

THE PUBLIC HOUSING TENANT PROTECTION AND REINVESTMENT ACT OF 2017

Section-by-Section

Sec. 1. Short title; table of contents. Identifies the bill as the “Public Housing Tenant Protection and Reinvestment Act of 2017.” The bill contains four titles.

Sec. 2. Findings and Purposes.

TITLE I – The Public Housing One-for-One Replacement and Tenant Protection Act of 2017

Sec. 102. Demolition and Disposition of Public Housing.

Requires that Section 18 of the Housing Act of 1937 (“the Act”), as amended, apply to Section 22 of the Act related to voluntary conversions of public housing and Section 33 of the Act related to mandatory conversions of public housing. Further requires that Section 18 of the Act, as amended, apply to the taking of public housing units through the use of eminent domain.

Requires the Secretary to approve applications for disposition only when the development, acquisition, or rehabilitation of other properties will be more efficiently or effectively operated as low income, very low income, and extremely low income families consistent with housing needs of the jurisdiction as well as public housing targeting requirements.

Further amends the statute to require the Secretary to approve applications for demolition, disposition, or both only upon determining that the public housing authority (PHA) has complied with requirements regarding replacement housing preferences for each affected resident.

Further requires the Secretary to disapprove any application that does not: provide for the active involvement and participation of, and consultation with, residents, resident advisory boards, and resident councils of the public housing development that is subject to the application during the planning and implementation of the plan; comply with efforts to affirmatively further fair housing or if mitigation efforts are inappropriate. Further requires a plan to be disapproved if the Secretary determines that the proposed plan for relocation, demolition, or disposition does not comply with replacement unit, continuation of use restrictions, and retention of rights requirements.

For each public housing unit demolished or disposed after the date of enactment of this Act, requires one-for-one replacement of such unit with a newly constructed, rehabilitated, or purchased unit—including through project-based assistance—that is subject to requirements regarding eligibility for occupancy, tenant contribution toward rent, and long-term affordable restrictions which are comparable to public housing, including income eligibility, tenant contribution toward rent, eviction protections and procedures, and affordability restrictions. Requires the Secretary, subject to appropriations, to provide replacement vouchers for all dwelling units in projects that are demolished or disposed of.

Waives restrictions limiting the number of project-based vouchers per building and per housing authority.

Allows the Secretary to waive the one-for-one replacement requirement for up to 10 percent of the total number of units owned by a PHA in any 10 year period in instances where a judgment, consent decree, or other order of the court limits the ability of the applicant to comply with the requirement, or if the public housing authority demonstrates, through data and other requirements, that there is an excess supply of affordable rental housing in areas of low poverty.

Requires the continuation of use restrictions in the event of foreclosure or bankruptcy.

Requires that displaced public housing residents, regardless of the type of housing to which they locate, will continue to be protected by public housing statutes regarding the ineligibility of dangerous sex offenders, the ineligibility of certain drug offenders, grievance procedures, housing quality, tenant participation, and resident management. Requires that tenants occupying replacement housing units shall have the rights of public housing tenants.

Requires that replacement units must be of comparable size, unless a market analysis shows a need for other sized units, with the number of bedrooms within each replacement unit sufficient to serve families displaced as a result of the demolition or disposition.

Requires that at least one-third of all replacement units for public housing demolished shall be public housing units constructed on the original public housing location. Allows for waiver of requirement in very limited circumstances. Requires that a public housing agency shall provide enough replacement units at the original location to accommodate original tenants' choice to return.

Prohibits a PHA submitting an application for demolition or disposition from consolidating any units during the application period except in cases of an imminent threat to health or safety.

The number of public housing residents will be determined as of the date of the PHA's plan or the date such plan was presented to the resident advisory board for consideration. In the event a demolition-disposition is requested due to a natural disaster, the date shall be that of the date of the natural disaster.

Requires the PHA, not later than 90 days before submitting a demolition or disposition application to the Secretary, to meet with and inform in writing all residents who occupy (or occupied pursuant to the date requirements set forth above) the public housing development the intent to submit an application, the tenants' right to return and relocation housing options, and all planned replacement housing units. The PHA must also solicit from each resident information regarding the resident's desire to return to the replacement housing units constructed on the original public housing location, interest in moving to other neighborhoods, or interest in retaining a voucher.

