

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 5196  
OFFERED BY MR. MCHENRY OF NORTH  
CAROLINA**

Page 1, strike line 4 and all that follows through page 25, line 2, and insert the following (and redesignate succeeding sections accordingly):

**1 SEC. 2. SIMPLIFYING AND EXPEDITING THE DELIVERY OF  
2 RENTAL ASSISTANCE.**

3 (a) CONSOLIDATION OF EMERGENCY RENTAL AS-  
4 SISTANCE PROGRAMS.—Notwithstanding any inconsistent  
5 provision of section 3201 of the American Rescue Plan  
6 Act of 2021 (15 U.S.C. 9058e), amounts made available  
7 under subsection (a)(1) of such section shall be subject  
8 to the following requirements:

9 (1) PAYMENT.—Any amounts allocated to an  
10 eligible grantee that, as of July 1, 2021, have not  
11 been paid to the eligible grantee shall be paid (but  
12 not reallocated) to the eligible grantee in accordance  
13 with section 501(b) of subtitle A of title V of divi-  
14 sion N of the Consolidated Appropriations Act, 2021  
15 (15 U.S.C. 9058a(b)), except that such section  
16 501(b)(1)(A)(i) shall be applied to such amounts by

1 substituting “Expediting Assistance to Renters and  
2 Landlords Act of 2021” for “this section”.

3 (2) TREATMENT.—Any amounts described in  
4 paragraph (1) and any amounts that have been paid  
5 to an eligible grantee under such section 3201 but  
6 have not been used, as of July 1, 2021, to assist an  
7 eligible household, shall be treated as having been  
8 paid to such eligible grantee pursuant to such sec-  
9 tion 501(a) and shall be subject to the provisions of  
10 such section 501, as amended by this section, except  
11 to the extent inconsistent with this section.

12 (b) AVAILABILITY OF FUNDS.—Paragraph (1) of sec-  
13 tion 501(e) of subtitle A of title V of division N of the  
14 Consolidated Appropriations Act, 2021 (15 U.S.C.  
15 9058a(e)(1)), is amended by striking “September 30,  
16 2022” and inserting “December 31, 2021”.

17 (c) EXPEDITING THE DELIVERY OF ASSISTANCE.—  
18 Section 501(d) of subtitle A of title V of division N of  
19 the Consolidated Appropriations Act, 2021 (15 U.S.C.  
20 9058a(d)) is amended by striking “the Secretary shall re-  
21 capture excess funds, as determined by the Secretary, not  
22 obligated by a grantee” and inserting “each month the  
23 Secretary shall recapture from the pool of grantees who  
24 comprise the lowest 10 percent of all grantees, as meas-  
25 ured by the percentage of funds obligated from amounts

1 originally allocated and paid to such grantee under sub-  
2 section (b)(1), an amount equal to not less than 25 per-  
3 cent of funds not currently obligated by a grantee”.

4 **SEC. 3. ENDING THE THREAT OF EVICTIONS BY ELIMI-**  
5 **NATING RENT ARREARS.**

6 (a) REQUIREMENT TO USE CONSOLIDATED APPRO-  
7 PRIATIONS ACT FUNDS FOR RENTAL ARREARS.—

8 (1) IN GENERAL.—Subsection (c) of section  
9 501 of subtitle A of title V of division N of the Con-  
10 solidated Appropriations Act, 2021 (15 U.S.C.  
11 9058a(c)), is amended by adding at the end the fol-  
12 lowing new paragraph:

13 “(6) REQUIREMENT TO USE ASSISTANCE FOR  
14 RENTAL ARREARS.—Notwithstanding any other pro-  
15 vision of this subsection, effective on the date of en-  
16 actment of this paragraph, any funds paid to an eli-  
17 gible grantee pursuant to subsection (a) that have  
18 not been used to assist an eligible household shall be  
19 used only to provide financial assistance to eligible  
20 households solely for the payment of rent arrears  
21 under paragraph (2)(A)(ii) of this subsection.”.

22 (2) ARPA FUNDS.—Any amounts described in  
23 section 2(a)(1) of this Act and any amounts that  
24 have been paid to an eligible grantee under such sec-  
25 tion 3201 but have not been used, as of July 1,

1 2021, to assist an eligible household, shall be used  
2 only to provide financial assistance specified in para-  
3 graph (6) of section 501(c) of subtitle A of title V  
4 of division N of the Consolidated Appropriations  
5 Act, 2021 (15 U.S.C. 9058a(c)(6)), as added by  
6 subsection (a) of this section.

