to
7 deny admission, in accordance with current reg-
8 ulations. An applicant shall have 14 days to ap-
9 peal the determination and a request for such
10 an appeal shall be made in writing. Pursuant to
11 such a request, the public housing agency shall
12 hold an informal hearing and decide whether to
13 uphold the initial determination within 7 days
14 after the hearing. The public housing agency
15 shall hold the dwelling unit open or shall re-
16 serve the assistance under the federally assisted
17 housing program, as the case may be during
18 the entire time of the appeals process.

19 “(3) NON-DISCRIMINATION.—When conducting
20 an individualized review under this section, a public
21 housing agency or owner of federally assisted hous-
22 ing shall comply with applicable civil rights require-
23 ments under the Fair Housing Act, title VI of the
24 Civil Rights Act of 1964, section 504 of the Reha-

1 bilitation Act of 1973, and titles II and III of the
2 Americans with Disabilities Act of 1990.

3 “(4) REVIEW FACTORS.—In conducting the re-
4 views required under paragraph (1), the public hous-
5 ing agency or owner which shall consider the fol-
6 lowing factors holistically, such that no single factor
7 is dispositive:

8 “(A) SEVERITY.—The severity of the
9 criminal offense or offenses committed.

10 “(B) TIME ELAPSED.—The amount of
11 time elapsed since the criminal offense or of-
12 fenses were committed.

13 “(C) EVIDENCE OF REHABILITATION.—
14 Evidence of rehabilitation, including—

15 “(i) a person’s satisfactory compliance
16 with all terms and conditions of parole or
17 probation, provided that the person’s fail-
18 ure to pay fines, fees, and restitution shall
19 not be considered noncompliance with
20 terms and conditions of parole or proba-
21 tion;

22 “(ii) educational attainment or voca-
23 tional or professional training, or employ-
24 ment since conviction, including training
25 received or employment while incarcerated;

1 “(iii) completion of or active partici-
2 pation in rehabilitative treatment, includ-
3 ing alcohol or drug treatment;

4 “(iv) letters of recommendation from
5 community organizations, counselors, case
6 managers, teachers, community leaders,
7 parole officers, and probation officers who
8 have observed the person;

9 “(v) a person’s familial relationship
10 with a person who may be currently resid-
11 ing in the dwelling unit in federally as-
12 sisted housing that the applicant is apply-
13 ing for residence in; or

14 “(vi) the age of the person at the time
15 of the conviction.

16 “(D) REDUCTION IN SENTENCE.—Whether
17 the applicant received a reduced sentence for
18 the criminal offense or offenses committed.

19 “(E) NATURE OF OFFENSE.—The nature
20 of the criminal offense, which shall include the
21 following:

22 “(i) OFFENSES RELATED TO AN INDI-
23 VIDUAL’S DISABILITY STATUS.—Whether
24 the criminal offense or offenses—

1 “(I) were committed by a mem-
2 ber of the household who is an indi-
3 vidual with disabilities who is entitled
4 to a reasonable accommodation under
5 the Fair Housing Act or section 504
6 of the Rehabilitation Act of 1974; and

7 “(II) are related to or resulted
8 from a symptom of a disability of the
9 member of the household who com-
10 mitted the criminal offense or of-
11 fenses.

12 “(ii) PROXIMITY TO ASSISTED HOUS-
13 ING.—Whether the criminal offense or of-
14 fenses occurred on or near the federally as-
15 sisted housing to which the applicant’s ap-
16 plication relates (if applicable).

17 “(iii) OFFENSES RELATED TO AN IN-
18 DIVIDUAL’S STATUS AS A VICTIM OF DO-
19 MESTIC VIOLENCE.—Whether the criminal
20 offense or offenses committed arose from a
21 household member’s status as a victim of
22 domestic violence, dating violence, sexual
23 assault, or stalking, as such terms are de-
24 fined in section 40002 of the Violence

1 Against Women Act of 1994 (34 U.S.C.
2 12291).

3 “(F) OTHER MITIGATING INFORMATION.—
4 Any other mitigating information provided by
5 the applicant, or provided on the applicant’s be-
6 half, including any information regarding the
7 rehabilitation or good conduct of the member of
8 the household who committed the criminal of-
9 fense or offenses.

10 “(5) GUIDANCE.—The Secretary shall issue
11 guidance for public housing agencies and owners to
12 implement the requirement to conduct individualized
13 reviews in accordance with this section.