Subjects all relocation activities resulting from demolition or disposition to the Uniform Relocation and Real Property Acquisition Act, and to the extent the provisions in this Act conflict, the greater protections to resident apply.

Requires PHAs to submit a relocation plan with the demolition-disposition application, including a statement of the estimated number of vouchers for rental assistance under Section 8 that will be needed for relocation.

Requires the PHA to provide written notice in plain and non-technical language to the residents of public housing subject to demolition or disposition that the application has been approved, the process involved for relocation and information regarding relocation options.

Not later than 90 days before the displacement date, the PHA shall provide notice to each family residing in an affected project in plain and non technical language that the project will be demolished or disposed, the demolition will not commence until each resident of the building is relocated, and each family displaced shall be offered comparable housing that meets housing quality standards, is located in an area that is generally not less desirable than the location of the displaced family's housing, that is identified and that shall include 1) tenant-based assistance, 2) project-based assistance, 3) occupancy in a unit operated or assisted by a PHA at a rental rate comparable to the rate of the original unit, and 4) other comparable housing.

Requires an extended search period, not shorter than 150 days, for residents being located with housing choice vouchers. Requires that if the resident has difficulty in utilizing the voucher, that the PHA shall extend the search period, or at the tenant's request, shall provide an alternative available public housing unit or other comparable housing.

Requires the PHA to pay for the actual and reasonable relocation expenses, including security deposits, of each resident to be displaced and any replacement housing payments required under URA.

Requires the PHA to ensure that each displaced resident is offered comparable housing.

Requires the PHA to provide any necessary relocation counseling for residents who are displaced that shall fully inform residents to be displaced of all relocation options, which may include relocating to housing in a neighborhood with a lower concentration of poverty, a neighborhood that does not increase racial segregation, or remaining in their current neighborhood.

Prohibits PHAs from commencing demolition or completing disposition until all residents residing in the building are relocated.

Requires the PHA to obtain and analyze data on the potential impact of the proposed demolition or disposition and relocation on persons protected by Section 804 of the Civil Rights Act of 1968, including public housing residents, occupants of the surrounding neighborhood and neighborhoods into which tenants are likely to be relocated and agency's on the PHA's waiting list. Requires the PHA to describe in the application actions that it has taken or will take to mitigate those adverse impacts and to certify that the demolition, disposition, relocation, or replacement housing will be carried out in a manner that affirmatively furthers fair housing.

Prohibits PHAs from commencing relocation until the application has been approved by the Secretary, except in cases of imminent threats to health or safety.

Requires the PHA to submit to the Secretary an application for vouchers consistent with the obligation to provide for tenant protection vouchers, subject to appropriations, on a one-for-one basis.

Secretary to use such sums appropriated for tenant-based assistance to pay the costs of relocation and replacement housing.

Allows any person who occupied a public housing unit and whose tenancy or right of occupancy had not been validly terminated to be eligible to occupy a replacement housing unit. Prohibits PHAs or any other manager of replacement housing units to prevent any such person from occupying a replacement housing unit through the application of any eligibility, screening, occupancy or other policy or practice. Replacement dwelling units must be made available to displaced households before they are made available to any other eligible household.

Provides any affected person with enforcement rights pursuant to section 1979 of the Revised Statutes of the United States.

Establishes the effective date as the date of enactment and makes the legislation apply to any application pending approval by the Secretary and to any application that was submitted to the Secretary after such date of enactment.

Sec. 103. Authority to Convert Public Housing to Vouchers.

The Secretary may require a PHA to provide HUD or PHAs information the Secretary considers necessary for the administration of this section. Requires Section 18 to apply to the demolition or disposition of public housing dwelling units removed from the inventory of the PHA pursuant to this section. Eliminates the ability of the Secretary to conduct a streamlined assessment and waive requirements to provide data on the need for a voluntary conversion.

