

116TH CONGRESS  
1ST SESSION

# H. R. 2657

To provide priority under certain federally assisted housing programs to assist youths who are aging out of foster care, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2019

Mr. TURNER introduced the following bill; which was referred to the Committee on Financial Services

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## A BILL

To provide priority under certain federally assisted housing programs to assist youths who are aging out of foster care, 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 “Fostering Stable Hous-  
5       ing Opportunities Act of 2019”.

6       **SEC. 2. DEFINITION OF FAMILY.**

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

10               (1) in the first sentence—

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

2 and

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

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

10 **SEC. 3. PRIORITY FOR PUBLIC HOUSING OCCUPANCY AND**

11 **SECTION 8 ASSISTANCE.**

12 (a) PUBLIC HOUSING.—Subparagraph (A) of section  
13 6(c)(4) of the United States Housing Act of 1937 (42  
14 U.S.C. 1437d(c)(4)(A)) is amended—

15 (1) by striking “may establish a system for  
16 making dwelling units available that provides pref-  
17 erence” and inserting the following: “shall establish  
18 a system for making dwelling units available that—

19 “(i) shall provide preferences”;

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

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

1           (3) by adding at the end the following new  
2 clause:

3                   “(iii) except for projects or portions of  
4 projects designated for occupancy pursuant  
5 to section 7(a), shall provide that the high-  
6 est preference for occupancy shall be given  
7 to otherwise eligible children who are in  
8 foster care, have attained an age such that  
9 the provision of foster care for such child  
10 will end by reason of the age of the child  
11 within 6 months, meet the requirements  
12 under clauses (i) and (ii) of paragraph (1)  
13 of the definition of ‘at risk of homeless-  
14 ness’ in section 91.5 of the Secretary’s reg-  
15 ulations (24 C.F.R. 91.5), as in effect on  
16 September 1, 2016, and have agreed to  
17 comply with the requirements under sec-  
18 tion 39(c); and

19                   “(iv) may provide highest preference  
20 for occupancy to, in addition to eligible  
21 children described in clause (iii), not more  
22 than two other types of families.”.

23           (b) VOUCHER ASSISTANCE.—Subparagraph (A) of  
24 section 8(o)(6) of the United States Housing Act of 1937  
25 (42 U.S.C. 1437f(o)(6)(A)) is amended—

1           (1) in clause (i), by striking “may” the first  
2 place such term appears and inserting “shall”;

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

4           (3) by inserting before clause (iii), as so redesi-  
5 gnated by paragraph (1) of this subsection, the fol-  
6 lowing new clause:

7                   “(ii) HIGHEST PREFERENCE.—Each  
8 system of preferences established pursuant  
9 to this subparagraph—

10                   “(I) shall provide that the high-  
11 est preference for assistance shall be  
12 given to otherwise eligible children  
13 who are in foster care, have attained  
14 an age such that the provision of fos-  
15 ter care for such child will end by rea-  
16 son of the age of the child within 6  
17 months, meet the requirements under  
18 clauses (i) and (ii) of paragraph (1) of  
19 the definition of ‘at risk of homeless-  
20 ness’ in section 91.5 of the Sec-  
21 retary’s regulations (24 C.F.R. 91.5),  
22 as in effect on September 1, 2016,  
23 and have agreed to comply with the  
24 requirements under section 39(c); and

1                   “(II) may provide highest pref-  
2                   erence for assistance to, in addition to  
3                   eligible children described in subclause  
4                   (I), not more than two other types of  
5                   eligible families.”; and

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

10                  (c) PHA PROJECT-BASED VOUCHER ASSISTANCE.—  
11                  Subparagraph (J) of section 8(o)(13) of the United States  
12                  Housing Act of 1937 (42 U.S.C. 1437f(o)(13)(J)) is  
13                  amended—

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

16                                   “(J) TENANT SELECTION.—

17   “(i) SELECTION AND ELIGIBILITY.—A  
18   public”;

19                   (2) by striking “The agency or owner may es-  
20                   tablish preferences or criteria for selection for a unit  
21                   assisted under this paragraph that” and inserting  
22                   the following:

23                                   “(ii) PREFERENCES FOR OCCU-  
24   PANCY.—The agency or owner shall estab-  
25   lish a system of preferences or criteria for

1 selection for a unit assisted under this sec-  
2 tion that—

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

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

23 “(III) except as provided under  
24 subclause (I),”; and

1           (3) by striking “Any family that” and inserting  
2           the following:

3                       “(iii) WAITING LISTS.—Any family  
4                       that”.