14 “(c) NOTICES.—The Secretary shall require each
15 public housing agency and owner of federally assisted
16 housing to provide—

17 “(1) to each new applicant and each applicant
18 upon selection from the wait list for admission to
19 federally assisted housing or to a federally assisted
20 housing program, at the time of application and se-
21 lection from the wait list, written notice of the policy
22 of such agency or owner pursuant to this subtitle or
23 any other provision of law regarding denial of admis-
24 sion for criminal conduct, which shall include—

1 “(A) notice of the authority under sub-
2 section (a) to deny admission based on covered
3 criminal conduct and notice of the specific rea-
4 sonable time period to which such authority ap-
5 plies;

6 “(B) notice of the requirement under sub-
7 section (b) to consider the totality of the cir-
8 cumstances and the right under subsection
9 (b)(4) to present mitigating evidence; and

10 “(C) when applicable, a criminal conviction
11 report that the public housing agency plans to
12 provide to the review panel to be used in its in-
13 dividualized review of the applicant or a mem-
14 ber of the applicant’s household, and notice of
15 a tenant’s rights to appear at the review panel
16 and correct inaccuracies in his or her criminal
17 conviction report; and

18 “(2) to an applicant, upon denial of an applica-
19 tion for admission to federally assisted housing or to
20 a federally assisted housing program—

21 “(A) written notice of—

22 “(i) the reason for such denial, includ-
23 ing the specific criminal conduct on which
24 the denial is based; and

1 “(ii) the actions that the applicant
2 may take to appeal such denial; and

3 “(B) a copy of any documents that the
4 public housing agency or owner used to support
5 its determination of criminal conduct.

6 “(d) OPPORTUNITY TO REMOVE CULPABLE HOUSE-
7 HOLD MEMBER.—

8 “(1) IN GENERAL.—In the case of any covered
9 criminal conduct described in subsection (a) war-
10 ranteeing denial of admission to federally assisted
11 housing, the public housing agency or owner shall,
12 before denying admission to the entire applicant
13 household, provide the applicant household with the
14 option of removing from the household the member
15 or members who would be cause for such denial in
16 order for the remainder of the household to be eligi-
17 ble for admission, and may only deny such admis-
18 sion if the applicant household refuses to exercise
19 such option.

20 “(2) NOTICE.—A public housing agency or
21 owner shall provide the applicant household with
22 written notice of the option required under para-
23 graph (1) within a reasonable time before notice of
24 an adverse action relating to covered criminal con-
25 duct described in subsection (a).

1 “(e) PROHIBITION ON DRUG AND ALCOHOL TEST-
2 ING.—Notwithstanding any other provision of law, a pub-
3 lic housing agency or owner of federally assisted housing
4 may not require drug or alcohol testing of any applicant
5 for admission to federally assisted housing or a federally
6 assisted housing program as a condition of such housing
7 assistance.

8 “(f) COMPLIANCE WITH LIMITED ENGLISH PRO-
9 FICIENCY REQUIREMENTS.—Any notice required under
10 this section to be provided to an applicant or applicant
11 household shall be provided in multiple languages, con-
12 sistent with guidance issued by the Secretary in accord-
13 ance with Executive Order 13166 (42 U.S.C. 2000d–1
14 note; relating to access to services for persons with limited
15 English proficiency).”.

16 (c) GUIDANCE.—Not later than the expiration of the
17 180-day period beginning on the date of the enactment
18 of this Act, the Secretary of Housing and Urban Develop-
19 ment, after consultation with the Attorney General of the
20 United States and an opportunity for public comment on
21 the proposed guidance, shall issue the following guidance:

22 (1) INDIVIDUALIZED REVIEWS REGARDING THE
23 TOTALITY OF THE CIRCUMSTANCES.—Guidance re-
24 quired under paragraph (5) of section 576(b) of the
25 Quality Housing and Work Responsibility Act of

1 1998, as such subsection is amended by subsection
2 (b) of this section, regarding reviews required under
3 paragraph (1) of such section 576(b).

4 (2) MODEL NOTICE TO APPLICANTS.—Guidance
5 setting forth model notification forms for use by
6 public housing agencies and owners of federally as-
7 sisted housing in meeting the requirements of sub-
8 section (c) of section 576 of the Quality Housing
9 and Work Responsibility Act of 1998, as added by
10 the amendment made by subsection b) of this sec-
11 tion.

12 **SEC. 4. REQUIREMENTS FOR TERMINATION OF TENANCY**
13 **AND ASSISTANCE FOR COVERED CRIMINAL**
14 **CONDUCT BY TENANTS OF FEDERALLY AS-**
15 **SISTED HOUSING.**

16 (a) DEFINITION OF COVERED CRIMINAL CON-
17 DUCT.—Paragraph (2) of section 579 of the Quality
18 Housing and Work Responsibility Act of 1998 (42 U.S.C.
19 13664), as added by the preceding provisions of this Act,
20 is further amended by adding at the end the following new
21 subparagraph:

22 “(B) TERMINATION OF TENANCY OR AS-
23 SISTANCE.—

24 “(i) IN GENERAL.—The term ‘covered
25 criminal conduct’ means, with respect to

1 termination of tenancy or assistance, crimi-
2 nal conduct committed by the tenant or
3 any member of the tenant's household
4 while receiving Federal housing assistance,
5 that threatens the health or safety of other
6 tenants, the employees, or the owner or
7 public housing agency. Such term includes
8 criminal conduct described in section
9 16(f)(1) of the United States Housing Act
10 of 1937 (42 U.S.C. 1437n(f)(1)).