Sec. 104. Required Conversion of Distressed Public Housing to Tenant-Based Assistance.

Requires Section 18 to apply to the demolition or disposition of public housing dwelling units that are subject to mandatory conversion to tenant-based assistance.

Sec. 105. Limitation of Public Housing Dwelling Units.

Restricts the use of Subpart B of Part 970 of the Department of Housing and Urban Development's (HUD's) proposed regulation for the demolition and disposition for public housing dwelling units.

Sec. 106. Regulations.

Not later than 120 days after enactment, the Secretary must issue regulations.

TITLE II – The Public Housing Preservation and Rehabilitation Act of 2017

Sec. 202. Authorizations of Appropriations for Capital and Operating Funds.

Reauthorizes the public housing Capital Fund and Operating Fund at such sums as may be necessary to fully fund the estimated annual needs of public housing operations and maintenance. Authorizes an additional \$5 billion annually to begin to address the backlog of capital needs of public housing.

Sec. 203. Leveraging of Other Assistance.

Authorizes the Secretary to guarantee notes or other obligations issued by PHAs for the purposes of financing the rehabilitation and/or energy efficiency improvements of public housing, including public housing demolished through demolition, voluntary conversion, or mandatory conversion.

Requires the term of such loan guarantee shall not exceed 20 years.

Requires the Secretary shall guarantee 95 percent of the unpaid principal and interest due on the notes or other obligations guaranteed.
Authorizes public housing Operating and Capital funds to be used for debt service.

Requires the PHA to enter into a contract for repayment of notes, and to pledge public housing funding for repayment. Allows (but does not require) the Secretary to apply grants pledged to any repayments necessary.

The full faith and credit of the United States is pledged to the payment of all guarantees made.

Authorizes the Secretary to guarantee \$500 million annually for fiscal years 2018, 2019, and 2020.

Requires that, for PHAs utilizing housing tax credits in conjunction with public housing, shall ensure that: 1) all significant tenant and applicants rights are continued and enforceable; 2) the agency retains its interest in the property to the maximum extent possible, including through the use of a ground lease when feasible; 3) the agency maintains an active role in property management decisions and operations of such housing sufficient to guarantee access to relevant information and public accountability; 4) long-term affordability protections applicable in the event of default or foreclosure; and 5) affected tenants are provided information about the proposal for use of the property prior to submission, and given opportunity to comment on the proposal, pursuant to processes and requirements that are substantially similar to the requirements for tenant notice and comment under demolition and disposition rules (Section 18), as amended by this Act.

Sec. 204. Capital Fund Flexibility.

Lifts the restriction on the construction of new public housing units.

TITLE III - The Choice Neighborhoods Initiative Act of 2017

Sec. 302. Grant Authority.

The Secretary shall make competitive grants to eligible entities that will further the purposes required under this Title.

Sec. 303. Eligible Entities.

Requires primary applicants to be PHAs, units of local government, or a nonprofit that owns a major housing project that is proposed to be assisted under this Title.

The nonprofit may only a primary applicant so long as the application has the support of local government.

Requires that qualified co-applicants can be a community development corporation (CDC), or a for-profit entity that owns a major housing project that is proposed to be assisted. Requires that when the proposed project for transformation is public housing, that the PHA with jurisdiction is the sole applicant or a co-applicant for such application.

Sec. 304. Eligible Neighborhoods.

Eligible neighborhoods are those experiencing concentrations of extreme poverty, or housing that is severely distressed housing (definitions included in Section 315).

Sec. 305. Authorized Activities.

Required activities for approved grantees must include: 1) the transformation of housing through rehabilitation, preservation, or demolition and replacement of severely distressed housing projects, which may include energy efficiency improvements; 2) one-for-one unit replacement; 3) activities that promote economic self-sufficiency of residents; 4) activities that preserve affordable housing in the neighborhood; 5) right of return for affected residents; 6) activities that meet program requirements outlined in Section 308, which are substantially similar to many of the unit replacement and tenant protection requirements outlined in Title I of this Act; 7) activities that meet fair housing requirements; 8) service coordination; 9) resident involvement described in Section 307, which are substantially similar to rights of residents to return and relocation requirements outlined in Title I of this Act; 10) monitoring of the relocation of residents; 11) relocation assistance, comprehensive mobility counseling, and payment of reasonable moving costs substantially similar to requirements outlined in Title I of this Act; 12) links to local education efforts; and 13) activities that comply with Section 3 of the Housing Act of 1937.

