

[DISCUSSION DRAFT]111TH CONGRESS
2^D SESSION**H. R.** _____

To amend section 18 of the United States Housing Act of 1937 to revise the requirements relating to demolition and disposition of public housing, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M____. _____ introduced the following bill; which was referred to the Committee on _____

A BILL

To amend section 18 of the United States Housing Act of 1937 to revise the requirements relating to demolition and disposition of public 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 “Public Housing One-
5 for-One Replacement and Tenant Protection Act of
6 2010”.

1 **SEC. 2. DEMOLITION AND DISPOSITION OF PUBLIC HOUS-**
2 **ING.**

3 (a) AMENDMENTS TO SECTION 18.—Section 18 of
4 the United States Housing Act of 1937 (42 U.S.C. 1437p)
5 is amended—

6 (1) by redesignating subsections (a) through (h)
7 as subsections (b) through (i), respectively;

8 (2) by inserting before subsection (b) (as so re-
9 designated by paragraph (1) of this subsection) the
10 following new subsection:

11 “(a) APPLICABILITY.—Notwithstanding any other
12 provision of law, this section shall apply to—

13 “(1) demolition, disposition, or demolition or
14 disposition or both subsequent to conversion pursu-
15 ant to section 22 or 33 of any public housing unit;

16 “(2) the taking of public housing units, directly
17 or indirectly, through the use of eminent domain;
18 and

19 “(3) the demolition or disposition of public
20 housing units for construction or rehabilitation by
21 private entities.”; and

22 (3) in subsection (b) (as so redesignated by
23 paragraph (1) of this subsection)—

24 (A) in the matter preceding paragraph
25 (1)—

1 (i) by striking “subsection (b)” and
2 inserting “subsection (c)”; and

3 (ii) by striking “if the public housing
4 agency certifies” and inserting “only if the
5 Secretary makes findings supported by
6 substantial evidence that”;

7 (B) in paragraph (2)(A)(ii), by striking
8 “low-income housing” and inserting “housing
9 for low-income, very-low income, and extremely
10 low-income families consistent with the needs
11 identified pursuant to section 5A(d)(1) in the
12 public housing agency plan for the agency and
13 with targeting requirements under section 16(a)
14 for public housing”;

15 (C) by striking paragraph (4);

16 (D) in paragraph (6), by striking “sub-
17 section (c)” and inserting “subsection (d)”; and

18 (E) by redesignating paragraphs (5) and
19 (6) as paragraphs (4) and (5), respectively; and

20 (F) by inserting after paragraph (5) (as so
21 redesignated) the following new paragraph:

22 “(6) that the public housing agency has ob-
23 tained from each resident information pursuant to
24 subsection (f)(3)(B) and has established a replace-
25 ment housing preference for each such resident.”;

1 (4) in subsection (c) (as so redesignated by
2 paragraph (1) of this subsection)—

3 (A) in the matter preceding paragraph (1),
4 by striking “subsection (a)” and inserting “sub-
5 section (b)”;

6 (B) in paragraph (1), by striking “or” at
7 the end;

8 (C) in paragraph (2)(C) by striking the pe-
9 riod at the end and inserting a semicolon; and

10 (D) by adding at the end the following new
11 paragraphs:

12 “(3) the application does not provide for the ac-
13 tive involvement and participation of, and consulta-
14 tion with, residents, resident advisory boards, and
15 resident councils of the public housing development
16 that is subject to the application during the planning
17 and implementation of the plan for demolition, relo-
18 cation, and replacement of the units;

19 “(4) the proposed relocation, demolition, dis-
20 position, demolition or disposition or both subse-
21 quent to conversion pursuant to section 22 or 33, or
22 the provision of replacement housing will not be car-
23 ried out in a manner that affirmatively furthers fair
24 housing, as described in section 808(e) of the Civil
25 Rights Act of 1968 (42 U.S.C. 3608(e)), or that the

1 measures proposed by the public housing agency to
2 mitigate potential adverse impacts of the proposed
3 relocation, demolition, disposition, demolition and/or
4 disposition subsequent to conversion pursuant to
5 section 22 or 33, or the provision of replacement
6 housing on persons protected by section 804 of the
7 Civil Rights Act of 1968 (42 U.S.C. 3604), are
8 clearly insufficient or inappropriate; or

9 “(5) the Secretary determines that the proposed
10 plan for relocation, demolition, disposition, demoli-
11 tion or disposition or both subsequent to conversion
12 pursuant to section 22 or 33, or the provision of re-
13 placement housing does not comply with the require-
14 ments of subsection (e) of this section.”;

