

110TH CONGRESS
2D SESSION

H. R. 5829

To improve the Operating Fund for public housing of the Department of Housing and Urban Development, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 2008

Mr. SIRES (for himself, Mr. FRANK of Massachusetts, and Mr. MEEK of Florida) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To improve the Operating Fund for public housing of the Department of Housing and Urban Development, 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 Asset
5 Management Improvement Act of 2008”.

6 **SEC. 2. REVISIONS TO ASSET MANAGEMENT RULES AND**
7 **RELATED FEES.**

8 (a) MANAGEMENT AND RELATED FEES.—The Sec-
9 retary of Housing and Urban Development shall not im-

1 pose any restriction or limitation on the amount of man-
2 agement and related fees with respect to a public housing
3 project if the fee is determined to be reasonable by the
4 public housing agency, unless such restriction or limitation
5 imposed by the Secretary on such fees—

6 (1) is determined pursuant to a negotiated rule-
7 making which is convened by the Secretary no ear-
8 lier than April 1, 2009, and in accordance with sub-
9 chapter III of chapter 5 of title 5, United States
10 Code, with representatives from interested parties;
11 and

12 (2) is effective only on or after January 1,
13 2011.

14 The Secretary may not consider a public housing agency
15 as failing to comply with the asset management require-
16 ments of subpart H of part 990 of title 24 of the Code
17 of Federal Regulations, or any successor or amended regu-
18 lation containing asset management requirements, or de-
19 termine that an agency fails to comply with such require-
20 ments, because of or as a result of the agency determining
21 its fees in accordance with this subsection.

22 (b) INCREASE OF THRESHOLD FOR EXEMPTION
23 FROM ASSET MANAGEMENT REQUIREMENTS.—

24 (1) INCREASE.—Any public housing agency
25 that owns or operates fewer than 500 public housing

1 units under title I of the United States Housing Act
2 of 1937 may elect to be exempt from any asset man-
3 agement requirement imposed by the Secretary of
4 Housing and Urban Development.

5 (2) DETERMINATION OF OPERATING FUND AL-
6 LOCATION.—If a public housing agency elects pursu-
7 ant to paragraph (1) to be exempt from asset man-
8 agement requirements, the agency may, at its op-
9 tion, retain the same number of separate public
10 housing projects, for purposes of determining its op-
11 erating fund allocation, as the agency had identified
12 and the Secretary of Housing and Urban Develop-
13 ment had approved before the agency’s election to be
14 so exempt.

15 **SEC. 3. PROHIBITION ON RESTRICTION OF FUNGIBILITY OF**
16 **CAPITAL FUND AMOUNTS.**

17 The Secretary of Housing and Urban Development
18 shall not impose any requirement, regulation, or guideline
19 relating to asset management that restricts or limits in
20 any way the use by public housing agencies of amounts
21 for Capital Fund assistance under section 9(d) of such
22 Act, pursuant to paragraph (1) or (2) of section 9(g) of
23 the United States Housing Act of 1937 (42 U.S.C.
24 1437g(g)), for costs of any central office of a public hous-
25 ing agency.

1 **SEC. 4. TENANT PARTICIPATION.**

2 (a) **RULE OF CONSTRUCTION.**—Neither the require-
3 ments of this Act, nor any other requirement, regulation,
4 guideline, or other policy or action of the Department of
5 Housing and Urban Development relating to public hous-
6 ing asset management may be construed to repeal or waive
7 any provision of part 964 of title 24 of the Code of Federal
8 Regulations, regarding tenant participation and tenant op-
9 portunities in public housing. The Secretary of Housing
10 and Urban Development shall ensure that public housing
11 agencies encourage the reasonable efforts of resident ten-
12 ant organizations to represent their members or the rea-
13 sonable efforts of tenants to organize.

14 (b) **PHAS IN RECEIVERSHIP.**—In the case of any
15 public housing agency in receivership, the Secretary of
16 Housing and Urban Development or any receiver may not
17 abrogate, waive, repeal, or modify any provision of part
18 964 of title 24 of the Code of Federal Regulations or any
19 provision of a formalized housing agreement entered into
20 pursuant to such part 964 (including pursuant to section
21 964.11, 964.14, 964.18(a)(6), or 964.135 of such part)
22 before the commencement of such receivership by a resi-
23 dent or tenant organization and the public housing agen-
24 cy.

25 (c) **GUIDANCE.**—Guidance issued by the Secretary of
26 Housing and Urban Development shall encourage partici-

1 pation by residents in the implementation of asset man-
2 agement and the development of local policies for such
3 purposes.

4 **SEC. 5. INELIGIBILITY OF ILLEGAL IMMIGRANTS FOR AS-**
5 **SISTANCE.**

6 Immigrants who are not lawfully present in the
7 United States shall be ineligible for financial assistance
8 under this Act, as provided and defined by section 214
9 of the Housing and Community Development Act of 1980
10 (42 U.S.C. 1436a). Nothing in this Act shall be construed
11 to alter the restrictions or definitions in such section 214.

12 **SEC. 6. ADMINISTRATIVE PROVISIONS.**

13 (a) PROHIBITION OF MANAGEMENT FEES FOR
14 AGREEMENTS PROHIBITING OR REQUIRING REGISTRA-
15 TION OF FIREARMS.—The Secretary of Housing and
16 Urban Development shall not accept as reasonable any
17 management or related fees for enforcing any provision
18 of a dwelling lease agreement or other similar agreement
19 that requires the registration of or prohibits the possession
20 of any firearm that is possessed by an individual for his
21 or her personal protection or for sport the possession of
22 which is not prohibited, or the registration of which is not
23 required, by existing law.