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

9                       (1) by realigning such subparagraph so as to be  
10                      indented 2 ems from the left margin;

11                     (2) by striking “except that with respect” and  
12                     inserting the following: “except that—

13                               “(i) with respect to assisted dwelling units  
14                               in a project assisted with project-based assist-  
15                               ance under this section, the tenant selection cri-  
16                               teria used by the owner—

17                                       “(I) shall provide that the highest  
18                                       preference shall be given to otherwise eligi-  
19                                       ble children who are in foster care, have  
20                                       attained an age such that the provision of  
21                                       foster care for such child will end by rea-  
22                                       son of the age of the child within 6  
23                                       months, meet the requirements under  
24                                       clauses (i) and (ii) of paragraph (1) of the  
25                                       definition of ‘at risk of homelessness’ in

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

6 “(II) may provide highest preference  
7 to, in addition to eligible children described  
8 in subclause (I), not more than two other  
9 types of eligible families; and

10 “(ii) with respect”; and

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

14 (e) TERMS AND CONDITIONS ON PRIORITY.—Title I  
15 of the United States Housing Act of 1937 (42 U.S.C.  
16 1437 et seq.) is amended by adding at the end the fol-  
17 lowing new section:

18 **“SEC. 39. TERMS AND CONDITIONS ON PREFERENCE FOR**  
19 **ASSISTANCE FOR CHILDREN AGING OUT OF**  
20 **FOSTER CARE.**

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

24 “(1) occupancy in a public housing dwelling  
25 unit, pursuant to section 6(e)(4)(A)(iii);



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

3           “(3) project-based assistance under section  
4           8(o)(13), pursuant to subparagraph (J)(ii)(I) of  
5           such section; and

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

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

15          “(c) REQUIREMENT FOR EDUCATION OR TRAIN-  
16          ING.—

17                 “(1) REQUIREMENT.—Except as provided in  
18                 paragraph (2), each person occupying a dwelling  
19                 unit pursuant to a preference for housing assistance  
20                 shall, not later than 30 months after such initial oc-  
21                 cupancy, comply with the requirements under one of  
22                 the following subparagraphs, as selected by the pub-  
23                 lic housing agency for or project owner of the as-  
24                 sisted housing dwelling unit involved, in consultation  
25                 with relevant public child welfare agencies:

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

3           “(i) obtaining a recognized postsec-  
4 ondary credential or a secondary school di-  
5 ploma or its recognized equivalent;

6           “(ii) enrollment in an institution of  
7 higher education, as such term is defined  
8 in section 101(a) of the Higher Education  
9 Act of 1965 (20 U.S.C. 1001(a)) and in-  
10 cluding the institutions described in sub-  
11 paragraphs (A) and (B) of section  
12 102(a)(1) of such Act (20 U.S.C.  
13 1002(a)(1)); or

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

18 Notwithstanding any other provision of this  
19 paragraph, a public housing agency or project  
20 owner may consider employment as satisfying  
21 the requirements under this subparagraph.

22           “(B) OPTION 2.—The requirements under  
23 this subparagraph are compliance with the  
24 terms and conditions applicable under section  
25 23 of the United States Housing Act of 1937

1 (42 U.S.C. 1437u) and the regulations imple-  
2 menting such section to a person participating  
3 in a family self-sufficiency program under such  
4 section, except that—

5 “(i) a public housing agency may se-  
6 lect the option under this subparagraph  
7 only if the agency is participating in such  
8 self-sufficiency program or has made such  
9 commitments to commence participation as  
10 the Secretary considers sufficient; and

11 “(ii) a project owner of assisted hous-  
12 ing may select the option under this sub-  
13 paragraph only if the public housing agen-  
14 cy in whose jurisdiction the project is lo-  
15 cated is participating in such self-suffi-  
16 ciency program or has made such commit-  
17 ments to commence participation as the  
18 Secretary considers sufficient.