15 (4) by striking subsection (e) (as so redesign-
16 nated by paragraph (1) of this subsection) and in-
17 serting the following new subsection:

18 “(e) REPLACEMENT UNITS.—

19 “(1) REQUIREMENT TO REPLACE EACH UNIT.—
20 Except for demolition pursuant to subsection (g),
21 each public housing dwelling unit demolished or dis-
22 posed of after January 1, 2005, shall be replaced
23 with a newly constructed, rehabilitated, or purchased
24 public housing unit or with a newly constructed, re-
25 habilitated, or purchased unit (including through

1 project-based assistance) that is subject to require-
2 ments regarding eligibility for occupancy, tenant
3 contribution toward rent, and long-term affordability
4 restrictions that are consistent with such require-
5 ments for public housing dwelling units, except that
6 subparagraphs (B) and (D) of section 8(o)(13) of
7 the United States Housing Act of 1936 (relating to
8 percentage limitation and income mixing require-
9 ment of project-based assistance) shall not apply
10 with respect to vouchers used to comply with the re-
11 quirements of this paragraph.

12 “(2) OTHER REQUIREMENTS.—Admission to,
13 administration of, and eviction from replacement
14 housing units that are not public housing dwelling
15 units shall be subject to the following provisions to
16 the same extent as public housing dwelling units:

17 “(A) Section 578 of the Quality Housing
18 and Work Responsibility Act of 1998 (42
19 U.S.C. 13663; relating to ineligibility of dan-
20 gerous sex offenders).

21 “(B) Section 16(f) of the United States
22 Housing Act of 1937 (42 U.S.C. 1437n(f); re-
23 lating to ineligibility of certain drug offenders).

1 “(C) Sections 20 and 21 of the United
2 States Housing Act of 1937 (42 U.S.C. 1437r,
3 1437s; relating to resident management).

4 “(D) Section 25 of the United States
5 Housing Act of 1937 (42 U.S.C. 1437w; relat-
6 ing to transfer of management at request of
7 residents).

8 “(E) Section 6(k) of the United States
9 Housing Act of 1937 (42 U.S.C. 1437d(k); re-
10 lating to administrative grievance procedure).

11 “(F) Section 6(f) of the United States
12 Housing Act of 1937 (42 U.S.C. 1437d(f); re-
13 lating to housing quality requirements).

14 “(G) Part 964 of title 24, Code of Federal
15 regulations (relating to tenant participation and
16 opportunities).

17 “(3) RETENTION OF RIGHTS.—Tenants occu-
18 pying a replacement housing unit shall have all
19 rights provided to tenants of public housing under
20 this Act.

21 “(4) SIZE.—

22 “(A) IN GENERAL.—Replacement units
23 shall be of comparable size, unless a market
24 analysis shows a need for other sized units, in
25 which case such need shall be addressed.

1 “(B) BEDROOMS.—The number of bed-
2 rooms within each replacement unit shall be
3 sufficient to serve families displaced as a result
4 of the demolition or disposition. Replacement
5 units may include a greater number of bed-
6 rooms than the number of bedrooms in units
7 replaced if an analysis of the waiting list of the
8 public housing agency shows that more bed-
9 rooms are needed to accommodate families on
10 the waiting list.

11 “(5) LOCATION ON SITE.—At least one-third of
12 all replacement units for public housing units demol-
13 ished shall be public housing units constructed on
14 the original public housing location, unless the Sec-
15 retary determines that—

16 “(A) construction on such location would
17 result in the violation of a consent decree; or

18 “(B) the land on which the public housing
19 is located is environmentally unsafe, geologically
20 unstable, or otherwise is unsuitable for the con-
21 struction of housing.

22 “(6) LOCATION IN OTHER AREAS.—Any re-
23 placement housing units provided in addition to
24 dwelling units provided pursuant to paragraph (3)
25 shall be provided in areas within the jurisdiction of

1 the public housing agency having low concentrations
2 of poverty, in a manner that furthers the economic
3 and educational opportunities for residents.”;

4 (5) in subsection (f) (as so redesignated by
5 paragraph (1) of this subsection)—

6 (A) by striking the subsection designation
7 and all that follow through “Nothing” and in-
8 serting the following:

9 “(f) TREATMENT OF OCCUPANCY.—

10 “(1) CONSOLIDATION OF OCCUPANCY WITHIN
11 OR AMONG BUILDINGS.—Nothing”;