Eligible activities for approved grantees can include: 1) rehabilitation of affordable housing; 2) acquisition, disposition, or demolition of residential properties, including short-sale properties and foreclosures by FHA; 3) outreach to local educators to help increase access to educational opportunities for residents; 4) providing supportive services; 5) rehabilitation and physical improvement of relevant community facilities; 6) work incentives designed to help low-income residents assisted under this Act access jobs; 7) partnering with employers to create jobs and job training opportunities for residents; 8) activities that promote sustainable housing; 9) critical community improvements adjacent to, or in the vicinity of, housing assisted under this Act; and 10) loss reserves to protect tenants assisted by the grant and to continue the project in the case of default or foreclosure.

Funding limitations include use of funds for school buildings, and not more than 25 percent of a total grant may be used for eligible activities 3 through 9, and not more than 5 percent of a total grant may be used for eligible activities 8 and 9.

Requires the Secretary to consult with other federal agencies in identifying additional funding resources that may be provided to supplement amounts from grants made under this Title.

Sec. 306. Submission and Selection of Transformation Plans.

To be eligible for a grant, an application must demonstrate the following: 1) how the plan will transform a distressed neighborhood into a neighborhood high-quality, safe, and affordable housing, economic opportunities, services, access to jobs, public transportation, and effective education programs; 2) how the plan will be executed; 3) describes the eligible activities that will be carried out; 4) defines desired outcomes of the strategy, including how residents will benefit; 5) a long-term affordability plan of a minimum of 50 years or longer; 6) other information as the Secretary prescribes.

Requires the Secretary, in selecting grantees, to give greatest consideration to applicant and neighborhood need as defined by Section 304 of this Title. Also requires the Secretary to establish additional criteria in selecting grantees, which include the following: 1) demonstrates the ability of the plan to further the purposes of the program; 2) demonstrates inclusive local planning; 3) includes efforts to coordinate multiple funding sources; 4) includes current data showing that the neighborhood targeted for revitalization is in need and can benefit from the grant; 5) demonstrates the capability and record of the applicant and its partners for managing redevelopment or modernization projects; 6) demonstrates that sustainable building and energy efficient design are or will be incorporated; 7) demonstrates that applicant has plans to have improved access to high-quality educational opportunities; 8) demonstrates that the residents of revitalized developments will have, to the extent possible, improved access to high-quality educational opportunities; 9) the inclusion of appropriate supportive services; 10) provides support for residents displaced, including assistance in obtaining housing in areas with low concentrations of poverty in a manner that does not increase racial segregation; 11) demonstrates sufficient housing opportunities are available in the neighborhood to be revitalized and in low-poverty areas; 12) includes an assessment of the number of households with special needs for ongoing supportive services and how the plan will address such needs; 13) demonstrates compliance with Section 308, which are substantially similar to many of the unit replacement and tenant protection requirements outlined in Title I of this Act; 14) outlines how the applicant will use certain indicators to measure success; 15) demonstrates, if feasible, phased redevelopment that provides for as little disruption to residents as possible; 16) demonstrates that the neighborhood will improve its long-term viability; and 17) demonstrates compliance with any other factors as established by the Secretary.

Sec. 307. Right of Residents to Return; Relocation.

Requires potential grantees, no later than 30 days prior to submitting an application, to hold a community meeting and provide information to all residents who occupy a unit in a potentially affected development and inform the residents of the intent to submit an application, the residents right to return and relocation housing options, and all planned replacement housing units. Potential applicants must also solicit from each resident information regarding the resident's preference to return to the revitalized replacement housing, move to other neighborhoods, or interest in retaining a voucher.

