

Suspend the Rules and Pass the Bill, H.R. 4258, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

115TH CONGRESS
1ST SESSION

H. R. 4258

To promote the development of local strategies to coordinate use of assistance under sections 8 and 9 of the United States Housing Act of 1937 with public and private resources, to enable eligible families to achieve economic independence and self-sufficiency, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 6, 2017

Mr. DUFFY (for himself and Mr. CLEAVER) introduced the following bill;
which was referred to the Committee on Financial Services

A BILL

To promote the development of local strategies to coordinate use of assistance under sections 8 and 9 of the United States Housing Act of 1937 with public and private resources, to enable eligible families to achieve economic independence and self-sufficiency, 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 “Family Self-Sufficiency
5 Act”.

1 **SEC. 2. FAMILY SELF-SUFFICIENCY PROGRAM.**

2 (a) IN GENERAL.—Section 23 of the United States
3 Housing Act of 1937 (42 U.S.C. 1437u) is amended—

4 (1) in subsection (a)—

5 (A) by striking “public housing and”; and

6 (B) by striking “the certificate and vouch-
7 er programs under section 8” and inserting
8 “sections 8 and 9”;

9 (2) by amending subsection (b) to read as fol-
10 lows:

11 “(b) CONTINUATION OF PRIOR REQUIRED PRO-
12 GRAMS.—

13 “(1) IN GENERAL.—Each public housing agen-
14 cy that was required to administer a local Family
15 Self-Sufficiency program on the date of enactment of
16 the Family Self-Sufficiency Act, shall operate such
17 local program for, at a minimum, the number of
18 families the agency was required to serve on the date
19 of enactment of such Act, subject only to the avail-
20 ability under appropriations Acts of sufficient
21 amounts for housing assistance and the require-
22 ments of paragraph (2).

23 “(2) REDUCTION.—The number of families for
24 which a public housing agency is required to operate
25 such local program under paragraph (1) shall be de-
26 creased by one for each family from any supported

1 rental housing program administered by such agency
2 that, after October 21, 1998, fulfills its obligations
3 under the contract of participation.

4 “(3) EXCEPTION.—The Secretary shall not re-
5 quire a public housing agency to carry out a manda-
6 tory program for a period of time upon the request
7 of the public housing agency and upon a determina-
8 tion by the Secretary that implementation is not fea-
9 sible because of local circumstances, which may in-
10 clude—

11 “(A) lack of supportive services accessible
12 to eligible families, which shall include insuffi-
13 cient availability of resources for programs
14 under title I of the Workforce Investment Act
15 of 1998 (29 U.S.C. 2801 et seq.);

16 “(B) lack of funding for reasonable admin-
17 istrative costs;

18 “(C) lack of cooperation by other units of
19 State or local government; or

20 “(D) any other circumstances that the Sec-
21 retary may consider appropriate.”;

22 (3) by striking subsection (i);

23 (4) by redesignating subsections (c), (d), (e),
24 (f), (g), and (h) as subsections (d), (e), (f), (g), (h),
25 and (i) respectively;

1 (5) by inserting after subsection (b), as amend-
2 ed, the following:

3 “(c) ELIGIBILITY.—

4 “(1) ELIGIBLE FAMILIES.—A family is eligible
5 to participate in a local Family Self-Sufficiency pro-
6 gram under this section if—

7 “(A) at least 1 household member seeks to
8 become and remain employed in suitable em-
9 ployment or to increase earnings; and

10 “(B) the household member receives direct
11 assistance under section 8 or resides in a unit
12 assisted under section 8 or 9.

13 “(2) ELIGIBLE ENTITIES.—The following enti-
14 ties are eligible to administer a local Family Self-
15 Sufficiency program under this section:

16 “(A) A public housing agency admin-
17 istering housing assistance to or on behalf of an
18 eligible family under section 8 or 9.

19 “(B) The owner or sponsor of a multi-
20 family property receiving project-based rental
21 assistance under section 8, in accordance with
22 the requirements under subsection (l).”;

23 (6) in subsection (d), as so redesignated—

24 (A) in paragraph (1)—

1 (i) by striking “public housing agen-
2 cy” the first time it appears and inserting
3 “eligible entity”;

4 (ii) in the first sentence, by striking
5 “each leaseholder receiving assistance
6 under the certificate and voucher programs
7 of the public housing agency under section
8 or residing in public housing adminis-
9 tered by the agency” and inserting “a
10 household member of an eligible family”;
11 and