12 (B) by inserting before the period at the
13 end the following: “, except that, a public hous-
14 ing agency submitting an application for demo-
15 lition or disposition pursuant to this section
16 may not consolidate any units during the period
17 that begins upon submission of such application
18 and ends upon approval of the application by
19 the Secretary, except in cases of an imminent
20 and substantial threat to health or safety”; and

21 (C) by adding at the end the following new
22 paragraphs:

23 “(2) DETERMINATION OF OCCUPANCY.—For
24 purposes of this subsection, the number of public
25 housing residents residing in a development shall be

1 determined as of the date the initial public housing
2 agency plan or a proposed amendment thereto indi-
3 cating an intent to apply for a demolition application
4 pursuant to subsection (b) of this section is or
5 should have been presented to the resident advisory
6 board for consideration, or in the case of a demoli-
7 tion application due to a natural disaster, on the
8 date of the natural disaster.

9 “(3) RESIDENT PREFERENCES.—A public hous-
10 ing agency shall, not later than 30 days before sub-
11 mitting an application to the Secretary for demoli-
12 tion, disposition, or demolition or disposition or both
13 subsequent to conversion pursuant to section 22 or
14 33—

15 “(A) meet with and inform in writing all
16 residents who occupied a public housing unit on
17 the date determined in accordance with para-
18 graph (2) of this subsection of—

19 “(i) the public housing agency’s intent
20 to submit an application for demolition,
21 disposition, or both;

22 “(ii) their right to return relocation
23 housing options; and

24 “(iii) all planned replacement housing
25 units; and

1 “(B) obtain from each resident information
2 regarding the resident’s desire to return to the
3 replacement housing units constructed upon the
4 original public housing location, interest in
5 moving to other neighborhoods or communities,
6 or interest in retaining a voucher for project-
7 based assistance.”;

8 (6) by striking subsection (h) (as so redesign-
9 nated by paragraph (1) of this subsection) and in-
10 serting the following new subsection:

11 “(h) RELOCATION, NOTICE, APPLICATION FOR
12 VOUCHERS, AND DATA.—In the case of all relocation ac-
13 tivities resulting from, or that will result from, demolition,
14 disposition, or demolition or disposition or both subse-
15 quent to conversion pursuant to section 22 or 33 of this
16 Act, of public housing dwelling units:

17 “(1) UNIFORM RELOCATION AND REAL PROP-
18 PERTY ACQUISITION ACT.—The Uniform Relocation
19 and Real Property Acquisition Policies Act of 1970
20 (42 U.S.C. 4601 et seq.) shall apply. To the extent
21 the provisions of this subsection and such Act con-
22 flict, the provisions that provide greater protection
23 to residents displaced by the demolition, disposition,
24 or demolition and disposition, shall apply.

1 “(2) RELOCATION PLAN.—The public housing
2 agency shall submit to the Secretary, together with
3 the application for demolition or disposition, a relo-
4 cation plan providing for the relocation of residents
5 occupying the public housing for which the demoli-
6 tion or disposition application is proposed, which
7 shall include—

8 “(A) a statement of the estimated number
9 of vouchers for rental assistance under section
10 8 that will be needed for such relocation;

11 “(B) identification of the location of the
12 replacement dwelling units that will be made
13 available for permanent occupancy;

14 “(C) a statement of whether any tem-
15 porary, off-site relocation of any residents is
16 necessary and a description of the plans for
17 such relocation.

18 “(3) NOTICE UPON APPROVAL OF APPLICA-
19 TION.—Within a reasonable time after notice to the
20 public housing agency of the approval of an applica-
21 tion for demolition or disposition, the public housing
22 agency shall provide notice in writing, in plain and
23 non-technical language, to the residents of the public
24 housing subject to the approved application that—

1 “(A) states that the application has been
2 approved;

3 “(B) describes the process involved to relo-
4 cate the residents, including a statement that
5 the residents may not be relocated until the
6 conditions set forth in paragraph (10) have
7 been met;

8 “(C) provides information regarding relo-
9 cation options;

10 “(D) advises residents of the availability of
11 relocation counseling as required in paragraph
12 (8); and

13 “(E) provides information on the location
14 of tenant-based vouchers issued by the agency.