11 “(ii) EXCLUSIONS.—Such term does
12 not include, with respect to termination of
13 tenancy or assistance—

14 “(I) a misdemeanor;

15 “(II) an arrest for an offense for
16 which the applicant was not subse-
17 quently adjudicated or convicted;

18 “(III) any juvenile adjudication
19 or conviction, including convictions
20 where a juvenile was tried as an adult;

21 “(IV) a conviction that has been
22 expunged, sealed, or subject to similar
23 judicial relief under State law;

24 “(V) criminal citations or infrac-
25 tions regardless of classification;

1 “(VI) non-criminal citations;

2 “(VII) a disposition received
3 through successful completion of di-
4 version, deferred adjudication, de-
5 ferred entry of judgment, drug court,
6 or similar judicial program under
7 State law;

8 “(VIII) a conviction for which
9 the individual was sentenced only to
10 probation;

11 “(IX) an offense or offenses re-
12 lated to fees or back payments associ-
13 ated with incarceration;

14 “(X) child support payments or
15 back pay associated with barriers, in-
16 cluding incarceration, homelessness,
17 unemployment or disability; or

18 “(XI) disciplinary infractions
19 committed by elementary or secondary
20 school students, or school related
21 issues that are not criminal in nature,
22 but may have led to justice involve-
23 ment.”.

1 (b) REQUIREMENTS FOR TERMINATION.—Section
2 577 of the Quality Housing and Work Responsibility Act
3 of 1998 (42 U.S.C. 13662) is amended to read as follows:

4 **“SEC. 577. REQUIREMENTS FOR TERMINATION OF TEN-**
5 **ANCY AND ASSISTANCE FOR COVERED CRIMI-**
6 **NAL CONDUCT BY TENANTS OF FEDERALLY**
7 **ASSISTED HOUSING.**

8 “(a) AUTHORITY TO TERMINATE FOR CRIMINAL
9 CONDUCT.—A public housing agency or owner of federally
10 assisted housing may not terminate the tenancy of any
11 tenant of federally assisted housing, or assistance for a
12 household under any federally assisted housing program,
13 based on any criminal conduct unless the agency or owner,
14 as applicable, determines in accordance with this section
15 that such conduct is covered criminal conduct (as such
16 term is defined in section 579b).

17 “(b) INDIVIDUALIZED REVIEW OF THE TOTALITY OF
18 THE CIRCUMSTANCES.—

19 “(1) REQUIREMENT.—In determining whether
20 to terminate tenancy or assistance to any household
21 based on covered criminal conduct by a household
22 member or any guest or other person under the con-
23 trol of a household member, a public housing agency
24 or an owner of federally assisted housing shall con-
25 duct an individualized review of the totality of the

1 circumstances regarding the criminal conduct at
2 issue, taking into consideration the household's need
3 for housing and the health and safety of the commu-
4 nity.

5 “(2) MITIGATING FACTORS.—In conducting re-
6 views required under paragraph (1), a public hous-
7 ing agency or owner shall consider all factors pre-
8 sented, including all of the factors specified in sec-
9 tion 576(b)(4), as appropriate, except that, for pur-
10 poses of this paragraph—

11 “(A) subparagraph (C)(v) of such section
12 shall be applied by substituting ‘a member of
13 the household’ for ‘the applicant’; and

14 “(B) subparagraph (E)(ii) of such section
15 shall be applied by substituting ‘in which the
16 household resides’ for ‘to which the applicant’s
17 application relates (if applicable)’.

18 “(3) NONDISCRIMINATION.—When conducting
19 an individualized review under this section, a public
20 housing agency or owner of federally assisted hous-
21 ing shall comply with applicable civil rights require-
22 ments under the Fair Housing Act, title VI of the
23 Civil Rights Act of 1964, section 504 of the Reha-
24 bilitation Act of 1973, and titles II and III of the
25 Americans with Disabilities Act of 1990.

1 “(4) INVESTIGATIONS AND EVIDENCE PRE-
2 SENTED BY PUBLIC HOUSING AGENCY OR OWNER OF
3 FEDERALLY ASSISTED HOUSING.—

4 “(A) FORCED ENTRY.—If conducting an
5 investigation into alleged criminal conduct com-
6 mitted by a tenant or member of the tenant’s
7 household, the public housing agency or owner
8 of federally assisted housing may not enter the
9 rental property unless entry is authorized by
10 the tenant or a member of the tenant’s house-
11 hold.

