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(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

To provide assistance to public housing agencies that have distressed properties in their inventories in order to protect the health and safety of public housing residents, to allow consortia to enter into single annual contributions contracts, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To provide assistance to public housing agencies that have distressed properties in their inventories in order to protect the health and safety of public housing residents, to allow consortia to enter into single annual contributions contracts, 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 “Averting Crises in
5 Housing Assistance Act” or the “ACHA Act”.

1 **SEC. 2. OVERSIGHT OF DISTRESSED PROPERTIES.**

2 Section 6 of the United States Housing Act of 1937
3 (42 U.S.C. 1437d) is amended by adding at the end the
4 following:

5 “(u) OVERSIGHT OF DISTRESSED PROPERTIES.—

6 “(1) DEFINITIONS.—In this subsection:

7 “(A) APPLICABLE PUBLIC HOUSING AGEN-
8 CY.—The term ‘applicable public housing agen-
9 cy’ means a public housing agency that has a
10 public housing inventory that includes a dis-
11 tressed property.

12 “(B) EARLY INTERVENTION MECHA-
13 NISM.—The term ‘early intervention mecha-
14 nism’ means the early intervention mechanism
15 developed by the Secretary under paragraph
16 (2)(A).

17 “(C) DISTRESSED PROPERTY.—The term
18 ‘distressed property’ means any facility—

19 “(i) with a uniform physical condition
20 score that is less than 60;

21 “(ii) that has a failure that would dis-
22 qualify the facility under the physical con-
23 dition standards described in section 5.703
24 of title 24, Code of Federal Regulations, or
25 any successor regulation; or

1 “(iii) for which not less than 25 per-
2 cent of the residents of the facility or a
3 resident advisory board established under
4 section 5A(e) has submitted to Secretary a
5 complaint described paragraph (2)(D).

6 “(D) GOOD CONDITION.—The term ‘good
7 condition’, with respect to a property in the
8 public housing inventory of a public housing
9 agency, means a condition that does not have
10 any of the criteria described in clause (i), (ii),
11 or (iii) of subparagraph (C).

12 “(E) PERFORMANCE INDICATORS.—The
13 term ‘performance indicators’ means the indica-
14 tors described in subsection (j)(1).

15 “(2) ESTABLISHMENT OF EARLY INTERVEN-
16 TION MECHANISM.—

17 “(A) IN GENERAL.—Not later than 60
18 days after the date of enactment of this sub-
19 section, the Secretary shall establish an early
20 intervention mechanism under which the Sec-
21 retary shall—

22 “(i) identify properties in the public
23 housing inventory of public housing agen-
24 cies that are not in good condition; and

1 “(ii) partner with public housing
2 agencies to which properties identified
3 under clause (i) belong to assist those pub-
4 lic housing agencies in—

5 “(I) preserving to the greatest
6 extent possible, the public housing
7 stock of each public housing agency as
8 public housing; and

9 “(II) rehabilitating the public
10 housing stock of each public housing
11 agency in a manner that qualifies the
12 public housing agency, with respect to
13 each property described in clause (i),
14 as meeting a satisfactory standard of
15 performance under the performance
16 indicators.

17 “(B) IDENTIFICATION OF DISTRESSED
18 PROPERTIES.—

19 “(i) IDENTIFICATION.—Not later than
20 60 days after the date on which the Sec-
21 retary establishes the early intervention
22 mechanism, and every year thereafter, the
23 Secretary shall, under the early interven-
24 tion mechanism—

1 “(I) identify each property of
2 each public housing agency that is not
3 in good condition; and

4 “(II) designate each property
5 identified under subclause (I) as a
6 distressed property.

7 “(ii) APPEAL AND PETITION.—Not
8 later than 60 days after the date on which
9 the Secretary establishes the early inter-
10 vention mechanism, the Secretary shall es-
11 tablish procedures for an applicable public
12 housing agency to—

13 “(I) appeal a designation made
14 under clause (i)(II);

15 “(II) petition for removal of a
16 designation made under clause (i)(II);
17 and

18 “(III) appeal any refusal to re-
19 move a designation made under clause
20 (i)(II).

21 “(iii) PUBLICATION.—The Secretary
22 shall—

23 “(I) publish a list of each dis-
24 tressed property on the internet

1 website of the Department of Housing
2 and Urban Development;

3 “(II) update the list described in
4 subclause (I) not less frequently than
5 every 60 days; and

6 “(III) require each applicable
7 public housing agency to post a notice
8 on the internet website of the public
9 housing agency, if applicable, and in
10 each common area and at each en-
11 trance of each distressed property of
12 the public housing agency to alert
13 residents of any such designation.

