

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 2069  
OFFERED BY MR. DUFFY OF WISCONSIN**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Fostering Stable Hous-  
3 ing Opportunities Act of 2018”.

**4 SEC. 2. DEFINITION OF FAMILY.**

5       Subparagraph (A) of section 3(b)(3) of the United  
6 States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(A))  
7 is amended—

8           (1) in the first sentence—

9               (A) by striking “(v)” and inserting “(vi)”;

10              and

11               (B) by inserting after “tenant family,” the  
12 following: “(v) a child who is in foster care and  
13 has attained an age such that the provision of  
14 foster care for such child will end by reason of  
15 the age of the child within 6 months,”; and

16           (2) in the second sentence, by inserting “or  
17 (vi)” after “clause (v)”.

1 **SEC. 3. PRIORITY FOR PUBLIC HOUSING OCCUPANCY AND**  
2 **SECTION 8 ASSISTANCE.**

3 (a) PUBLIC HOUSING.—Subparagraph (A) of section  
4 6(c)(4) of the United States Housing Act of 1937 (42  
5 U.S.C. 1437d(c)(4)(A)) is amended—

6 (1) by striking “may establish a system for  
7 making dwelling units available that provides pref-  
8 erences” and inserting the following: “shall establish  
9 a system for making dwelling units available that—

10 “(i) shall provide preferences”;

11 (2) by striking “each system of preferences es-  
12 tablished pursuant to this subparagraph shall be  
13 based” and inserting the following:

14 “(ii) except as provided in clause (iii),  
15 shall be based”;

16 (3) by adding at the end the following new  
17 clause:

18 “(iii) except for projects or portions of  
19 projects designated for occupancy pursuant  
20 to section 7(a), shall provide that the high-  
21 est preference for occupancy shall be given  
22 to otherwise eligible children who are in  
23 foster care, have attained an age such that  
24 the provision of foster care for such child  
25 will end by reason of the age of the child  
26 within 6 months, meet the requirements

1 under clauses (i) and (ii) of paragraph (1)  
2 of the definition of ‘at risk of homeless-  
3 ness’ in section 91.5 of the Secretary’s reg-  
4 ulations (24 C.F.R. 91.5), as in effect on  
5 September 1, 2016, and have agreed to  
6 comply with the requirements under sec-  
7 tion 39(c); and

8 “(iv) may provide highest preference  
9 for occupancy to, in addition to eligible  
10 children described in clause (iii), not more  
11 than two other types of families.”.

12 (b) VOUCHER ASSISTANCE.—Subparagraph (A) of  
13 section 8(o)(6) of the United States Housing Act of 1937  
14 (42 U.S.C. 1437f(o)(6)(A)) is amended—

15 (1) in clause (i), by striking “may” and insert-  
16 ing “shall”;

17 (2) by redesignating clause (ii) as clause (iii);

18 (3) by inserting before clause (iii), as so reded-  
19 icated by paragraph (1) of this subsection, the fol-  
20 lowing new clause:

21 “(ii) HIGHEST PREFERENCE.—Each  
22 system of preferences established pursuant  
23 to this subparagraph—

24 “(I) shall provide that the high-  
25 est preference for assistance shall be

1 given to otherwise eligible children  
2 who are in foster care, have attained  
3 an age such that the provision of fos-  
4 ter care for such child will end by rea-  
5 son of the age of the child within 6  
6 months, meet the requirements under  
7 clauses (i) and (ii) of paragraph (1) of  
8 the definition of ‘at risk of homeless-  
9 ness’ in section 91.5 of the Sec-  
10 retary’s regulations (24 C.F.R. 91.5),  
11 as in effect on September 1, 2016,  
12 and have agreed to comply with the  
13 requirements under section 39(c); and  
14 “(II) may provide highest pref-  
15 erence for assistance to, in addition to  
16 eligible children described in subclause  
17 (I), not more than two other types of  
18 eligible families.”; and

19 (4) in clause (iii), as so redesignated by para-  
20 graph (2) of this subsection, by striking “Each sys-  
21 tem” and inserting “Except as provided in clause  
22 (ii)(I), each system”.

