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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 769 Session of  
2019

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INTRODUCED BY GORDNER, AUMENT, J. WARD, FOLMER, PHILLIPS-HILL,  
STEFANO, BAKER AND REGAN, JUNE 17, 2019

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REFERRED TO URBAN AFFAIRS AND HOUSING, JUNE 17, 2019

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AN ACT

1 Amending the act of December 18, 1992 (P.L.1376, No.172),  
2 entitled "An act providing for the establishment and  
3 administration of an affordable housing program; and imposing  
4 additional powers and duties on the Department of Community  
5 Affairs," further providing for National Affordable Housing  
6 Act's HOME Program; and making editorial changes.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. The title of the act of December 18, 1992  
10 (P.L.1376, No.172), known as the Pennsylvania Affordable Housing  
11 Act, is amended to read:

12 AN ACT

13 Providing for the establishment and administration of an  
14 affordable housing program; and imposing additional powers  
15 and duties on the Department of Community [Affairs] and  
16 Economic Development.

17 Section 2. Sections 2 and 5(b)(3)(i) and (v) of the act are  
18 amended to read:

19 Section 2. Definitions.

20 The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

3 "Comprehensive Housing Affordability Strategy" or "CHAS."  
4 The Commonwealth's housing strategy and annual updates thereof  
5 required by the Cranston-Gonzalez National Affordable Housing  
6 Act (Public Law 101-625, 42 U.S.C. § 12701 et seq.), also known  
7 as the National Affordable Housing Act of 1990 (NAHA).

8 "Department." The Department of Community [Affairs] and  
9 Economic Development of the Commonwealth.

10 "HOME Investment Partnership Program" or "HOME program." The  
11 Federal program authorized by the Cranston-Gonzalez National  
12 Affordable Housing Act (Public Law 101-625, 42 U.S.C. § 12701 et  
13 seq.), also known as the National Affordable Housing Act of 1990  
14 (NAHA).

15 "HOME Investment Trust Fund" or "HOME fund." The account  
16 established in the State Treasury for the HOME Investment  
17 Partnership Program, as required by the Cranston-Gonzalez  
18 National Affordable Housing Act (Public Law 101-625, 42 U.S.C. §  
19 12701 et seq.), also known as the National Affordable Housing  
20 Act of 1990 (NAHA), and the implementing regulations thereof.

21 "National Affordable Housing Act of 1990" or "NAHA." The  
22 Cranston-Gonzalez National Affordable Housing Act (Public Law  
23 101-625, 42 U.S.C. § 12701 et seq.), as amended.

24 "Nonprofit organization." Any private, nonprofit  
25 organization, including a Federally chartered or State-chartered  
26 nonprofit organization, that:

- 27 (1) Is organized under Federal or State law.  
28 (2) Has no part of its net earnings inuring to the  
29 benefit of any member, founder, contributor or individual.  
30 (3) Has among its purposes activities related to the

1 provision of decent housing that is affordable to low-income  
2 and moderate-income persons or activities that relate to the  
3 provision of services that assist low-income persons.

4 "Pennsylvania Housing Advisory Committee" or "PHAC." The  
5 committee established under this act to advise the Department of  
6 Community [Affairs] and Economic Development on coordination of  
7 Federal, State and local resources.

8 "Regional housing advisory committees" or "RHAC's." The six  
9 regional committees established under this act to review  
10 regional housing and support service needs and priorities and  
11 advise the Department of Community [Affairs] and Economic  
12 Development as to how these needs and priorities should be  
13 addressed in the Commonwealth's Comprehensive Housing  
14 Affordability Strategy.

15 "Secretary." The Secretary of Community [Affairs] and  
16 Economic Development of the Commonwealth.

17 "United States Department of Housing and Urban Development"  
18 or "HUD." The Federal agency responsible for administering the  
19 programs authorized under the Cranston-Gonzalez National  
20 Affordable Housing Act (Public Law 101-625, 42 U.S.C § 12701 et  
21 seq.), also known as the National Affordable Housing Act of 1990  
22 (NAHA).

23 Section 5. Pennsylvania Housing Advisory Committee.

24 \* \* \*

25 (b) Composition.--

26 \* \* \*

27 (3) The PHAC shall consist of at least 25 but no more  
28 than 35 residents of this Commonwealth and shall include, at  
29 a minimum, the following:

30 (i) The Secretary of Community [Affairs] and

1           Economic Development or a designee thereof.

2           \* \* \*

3           (v) The Secretary of [Public Welfare] Human Services  
4           or a designee thereof.

5           \* \* \*

6           Section 3. Section 6 of the act is amended by adding a  
7           subsection to read:

8           Section 6. National Affordable Housing Act's HOME Program.

9           \* \* \*

10          (c.1) Applicable wage rates.--Rehabilitation projects funded  
11 under this act that are not subject to the Federal wage rate  
12 requirements under 40 U.S.C. §§ 3141 (relating to definitions),  
13 3142 (relating to rate of wages for laborers and mechanics),  
14 3143 (relating to termination of work on failure to pay agreed  
15 wages), 3144 (relating to authority to pay wages and list  
16 contractors violating contracts), 3146 (relating to effect on  
17 other federal laws) and 3147 (relating to suspension of this  
18 subchapter during a national emergency) or 41 U.S.C. Ch. 65  
19 (relating to contracts for materials, supplies, articles, and  
20 equipment exceeding \$10,000) shall not be subject to the wage  
21 rate requirements under the act of August 15, 1961 (P.L.987,  
22 No.442), known as the Pennsylvania Prevailing Wage Act.

23          \* \* \*

24          Section 4. This act shall take effect immediately.