15 “(4) NOTICE BEFORE RELOCATION.—Except in
16 cases of a substantial and imminent threat to health
17 or safety, not later than 90 days before the date on
18 which residents will be relocated, the public housing
19 agency shall provide notice in writing, in plain and
20 non-technical language, to each family residing in a
21 public housing project that is subject to an approved
22 demolition or disposition application, and in accord-
23 ance with such guidelines as the Secretary may issue
24 governing such notifications, that—

1 “(A) the public housing project will be de-
2 molished or disposed of;

3 “(B) the demolition of the building in
4 which the family resides will not commence
5 until each resident of the building is relocated;
6 and

7 “(C) if temporary, off-site relocation is
8 necessary, each family displaced by such action
9 shall be offered comparable housing—

10 “(i) that meets housing quality stand-
11 ards;

12 “(ii) that is located in an area that is
13 generally not less desirable than the loca-
14 tion of the displaced family’s housing,
15 which shall include at least one unit lo-
16 cated in an area of low-poverty and one
17 unit located within the neighborhood of the
18 original public housing site;

19 “(iii) that is identified and available
20 to the family; and

21 “(iv) which shall include—

22 “(I) tenant-based assistance, ex-
23 cept that the requirement under this
24 subparagraph regarding offering of
25 comparable housing shall be fulfilled

1 by use of tenant-based assistance only
2 upon the relocation of the family into
3 such housing;

4 “(II) project-based assistance;

5 “(III) occupancy in a unit oper-
6 ated or assisted by the public housing
7 agency at a rental rate paid by the
8 family that is comparable to the rent-
9 al rate applicable to the unit from
10 which the family is relocated; and

11 “(IV) other comparable housing.

12 “(5) SEARCH PERIOD.—Notwithstanding any
13 other provision of law, in the case of a household
14 that is provided tenant-based assistance for reloca-
15 tion of the household under this section, the period
16 during which the household may lease a dwelling
17 unit using such assistance shall not be shorter in du-
18 ration than the 150-day period that begins at the
19 time a comparable replacement unit is made avail-
20 able to the family. If the household is unable to lease
21 a dwelling unit using such assistance during such
22 period, the public housing agency shall extend the
23 period during which the household may lease a
24 dwelling unit using such assistance, or at the ten-
25 ant’s request, shall provide the tenant with the next

1 available comparable public housing unit or com-
2 comparable housing unit for which project-based assist-
3 ance is provided.

4 “(6) PAYMENT OF RELOCATION EXPENSES.—
5 The public housing agency shall provide for the pay-
6 ment of the actual and reasonable relocation ex-
7 penses, including security deposits, of each resident
8 to be displaced and any other relocation expenses as
9 are required by the Uniform Relocation Assistance
10 and Real Property Acquisition Policies Act of 1970.

11 “(7) COMPARABLE HOUSING.—The public hous-
12 ing agency shall ensure that each displaced resident
13 is offered comparable housing in accordance with the
14 notice under paragraph (4).

15 “(8) COMPREHENSIVE RELOCATION COUN-
16 SELING.—The public housing agency shall provide
17 all advisory programs and services as required by
18 the Uniform Relocation Assistance and Real Prop-
19 erty Acquisition Policies Act of 1970 and counseling
20 for residents who are displaced that shall fully in-
21 form residents to be displaced of all relocation op-
22 tions, which may include relocating to housing in a
23 neighborhood with a lower concentration of poverty
24 than their current residence or remaining in the cur-
25 rent neighborhood. Such counseling shall also in-

1 clude providing school options for children and com-
2 prehensive housing search assistance for household
3 that receive a voucher for tenant-based assistance.

4 “(9) TIMING OF DEMOLITION OR DISPOSI-
5 TION.—The public housing agency shall not com-
6 mence demolition or complete disposition of a build-
7 ing subject to the approved application until all resi-
8 dents residing in the building are relocated.

9 “(10) AFFIRMATIVE FURTHERANCE OF FAIR
10 HOUSING.—The public housing agency shall have ob-
11 tained data regarding, and analyzed the potential
12 impact of, the proposed demolition or disposition
13 and relocation on persons protected by section 804
14 of the Civil Rights Act of 1968 (42 U.S.C. 3604),
15 including the tenants residing in the public housing
16 project, occupants of the surrounding neighborhood,
17 and neighborhoods into which project tenants are
18 likely to be relocated, and persons on the agency’s
19 waiting list, has described in the application for
20 demolition or disposition actions that the public
21 housing agency has taken or will take to mitigate
22 those adverse impacts, and has certified in the pub-
23 lic housing agency plan for the agency, with sup-
24 porting information, that the proposed demolition or
25 disposition, relocation, or replacement housing will

1 be carried out in a manner that affirmatively fur-
2 thers fair housing, as described in section 808(e) of
3 the Civil Rights Act of 1968 (42 U.S.C. 3608(e)).