12 (iii) by striking the third sentence and
13 inserting the following: “Housing assist-
14 ance may not be terminated as a con-
15 sequence of either successful completion of
16 the contract of participation or failure to
17 complete such contract. A contract of par-
18 ticipation shall remain in effect until the
19 participating family exits the Family Self-
20 Sufficiency program upon successful grad-
21 uation or expiration of the contract of par-
22 ticipation, or for other good cause.”;

23 (B) in paragraph (2)—

24 (i) in the matter preceding subpara-
25 graph (A)—

1 (I) in the first sentence—

2 (aa) by striking “A local
3 program under this section” and
4 inserting “An eligible entity”;

5 (bb) by striking “provide”
6 and inserting “coordinate”; and

7 (cc) by striking “to” and in-
8 serting “for”; and

9 (II) in the second sentence—

10 (aa) by striking “provided
11 during” and inserting “coordi-
12 nated for”;

13 (bb) by striking “under sec-
14 tion 8 or residing in public hous-
15 ing” and inserting “pursuant to
16 section 8 or 9 and for the dura-
17 tion of the contract of participa-
18 tion”; and

19 (cc) by inserting “, but are
20 not limited to” after “may in-
21 clude”;

22 (ii) in subparagraph (D), by inserting
23 “or attainment of a high school equiva-
24 lency certificate” after “high school”;

25 (iii) by striking subparagraph (G);

1 (iv) by redesignating subparagraphs
2 (E), (F), and (J) as subparagraphs (F),
3 (G), and (K) respectively;

4 (v) by inserting after subparagraph
5 (D) the following:

6 “(E) education in pursuit of a post-sec-
7 ondary degree or certification;”;

8 (vi) in subparagraph (H), by inserting
9 “financial literacy, such as training in fi-
10 nancial management, financial coaching,
11 and asset building, and” after “training
12 in”;

13 (vii) in subparagraph (I), by striking
14 “and” at the end; and

15 (viii) by inserting after subparagraph
16 (I) the following:

17 “(J) homeownership education and assist-
18 ance; and”;

19 (C) in paragraph (3)—

20 (i) in the first sentence, by inserting
21 “the first recertification of income after”
22 after “not later than 5 years after”; and

23 (ii) in the second sentence—

1 (I) by striking “public housing
2 agency” and inserting “eligible enti-
3 ty”; and

4 (II) by striking “of the agency”;
5 (D) by amending paragraph (4) to read as
6 follows:

7 “(4) EMPLOYMENT.—The contract of participa-
8 tion shall require 1 household member of the partici-
9 pating family to seek and maintain suitable employ-
10 ment.”; and

11 (E) by adding at the end the following:

12 “(5) NONPARTICIPATION.—Assistance under
13 section 8 or 9 for a family that elects not to partici-
14 pate in a Family Self-Sufficiency program shall not
15 be delayed by reason of such election.”;

16 (7) in subsection (e), as so redesignated—

17 (A) in paragraph (1), by striking “whose
18 monthly adjusted income does not exceed 50
19 percent” and all that follows through the period
20 at the end of the third sentence and inserting
21 “shall be calculated under the rental provisions
22 of section 3 or section 8(o), as applicable.”;

23 (B) in paragraph (2)—

24 (i) by striking the first sentence and
25 inserting the following: “For each partici-

1 participating family, an amount equal to any in-
2 crease in the amount of rent paid by the
3 family in accordance with the provisions of
4 section 3 or 8(o), as applicable, that is at-
5 tributable to increases in earned income by
6 the participating family, shall be placed in
7 an interest-bearing escrow account estab-
8 lished by the eligible entity on behalf of the
9 participating family. Notwithstanding any
10 other provision of law, an eligible entity
11 may use funds it controls under section 8
12 or 9 for purposes of making the escrow de-
13 posit for participating families assisted
14 under, or residing in units assisted under,
15 section 8 or 9, respectively, provided such
16 funds are offset by the increase in the
17 amount of rent paid by the participating
18 family.”;

19 (ii) by striking the second sentence
20 and inserting the following: “All Family
21 Self-Sufficiency programs administered
22 under this section shall include an escrow
23 account.”;

1 (iii) in the fourth sentence, by striking
2 “subsection (c)” and inserting “subsection
3 (d)”;

4 (iv) in the last sentence—

5 (I) by striking “A public housing
6 agency” and inserting “An eligible en-
7 tity”;

8 (II) by striking “the public hous-
9 ing agency” and inserting “such eligi-
10 ble entity”;

11 (C) by amending paragraph (3) to read as
12 follows:

13 “(3) FORFEITED ESCROW.—Any amount placed
14 in an escrow account established by an eligible entity
15 for a participating family as required under para-
16 graph (2), that exists after the end of a contract of
17 participation by a household member of a partici-
18 pating family that does not qualify to receive the es-
19 crow, shall be used by the eligible entity for the ben-
20 efit of participating families in good standing.”;