14 “(C) AGREEMENT AND NOTIFICATION.—
15 Not later than 90 days after the date on which
16 the Secretary designates a property as a dis-
17 tressed property, or, if an applicable public
18 housing agency makes an appeal or a petition
19 under subparagraph (B)(ii) and that appeal or
20 petition is denied, not later than 90 days after
21 the date on which the appeal or petition is de-
22 nied, the Secretary shall—

23 “(i) enter into an agreement with the
24 public housing agency to which the dis-
25 tressed property belongs—

1 “(I) under which the public hous-
2 ing agency shall establish an action
3 plan to restore the distressed property
4 to good condition; and

5 “(II) that provides—

6 “(aa) a timeline for pre-
7 serving the distressed property in
8 a manner consistent with sub-
9 clauses (I) and (II) of subpara-
10 graph (A)(ii); and

11 “(bb) a deadline by which
12 the distressed property shall be
13 required to be restored in a man-
14 ner that qualifies the applicable
15 public housing agency the public
16 housing inventory of which in-
17 cludes the distressed property,
18 with respect to the distressed
19 property, as meeting a satisfac-
20 tory standard of performance
21 under the performance indica-
22 tors;

23 “(ii) notify the residents of the dis-
24 tressed property of the timeline and dead-
25 line described in clause (i) by requiring the

1 public housing agency to post a notice of
2 the timeline and deadline on the internet
3 website of the public housing agency, if ap-
4 plicable, and in each common area and at
5 each entrance of the distressed property;
6 and

7 “(iii) provide technical assistance and
8 other resources to the public housing agen-
9 cy, including assistance and resources
10 that—

11 “(I) prioritize preserving the dis-
12 tressed property as public housing if
13 it is financially feasible to bring the
14 property into good condition;

15 “(II) minimize, to the greatest
16 extent possible, the dislocation of ten-
17 ants who wish to remain in the dis-
18 tressed property;

19 “(III) provide housing vouchers
20 to tenants who wish to relocate during
21 the rehabilitation of the distressed
22 property, and pay for any associated
23 moving costs;

24 “(IV) permit a tenant who relo-
25 cated under subclause (III) to return

1 to the distressed property after the
2 property has been restored to good
3 condition, and pay for any associated
4 moving costs; and

5 “(V) restore the distressed prop-
6 erty in a manner that qualifies the
7 public housing agency, with respect to
8 the distressed property, as meeting a
9 satisfactory standard of performance
10 under the performance indicators and
11 in accordance with the agreement en-
12 tered into under clause (i).

13 “(D) COMPLAINT PROCESS.—The Sec-
14 retary shall establish a process by which resi-
15 dents of public housing or a resident advisory
16 board established under section 5A(e) may sub-
17 mit to the Secretary a complaint that provides
18 that the public housing—

19 “(i) is in a distressed condition; and

20 “(ii) does not meet the physical condi-
21 tion standards described in section 5.703
22 of title 24, Code of Federal Regulations, or
23 any successor regulation.

24 “(3) PRIVATE CAUSE OF ACTION.—

1 “(A) IN GENERAL.—If the Secretary and
2 an applicable public housing agency fail to re-
3 store a distressed property included in the pub-
4 lic housing inventory of the applicable public
5 housing agency to good condition by the date
6 that is 1 year after the date on which the public
7 housing agency establishes an action plan relat-
8 ing to the failed property under paragraph
9 (2)(C), or, if an applicable public housing agen-
10 cy makes an appeal or a petition under para-
11 graph (2)(B) and that appeal or petition is de-
12 nied, not later than 1 year after the date on
13 which that appeal or petition is denied, a resi-
14 dent of the distressed property may maintain
15 an action against the Secretary in an appro-
16 priate district court of the United States.

17 “(B) RELIEF.—Upon proof that the Sec-
18 retary and an applicable public housing agency
19 have failed to restore a distressed property to
20 good condition by a preponderance of the evi-
21 dence in an action under subparagraph (A), the
22 court may award appropriate relief to the resi-
23 dent of the distressed property who brought the
24 action, including—

1 “(i) injunctive relief to require the
2 Secretary to restore the distressed property
3 to good condition;

4 “(ii) compensatory damages;

5 “(iii) the costs of suit; and

6 “(iv) reasonable fees for any attorney
7 and expert witness of the resident.