23 (c) PHA PROJECT-BASED VOUCHER ASSISTANCE.—  
24 Subparagraph (J) of section 8(o)(13) of the United States

1 Housing Act of 1937 (42 U.S.C. 1437f(o)(13)(J)) is  
2 amended—

3 (1) by striking “(J) TENANT SELECTION.—A  
4 public” and inserting the following:

5 “(J) TENANT SELECTION.—

6 “(i) SELECTION AND ELIGIBILITY.—A  
7 public”;

8 (2) by striking “The agency or owner may es-  
9 tablish preferences or criteria for selection for a unit  
10 assisted under this section that” and inserting the  
11 following:

12 “(ii) PREFERENCES FOR OCCU-  
13 PANCY.—The agency or owner shall estab-  
14 lish a system of preferences or criteria for  
15 selection for a unit assisted under this sec-  
16 tion that—

17 “(I) shall provide that the high-  
18 est preference shall be given to other-  
19 wise eligible children who are in foster  
20 care, have attained an age such that  
21 the provision of foster care for such  
22 child will end by reason of the age of  
23 the child within 6 months, meet the  
24 requirements under clauses (i) and (ii)  
25 of paragraph (1) of the definition of

1 ‘at risk of homelessness’ in section  
2 91.5 of the Secretary’s regulations  
3 (24 C.F.R. 91.5), as in effect on Sep-  
4 tember 1, 2016, and have agreed to  
5 comply with the requirements under  
6 section 39(c); and

7 “(II) may provide highest pref-  
8 erence to, in addition to eligible chil-  
9 dren described in subclause (I), not  
10 more than two other types of eligible  
11 families; and

12 “(III) except as provided under  
13 subclause (I),”; and

14 (3) by striking “Any family that” and inserting  
15 the following:

16 “(iii) WAITING LISTS.—Any family  
17 that”.

18 (d) PROJECT-BASED SECTION 8 RENTAL ASSIST-  
19 ANCE.—Subparagraph (A) of section 8(d)(1) of the  
20 United States Housing Act of 1937 (42 U.S.C.  
21 1437f(d)(1)(A)) is amended—

22 (1) by striking “except that with respect” and  
23 inserting the following: “except that—

24 “(i) with respect to assisted dwelling  
25 units in a project assisted with project-

1 based assistance under this section, the  
2 tenant selection criteria used by the  
3 owner—

4 “(I) shall provide that the high-  
5 est preference shall be given to other-  
6 wise eligible children who are in foster  
7 care, have attained an age such that  
8 the provision of foster care for such  
9 child will end by reason of the age of  
10 the child within 6 months, meet the  
11 requirements under clauses (i) and (ii)  
12 of paragraph (1) of the definition of  
13 ‘at risk of homelessness’ in section  
14 91.5 of the Secretary’s regulations  
15 (24 C.F.R. 91.5), as in effect on Sep-  
16 tember 1, 2016, and have agreed to  
17 comply with the requirements under  
18 section 39(c); and

19 “(II) may provide highest pref-  
20 erence to, in addition to eligible chil-  
21 dren described in subclause (I), not  
22 more than two other types of eligible  
23 families; and

24 “(ii) with respect”; and

1           (2) by inserting “who are not eligible for high-  
2           est preference pursuant to clause (i)(I)” after “to be  
3           assisted”.