12 “(B) EVIDENCE PRESENTED BY PUBLIC
13 HOUSING AGENCY OR OWNER OF FEDERALLY
14 ASSISTED HOUSING.—If presenting evidence
15 during the individualized review to demonstrate
16 that a household member or any guest or other
17 person under the control of a household mem-
18 ber engaged in covered criminal conduct, the
19 public housing agency or owner of federally as-
20 sisted housing may only present substantiated
21 evidence.

22 “(5) GUIDANCE.—The Secretary shall issue
23 guidance for public housing agencies and owners to
24 implement the requirement to conduct individualized
25 reviews in accordance with this subsection.

1 “(c) OPTION TO REMOVE CULPABLE HOUSEHOLD
2 MEMBER.—

3 “(1) IN GENERAL.—In the case of any covered
4 criminal conduct warranting termination of tenancy
5 or assistance, the public housing agency or owner
6 shall, before proceeding with eviction or termination
7 proceedings against the entire tenant household, pro-
8 vide the tenant with the option of removing from the
9 household the member that is culpable for the con-
10 duct that warrants the termination in order for the
11 remainder of the household to continue to reside in
12 the assisted unit, and may only proceed with eviction
13 proceedings if the tenant refuses to exercise such op-
14 tion.

15 “(2) LEASE OR VOUCHER BIFURCATION.—A
16 public housing agency or owner or manager of feder-
17 ally assisted housing may bifurcate a lease for the
18 housing or voucher in order to evict, remove, or ter-
19minate assistance to any individual who is a tenant
20 or lawful occupant of the housing and who engages
21 in covered criminal conduct without evicting, remov-
22ing, terminating assistance to, or otherwise penal-
23izing other household members who are tenants or
24 lawful occupants of the housing.

1 “(3) EFFECT OF EVICTION ON OTHER TEN-
2 ANTS.—If public housing agency or owner or man-
3 ager of federally assisted housing evicts, removes, or
4 terminates assistance to an individual under para-
5 graph (2), and the individual is the sole tenant eligi-
6 ble to receive assistance under a federally assisted
7 housing program, the public housing agency or
8 owner or manager of the federally assisted housing
9 shall provide any remaining tenant an opportunity to
10 establish eligibility for the federally assisted housing.
11 If a tenant described in the preceding sentence can-
12 not establish eligibility, the public housing agency or
13 owner or manager of the housing shall provide the
14 tenant a reasonable time of not less than 120 days,
15 as determined by the Secretary, to find new housing
16 or to establish eligibility for housing under another
17 Federal housing program.

18 “(4) AVAILABILITY OF REMEDIES.—Paragraphs
19 (1) through (3) shall not supersede any protections
20 or remedies available under the Violence Against
21 Women Act of 1994 (42 U.S.C. 13925 et seq.).

22 “(d) PROHIBITION ON DRUG AND ALCOHOL TEST-
23 ING.—Notwithstanding any other provision of law, a pub-
24 lic housing agency or owner of federally assisted housing
25 may not require drug or alcohol testing of any tenant of

1 federally assisted housing or member of a tenant's house-
2 hold as a condition of tenancy in such housing or contin-
3 ued receipt of such assistance.”.

4 (c) EFFECTIVE DATE.—Section 577 of the Quality
5 Housing and Work Responsibility Act of 1998, as amend-
6 ed by subsection (b) of this section, shall take effect and
7 apply on the date of the enactment of this Act.

8 **SEC. 5. EVICTION STANDARDS, LEASE TERMS, AND OTHER**
9 **LIMITATIONS FOR PUBLIC HOUSING.**

10 (a) ADMINISTRATIVE GRIEVANCE PROCEDURES.—
11 Subsection (k) of section 6 of the United States Housing
12 Act of 1937 (42 U.S.C. 1437d(k)) is amended by striking
13 the matter after and below paragraph (6).