24 (b) COMMUNITY SERVICE REQUIREMENT.—

1 (1) OPTION TO ESTABLISH.—Section 12(c) of
2 the United States Housing Act of 1937 (42 U.S.C.
3 1347j(c)) is amended—

4 (A) in the subsection heading, by inserting
5 “OPTIONAL” before “COMMUNITY SERVICE”;

6 (B) in paragraph (1), by striking the mat-
7 ter that precedes subparagraph (A) and insert-
8 ing the following:

9 “(1) IN GENERAL.—Subject to paragraph (2)
10 and notwithstanding any other provision of law, a
11 public housing agency may, at the option of the
12 agency, require that each adult resident of a public
13 housing project—”;

14 (C) in paragraph (2), by striking the mat-
15 ter that precedes subparagraph (A) and insert-
16 ing the following:

17 “(2) EXEMPTIONS.—The Secretary shall re-
18 quire each public housing agency that establishes a
19 community service requirement pursuant to para-
20 graph (1) to provide an exemption from the applica-
21 bility of the requirements authorized by paragraph
22 (1) for any individual who—”;

23 (D) in paragraph (3)—

24 (i) in subparagraph (A)—

1 (I) by striking “the requirement
2 under paragraph (1), the public hous-
3 ing agency” and inserting “a require-
4 ment established pursuant to para-
5 graph (1) by a public housing agency,
6 the agency”; and

7 (II) by striking “the requirement
8 under paragraph (1) of this sub-
9 section” and inserting “such require-
10 ment”; and

11 (ii) in subparagraph (C)—

12 (I) in the matter preceding clause
13 (i), by striking “the requirement
14 under paragraph (1)” and inserting
15 “a requirement established pursuant
16 to paragraph (1) by the agency”;

17 (II) in clause (i)(III) by striking
18 “the resident’s lease will not be re-
19 newed” and inserting the following
20 “the agency may, in accordance with
21 policies established by the agency at
22 the option of the agency, refuse to
23 renew the resident’s lease”; and

24 (III) in clause (ii)—

1 (aa) by striking “not” and
2 inserting “, in accordance with
3 policies established by the agency
4 at the option of the agency,
5 refuse to”;

6 (bb) by striking “shall” and
7 inserting “may, in accordance
8 with such policies,”; and

9 (cc) by striking “under
10 paragraph (1)” and inserting
11 “established pursuant to para-
12 graph (1)”;

13 (E) in paragraph (4)—

14 (i) by striking “not” and inserting “,
15 in accordance with policies established by
16 the agency at the option of the agency,
17 refuse to”; and

18 (ii) by striking “the requirement
19 under paragraph (1)” and inserting “a re-
20 quirement established pursuant to para-
21 graph (1) by the agency”;

22 (F) in paragraph (5), by inserting “that
23 establishes a community service requirement
24 pursuant to paragraph (1)” after “Each public
25 housing agency”;

1 (G) in paragraph (6), by striking “The re-
2 quirement under” and inserting “A requirement
3 established pursuant to”; and

4 (H) in paragraph (8), by striking “the
5 community service requirement under” and in-
6 serting “a community service requirement es-
7 tablished pursuant to”.

8 (2) PHA PLAN.—Section 5A(d)(12) of the
9 United States Housing Act of 1937 (42 U.S.C.
10 1437c–1(d)(12)) is amended by striking subpara-
11 graph (C) and inserting the following new subpara-
12 graph:

13 “(C) whether the public housing agency
14 will have in effect a community service require-
15 ment pursuant to section 12(c) and, if so, how
16 the agency will comply with the requirements of
17 such section, and how the agency will comply
18 with the requirements of section 12(d) (relating
19 to treatment of income changes resulting from
20 welfare program requirements).”.

21 (c) PUBLIC AND ASSISTED HOUSING DRUG ELIMI-
22 NATION PROGRAM.—

23 (1) AUTHORIZATION OF APPROPRIATIONS.—
24 Section 5129 of the Anti-Drug Abuse Act of 1988
25 (42 U.S.C. 11908) is amended by striking sub-

1 section (a) and inserting the following new sub-
2 section:

3 “(a) IN GENERAL.—There are authorized to be ap-
4 propriated to carry out this chapter such sums as may
5 be necessary for each of fiscal years 2009, 2010, and
6 2011.”.

7 (2) ELIGIBLE ACTIVITIES.—Section 5124(a)(6)
8 of the Anti-Drug Abuse Act of 1988 (42 U.S.C.
9 11903(a)(6)) is amended by striking the semicolon
10 at the end and inserting the following: “, except that
11 the activities conducted under any program carried
12 out in whole or in part with grant amounts provided
13 pursuant to this paragraph may include—

14 “(A) providing treatment for drug abuse
15 through rehabilitation or relapse prevention;

16 “(B) providing education about the dan-
17 gers and adverse consequences of drug use or
18 violent crime;

19 “(C) identifying drug users, assisting such
20 users in discontinuing their drug use through
21 an education program, and, if appropriate, re-
22 ferring the users to a drug treatment program;

23 “(D) providing after school activities for
24 youths for the purpose of discouraging, reduc-

1 ing, or eliminating drug use or violent crime by
2 youths;

3 “(E) providing capital improvements for
4 the purpose of discouraging, reducing, or elimi-
5 nating drug use or violent crime;

6 “(F) providing security services for the
7 purpose of discouraging, reducing, or elimi-
8 nating drug use or violent crime; and

9 “(G) other appropriate activities.”.

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