8 “(4) AUTHORIZATION OF APPROPRIATIONS.—

9 “(A) IN GENERAL.—There is authorized to
10 be appropriated to the Capital Fund under sec-
11 tion 9(d) of the United States Housing Act of
12 1937 (42 U.S.C. 1437g(d)) such sums as may
13 be necessary to carry out this subsection.

14 “(B) PRIORITY.—The Secretary shall give
15 priority for providing assistance with amounts
16 made available pursuant to this section to small
17 public housing agencies (as such term is defined
18 in section 38(a) of the United States Housing
19 Act of 1937 (42 U.S.C. 1437z-10(a))).”.

20 **SEC. 3. RECEIVERSHIP PROCESS.**

21 (a) AMENDMENT TO THE UNITED STATES HOUSING
22 ACT OF 1937.—Section 6(j)(3) of the United States
23 Housing Act of 1937 (42 U.S.C. 1437d(j)(3)) is amended
24 by adding at the end the following:

1 “(I) CONSULTATION WITH PUBLIC HOUSING RESI-
2 DENTS.—

3 “(i) IN GENERAL.—If the Secretary (or an ad-
4 ministrative receiver appointed by the Secretary)
5 takes possession of a public housing agency (includ-
6 ing all or part of any project or program of the
7 agency), or if a receiver is appointed by a court, in
8 carrying out the duties of the Secretary or receiver
9 under this paragraph, the Secretary or receiver shall
10 consult with the public housing residents of the pub-
11 lic housing agency.

12 “(ii) REQUIREMENTS.—The consultation con-
13 ducted under clause (i) shall include—

14 “(I) providing notice to the residents of the
15 receivership, including the contact information
16 for an individual or entity that residents may
17 contact for maintenance requests and other
18 property management responsibilities and file
19 complaints;

20 “(II) holding 1 informational meeting for
21 the residents before the Secretary takes posses-
22 sion of the public housing agency or another re-
23 ceiver is appointed; and

1 “(III) holding in-person meetings with the
2 residents on not less frequently than a monthly
3 basis regarding the receivership.

4 “(J) PURPOSE OF RECEIVERSHIP PROCESS.—The
5 purpose of the receivership process under this paragraph
6 is to—

7 “(i) preserve, without demolition or disposition,
8 the public housing of each public housing agency;

9 “(ii) preserve the health and safety of public
10 housing residents of the public housing agency; and

11 “(iii) minimize, to the greatest extent possible,
12 the dislocation of tenants who wish to remain in
13 their dwelling units.”.

14 (b) GUIDANCE.—Not later than 1 year after the date
15 of enactment of this Act, the Secretary of Housing and
16 Urban Development shall revise any relevant regulation,
17 policy, or guideline of the Department of Housing and
18 Urban Development to conform with the amendment made
19 by subsection (a).

20 **SEC. 4. ABILITY OF CONSORTIA TO ENTER INTO SINGLE AN-**
21 **NUAL CONTRIBUTIONS CONTRACTS.**

22 (a) IN GENERAL.—Section 13(a) of the United
23 States Housing Act of 1937 (42 U.S.C. 1437k(a)) is
24 amended by adding at the end the following:

1 “(4) SINGLE ANNUAL CONTRIBUTIONS CON-
2 TRACTS.—

3 “(A) IN GENERAL.—On and after the date
4 on which the Secretary promulgates regulations
5 under subparagraph (B), subject to the ap-
6 proval of the Secretary, each consortium de-
7 scribed in paragraph (1) may enter into a single
8 annual contributions contract under which the
9 consortium—

10 “(i) shall be a separate legal entity
11 from each public housing agency partici-
12 pating in the consortium; and

13 “(ii) shall be deemed a single public
14 housing agency for purposes of this Act.

15 “(B) REGULATIONS.—Not later than 1
16 year after the date of enactment of the Averting
17 Crises in Housing Assistance Act, the Secretary
18 shall promulgate regulations relating to require-
19 ments for any consortium described in para-
20 graph (1) desiring to enter into a single annual
21 contributions contract under subparagraph (A)
22 of this paragraph, including requirements relat-
23 ing to obtaining the approval of the Secretary
24 to enter into such a single annual contributions
25 contract under that subparagraph.”.

1 (b) CLERICAL AMENDMENT.—Section 3(b)(6)(B)(i)
2 of the United States Housing Act of 1937 (42 U.S.C.
3 1437a(b)(6)(B)(i)) is amended by striking “consortia”
4 and inserting “consortium”.