4           (e) TERMS AND CONDITIONS ON PRIORITY.—Title I  
5 of the United States Housing Act of 1937 (42 U.S.C.  
6 1437 et seq.) is amended by adding at the end the fol-  
7 lowing new section:

8           **“SEC. 39. TERMS AND CONDITIONS ON PREFERENCE FOR**  
9                           **ASSISTANCE FOR CHILDREN AGING OUT OF**  
10                           **FOSTER CARE.**

11           “(a) PREFERENCE.—For purposes of this section,  
12 the term ‘preference for housing assistance’ means pref-  
13 erence, for an otherwise eligible child in foster care, for—

14                   “(1) occupancy in a public housing dwelling  
15                   unit, pursuant to section 6(c)(4)(A)(iii);

16                   “(2) tenant-based assistance under section 8(o),  
17                   pursuant to paragraph (6)(A)(ii)(I) of such section;

18                   “(3) project-based assistance under section  
19                   8(o)(13), pursuant to subparagraph (J)(ii)(I) of  
20                   such section; and

21                   “(4) occupancy in a dwelling unit in a project  
22                   assisted with project-based assistance under section  
23                   8, pursuant to subsection (d)(1)(A)(i)(I) of such sec-  
24                   tion.



1       “(b) EARLY APPLICATION FOR ASSISTANCE.—Not-  
2 withstanding the period during which a preference for  
3 housing assistance is provided for a person, an otherwise  
4 eligible person may apply for such occupancy or assistance  
5 at any time after such person attains 16 years of age.

6       “(c) REQUIREMENT FOR EDUCATION OR TRAIN-  
7 ING.—

8           “(1) REQUIREMENT.—Except as provided in  
9 paragraph (2), each person occupying a dwelling  
10 unit pursuant to a preference for housing assistance  
11 shall, not later than 30 months after such initial oc-  
12 cupancy, comply with the requirements under one of  
13 the following subparagraphs, as selected by the pub-  
14 lic housing agency for or project owner of the as-  
15 sisted housing dwelling unit involved, in consultation  
16 with relevant public child welfare agencies:

17           “(A) OPTION 1.—The requirements under  
18 this subparagraph are—

19           “(i) obtaining a recognized postsec-  
20 ondary credential or a secondary school di-  
21 ploma or its recognized equivalent;

22           “(ii) enrollment in an institution of  
23 higher education, as such term is defined  
24 in section 101(a) of the Higher Education  
25 Act of 1965 (20 U.S.C. 1001(a)) and in-

1 including the institutions described in sub-  
2 paragraphs (A) and (B) of section  
3 102(a)(1) of such Act (20 U.S.C.  
4 1002(a)(1)); or

5 “(iii) participation in a career path-  
6 way, as such term is defined in section 3  
7 of the Workforce Innovation and Oppor-  
8 tunity Act (29 U.S.C. 3102).

9 Notwithstanding any other provision of this  
10 paragraph, a public housing agency or project  
11 owner may consider employment as satisfying  
12 the requirements under this subparagraph.

13 “(B) OPTION 2.—The requirements under  
14 this subparagraph are compliance with the  
15 terms and conditions applicable under section  
16 23 of the United States Housing Act of 1937  
17 (42 U.S.C. 1437u) and the regulations imple-  
18 menting such section to a person participating  
19 in a family self-sufficiency program under such  
20 section, except that—

21 “(i) a public housing agency may se-  
22 lect the option under this subparagraph  
23 only if the agency is participating in such  
24 self-sufficiency program or has made such

1 commitments to commence participation as  
2 the Secretary considers sufficient; and

3 “(ii) a project owner of assisted hous-  
4 ing may select the option under this sub-  
5 paragraph only if the public housing agen-  
6 cy in whose jurisdiction the project is lo-  
7 cated is participating in such self-suffi-  
8 ciency program or has made such commit-  
9 ments to commence participation as the  
10 Secretary considers sufficient.