Requires that each grantee shall provide opportunities for active involvement and participation of, and consultant with, residents of the public or assisted housing that is subject to the transformation plan prior to submission of the application, and during all phases of planning and implementation. Such opportunities shall provide for an opportunity to comment on all aspects of the proposal.

Requires that the Secretary cannot make a grant unless the grantee has convened and conducted a public meeting not later than 30 days before submission of the application, and that the time and location is convenient for the residents.

Applicants may not carry out any significant changes or amendments to the transformation plan unless the applicant has convened and conducted a public meeting, at a time and location that is convenient to the residents and with at least 10 days notice, regarding the significant change or changes being proposed. The applicant must then submit a report to the Secretary describing the results of the resident consultation.

Requires the Secretary not approve any application unless the plan provides that each resident displaced by activities under the plan who wishes to return to the on-site or off-site replacement housing may return, so long as the resident was in compliance with the lease at the time of departure and would be eligible, as of the time of such return, for occupancy.

Requires relocation, notice, application for vouchers, and data that are substantially similar to the requirements set forth in Title I of this Act, including compliance with the Uniform Relocation and Real Property Acquisition Act, requirements for the relocation plan, notices to tenants, search period, payment of relocation expenses, comprehensive relocation counseling, timing of demolition and/or disposition, monitoring of displaced households, returning resident preferences, and prohibition on re-screening.

Sec. 308. One-for-One Replacement of Public and Assisted Housing Dwelling Units.

Requirements laid out in this section are similar to requirements outlined in Title I of this Act, including: one-for-one replacement of units and a limited waiver authority from this requirement; that displaced public housing residents, regardless of the type of housing to which they locate, will continue to be protected by public housing statutes; retention of rights for displaced tenants; and size of replacement bedrooms and location of replacement units.

Sec. 309. Other Program Requirements.

Requires compliance with fair housing and accessibility requirements, and long-term affordability restrictions which shall not be shorter than the period of affordability to which the property is already subject and remains subject, or 20 years, whichever is longer.

Allows the Secretary to establish cost limits of eligible activities.

Requires an environmental review process pursuant to the Secretary.

Requires grantee reporting of sources and uses of all amounts expended, and other information needed for the Secretary's annual report to Congress.

Sec. 310. Demolition and Disposition.

Clarifies that Section 18 of the Housing Act of 1937 regarding the demolition and disposition of public housing, does not apply. Also clarifies that nothing in this title may be construed to exempt any replacement public housing dwelling units provided under a transformation plan in accordance with the requirements under Section 308 related to one-for-one replacement of public housing dwelling units.

Sec. 311. Phase-Specific Underwriting.

Allows for various phases of a transformation plan to be underwritten on a separate basis.

Sec. 312. Administration by Other Entities.

Allows for administration of other entities other than the original grantee(s) in the event that a grantee fails to meet performance benchmarks, or in the event that the Secretary determines that such action will help to effectuate the purposes of this title.

Sec. 313. Withdrawal of Funding.

Permits the Secretary to withdraw any grant amounts if a grantee does not proceed in a reasonable timeframe. Permits the Secretary to redistribute withdrawn amounts to one or more eligible entities in the same locality, where feasible, or to one more applicants that has already received assistance under this title.

Sec. 314. Annual Report; Public Availability of Grant Information.

Requires the Secretary to submit an annual report to the House Financial Services Committee and Senate Banking Committee on the implementation and status of the grants, which shall include: 1) the number, type, and cost of affordable housing units revitalized; 2) the amount and type of financial assistance provided under and in conjunction with this title; 3) the impact of grants on the original residents, the target neighborhoods, and the community as a whole; 4) all information submitted to the Secretary by the grantees related to displaced households, resident housing preferences, and prohibition on rescreening; and 5) all information related to one-for-one replacement of units and efforts to coordinate sources of funding.

Requires, to the extent possible, the Secretary to make publicly available online materials including applications, grant agreements, plans, budgets, reports, and amendments to such documents, while maintain the privacy of residents and households displaced.

Sec. 315. Definitions.

Provides for definitions related to terms used in this act.

Sec. 316. Funding.