14 (b) LEASE TERMS.—Subsection (l) of section 6 of the
15 United States Housing Act of 1937 (42 U.S.C. 1437d(l))
16 is amended—

17 (1) in paragraph (5), by inserting “, subject to
18 paragraph (6)” before the semicolon at the end;

19 (2) by striking paragraph (6) and inserting the
20 following new paragraph:

21 “(6) provide that the public housing agency
22 may not terminate the tenancy based on any crimi-
23 nal conduct unless the agency determines, in accord-
24 ance with section 577 of the Quality Housing and
25 Work Responsibility Act of 1998, that such conduct

1 is covered criminal conduct (as such term is defined
2 in section 579B of such Act);”;

3 (3) in the second paragraph designated as para-
4 graph (7) (relating to occupancy in violation of sec-
5 tion 576(b) of the Quality Housing and Work Re-
6 sponsibility Act of 1998; as added by section
7 575(b)(4) of such Act (Public Law 105–276; 112
8 Stat. 2635))—

9 (A) by striking “any occupancy in violation
10 of section 576(b) of the Quality Housing and
11 Work Responsibility Act of 1998 (relating to in-
12 eligibility of illegal drug users and alcohol abus-
13 ers) or”;

14 (B) by striking “(relating to termination of
15 tenancy and assistance for illegal drug users
16 and alcohol abusers)”;

17 (C) by redesignating such paragraph as
18 paragraph (8); and

19 (4) in paragraph (9)—

20 (A) in subparagraph (A), by striking “;
21 or” at the end and inserting a period;

22 (B) by striking “if such tenant—” in the
23 matter preceding subparagraph (A) and all that
24 follows through “(A) is fleeing” and inserting
25 “if such tenant is fleeing”; and

1 (C) by striking paragraph (2).

2 (c) PROHIBITION ON OBTAINING INFORMATION
3 FROM DRUG ABUSE TREATMENT FACILITIES.—Sub-
4 section (t) of section 6 of the United States Housing Act
5 of 1937 (42 U.S.C. 1437d(t)) is amended—

6 (1) in the subsection heading, by striking “OB-
7 TAINING” and inserting “PROHIBITION ON OBTAIN-
8 ING”;

9 (2) by striking paragraphs (1), (2), and (3) and
10 inserting the following new paragraphs:

11 “(1) PROHIBITION.—A public housing agency
12 may not require a person who applies for admission
13 to public housing to provide consent that authorizes
14 the agency to receive information from a drug abuse
15 treatment facility that is related to whether the ap-
16 plicant is currently engaging in the illegal use of a
17 controlled substance or the applicant’s progress in
18 rehabilitation, and may not request such an appli-
19 cant to provide such consent. Such an applicant may
20 voluntarily provide such information, provide signed
21 written consent for the agency to receive such infor-
22 mation, or provide signed written consent for such
23 a facility to provide such information to an agency,
24 for purposes of an individualized review under sec-
25 tion 576(b) of the Quality Housing and Work Re-

1 sponsibility Act of 1998 (42 U.S.C. 13661(b)) and
2 an agency provided such information shall consider
3 such information in conducting such a review. Noth-
4 ing in this paragraph may be construed to penalize
5 or to authorize any penalty for an applicant for not
6 providing such information or consent.

7 “(2) EXPIRATION OF WRITTEN CONSENT.—An
8 applicant’s signed written consent provided pursuant
9 to paragraph (1) shall expire automatically after the
10 public housing agency has made a final decision to
11 either approve or deny the applicant’s application for
12 admittance to public housing.”;

13 (3) by striking paragraph (6); and

14 (4) by redesignating paragraphs (4), (5), (7),
15 and (8) as paragraphs (3), (4), (5), and (6), respec-
16 tively.

17 (d) VISITATION RIGHTS.—Section 6 of the United
18 States Housing Act of 1937 (42 U.S.C. 1437d) is amend-
19 ed by adding at the end the following new subsection:

20 “(u) VISITATION RIGHTS.—A public housing agency
21 may prohibit visitation of a public housing dwelling unit
22 by a non-tenant on the basis of criminal conduct by such
23 non-tenant only if—

1 “(1) such conduct is covered criminal conduct,
2 as such term is defined in section 579B of the Qual-
3 ity Housing and Work Responsibility Act of 1998;

4 “(2) the agency has thoroughly considered—

5 “(A) all mitigating factors, including the
6 same factors with respect to the non-tenant as
7 are required under subsection (b) of such sec-
8 tion 576 to be considered with respect to an ap-
9 plicant for federally assisted housing; and

10 “(B) the familial relationship between the
11 tenant and the non-tenant as mitigating fac-
12 tors;

13 “(3) in the case of any such prohibition of visi-
14 tation by a non-tenant, the agency provides the ten-
15 ant and non-tenant involved with an opportunity,
16 not less frequently than annually, to request a rede-
17 termination with respect to such prohibition at
18 which the tenant and non-tenant may present any
19 new mitigating evidence;

20 “(4) the agency has provided the non-tenant
21 with written notice of the agency’s decision to pro-
22 hibit visitation, that—

23 “(A) includes statements identifying the
24 basis for prohibition and setting forth the non-

1 tenant’s right to present mitigating factors to
2 overturn the agency’s decision; and

3 “(B) is provided in multiple languages,
4 consistent with guidance issued by the Sec-
5 retary in accordance with Executive Order
6 13166 (42 U.S.C. 2000d–1 note; relating to ac-
7 cess to services for persons with limited English
8 proficiency); and

9 “(5) such prohibition ends after of a period of
10 time that does not exceed three years.”.

