

116TH CONGRESS
2D SESSION

S. 3452

To make housing affordable, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 12, 2020

Mr. MERKLEY introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To make housing affordable, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Affordable Housing Opportunities Made Equitable Act”
6 or the “Affordable HOME Act”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—HOMEOWNERSHIP

Sec. 101. Direct down payment assistance.
Sec. 102. Mortgage interest tax credit.

- Sec. 103. Positive rental history credit enhancement.
- Sec. 104. Individual development accounts.
- Sec. 105. Shared equity homeownership initiative.
- Sec. 106. National right of first refusal.
- Sec. 107. No cause evictions.
- Sec. 108. Right to Counsel.
- Sec. 109. Landlord guarantee program.
- Sec. 110. Including all forms of housing in HUD consolidated plan.
- Sec. 111. Prohibiting discrimination against voucher holders.
- Sec. 112. Fair market rent appeal.
- Sec. 113. Office of restorative housing justice.

TITLE II—CONSTRUCTION AND PRESERVATION

- Sec. 201. Housing Trust Fund.
- Sec. 202. Rural housing trust fund construction of USDA multifamily housing for low-income families.
- Sec. 203. Strategy and investment in rural housing.
- Sec. 204. Manufactured housing preservation strategy and investment.
- Sec. 205. Community energy savings program.

TITLE III—HOUSING ASSISTANCE FOR HOMELESS AND LOW-INCOME FAMILIES

- Sec. 301. Increasing direct rental assistance.
- Sec. 302. Supportive tiny housing village innovation pilot program.
- Sec. 303. Permanent supportive housing.
- Sec. 304. Navigation center pilot program.

TITLE IV—HOUSING AND HOMELESSNESS INNOVATION

- Sec. 401. Housing and homelessness innovation research centers.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

- 3 (1) The United States is experiencing an ongoing
 4 affordable housing crisis that the Federal Government
 5 has failed to adequately or proportionately
 6 address. The Harvard Housing Center found that
 7 about half of all renters in the United States spent
 8 more than 30 percent of their incomes on rent and
 9 utilities, while 1 in 4 renters spent more than half
 10 their incomes on housing in 2018. Although developers
 11 have increased new home construction in re-

1 cent years, the impacts of increased supply have not
2 alleviated pricing pressures evenly across income dis-
3 tributions. Often, housing developers focus new de-
4 velopment on the most profitable sectors, increasing
5 construction in the luxury housing market and leav-
6 ing a void in affordable home construction. The most
7 disadvantaged populations are left defenseless, with-
8 out affordable housing options and at risk of eviction
9 and displacement due to rising rents.

10 (2) In 2019, an average of 568,000 people ex-
11 perience homelessness at a single point in time. De-
12 spite this large number of unhoused people in the
13 United States, the housing choice voucher program,
14 one of our most essential housing safety nets, had
15 multi-year wait lists in many areas. The public hous-
16 ing agencies that administer these vouchers continue
17 to experience serious underfunding since Congress
18 has only provided funding for administrative ex-
19 penses prorated at 80 percent.

20 (3) The current housing affordability crisis does
21 not impact all Americans equally—it is felt most
22 acutely by people of color, and in particular African
23 Americans, a testament to the lingering impacts of
24 discriminatory housing policies. African Americans
25 represent 40 percent of all people experiencing

1 homelessness in the United States, while only ac-
2 counting for 13 percent of the United States popu-
3 lation.

4 (4) In 1933, the Federal Government created
5 the Home Owners' Loan Corporation, which played
6 a pivotal role in the development and racial segrega-
7 tion of the United States housing market, also
8 known as redlining. By deeming certain neighbor-
9 hoods as hazardous and limiting investment in oth-
10 ers, the Federal Government firmly established ra-
11 cially segregated neighborhoods throughout the
12 United States.

13 (5) Predatory use of eminent domain in pre-
14 dominantly African-American neighborhoods was
15 coupled by Federal urban renewal projects in the
16 latter half of the 20th century, which cleared out
17 homes and businesses throughout many of these
18 communities.

19 (6) Several areas of the United States saw an
20 influx of African Americans migrating from the
21 Deep South in pursuit of better economic opportuni-
22 ties. The Federal Government and State and local
23 municipalities and their policies heavily influenced
24 where this population settled.

1 (7) Historical restrictions on homeownership
2 have driven disparate impacts for Black Americans,
3 indigenous people, and people of color across most
4 sectors of social existence. In the fourth quarter of
5 2018, the homeownership rate among Black Ameri-
6 cans was 43.6 percent, while the Hispanic homeown-
7 ership rate was 46.9 percent. In comparison, the
8 White (non-Hispanic) homeownership rate was 73.6
9 percent in the fourth quarter of 2018, more than the
10 all-minority homeownership rate. Creating policies
11 and programs that encourage homeownership for the
12 most disadvantaged is necessary to achieve equitable
13 outcomes for all people in the United States.