19 “(C) OPTION 3.—The requirements under  
20 this subparagraph are compliance with any  
21 combination of the terms, conditions, and re-  
22 quirements under subparagraphs (A) and (B),  
23 as may be established by the public housing  
24 agency, except that a project owner of assisted  
25 housing may select the option under this sub-

1 paragraph only if the public housing agency in  
2 whose jurisdiction the project is located has se-  
3 lected the option under this subparagraph and  
4 has established such terms, conditions, and re-  
5 quirements. In designing such terms, condi-  
6 tions, and requirements, the public housing  
7 agency may consult with local workforce devel-  
8 opment agencies and other organizations and  
9 entities with expertise and experience in this  
10 field.

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

13 “(A) a parent or other household member  
14 responsible for the care of a dependent child  
15 under the age of 6 or for the care of an inca-  
16 pacitated person;

17 “(B) a person who is regularly and actively  
18 participating in a drug addiction or alcohol  
19 treatment and rehabilitation program; and

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

23 “(3) VERIFICATION OF COMPLIANCE.—The Sec-  
24 retary shall require the public housing agency or  
25 project owner, as applicable, to verify compliance

1 with the requirement under paragraph (1) by each  
2 person occupying a dwelling unit assisted or admin-  
3 istered by such agency or owner, as applicable, pur-  
4 suant to a preference for housing assistance annu-  
5 ally in conjunction with reviews of income for pur-  
6 poses of determining eligibility for assistance de-  
7 scribed in subsection (a).

8 “(d) LIMITATION ON BEDROOMS.—A dwelling unit  
9 that is occupied by a person, or assisted with assistance  
10 made available on behalf of a person, pursuant to a pref-  
11 erence for housing assistance may contain more than one  
12 bedroom only if such additional bedrooms are occupied  
13 only by other persons who occupy such dwelling unit, or  
14 receive assistance made available, pursuant to a preference  
15 for housing assistance.

16 “(e) SUPPORTIVE SERVICES.—

17 “(1) ELIGIBILITY.—Each person occupying a  
18 dwelling unit pursuant to a preference for housing  
19 assistance shall be eligible for any supportive serv-  
20 ices (as such term is defined in section 103 of the  
21 Workforce Innovation and Opportunity Act (29  
22 U.S.C. 3102)) made available, in connection with  
23 any housing assistance program of the agency, by or  
24 through the public housing agency providing such  
25 preference or, in the case of a preference for housing

1 assistance for housing not assisted by such agency,  
2 by or through the public housing agency in whose  
3 jurisdiction the housing is located, including any  
4 services provided under a family self-sufficiency pro-  
5 gram under section 23 of this Act.

6 “(2) INFORMATION.—Upon the initial provision  
7 of housing assistance for any person pursuant to a  
8 preference for such assistance, the public housing  
9 agency or owner, as applicable, shall inform such  
10 person of the existence of any programs or services  
11 referred to in paragraph (1) and of their eligibility  
12 for such programs and services.

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

1       “(g) APPLICABILITY TO MOVING TO WORK AGEN-  
2 CIES.—Notwithstanding any other provision of law, the  
3 preferences for housing assistance identified in subsection  
4 (a) of this section shall apply to assistance made available  
5 by each public housing agency participating in the Moving  
6 to Work Program under section 204 of the Departments  
7 of Veterans Affairs and Housing and Urban Development,  
8 and Independent Agencies Appropriations Act, 1996 (42  
9 U.S.C. 1437f note), except that in lieu of compliance with  
10 one of the options under subsection (c)(1) of this section,  
11 such an agency may comply with the requirement under  
12 such subsection by complying with such terms, conditions,  
13 and requirements as may be established by the agency for  
14 persons occupying dwelling units pursuant to a preference  
15 for housing assistance.