11 “(C) OPTION 3.—The requirements under  
12 this subparagraph are compliance with any  
13 combination of the terms, conditions, and re-  
14 quirements under subparagraphs (A) and (B),  
15 as may be established by the public housing  
16 agency, except that a project owner of assisted  
17 housing may select the option under this sub-  
18 paragraph only if the public housing agency in  
19 whose jurisdiction the project is located has se-  
20 lected the option under this subparagraph and  
21 has established such terms, conditions, and re-  
22 quirements. In designing such terms, condi-  
23 tions, and requirements, the public housing  
24 agency may consult with local workforce devel-  
25 opment agencies and other organizations and

1 entities with expertise and experience in this  
2 field.

3 “(2) EXCEPTIONS.—The requirement under  
4 paragraph (1) shall not apply to—

5 “(A) a parent or other household member  
6 responsible for the care of a dependent child  
7 under the age of 6 or for the care of an inca-  
8 pacitated person;

9 “(B) a person who is regularly and actively  
10 participating in a drug addiction or alcohol  
11 treatment and rehabilitation program; and

12 “(C) a person who is incapable of com-  
13 plying with the requirement under paragraph  
14 (1) due to a documented medical condition.

15 “(3) VERIFICATION OF COMPLIANCE.—The Sec-  
16 retary shall require the public housing agency or  
17 project owner, as applicable, to verify compliance  
18 with the requirement under paragraph (1) by each  
19 person occupying a dwelling unit assisted or admin-  
20 istered by such agency or owner, as applicable, pur-  
21 suant to a preference for housing assistance annu-  
22 ally in conjunction with reviews of income for pur-  
23 poses of determining eligibility for assistance de-  
24 scribed in subsection (a).

1       “(d) LIMITATION ON BEDROOMS.—A dwelling unit  
2 that is occupied by a person, or assisted with assistance  
3 made available on behalf of a person, pursuant to a pref-  
4 erence for housing assistance may contain more than one  
5 bedroom only if such additional bedrooms are occupied  
6 only by other persons who occupy such dwelling unit, or  
7 receive assistance made available, pursuant to a preference  
8 for housing assistance.

9       “(e) SUPPORTIVE SERVICES.—

10           “(1) ELIGIBILITY.—Each person occupying a  
11 dwelling unit pursuant to a preference for housing  
12 assistance shall be eligible for any supportive serv-  
13 ices (as such term is defined in section 103 of the  
14 Workforce Innovation and Opportunity Act (29  
15 U.S.C. 3102)) made available, in connection with  
16 any housing assistance program of the agency, by or  
17 through the public housing agency providing such  
18 preference or, in the case of a preference for housing  
19 assistance for housing not assisted by such agency,  
20 by or through the public housing agency in whose  
21 jurisdiction the housing is located, including any  
22 services provided under a family self-sufficiency pro-  
23 gram under section 23 of this Act.

24           “(2) INFORMATION.—Upon the initial provision  
25 of housing assistance for any person pursuant to a

1 preference for such assistance, the public housing  
2 agency or owner, as applicable, shall inform such  
3 person of the existence of any programs or services  
4 referred to in paragraph (1) and of their eligibility  
5 for such programs and services.

6 “(f) TERMINATION OF ASSISTANCE.—The public  
7 housing agency or project owner, as applicable, shall ter-  
8 minate any occupancy of, or assistance on behalf of, a per-  
9 son pursuant to any preference for housing assistance  
10 upon the person attaining 25 years of age or upon sub-  
11 stantial noncompliance with the requirement under sub-  
12 section (c), except that nothing in this subsection may be  
13 construed to prohibit the occupancy of housing assisted  
14 under this title by, or the provision of rental assistance  
15 under section 8 for, any person, or to affect the eligibility  
16 of any person for such occupancy or assistance, other than  
17 pursuant to a preference for housing assistance.