7 (b) FULLY ELIMINATING RENT ARREARS.—Section  
8 501(c)(2) of subtitle A of title V of division N of the Con-  
9 solidated Appropriations Act, 2021 (15 U.S.C.  
10 9058a(c)(2)) is amended by adding at the end the fol-  
11 lowing new subparagraph:

12 “(D) REQUIREMENT TO EXTINGUISH  
13 RENTAL ARREARS.—For any financial assist-  
14 ance provided by an eligible grantee to an eligi-  
15 ble household pursuant to paragraph (2)(A)(ii)  
16 of this subsection, such assistance must fully  
17 extinguish all eligible rental arrears for which  
18 an application has been submitted.”.

19 **SEC. 4. TARGETING ASSISTANCE TO HOUSEHOLDS WITH**  
20 **THE HIGHEST NEED.**

21 (a) DIRECT COVID IMPACT.—

22 (1) CONSOLIDATED APPROPRIATIONS ACT.—  
23 Section 501(k)(3)(A)(i)(II) of subtitle A of title V of  
24 division N of the Consolidated Appropriations Act,  
25 2021 (15 U.S.C. 9058a(k)(3)(A)(i)(II)) is amended

1 by striking “due, directly or indirectly, to” and in-  
2 serting “due directly to”.

3 (2) ARPA.—Section 3201(f)(2)(A)(ii) of the  
4 American Rescue Plan Act of 2021 (15 U.S.C.  
5 9058c(f)(2)(A)(ii)) is amended by striking “hardship  
6 during or due, directly or indirectly,” and inserting  
7 “hardship due directly”.

8 (b) PRIORITIZATION OF HARDEST HIT HOUSE-  
9 HOLDS.—Section 501(c)(4) of subtitle A of title V of divi-  
10 sion N of the Consolidated Appropriations Act, 2021 (15  
11 U.S.C. 9058a(c)(4)) is amended by adding at the end the  
12 following new subparagraph:

13 “(C) In approving applications for finan-  
14 cial assistance and housing stability services to  
15 eligible households from a payment made under  
16 this section, an eligible grantee shall prioritize  
17 approval of those applications by eligible house-  
18 holds which include a valid copy of a submitted  
19 Federal or State tax return for calendar year  
20 2020 for purposes of income verification under  
21 subsection (k)(3)(C)(i)(I).”.

22 **SEC. 5. INCENTIVIZING ROBUST LANDLORD PARTICIPA-**  
23 **TION.**

24 (a) MAXIMIZING LANDLORD PARTICIPATION.—Sec-  
25 tion 501(c) of subtitle A of title V of division N of the

1 Consolidated Appropriations Act, 2021 (15 U.S.C.  
2 9058a(c)), as amended by the preceding provisions of this  
3 Act, is further amended by adding at the end the following  
4 new paragraph:

5           “(7) PROHIBITION ON CONDITIONAL FINANCIAL  
6 ASSISTANCE.—Subject to the requirements of sub-  
7 section (f)(2), for any payments made by an eligible  
8 grantee to a lessor or utility provider on behalf of  
9 an eligible household, the eligible grantee may not  
10 condition acceptance of any such payments on any  
11 future action or inaction by the lessor or utility pro-  
12 vider.”.

13           (b) APPLICATIONS SUBMITTED ON BEHALF OF TEN-  
14 ANT WITHOUT TENANT SIGNATURE.—Section 501(f) of  
15 subtitle A of title V of division N of the Consolidated Ap-  
16 propriations Act, 2021 (15 U.S.C. 9058a(f)) is amend-  
17 ed—

18           (1) in paragraph (2), by striking subparagraph  
19 (A) and inserting the following:

20           “(A) either—

21                   “(i) the landlord must obtain the sig-  
22 nature of the tenant on such application,  
23 which may be documented electronically; or

24                   “(ii) in the case of a landlord who has  
25 not obtained the signature of the tenant on

1           such application, the Secretary shall not  
2           later than 30 days after the date of the en-  
3           actment of this subparagraph establish a  
4           process by which a landlord may submit  
5           such application after taking reasonable  
6           steps to obtain such signature, as deter-  
7           mined by the Secretary;”.

8           (2) by adding at the end the following new  
9           paragraph:

10           “(3) NOTICE OF APPLICATION.—In the case of  
11           a landlord applying pursuant to paragraph  
12           (1)(A)(ii), the Secretary shall require the landlord to  
13           notify the renter of the intent of the landlord to sub-  
14           mit such application not less than 7 days before  
15           such landlord submits such application.”.