21 (8) in subsection (f), as so redesignated, by
22 striking “, unless the income of the family equals or
23 exceeds 80 percent of the median income of the area
24 (as determined by the Secretary with adjustments
25 for smaller and larger families)”;

- 1 (9) in subsection (g), as so redesignated—
- 2 (A) in paragraph (1)—
- 3 (i) by striking “public housing agen-
- 4 cy” and inserting “eligible entity”;
- 5 (ii) by striking “the public housing
- 6 agency” and inserting “such eligible enti-
- 7 ty”; and
- 8 (iii) by striking “subsection (g)” and
- 9 inserting “subsection (h)”;
- 10 (B) in paragraph (2)—
- 11 (i) by striking “public housing agen-
- 12 cy” and inserting “eligible entity” each
- 13 place that term appears;
- 14 (ii) by striking “or the Job Opportu-
- 15 nities and Basic Skills Training Program
- 16 under part F of title IV of the Social Secu-
- 17 rity Act”;
- 18 (iii) by inserting “primary, secondary,
- 19 and post-secondary” after “public and pri-
- 20 vate”; and
- 21 (iv) in the second sentence, by insert-
- 22 ing “and tenants served by the program”
- 23 after “the unit of general local govern-
- 24 ment”;
- 25 (10) in subsection (h), as so redesignated—

- 1 (A) in paragraph (1)—
- 2 (i) by striking “public housing agen-
- 3 cy” and inserting “eligible entity”;
- 4 (ii) by striking “participating in the”
- 5 and inserting “carrying out a”; and
- 6 (iii) by striking “to the Secretary”;
- 7 (B) in paragraph (2)—
- 8 (i) by striking “public housing agen-
- 9 cy” and inserting “eligible entity”;
- 10 (ii) by striking “subsection (f)” and
- 11 inserting “subsection (g)”;
- 12 (iii) by striking “residents of the pub-
- 13 lic housing” and inserting “the current
- 14 and prospective participants of the pro-
- 15 gram”; and
- 16 (iv) by striking “or the Job Opportu-
- 17 nities and Basic Skills Training Program
- 18 under part F of title IV of the Social Secu-
- 19 rity Act”; and
- 20 (C) in paragraph (3)—
- 21 (i) in subparagraph (C)—
- 22 (I) by striking “subsection
- 23 (e)(2)” and inserting “subsection
- 24 (d)(2)”;

1 (II) by striking “provided to”
2 and inserting “coordinated on behalf
3 of participating”;

4 (III) by inserting “direct” before
5 “assistance”; and

6 (IV) by striking “the section 8
7 and public housing programs” and in-
8 serting “sections 8 and 9”;

9 (ii) in subparagraph (D)—

10 (I) by striking “subsection (d)”
11 and inserting “subsection (e)”; and

12 (II) by striking “public housing
13 agency” and inserting “eligible enti-
14 ty”;

15 (iii) in subparagraph (E), by striking
16 “deliver” and inserting “coordinate”;

17 (iv) in subparagraph (H), by striking
18 “the Job Opportunities and Basic Skills
19 Training Program under part F of title IV
20 of the Social Security Act and”; and

21 (v) in subparagraph (I), by striking
22 “public housing or section 8 assistance”
23 and inserting “assistance under section 8
24 or 9”;

1 (11) by amending subsection (i), as so redesign-
2 nated, to read as follows:

3 “(i) FAMILY SELF-SUFFICIENCY AWARDS.—

4 “(1) IN GENERAL.—Subject to appropriations,
5 the Secretary shall establish a formula by which an-
6 nual funds will be awarded or as otherwise deter-
7 mined by the Secretary for the costs incurred by an
8 eligible entity in administering the self-sufficiency
9 program under this section.

10 “(2) ELIGIBILITY FOR AWARDS.—The award
11 established under paragraph (1) shall provide fund-
12 ing for family self-sufficiency coordinators as follows:

13 “(A) BASE AWARD.—An eligible entity
14 serving 25 or more participants in the Family
15 Self-Sufficiency program under this section is
16 eligible to receive an award equal to the costs,
17 as determined by the Secretary, of 1 full-time
18 family self-sufficiency coordinator position. The
19 Secretary may, by regulation or notice, deter-
20 mine the policy concerning the award for an eli-
21 gible entity serving fewer than 25 such partici-
22 pants, including providing prorated awards or
23 allowing such entities to combine their pro-
24 grams under this section for purposes of em-
25 ploying a coordinator.