18 “(g) APPLICABILITY TO MOVING TO WORK AGEN-  
19 CIES.—Notwithstanding any other provision of law, the  
20 preferences for housing assistance identified in subsection  
21 (a) of this section shall apply to assistance made available  
22 by each public housing agency participating in the Moving  
23 to Work Program under section 204 of the Departments  
24 of Veterans Affairs and Housing and Urban Development,  
25 and Independent Agencies Appropriations Act, 1996 (42

1 U.S.C. 1437f note), except that in lieu of compliance with  
2 one of the options under subsection (c)(1) of this section,  
3 such an agency may comply with the requirement under  
4 such subsection by complying with such terms, conditions,  
5 and requirements as may be established by the agency for  
6 persons occupying dwelling units pursuant to a preference  
7 for housing assistance.

8 “(h) REPORTS.—The Secretary of Housing and  
9 Urban Development shall require each public housing  
10 agency that provides any preference for housing assistance  
11 pursuant to this section in any fiscal year to submit a re-  
12 port to the Secretary for such fiscal year that—

13 “(1) specifies the number of applications for  
14 such preferences received during such fiscal year  
15 disaggregated by—

16 “(A) the number received by persons who  
17 have attained 16 years of age but have not at-  
18 tained an age such that the provision of foster  
19 care for such child will end by reason of the age  
20 of the child within 6 months; and

21 “(B) the number received by persons who  
22 have attained an age such that the provision of  
23 foster care for such child will end by reason of  
24 the age of the child within 6 months;

1           “(2) specifies the number of persons provided a  
2           preference for housing assistance during such fiscal  
3           year; and

4           “(3) describes how the public housing agency  
5           communicated or collaborated with public child wel-  
6           fare agencies to collect such data.”.

7   **SEC. 4. PRIORITY FOR RURAL RENTAL ASSISTANCE.**

8           Paragraph (2) of section 521(a) of the Housing Act  
9           of 1949 (42 U.S.C. 1490a(a)(2)) is amended by adding  
10          at the end the following new subparagraph:

11          “(F)(i) In making occupancy in a project assisted  
12          under this paragraph, and rental assistance under this  
13          paragraph, available on behalf of eligible families, the  
14          project owner—

15                 “(I) shall provide that the highest preference  
16                 shall be given to otherwise eligible children who—

17                         “(aa) are in foster care;

18                         “(bb) have attained an age such that  
19                         the provision of foster care for such child  
20                         will end by reason of the age of the child  
21                         within 6 months;

22                         “(cc) meet the requirements under  
23                         clauses (i) and (ii) of paragraph (1) of the  
24                         definition of ‘at risk of homelessness’ in  
25                         section 91.5 of the Secretary of Housing



1 and Urban Development's regulations (24  
2 C.F.R. 91.5), as in effect on September 1,  
3 2016; and—

4 “(dd) have agreed to comply with the  
5 requirements under clause (iii); and

6 “(II) may provide highest preference to, in ad-  
7 dition to eligible children described in subclause (I),  
8 not more than two other types of eligible families

9 “(ii) Notwithstanding the period during which a pref-  
10 erence pursuant to clause (i)(I) for occupancy in project  
11 assisted under this paragraph or for rental assistance  
12 under this paragraph is provided for a person, an other-  
13 wise eligible person may apply for such occupancy or as-  
14 sistance at any time after the person attains 16 years of  
15 age.

16 “(iii)(I) Except as provided in subclause (II), each  
17 person occupying a dwelling unit pursuant to a preference  
18 under clause (i)(I) shall, not later than 30 months after  
19 such initial occupancy, be—

20 “(aa) obtaining a recognized postsecondary cre-  
21 dential or a secondary school diploma or its recog-  
22 nized equivalent;

23 “(bb) enrolled in an institution of higher edu-  
24 cation, as such term is defined in section 101(a) of  
25 the Higher Education Act of 1965 (20 U.S.C.

1 1001(a)) and including the institutions described in  
2 subparagraphs (A) and (B) of section 102(a)(1) of  
3 such Act (20 U.S.C. 1002(a)(1)); or

4 “(cc) participating in a career pathway, as such  
5 term is defined in section 3 of the Workforce Inno-  
6 vation and Opportunity Act (29 U.S.C. 3102).

