

115TH CONGRESS
1ST SESSION

S. 1638

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

IN THE SENATE OF THE UNITED STATES

JULY 26, 2017

Mr. GRASSLEY (for himself, Ms. STABENOW, Mr. FRANKEN, Mr. KAINE, Mr. KING, and Mr. SCOTT) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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 2017”.

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

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

9 (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 the 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.—Section 6(c)(4)(A) of the
13 United States Housing Act of 1937 (42 U.S.C.
14 1437d(c)(4)(A)) is amended—

15 (1) by striking “this subparagraph” and insert-
16 ing “this clause”; and

17 (2) by striking the subparagraph designation
18 and all that follows through “making dwelling units
19 available” and inserting the following:

20 “(A) making dwelling units in public hous-
21 ing available for occupancy, which shall provide
22 that—

23 “(i) except for projects or portions of
24 projects designated for occupancy pursuant
25 to section 7(a), preference shall be given to

1 otherwise eligible children who are in foster
 2 care, have attained an age such that the
 3 provision of foster care for the child will
 4 end by reason of the age of the child with-
 5 in 6 months, meet the requirements under
 6 clauses (i) and (ii) of paragraph (1) of the
 7 definition of the term ‘at risk of homeless-
 8 ness’ in section 91.5 of title 24, Code of
 9 Federal Regulations, as in effect on Sep-
 10 tember 1, 2016, and have agreed to comply
 11 with the requirements under section 38(c);
 12 and

13 “(ii) the public housing agency may
 14 establish a system for making dwelling
 15 units that are not occupied pursuant to the
 16 preference under clause (i) available”.

17 (b) PROJECT-BASED SECTION 8 RENTAL ASSIST-
 18 ANCE.—Section 8(d)(1)(A) of the United States Housing
 19 Act of 1937 (42 U.S.C. 1437f(d)(1)(A)) is amended—

20 (1) by striking “except that with respect” and
 21 inserting the following: “except that—

22 “(i) in the case of assisted dwelling
 23 units in a project assisted with project-
 24 based assistance under this section, the
 25 tenant selection criteria used by the owner

1 shall give preference to otherwise eligible
 2 children who are in foster care, have at-
 3 tained an age such that the provision of
 4 foster care for the child will end by reason
 5 of the age of the child within 6 months,
 6 meet the requirements under clauses (i)
 7 and (ii) of paragraph (1) of the definition
 8 of the term ‘at risk of homelessness’ in
 9 section 91.5 of title 24, Code of Federal
 10 Regulations, as in effect on September 1,
 11 2016, and have agreed to comply with the
 12 requirements under section 38(c); and

13 “(ii) with respect”; and

14 (2) by inserting “after preference is provided
 15 pursuant to clause (i)” after “to be assisted”.

16 (c) VOUCHER ASSISTANCE.—Section 8(o)(6)(A) of
 17 the United States Housing Act of 1937 (42 U.S.C.
 18 1437f(o)(6)(A)) is amended—

19 (1) by redesignating clauses (i) and (ii) as
 20 clauses (ii) and (iii), respectively;

21 (2) by inserting before clause (ii), as so redesi-
 22 gnated, the following:

23 “(i) CHILDREN AGING OUT OF FOS-
 24 TER CARE.—In making tenant-based as-
 25 sistance under this subsection available on

1 behalf of eligible families, each public hous-
2 ing agency shall give preference to other-
3 wise eligible children who are in foster
4 care, have attained an age such that the
5 provision of foster care for the child will
6 end by reason of the age of the child with-
7 in 6 months, meet the requirements under
8 clauses (i) and (ii) of paragraph (1) of the
9 definition of the term ‘at risk of homeless-
10 ness’ in section 91.5 of title 24, Code of
11 Federal Regulations, as in effect on Sep-
12 tember 1, 2016, and have agreed to comply
13 with the requirements under section
14 38(c).”;

15 (3) in clause (ii), as so redesignated, by insert-
16 ing “that is not made available in accordance with
17 the preference under clause (i)” after “under this
18 subsection”; and

19 (4) in clause (iii), as so redesignated, by strik-
20 ing “this subparagraph” and inserting “clause (ii)”.

21 (d) PHA PROJECT-BASED VOUCHER ASSISTANCE.—
22 Section 8(o)(13)(J) of the United States Housing Act of
23 1937 (42 U.S.C. 1437f(o)(13)(J)) is amended—

24 (1) in the first sentence, by inserting before the
25 period at the end the following: “, except that the

1 agency shall give preference to otherwise eligible
 2 children who are in foster care, have attained an age
 3 such that the provision of foster care for the child
 4 will end by reason of the age of the child within 6
 5 months, meet the requirements under clauses (i) and
 6 (ii) of paragraph (1) of the definition of the term ‘at
 7 risk of homelessness’ in section 91.5 of title 24,
 8 Code of Federal Regulations, as in effect on Sep-
 9 tember 1, 2016, and have agreed to comply with the
 10 requirements under section 38(c)’; and

11 (2) in the third sentence, by striking “The
 12 agency” and inserting the following: “For units that
 13 are made available after preference is provided pur-
 14 suant to the first sentence of this subparagraph, the
 15 agency”.