11 (e) PRIVATELY MANAGED PUBLIC HOUSING AND
12 HOUSING FUNDED UNDER CERTAIN DEMONSTRATION
13 PROGRAMS.—Section 6 of the United States Housing Act
14 of 1937 (42 U.S.C. 1437d), as amended by the preceding
15 provisions of this section, is further amended by adding
16 at the end the following new subsection:

17 “(v) SCREENING AND EVICTION POLICIES FOR PRI-
18 VATELY MANAGED PUBLIC HOUSING AND HOUSING
19 FUNDED UNDER CERTAIN DEMONSTRATION PRO-
20 GRAMS.—Notwithstanding any other provision of law, in-
21 cluding subtitle F of the Quality Housing and Work Re-
22 sponsibility Act of 1998, in the case of any public housing
23 dwelling units or projects that are managed by an entity
24 other than the public housing agency that owns the units
25 or project, any units or projects subject to the Moving to

1 Work demonstration program authorized under section
2 204 of the Departments of Veterans Affairs and Housing
3 and Urban Development and Independent Agencies Ap-
4 propriations Act, 1996 (Public Law 104–134; 110 Stat.
5 1321), and any units with assistance converted under the
6 Rental Assistance Demonstration program authorized
7 under title II of the Transportation, Housing and Urban
8 Development, and Related Agencies Appropriations Act,
9 2012 (division C of Public Law 112–55; 125 Stat. 673),
10 such units and projects shall be subject to the screening
11 and eviction policies established pursuant to this section
12 and subtitle F of the Quality Housing and Work Responsi-
13 bility Act of 1998 (42 U.S.C. 13661 et seq.) by the agency
14 that owns the units or projects.”.

15 **SEC. 6. TERMINATION OF TENANCY AND TENANT SELEC-**
16 **TION UNDER SECTION 8 RENTAL ASSISTANCE**
17 **PROGRAM.**

18 (a) **TERMINATION OF TENANCY IN PROJECTS WITH**
19 **PROJECT-BASED ASSISTANCE.**—Subparagraph (B) of sec-
20 tion 8(d)(1) of the United States Housing Act of 1937
21 (42 U.S.C. 1437f(d)(1)(B)) is amended—

22 (1) in clause (ii), by inserting “, subject to
23 clause (iii)” before the semicolon at the end; and

24 (2) by striking clause (iii) and inserting the fol-
25 lowing new clause:

1 “(iii) during the term of the lease, the owner
2 may not terminate the tenancy based on any crimi-
3 nal conduct unless the owner determines, in accord-
4 ance with section 577 of the Quality Housing and
5 Work Responsibility Act of 1998, that such conduct
6 is covered criminal conduct (as such term is defined
7 in section 579B of such Act);”.

8 (b) SELECTION OF TENANTS UNDER VOUCHER PRO-
9 GRAM.—Subparagraph (B) of section 8(o)(6) of the
10 United States Housing Act of 1937 (42 U.S.C.
11 1437f(o)(6)(B)) is amended—

12 (1) by striking “(B) SELECTION OF TEN-
13 ANTS.—Each” and inserting the following:

14 “(B) SELECTION OF TENANTS.—
15 “(i) FUNCTION OF OWNER.—Each”;

16 (2) by inserting after “shall be the function of
17 the owner.” the following: “Any owner that screens
18 applicants based on the criminal background of the
19 applicant or any member of the applicant household,
20 or other permissible grounds for denial under sub-
21 title F of title V of the Quality Housing and Work
22 Responsibility Act of 1998 (42 U.S.C. 13661 et seq.;
23 relating to safety and security in public and assisted
24 housing) or this section, shall provide each applicant,
25 at the time of application, written notice that the

1 owner is conducting such screening, which notice
2 shall be provided in multiple languages, consistent
3 with guidance issued by the Secretary in accordance
4 with Executive Order 13166 (42 U.S.C. 2000d–1
5 note; relating to access to services for persons with
6 limited English proficiency).”;

7 (3) by striking “In addition” and inserting the
8 following:

9 “(ii) SCREENING.—In addition”;

10 (4) by inserting before the period at the end the
11 following: “, except that a public housing agency
12 may not elect to screen applicants for the program
13 based on criminal conduct. The preceding sentence
14 may not be construed to limit or affect the authority
15 of a public housing agency under section 576 of the
16 Quality Housing and Work Responsibility Act of
17 1998”; and

18 (5) by adding at the end the following new
19 clause:

20 “(iii) EXISTING ASSISTED FAMI-
21 LIES.—Previously assisted or subsidized
22 families being provided with tenant protec-
23 tion assistance authorized by law (includ-
24 ing tenant protection vouchers, enhanced
25 vouchers under subsection (t), or project-

1 based vouchers under subsection (o)(13)),
2 families who are porting their vouchers to
3 a new jurisdiction, and assisted families
4 who are moving to redeveloped public hous-
5 ing (including any units with assistance
6 converted under the Rental Assistance
7 Demonstration program authorized under
8 title II of the Transportation, Housing and
9 Urban Development, and Related Agencies
10 Appropriations Act, 2012 (division C of
11 Public Law 112–55; 125 Stat. 673)), shall
12 not be considered new applicants under
13 this paragraph and shall not be subject to
14 elective re-screening by a public housing
15 agency.”.

16 (c) ADMINISTRATIVE FEES.—Subparagraph (B) of
17 section 8(q)(2) of the United States Housing Act of 1937
18 (42 U.S.C. 1437f(q)(2)(B)) is amended by inserting be-
19 fore the semicolon the following: “, except that persons
20 who have exited a jail or prison shall be considered, for
21 purposes of this subparagraph, to be experiencing dif-
22 ficulty in obtaining appropriate housing under the pro-
23 grams as determined by the Secretary”.

1 **SEC. 7. SCREENING AND TERMINATION OF TENANCY IN**
2 **RURAL HOUSING PROGRAMS.**

3 (a) REGULATIONS.—The Secretary of Agriculture
4 shall—

5 (1) revise the regulations of the Secretary re-
6 garding screening of applicants for admission to
7 housing assisted, and for housing assistance, under
8 the covered rural housing programs (as such term is
9 defined in subsection (b)) to provide that such regu-
10 lations are substantially similar to the regulations of
11 the Secretary of Housing and Urban Development
12 relating to screening of applicants for admission to
13 federally assisted housing and to federally assisted
14 housing programs, pursuant to the United States
15 Housing Act of 1937, subtitle F of the Quality
16 Housing and Work Responsibility Act of 1998, and
17 any other applicable laws; and

18 (2) revise the regulations of the Secretary re-
19 garding termination of tenancy in housing assisted,
20 and termination of housing assistance, under the
21 covered rural housing programs to provide that such
22 regulations are substantially similar to the regula-
23 tions of the Secretary of Housing and Urban Devel-
24 opment relating to termination of tenancy in feder-
25 ally assisted housing, and termination of housing as-
26 sistance, pursuant to the United States Housing Act

1 of 1937, subtitle F of the Quality Housing and
2 Work Responsibility Act of 1998, and any other ap-
3 plicable laws.

4 (b) COVERED RURAL HOUSING PROGRAMS.—For
5 purposes of this section, the term “covered rural housing
6 programs” means—

7 (1) the program under section 515 of the Hous-
8 ing Act of 1949 (42 U.S.C. 1485) for rural rental
9 and cooperative housing;

10 (2) the loan and grant programs under sections
11 514 and 516 of such Act (42 U.S.C. 1484, 1486)
12 for farm labor housing;

13 (3) the program under section 533 of such Act
14 (42 U.S.C. 1490M) for housing preservation grants;

15 (4) the program under section 538 of such Act
16 (42 U.S.C. 1490p–2) for loan guarantees for multi-
17 family rural rental housing;

18 (5) the program under section 521(a) of such
19 Act (42 U.S.C. 1490a) for rural housing rental as-
20 sistance; and

21 (6) the program under section 542 of such Act
22 (42 U.S.C. 1490r) for rural housing rental voucher
23 assistance.

1 (c) TIMING; CONSULTATION.—The Secretary of Agri-
2 culture shall issue the revised regulations required under
3 paragraph (1)—

4 (1) after consultation with the Secretary of
5 Housing and Urban Development; and

6 (2) not later than the expiration of the 180-day
7 period that begins upon the conclusion of the period
8 specified in section 10 of this Act.

9 (d) CONFORMING AMENDMENT.—Paragraph (3) of
10 section 579 of the Quality Housing and Work Responsi-
11 bility Act of 1998 (42 U.S.C. 13664), as so redesignated
12 by the amendments made by section 3 of this Act, is fur-
13 ther amended—

14 (1) in subparagraph (G), by inserting “or”
15 after the semicolon at the end;

16 (2) in subparagraph (H), by striking “; or” and
17 inserting a period; and

18 (3) by striking subparagraph (I).