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

21               “(1) specifies the number of applications for  
22 such preferences received during such fiscal year  
23 disaggregated by—

24                       “(A) the number received by persons who  
25 have attained 16 years of age but have not at-

1           tained an age such that the provision of foster  
2           care for such child will end by reason of the age  
3           of the child within 6 months; and

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

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

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

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

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

18                   “(F)(i) In making occupancy in a project assisted  
19   under this paragraph, and rental assistance under this  
20   paragraph, available on behalf of eligible families, the  
21   project owner—

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

24                   “(aa) are in foster care;



1           “(bb) have attained an age such that the  
2           provision of foster care for such child will end  
3           by reason of the age of the child within 6  
4           months;

5           “(cc) meet the requirements under clauses  
6           (i) and (ii) of paragraph (1) of the definition of  
7           ‘at risk of homelessness’ in section 91.5 of the  
8           Secretary of Housing and Urban Development’s  
9           regulations (24 C.F.R. 91.5), as in effect on  
10          September 1, 2016; and

11          “(dd) have agreed to comply with the re-  
12          quirements under clause (iii); and

13          “(II) may provide highest preference to, in ad-  
14          dition to eligible children described in subclause (I),  
15          not more than two other types of eligible families.

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

23          “(iii)(I) Except as provided in subclause (II), each  
24          person occupying a dwelling unit pursuant to a preference

1 under clause (i)(I) shall, not later than 30 months after  
2 such initial occupancy, be—

3 “(aa) obtaining a recognized postsecondary cre-  
4 dential or a secondary school diploma or its recog-  
5 nized equivalent;

6 “(bb) enrolled in an institution of higher edu-  
7 cation, as such term is defined in section 101(a) of  
8 the Higher Education Act of 1965 (20 U.S.C.  
9 1001(a)) and including the institutions described in  
10 subparagraphs (A) and (B) of section 102(a)(1) of  
11 such Act (20 U.S.C. 1002(a)(1)); or

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

15 Notwithstanding any other provision of this subclause, a  
16 project owner may consider employment as satisfying the  
17 requirements under this subclause.

18 “(II) The requirement under subclause (I) shall not  
19 apply to—

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

23 “(bb) a person who is regularly and actively  
24 participating in a drug addiction or alcohol treat-  
25 ment and rehabilitation program; and

1           “(cc) a person who is incapable of complying  
2           with the requirement under subclause (I) due to a  
3           documented medical condition.

4           “(III) The Secretary shall require a project owner to  
5           verify compliance with the requirement under this clause  
6           by each person occupying a dwelling unit pursuant to a  
7           preference under clause (i)(I) annually in conjunction with  
8           reviews of income for purposes of determining eligibility  
9           for assistance described in clause (i).

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

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

1 **SEC. 5. EXCEPTIONS TO LIMITATIONS FOR PROJECT-BASED**  
2 **VOUCHER ASSISTANCE.**

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

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

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

15 (a) **IN GENERAL.**—The Secretary of Housing and  
16 Urban Development jointly with the Secretary of Agri-  
17 culture, in consultation with the Secretary of Health and  
18 Human Services, shall develop guidance for public housing  
19 agencies and owners of assisted housing regarding how to  
20 correctly and efficiently implement and comply with the  
21 requirements of this Act and the amendments made by  
22 this Act and shall make such guidance available to such  
23 agencies and owners.

24 (b) **CONSULTATION WITH HHS.**—The Secretary of  
25 Housing and Urban Development jointly with the Sec-  
26 retary of Agriculture shall consult with the Secretary of

1 Health and Human Services to provide such information  
2 and guidance to the Secretary of Health and Human Serv-  
3 ices as may be necessary to facilitate such Secretary in  
4 informing States and public child welfare agencies on how  
5 to correctly and efficiently implement and comply with the  
6 requirements of this Act and the amendments made by  
7 this Act.

○