16 (e) TERMS AND CONDITIONS ON PRIORITY.—Title I
 17 of the United States Housing Act of 1937 (42 U.S.C.
 18 1437 et seq.) is amended by adding at the end the fol-
 19 lowing:

20 **“SEC. 38. TERMS AND CONDITIONS ON PREFERENCE FOR**
 21 **ASSISTANCE FOR CHILDREN AGING OUT OF**
 22 **FOSTER CARE.**

23 “(a) PREFERENCE.—In this section, the term ‘pref-
 24 erence for housing assistance’ means preference, for an
 25 otherwise eligible child in foster care, for—

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

3 “(2) occupancy in a dwelling unit in a project
4 assisted with project-based assistance under section
5 8, pursuant to subsection (d)(1)(A)(i) of such sec-
6 tion;

7 “(3) tenant-based assistance under section 8(o),
8 pursuant to paragraph (6)(A)(i) of such section; and

9 “(4) project-based assistance under section
10 8(o)(13), pursuant to subparagraph (J) of such sec-
11 tion.

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

17 “(c) REQUIREMENT FOR EMPLOYMENT, EDUCATION,
18 OR TRAINING.—

19 “(1) IN GENERAL.—Except as provided in para-
20 graph (3), each person occupying a dwelling unit
21 pursuant to a preference for housing assistance shall
22 be, not later than 12 months after the initial occu-
23 pancy and for not less than 9 months of each suc-
24 cessive 12-month period thereafter—

1 “(A) employed on average at least 35
2 hours of service per week;

3 “(B) engaged in vocational, technical, or
4 workforce development training or in an ap-
5 prenticeship, on a full-time basis, as classified
6 by a vocational, technical, or workforce develop-
7 ment training institution or entity;

8 “(C) enrolled in a secondary school, an in-
9 stitution of higher education, or other institu-
10 tion providing post-secondary education, on a
11 full-time basis, as classified by an educational
12 institution; or

13 “(D) engaged in a combination of activities
14 described in subparagraphs (A), (B), and (C) to
15 such an extent that, in the aggregate, the en-
16 gagement is on a full-time basis.

17 “(2) VERIFICATION.—The Secretary shall re-
18 quire a public housing agency or project owner, as
19 applicable, to annually verify compliance with the re-
20 quirement under paragraph (1) by each person occu-
21 pying a dwelling unit assisted or administered by the
22 agency or owner, as applicable, pursuant to a pref-
23 erence for housing assistance in conjunction with re-
24 views of income for purposes of determining eligi-
25 bility for assistance described in subsection (a).

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

3 “(A) a person physically or mentally unfit
4 for employment, as determined in accordance
5 with such standards as the Secretary shall es-
6 tablish;

7 “(B) a parent or other household member
8 responsible for the care of a dependent child
9 under 6 or an incapacitated person; and

10 “(C) a person who is regularly and actively
11 participating in a drug addiction or alcoholic
12 treatment and rehabilitation program.

13 “(d) LIMITATION ON BEDROOMS.—A dwelling unit
14 that is occupied by a person, or assisted with assistance
15 made available on behalf of a person, pursuant to a pref-
16 erence for housing assistance may contain more than 1
17 bedroom only if each additional bedroom is occupied only
18 by other persons who occupy the dwelling unit, or receive
19 assistance made available, pursuant to a preference for
20 housing assistance.

21 “(e) TERMINATION OF ASSISTANCE.—

22 “(1) IN GENERAL.—A public housing agency or
23 project owner, as applicable, shall terminate any oc-
24 cupancy of, or assistance on behalf of, a person pur-
25 suant to any preference for housing assistance upon

1 the person attaining 25 years of age or upon sub-
2 stantial noncompliance with the requirement under
3 subsection (c)(1).

4 “(2) RULE OF CONSTRUCTION.—Nothing in
5 paragraph (1) may be construed to prohibit or affect
6 the eligibility of any person for occupancy of housing
7 assisted under this title or rental assistance under
8 section 8 that is provided other than pursuant to a
9 preference for housing assistance.”.

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

11 Section 521(a)(2) of the Housing Act of 1949 (42
12 U.S.C. 1490a(a)(2)) is amended by adding at the end the
13 following:

14 “(F)(i) In making occupancy in a project assisted
15 under this paragraph, and rental assistance under this
16 paragraph, available on behalf of eligible families, the
17 project owner shall give preference to otherwise eligible
18 children who—

19 “(I) are in foster care;

20 “(II) have attained an age such that the provi-
21 sion of foster care for the child will end by reason
22 of the age of the child within 6 months;

23 “(III) meet the requirements under clauses (i)
24 and (ii) of paragraph (1) of the definition of the
25 term ‘at risk of homelessness’ in section 91.5 of title

1 24, Code of Federal Regulations, as in effect on
2 September 1, 2016; and

3 “(IV) have agreed to comply with the require-
4 ments under clause (iii).