16           (c) APPLICATIONS FOR RENT ARREARS ASSISTANCE  
17           ON VACATED UNITS.— Section 501(f) of subtitle A of title  
18           V of division N of the Consolidated Appropriations Act,  
19           2021 (15 U.S.C. 9058a(f)), as amended by the preceding  
20           provisions of this Act, is further amended by adding at  
21           the end the following new paragraph:

22           “(4) LANDLORD APPLICATION FOR ASSISTANCE  
23           ON VACATED UNITS.—Not later than 30 days after  
24           the date of the enactment of this paragraph, the  
25           Secretary shall establish a process for a landlord to

1 submit an application for assistance to eliminate the  
2 arrears incurred from a dwelling that has been va-  
3 cated by a renter, which shall include the following  
4 requirements:

5 “(A) The dwelling had been occupied by a  
6 tenant or tenants with a written lease agree-  
7 ment for a period of not less than 90 days be-  
8 ginning on or after March 13, 2020, who have  
9 incurred arrears.

10 “(B) The tenant or tenants that have in-  
11 curred arrears have vacated the dwelling for a  
12 period of not less than 30 days prior to applica-  
13 tion.

14 “(C) The landlord shall not be required to  
15 obtain the consent of the vacated tenant to sub-  
16 mit an application for arrears.”.

17 (d) BULK APPLICATIONS FOR ASSISTANCE.—Section  
18 501(f) of subtitle A of title V of division N of the Consoli-  
19 dated Appropriations Act, 2021 (15 U.S.C. 9058a(f)), as  
20 amended by the preceding provisions of this Act, is further  
21 amended by adding at the end the following new para-  
22 graph:

23 “(5) BULK APPLICATIONS.—Not later than 30  
24 days after the date of the enactment of this para-  
25 graph, the Secretary shall establish a process for a



1 landlord of a residential dwelling to submit a con-  
2 solidated application for financial assistance on be-  
3 half of all eligible households within that dwelling.”.

4 **SEC. 6. REQUIRING ACCOUNTABILITY AND FIGHTING**  
5 **FRAUD.**

6 (a) **ELIGIBILITY VERIFICATION AND PROHIBITION**  
7 **OF FALSE STATEMENTS.**—Section 501 of subtitle A of  
8 title V of division N of the Consolidated Appropriations  
9 Act, 2021 (15 U.S.C. 9058a) is amended by adding at  
10 the end the following new subsection:

11 “(m) **PREVENTION OF FRAUD.**—

12 “(1) **IN GENERAL.**—Any submission to establish  
13 eligibility pursuant to an application to an eligible  
14 grantee for financial assistance or housing stability  
15 services by an eligible household or by a lessor or  
16 utility provider on behalf of the eligible household,  
17 including an attestation of eligibility, shall be made  
18 in writing.

19 “(2) **FALSE STATEMENTS DISCLAIMER.**—Any  
20 application for assistance under this under this sec-  
21 tion or section 3201 of the American Rescue Plan  
22 Act of 2021 (15 U.S.C. 9058c) provided by an eligi-  
23 ble grantee shall contain the following disclaimer  
24 displayed in a in a clear and conspicuous manner:  
25 ‘Falsification of paperwork or any material false-

1 hoods or omissions in the application, including  
2 knowingly seeking duplicative benefits, is subject to  
3 State and Federal criminal penalties. You are par-  
4 ticularly put on notice that section 1001 of title 18,  
5 United States Code, states that a person shall be  
6 fined or imprisoned for up to five (5) years for  
7 knowingly and willfully making any materially false  
8 or fraudulent statement or representation to any  
9 U.S. Department or Agency.’”.

10 (b) CONFIRMATION OF APPROVED ASSISTANCE.—  
11 Section 501(c) of subtitle A of title V of division N of  
12 the Consolidated Appropriations Act, 2021 (15 U.S.C.  
13 9058a(c)), as amended by the preceding provisions of this  
14 Act, is further amended by adding at the end the following  
15 new paragraph:

16 “(8) DOCUMENTATION OF USE.—For any pay-  
17 ments made by an eligible grantee directly to an eli-  
18 gible household for the purpose of making payments  
19 to the lessor or utility provider, the eligible grantee  
20 shall require that the eligible household provide  
21 timely documentation that such payments were fully  
22 used by the eligible household only for the purpose  
23 for which the payments were provided.”.

24 (c) COMPREHENSIVE INSPECTOR GENERAL OVER-  
25 SIGHT.—Section 501(i)(1) of subtitle A of title V of divi-

1 sion N of the Consolidated Appropriations Act, 2021 (15  
2 U.S.C. 9058a(i)(1)) is amended by striking “under this  
3 section” and inserting “under this section and section  
4 3201 of the American Rescue Plan Act of 2021 (15 U.S.C.  
5 9058c)”.

Page 25, line 7, strike “is amended” and insert “,  
as amended by the preceding provisions of this Act, is  
further amended”.

Page 25, line 8, strike “(o)” and insert “(n)”.

Page 27, strike line 5 and all that follows through  
page 39, line 22.