7 Notwithstanding any other provision of this sub-  
8 clause, a project owner may consider employment as  
9 satisfying the requirements under this subclause.

10 “(II) The requirement under subclause (I) shall not  
11 apply to—

12 “(aa) a parent or other household member re-  
13 sponsible for the care of a dependent child under the  
14 age of 6 or for the care of an incapacitated person;

15 “(bb) a person who is regularly and actively  
16 participating in a drug addiction or alcohol treat-  
17 ment and rehabilitation program; and

18 “(cc) a person who is incapable of complying  
19 with the requirement under subclause (I) due to a  
20 documented medical condition.

21 “(III) The Secretary shall require a project owner to  
22 verify compliance with the requirement under this clause  
23 by each person occupying a dwelling unit pursuant to a  
24 preference under clause (i)(I) annually in conjunction with

1 reviews of income for purposes of determining eligibility  
2 for assistance described in clause (i).

3 “(iv) A dwelling unit that is occupied by a person  
4 pursuant to a preference under clause (i)(I) may contain  
5 more than one bedroom only if such additional bedrooms  
6 are occupied only by other persons who occupy such dwell-  
7 ing unit pursuant to a preference under clause (i)(I).

8 “(v) The project owner shall terminate any occupancy  
9 of a person pursuant to the preference under clause (i)(I)  
10 upon the person attaining 25 years of age or upon sub-  
11 stantial noncompliance with the requirement under clause  
12 (iii), except that nothing in this clause may be construed  
13 to prohibit the occupancy in a project assisted under this  
14 paragraph by, or the provision of rental assistance under  
15 this paragraph for, any person, or to affect the eligibility  
16 of any person for such occupancy or assistance, other than  
17 pursuant to a preference under clause (i)(I).”.

18 **SEC. 5. EXCEPTIONS TO LIMITATIONS FOR PROJECT-BASED**

19 **VOUCHER ASSISTANCE.**

20 (a) PERCENTAGE LIMITATION.—The first sentence of  
21 clause (ii) of section 8(o)(13)(B) of the United States  
22 Housing Act of 1937 (42 U.S.C. 1437f(o)(13)(B)(ii)) is  
23 amended by inserting before “or that” the following: “that  
24 house eligible children described in section 6(c)(4)(A)(iii)  
25 who comply with the requirements under section 39(c),”.

1 (b) INCOME-MIXING REQUIREMENT.—Subclause (I)  
2 of section 8(o)(13)(D)(ii) of the United States Housing  
3 Act of 1937 (42 U.S.C. 1437f(o)(13)(D)(ii)(I)) is amend-  
4 ed by inserting after “elderly families” the following: “,  
5 to eligible children described in section 6(c)(4)(A)(iii),”.

6 **SEC. 6. GUIDANCE REGARDING IMPLEMENTATION.**

7 (a) IN GENERAL.—The Secretary of Housing and  
8 Urban Development jointly with the Secretary of Agri-  
9 culture, in consultation with the Secretary of Health and  
10 Human Services, shall develop guidance for public housing  
11 agencies and owners of assisted housing regarding how to  
12 correctly and efficiently implement and comply with the  
13 requirements of this Act and the amendments made by  
14 this Act and shall make such guidance available to such  
15 agencies and owners.

16 (b) CONSULTATION WITH HHS.—The Secretary of  
17 Housing and Urban Development jointly with the Sec-  
18 retary of Agriculture shall consult with the Secretary of  
19 Health and Human Services to provide such information  
20 and guidance to the Secretary of Health and Human Serv-  
21 ices as may be necessary to facilitate such Secretary in  
22 informing States and public child welfare agencies on how  
23 to correctly and efficiently implement and comply with the

1 requirements of this Act and the amendments made by  
2 this Act.