1 “(B) ADDITIONAL AWARD.—An eligible en-
2 tity that meets performance standards set by
3 the Secretary is eligible to receive an additional
4 award sufficient to cover the costs of filling an
5 additional family self-sufficiency coordinator po-
6 sition if such entity has 75 or more partici-
7 pating families, and an additional coordinator
8 for each additional 50 participating families, or
9 such other ratio as may be established by the
10 Secretary based on the award allocation evalua-
11 tion under subparagraph (E).

12 “(C) STATE AND REGIONAL AGENCIES.—
13 For purposes of calculating the award under
14 this paragraph, each administratively distinct
15 part of a State or regional eligible entity may
16 be treated as a separate agency.

17 “(D) DETERMINATION OF NUMBER OF CO-
18 ORDINATORS.—In determining whether an eligi-
19 ble entity meets a specific threshold for funding
20 pursuant to this paragraph, the Secretary shall
21 consider the number of participants enrolled by
22 the eligible entity in its Family Self-Sufficiency
23 program as well as other criteria determined by
24 the Secretary.

1 “(E) AWARD ALLOCATION EVALUATION.—

2 The Secretary shall submit to Congress a report
3 evaluating the award allocation under this sub-
4 section, and make recommendations based on
5 this evaluation and other related findings to
6 modify such allocation, within 4 years after the
7 date of enactment of the Family Self-Suffi-
8 ciency Act, and not less frequently than every
9 4 years thereafter. The report requirement
10 under this subparagraph shall terminate after
11 the Secretary has submitted two such reports to
12 Congress.

13 “(3) RENEWALS AND ALLOCATION.—

14 “(A) IN GENERAL.—Funds allocated by
15 the Secretary under this subsection shall be al-
16 located in the following order of priority:

17 “(i) FIRST PRIORITY.—Renewal of the
18 full cost of all coordinators in the previous
19 year at each eligible entity with an existing
20 Family Self-Sufficiency program that
21 meets applicable performance standards
22 set by the Secretary.

23 “(ii) SECOND PRIORITY.—New or in-
24 cremental coordinator funding authorized
25 under this section.

1 “(B) GUIDANCE.—If the first priority, as
2 described in subparagraph (A)(i), cannot be
3 fully satisfied, the Secretary may prorate the
4 funding for each eligible entity, as long as—

5 “(i) each eligible entity that has re-
6 ceived funding for at least 1 part-time co-
7 ordinator in the prior fiscal year is pro-
8 vided sufficient funding for at least 1 part-
9 time coordinator as part of any such pro-
10 ration; and

11 “(ii) each eligible entity that has re-
12 ceived funding for at least 1 full-time coor-
13 dinator in the prior fiscal year is provided
14 sufficient funding for at least 1 full-time
15 coordinator as part of any such proration.

16 “(4) RECAPTURE OR OFFSET.—Any awards al-
17 located under this subsection by the Secretary in a
18 fiscal year that have not been spent by the end of
19 the subsequent fiscal year or such other time period
20 as determined by the Secretary may be recaptured
21 by the Secretary and shall be available for providing
22 additional awards pursuant to paragraph (2)(B), or
23 may be offset as determined by the Secretary. Funds
24 appropriated pursuant to this section shall remain

1 available for 3 years in order to facilitate the re-use
2 of any recaptured funds for this purpose.

3 “(5) PERFORMANCE REPORTING.—Programs
4 under this section shall be required to report the
5 number of families enrolled and graduated, the num-
6 ber of established escrow accounts and positive es-
7 crow balances, and any other information that the
8 Secretary may require. Program performance shall
9 be reviewed periodically as determined by the Sec-
10 retary.

11 “(6) INCENTIVES FOR INNOVATION AND HIGH
12 PERFORMANCE.—The Secretary may reserve up to 5
13 percent of the amounts made available under this
14 subsection to provide support to or reward Family
15 Self-Sufficiency programs based on the rate of suc-
16 cessful completion, increased earned income, or
17 other factors as may be established by the Sec-
18 retary.”;

19 (12) in subsection (j)—

20 (A) by striking “public housing agency”
21 the first place such term appears and inserting
22 “eligible entity”;

23 (B) by striking “public housing” before
24 “units”;

1 (C) by striking “in public housing projects
2 administered by the agency”;

3 (D) by inserting “or coordination” after
4 “provision”; and

5 (E) by striking the last sentence;

6 (13) in subsection (k), by striking “public hous-
7 ing agencies” and inserting “eligible entities”;

8 (14) by striking subsection (n);

9 (15) by striking subsection (o);

10 (16) by redesignating subsections (l) and (m) as
11 subsections (m) and (n), respectively;

