

115TH CONGRESS
2D SESSION

H. R. 5602

To amend the United States Housing Act of 1937 to establish pass-through lease arrangements for uninhabitable dwelling units, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 24, 2018

Mr. SEAN PATRICK MALONEY of New York (for himself and Mr. ESPAILLAT) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To amend the United States Housing Act of 1937 to establish pass-through lease arrangements for uninhabitable dwelling units, 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 “Affordable Housing
5 Protection Act”.

1 **SEC. 2. PASS-THROUGH LEASE ARRANGEMENTS FOR UN-**
2 **INHABITABLE DWELLING UNITS.**

3 Section 8(c) of the United States Housing Act of
4 1937 (42 U.S.C. 1437f(c)) is amended by adding at the
5 end the following new paragraph:

6 “(7) PASS-THROUGH LEASE ARRANGEMENTS.—

7 “(A) IN GENERAL.—Any owner of a cov-
8 ered dwelling unit that was rendered uninhabit-
9 able shall, if approved by the Secretary, tempo-
10 rarily lease a habitable dwelling unit in another
11 building for the covered resident for the period
12 during which such unit is repaired.

13 “(B) GUIDANCE.—The Secretary shall
14 issue guidance establishing policies for a tem-
15 porary lease arrangement described in subpara-
16 graph (A), which shall include—

17 “(i) a description of the process and
18 the length of time allowed for identifying a
19 habitable dwelling unit in another building;
20 and

21 “(ii) procedures if such a habitable
22 dwelling unit is not available.

23 “(C) PAYMENTS.—The following condi-
24 tions shall apply to a temporary lease arrange-
25 ment described under subparagraph (A):

1 “(i) OWNER PAYMENTS.—The owner
2 of a covered dwelling unit shall be respon-
3 sible for ensuring that the owner of the
4 unit temporarily leased receives monthly
5 payments for rent.

6 “(ii) COVERED RESIDENT PAY-
7 MENTS.—A covered resident residing in a
8 unit temporarily leased shall make monthly
9 payments for rent to the owner of the cov-
10 ered dwelling unit such covered resident
11 previously occupied. Such payments may
12 not exceed the maximum monthly rent es-
13 tablished pursuant to the assistance con-
14 tract.

15 “(D) REPAIRED COVERED DWELLING
16 UNITS.—Upon completion of repairs to a cov-
17 ered dwelling unit that was rendered uninhabit-
18 able, the owner of such unit shall provide writ-
19 ten notice to the covered resident that such unit
20 is habitable and that the covered resident may
21 choose to return to such unit. The owner may
22 not offer such unit to another eligible applicant
23 under this section unless—

24 “(i) the covered resident chooses not
25 to return to such unit; and

1 “(ii) the owner terminates the tem-
2 porary lease arrangement described in sub-
3 paragraph (A).

4 “(E) APPLICATION.—This paragraph shall
5 apply to the renewal of any assistance contract
6 for project-based assistance under this section.

7 “(F) DEFINITIONS.—In this paragraph:

8 “(i) COVERED DWELLING UNIT.—The
9 term ‘covered dwelling unit’ means an ex-
10 isting dwelling unit that receives project-
11 based assistance through an assistance
12 contract under this section.

13 “(ii) COVERED RESIDENT.—The term
14 ‘covered resident’ means a resident of a
15 covered dwelling unit before such unit was
16 rendered uninhabitable.

17 “(iii) HABITABLE DWELLING UNIT.—
18 The term ‘habitable dwelling unit’ means a
19 dwelling unit for which a third party in-
20 spector approved by the Secretary, has de-
21 termined meets housing quality standards
22 established under section 6(f) or physical
23 condition standards and physical inspection

1 requirements under section 200.855 of title
2 24, Code of Federal Regulations.”.

○