Authorizes \$1 billion for fiscal year 2018 and such sums as may be necessary for fiscal years 2019, 2020, 2021, and 2022. Up to 10 percent of such amounts may be used for planning grants, and up to 5 percent may be used for technical assistance and program evaluation efforts. Not less than 80 percent of the total amount allocated shall be used for public housing units.

Authorizes such sums as may be necessary for fiscal years 2018-2022 for providing tenant-based rental assistance for relocation and rental assistance under Section 8 of the Housing Act of 1937 for the purposes of complying with right to return requirements.

Sec. 318. Regulations.

Requires the Secretary to publish regulations no later than 180 days from enactment of this Act, for subsections (c) and (e) of section 305 (related to eligible activities and funding limitations), section 308(b) (related to limited waiver

authority on one-for-one replacement), and paragraphs (4), (5), (9), and (12) of 315 (definitions relating to “critical community improvements,” “extreme poverty,” “neighborhood,” and “severely distressed housing”).

TITLE IV – The Together We Care Act of 2017

Sec. 402. Pilot grant program to train public housing residents to provide covered home-based health care services.

Requires the Secretary, in consultation with the Secretary of the Department of Health and Human Services, to establish a competitive grant program to make grants to eligible entities to train public housing residents as home health aides and as providers of home-based health services in order to enable such residents to provide covered-home-based health services to residents of public and federally assisted housing.

Eligible entities include PHAs, units of local government, community health center, home care provider organization, faith-based organization, labor organization, or other organization determined to be qualified by the Secretary. Eligible entities must demonstrate that it has, or will, establish an employment training program to train public housing residents to provide covered home-based health services that complies with regulations that the Secretary shall issue.

Requires the Secretary to establish policies and procedures for reviewing and approving funding for eligible entities through a competitive process, and taking into consideration: 1) with respect to the service area where the services will be provided, the percentage of residents 62 and older, the percentage of disabled residents, and the percentage of underemployed or unemployed residents; 2) the ability of an eligible entity to provide training; 3) the record of the quality of care of an eligible entity; and, 4) other criteria as determined by the Secretary.

Requires the Secretary to consider a geographic mix of a variety of eligible entities so that the grant program will include urban, rural, and Indian communities, as well as at least one program in one of the U.S. Territories.

Grant funds must be used to: 1) establish and either maintain or carry out an employment training program for public housing residents to provide home-based health care services to elderly and disabled residents of public and federal-assisted rental housing; 2) transportation expenses for the public housing residents in training; 3) child care expenses for the public housing residents in training; 4) administrative expenses to carry out the training; and 5) any other activity as determined by the Secretary.

Not later than 24 months after date of enactment of this Act, the Secretary shall submit a report to Congress that shall include a review of the effectiveness of the

program in: 1) providing jobs for public housing residents; 2) meeting the unmet health and long-term care needs of elderly and disabled residents in public and federally-assisted rental housing; 3) enabling the provision of quality care, and 4) any other recommendations the Secretary determines appropriate.

Clarifies that this Act does not impact State law requirement qualifications for certifications for home health aide or home based health service.
Requires the Secretary to issue regulations to carry out this grant program no later than six months after date of enactment of this Act.

Authorizes \$2.5 million annually for fiscal years 2018, 2019, and 2020.

Permits the Secretary to provide financial assistance grants for entities receiving grant funds under the pilot program in certain locations in which medical assistance for home-based health services is not available under a State plan under title XIX of the Social Security Act. Grants will be for financial assistance to train public housing residents in home-based health services to provide covered-home-based health services to residents of public and federally assisted housing. Authorizes \$2.5 million annually for fiscal years 2018, 2019, and 2020.

Requires that for any resident of public housing who is trained as a home health aide, any income received by such resident for providing covered home-based health services shall apply towards eligibility for benefits under Federal housing programs as follows: 1) no income received shall apply for the 12 months after the completion of the training of such resident; 2) 25 percent of income received shall apply for the period that is 12 to 24 months after the completion of training; 3) 50 percent if income received shall apply for the period that is 24 to 36 months after the completion of training; and 4) 100 percent of income received shall apply for any period that begins after 36 months after the completion of the training.