12 (17) by inserting after subsection (k) the fol-
13 lowing:

14 “(l) PROGRAMS FOR TENANTS IN PRIVATELY OWNED
15 PROPERTIES WITH PROJECT-BASED ASSISTANCE.—

16 “(1) VOLUNTARY AVAILABILITY OF FSS PRO-
17 GRAM.—The owner of a privately owned property
18 may voluntarily make a Family Self-Sufficiency pro-
19 gram available to the tenants of such property in ac-
20 cordance with procedures established by the Sec-
21 retary. Such procedures shall permit the owner to
22 enter into a cooperative agreement with a local pub-
23 lic housing agency that administers a Family Self-
24 Sufficiency program or, at the owner’s option, oper-
25 ate a Family Self-Sufficiency program on its own or

1 in partnership with another owner. An owner, who
2 voluntarily makes a Family Self-Sufficiency program
3 available pursuant to this subsection, may access
4 funding from any residual receipt accounts for the
5 property to hire a family self-sufficiency coordinator
6 or coordinators for their program.

7 “(2) COOPERATIVE AGREEMENT.—Any coopera-
8 tive agreement entered into pursuant to paragraph
9 (1) shall require the public housing agency to open
10 its Family Self-Sufficiency program waiting list to
11 any eligible family residing in the owner’s property
12 who resides in a unit assisted under project-based
13 rental assistance.

14 “(3) TREATMENT OF FAMILIES ASSISTED
15 UNDER THIS SUBSECTION.—A public housing agency
16 that enters into a cooperative agreement pursuant to
17 paragraph (1) may count any family participating in
18 its Family Self-Sufficiency program as a result of
19 such agreement as part of the calculation of the
20 award under subsection (i).

21 “(4) ESCROW.—

22 “(A) COOPERATIVE AGREEMENT.—A coop-
23 erative agreement entered into pursuant to
24 paragraph (1) shall provide for the calculation
25 and tracking of the escrow for participating

1 residents and for the owner to make available,
2 upon request of the public housing agency, es-
3 crow for participating residents, in accordance
4 with paragraphs (2) and (3) of subsection (e),
5 residing in units assisted under section 8.

6 “(B) CALCULATION AND TRACKING BY
7 OWNER.—The owner of a privately owned prop-
8 erty who voluntarily makes a Family Self-Suffi-
9 ciency program available pursuant to paragraph
10 (1) shall calculate and track the escrow for par-
11 ticipating residents and make escrow for par-
12 ticipating residents available in accordance with
13 paragraphs (2) and (3) of subsection (e).

14 “(5) EXCEPTION.—This subsection shall not
15 apply to properties assisted under section 8(o)(13).

16 “(6) SUSPENSION OF ENROLLMENT.—In any
17 year, the Secretary may suspend the enrollment of
18 new families in Family Self-Sufficiency programs
19 under this subsection based on a determination that
20 insufficient funding is available for this purpose.”;

21 (18) in subsection (m), as so redesignated—

22 (A) in paragraph (1)—

23 (i) in the first sentence, by striking
24 “Each public housing agency” and insert-
25 ing “Each eligible entity”;

1 (ii) in the second sentence, by striking
2 “The report shall include” and inserting
3 “The contents of the report shall include”;
4 and

5 (iii) in subparagraph (D)—

6 (I) by striking “public housing
7 agency” and inserting “eligible enti-
8 ty”; and

9 (II) by striking “local”; and

10 (B) in paragraph (2), by inserting “and
11 describing any additional research needs of the
12 Secretary to evaluate the effectiveness of the
13 program” after “under paragraph (1)”;

14 (19) in subsection (n), as so redesignated, by
15 striking “may” and inserting “shall”; and

16 (20) by adding at the end the following:

17 “(o) DEFINITIONS.—In this section:

18 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
19 tity’ means an entity that meets the requirements
20 under subsection (c)(2) to administer a Family Self-
21 Sufficiency program under this section.

22 “(2) ELIGIBLE FAMILY.—The term ‘eligible
23 family’ means a family that meets the requirements
24 under subsection (c)(1) to participate in the Family
25 Self-Sufficiency program under this section.

1 “(3) PARTICIPATING FAMILY.—The term ‘par-
2 ticipating family’ means an eligible family that is
3 participating in the Family Self-Sufficiency program
4 under this section.”.

5 (b) EFFECTIVE DATE.—Not later than 360 days
6 after the date of enactment of this Act, the Secretary of
7 Housing and Urban Development shall issue notice or reg-
8 ulations to implement this Act and any amendments made
9 by this Act, and this Act and any amendments made by
10 this Act shall take effect upon such issuance.