5 “(ii) Notwithstanding the period during which a pref-
6 erence pursuant to clause (i) for occupancy in a project
7 assisted under this paragraph or for rental assistance
8 under this paragraph is provided for a person, an other-
9 wise eligible person may apply for such occupancy or as-
10 sistance at any time after the person attains 16 years of
11 age.

12 “(iii)(I) Except as provided in subclause (III), each
13 person occupying a dwelling unit pursuant to a preference
14 under this subparagraph shall be, not later than 12
15 months after the initial occupancy and for not less than
16 9 months of each successive 12-month period thereafter—

17 “(aa) employed on average at least 35 hours of
18 service per week;

19 “(bb) engaged in vocational, technical, or work-
20 force development training or in an apprenticeship,
21 on a full-time basis, as classified by a vocational,
22 technical, or workforce development training institu-
23 tion or entity;

24 “(cc) enrolled in a secondary school, an institu-
25 tion of higher education, or other institution pro-

1 viding post-secondary education, on a full-time basis,
2 as classified by an educational institution; or

3 “(dd) engaged in a combination of activities de-
4 scribed in items (aa), (bb), and (cc) to such an ex-
5 tent that, in the aggregate, such engagement is on
6 a full-time basis.

7 “(II) The Secretary shall require a project owner to
8 verify compliance with the requirement under subclause
9 (I) by each person occupying a dwelling unit pursuant to
10 a preference under this subparagraph annually in conjunc-
11 tion with reviews of income for purposes of determining
12 eligibility for assistance described in clause (i).

13 “(III) The requirement under subclause (I) shall not
14 apply to—

15 “(aa) a person physically or mentally unfit for
16 employment, as determined in accordance with such
17 standards as the Secretary shall establish;

18 “(bb) a parent or other household member re-
19 sponsible for the care of a dependent child under 6
20 or an incapacitated person; and

21 “(cc) a person who is regularly and actively
22 participating in a drug addiction or alcoholic treat-
23 ment and rehabilitation program.

24 “(iv) A dwelling unit that is occupied by a person
25 pursuant to a preference under this subparagraph may

1 contain more than 1 bedroom only if the additional bed-
2 rooms are occupied only by other persons who occupy the
3 dwelling unit pursuant to a preference under this subpara-
4 graph.

5 “(v)(I) A project owner shall terminate any occu-
6 pancy of a person pursuant to the preference under clause
7 (i) upon the person attaining 25 years of age or upon sub-
8 stantial noncompliance with the requirement under clause
9 (ii).

10 “(II) Nothing in this clause may be construed to pro-
11 hibit or affect the eligibility of any person for occupancy
12 in a project assisted under this paragraph or for rental
13 assistance under this paragraph, other than pursuant to
14 a preference under this subparagraph.”.

15 **SEC. 5. REPORTS TO CONGRESS.**

16 (a) REQUIREMENT.—Not later than 10 years after
17 the date of enactment of this Act, and not less frequently
18 than every 5 years thereafter, the Secretary of Housing
19 and Urban Development and the Secretary of Agriculture
20 shall jointly submit a report to Congress regarding the
21 status and outcomes of persons provided a preference for
22 housing assistance pursuant to the amendments made by
23 this Act.

24 (b) CONTENTS.—Each report submitted under sub-
25 section (a) shall include—

1 (1) such information as may be necessary to as-
2 sess and evaluate the long-term success of providing
3 a preference for housing assistance pursuant to the
4 amendments made by this Act and to identify any
5 changes to facilitate improving that success; and

6 (2) information regarding the outcomes for per-
7 sons provided that preference with respect to the pe-
8 riod beginning upon initial provision of the housing
9 assistance on behalf of the person and ending 10
10 years after termination of that assistance, which
11 shall include—

12 (A) employment and career status;

13 (B) housing situation;

14 (C) educational, training, or vocational at-
15 tainment;

16 (D) physical, mental, and emotional well-
17 being (including any instances of substance
18 abuse);

19 (E) instances of arrests, incarcerations,
20 and other interactions with the criminal justice
21 system;

22 (F) marital and familial status; and

23 (G) any other relevant information as the
24 Secretaries consider appropriate to facilitate

1 successful operation of the program under the
2 amendments made by this Act.

3 (c) PROTECTION OF PRIVACY.—Each report under
4 this section shall—

5 (1) contain aggregate information regarding the
6 outcomes described in subsection (b); and

7 (2) not contain any personally identifiable infor-
8 mation.

○