19 **SEC. 8. DATA COLLECTION.**

20 (a) IN GENERAL.—Subtitle F of the Quality Housing
21 and Work Responsibility Act of 1998 (42 U.S.C. 13661
22 et seq.) is amended—

23 (1) by redesignating section 579, as amended
24 by the preceding provisions of this Act, as section
25 579B; and

1 (2) by inserting after section 578 (42 U.S.C.
2 13663) the following new section:

3 **“SEC. 579. DATA COLLECTION.**

4 “(a) APPLICATIONS.—

5 “(1) IN GENERAL.—The Secretary shall require
6 each public housing agency and owner to submit a
7 report to the Secretary on an annual basis that con-
8 tains the following information for the preceding 12-
9 month reporting period:

10 “(A) The number of applications for ad-
11 mission to federally assisted housing or a feder-
12 ally assisted housing program reviewed by the
13 public housing agency, including its review
14 panel, or owner.

15 “(B) The number of applications for ad-
16 mission to federally assisted housing or a feder-
17 ally assisted housing program reviewed by the
18 public housing agency, including its review
19 panel, or owner for covered criminal conduct.

20 “(C) The number of denials of applications
21 for admission to federally assisted housing or a
22 federally assisted housing program rendered by
23 the public housing agency or owner on the basis
24 of covered criminal conduct.

1 “(D) The number of such denials pursuant
2 to which the applicant filed a request for infor-
3 mal review.

4 “(E) The number of such denials that were
5 overturned following informal review.

6 “(F) The information required under sub-
7 paragraphs (A) through (E) disaggregated by
8 the race of the applicant, the ethnicity of the
9 applicant, the sex of the applicant, and whether
10 the applicant had a disability as defined by sec-
11 tion 504 of the Rehabilitation Act of 1973 (29
12 U.S.C. 794).

13 “(2) CONFIDENTIALITY.—The information col-
14 lected pursuant to paragraph (1) shall be subject to
15 the same confidentiality requirements of section
16 576(b)(2)(F) that are applicable to information
17 gathered in the process of screening for criminal
18 convictions.

19 “(b) TERMINATIONS.—The Secretary shall require
20 each public housing agency and owner to submit a report
21 to the Secretary on an annual basis that contains the fol-
22 lowing information for the preceding 12-month reporting
23 period:

1 “(1) The number of terminations of tenancy
2 and terminations of assistance initiated by the public
3 housing agency or owner.

4 “(2) The number of terminations of tenancy
5 and terminations of assistance rendered by the pub-
6 lic housing agency or owner on the basis of covered
7 criminal activity.

8 “(3) For each termination of tenancy or assist-
9 ance based on covered criminal conduct, the specific
10 type or types of covered criminal conduct involved,
11 including the disposition of any criminal charges
12 against the tenant or participant.

13 “(4) The information required under para-
14 graphs (1) through (3) disaggregated by the race of
15 the applicant, the ethnicity of the applicant, the sex
16 of the applicant , and whether the applicant had a
17 disability as defined by section 504 of the Rehabili-
18 tation Act of 1973 (29 U.S.C. 794).”.

19 (b) CONFORMING AMENDMENT.—Subsection (c) of
20 section 578 of the Quality Housing and Work Responsi-
21 bility Act of 1998 (42 U.S.C. 13663(c)) is amended by
22 striking “section 579(a)(2)” and inserting “section
23 579B(3)”.

1 **SEC. 9. COMPLIANCE.**

2 Subtitle F of the Quality Housing and Work Respon-
3 sibility Act of 1998 (42 U.S.C. 13661 et seq.), as amended
4 by the preceding provisions of this Act, is further amended
5 by inserting after section 579 (as added by section 8 of
6 this Act) the following new section:

7 **“SEC. 579A. COMPLIANCE.**

8 “A public housing agency or owner of federally as-
9 sisted housing, as applicable, shall be solely responsible for
10 compliance with the requirements of this subtitle, notwith-
11 standing the use of any third party for such purposes. In
12 a case of failure of a public housing agency or owner to
13 comply with the requirements of this subtitle, the Sec-
14 retary may withhold funds made available for the federally
15 assisted housing program under which the failure to com-
16 ply occurred from the agency or owner.”.

17 **SEC. 10. NO INTERFERENCE WITH STATE OR LOCAL REGU-**
18 **LATORY AUTHORITY.**

19 This Act and the amendments made by this Act may
20 not be construed to preempt any State or local regulations
21 or requirements that do not prevent the application of the
22 provisions of this Act or such amendments.

23 **SEC. 11. REGULATIONS.**

24 The Secretary of Housing and Urban Development
25 shall issue any regulations necessary to carry out the
26 amendments made by sections 2 through 6 and section

1 8 of this Act not later than the expiration of the 12-month
2 period beginning on the date of the enactment of this Act.

3 **SEC. 12. EFFECTIVE DATE.**

4 Except as specifically provided otherwise in this Act,
5 the amendments made by this Act shall be made on, and
6 shall apply beginning upon, the effective date of the regu-
7 lations issued pursuant to section 11.