4 “(11) TIMING OF RELOCATION.—The public
5 housing agency shall not commence relocation prior
6 to approval by the Secretary of the application for
7 demolition or disposition, except in the case of a
8 substantial and imminent threat to health or safety.

9 “(12) APPLICATION FOR VOUCHERS.—The pub-
10 lic housing agency shall submit to the Secretary an
11 application for vouchers consistent with the obliga-
12 tions in subsection (e) (relating to replacement
13 units) and the relocation obligations of this sub-
14 section at the same time that the agency submits the
15 application for demolition or disposition.”;

16 (7) in subsection (i) (as so redesignated by
17 paragraph (1) of this subsection), by striking “may”
18 and inserting “shall”;

19 (8) by adding at the end the following new sub-
20 sections:

21 “(j) RIGHT OF RETURN.—

22 “(1) RIGHT.—Any person who, on the date de-
23 termined in accordance with subsection (f)(2), occu-
24 pies a public housing unit that is the subject of an
25 application for demolition, disposition, or demolition

1 or disposition or both subsequent to conversion pur-
2 suant to section 22 or 33, and whose tenancy or
3 right of occupancy has not been validly terminated
4 pursuant to section 6 or 8(o), shall be eligible to oc-
5 cupy a replacement housing unit.

6 “(2) REQUIREMENT TO ALLOW RETURN.—A
7 public housing agency or any other manager of re-
8 placement housing units shall not, through the appli-
9 cation of any additional eligibility, screening, occu-
10 pancy, or other policy or practice, prevent any per-
11 son otherwise eligible under paragraph (1) from oc-
12 cupying a replacement housing unit. Such replace-
13 ment dwelling unit shall be made available to each
14 household displaced as a result of a demolition, dis-
15 position, or demolition or disposition or both subse-
16 quent to conversion pursuant to sections 22 or 33
17 before any replacement dwelling unit is made avail-
18 able to any other eligible household.

19 “(k) ENFORCEMENT.—Any affected person shall
20 have the right to enforce this section pursuant to section
21 1979 of the Revised Statutes of the United States (42
22 U.S.C. 1983). Nothing in this section may be construed
23 to limit the rights and remedies available under State or
24 local law to any affected person.”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 subsection (a) shall take effect upon the date of the enact-
3 ment of this Act, except that such amendments shall apply
4 to any application for demolition, disposition, or demoli-
5 tion or disposition or both subsequent to conversion pursu-
6 ant to section 22 or 33 of the United States Housing Act
7 of 1937 (42 U.S.C. 1437t, 1437z–5) that—

8 (1) as of the date of the enactment of this Act
9 is pending approval by the Secretary; or

10 (2) is submitted to the Secretary on or after
11 January 1, 2007, by a housing authority in receiver-
12 ship.

13 **SEC. 3. AUTHORITY TO CONVERT PUBLIC HOUSING TO**
14 **VOUCHERS.**

15 Section 22 of the United States Housing Act of 1937
16 (42 U.S.C. 1437t) is amended by adding at the end the
17 following new subsection:

18 “(g) ADMINISTRATION.—

19 “(1) IN GENERAL.—The Secretary may require
20 a public housing agency to provide to the Secretary
21 or to public housing residents such information as
22 the Secretary considers to be necessary for the ad-
23 ministration of this section.

24 “(2) APPLICABILITY OF SECTION 18.—Section
25 18 shall apply to the subsequent demolition or dis-

1 position of public housing dwelling units removed
2 from the inventory of the public housing agency pur-
3 suant to this section.”.

4 **SEC. 4. REQUIRED CONVERSION OF DISTRESSED PUBLIC**
5 **HOUSING TO TENANT-BASED ASSISTANCE.**

6 Section 33(h)(2) of the United States Housing Act
7 of 1937 (42 U.S.C. 1437z-5(h)(2)) is amended by striking
8 “shall not apply to the demolition of public housing
9 projects” and inserting “shall apply to the subsequent
10 demolition or disposition of public housing dwelling units”.

11 **SEC. 5. REGULATIONS.**

12 Not later than the expiration of the 120-day period
13 beginning on the date of the enactment of this Act, the
14 Secretary of Housing and Urban Development shall issue
15 regulations to carry out this Act and the amendments
16 made by this Act.