14 (8) Generations of African Americans have been
15 systematically displaced and that legacy is still felt
16 by descendants today.

17 (9) Despite these clear and documented pat-
18 terns, the Federal Government has not dedicated
19 significant attention and resources to remedy the
20 historical legacies of redlining, urban renewal, and
21 other explicitly and intentionally racist housing poli-
22 cies.

23 (10) Housing impacts education policy and out-
24 comes. Low-income students who lack a quality edu-
25 cation are less likely to pursue education or training

1 beyond high school, and thus more likely to live in
2 low-income neighborhoods. Schools with a large con-
3 centration of low-income students are classified as
4 title I schools, and in 2016, the largest racial demo-
5 graphic in those schools were African-American chil-
6 dren, followed by White children. Generally, school
7 districts are largely funded by local property taxes,
8 and low-income neighborhoods have lower home val-
9 ues. School districts are therefore unable to provide
10 a high quality education to their students. The prop-
11 erty value funding mechanism perpetuates a system-
12 atic cycle that keeps low-income African-American
13 people in poverty, with very little opportunity for up-
14 ward mobility. Some States have tried to wrestle
15 with this systematic cycle by redesigning the funding
16 formula, yet the lasting implications of inequitable
17 funding structures remain.

18 (11) Data demonstrates that communities of
19 color and low-income families experience the adverse
20 consequence of displacement the most due to Fed-
21 eral, State, and local inequitable housing policies. As
22 a result, disparities have occurred, diminishing or
23 outright denying opportunities to obtain homeown-
24 ership and access to generational wealth within these
25 means. As living preferences change, current trends

1 demonstrate that urban areas once comprised of
2 higher concentrations of low income people and peo-
3 ple of color have become more desirable and sought
4 after by affluent people with different identities of
5 those displaced—this is also known as gentrification.

6 (12) Congress should address and continue to
7 study the ramifications of structural racism and so-
8 cial class disparities within Federal housing policies.
9 This can be done by targeting displacement, home-
10 lessness, housing affordability, enforcing tenant pro-
11 tections, providing landlords with incentives to par-
12 ticipate in affordable housing programs, and facili-
13 tating access to resources that lead to homeownership.
14

15 (13) This Act aims to address the shortcomings
16 of our current housing policies and funding levels by
17 holistically addressing disparities and systematic ob-
18 stacles and ensuring an equitable outcome for the
19 most vulnerable Americans.

20 **SEC. 3. DEFINITIONS.**

21 In this Act:

22 (1) INDIAN COUNTRY.—The term “Indian coun-
23 try” has the meaning given the term in section 1151
24 of title 18, United States Code.

1 (2) INDIAN TRIBE.—The term “Indian tribe”
2 has the meaning given the term in section 102 of the
3 Federally Recognized Indian Tribe List Act of 1994
4 (25 U.S.C. 5130).

5 (3) MANUFACTURED HOME.—The term “manu-
6 factured home”—

7 (A) has the meaning given the term in sec-
8 tion 603 of the National Manufactured Housing
9 Construction and Safety Standards Act of 1974
10 (42 U.S.C. 5402);

11 (B) includes a home described in subpara-
12 graph (A) without regard to whether the home
13 was built before, on, or after the date on which
14 the construction and safety standards estab-
15 lished under section 604 of that Act (42 U.S.C.
16 5403) became effective; and

17 (C) shall not include any self-propelled rec-
18 reational vehicle.

19 (4) MANUFACTURED HOUSING COMMUNITY.—
20 The term “manufactured housing community”
21 means a community comprised primarily of manu-
22 factured homes used primarily for residential pur-
23 poses.

24 (5) PUBLIC HOUSING AGENCY.—The term
25 “public housing agency” has the meaning given the

1 term in section 3(b) of the United States Housing
2 Act of 1937 (42 U.S.C. 1437a(b)).

3 (6) SECRETARY.—The term “Secretary” means
4 the Secretary of Housing and Urban Development.

5 (7) STATE.—The term “State” means—

6 (A) a State;

7 (B) the District of Columbia;

8 (C) the Commonwealth of Puerto Rico;

9 and

10 (D) any other territory or possession of the

11 United States.

12 **TITLE I—HOMEOWNERSHIP**

13 **SEC. 101. DIRECT DOWN PAYMENT ASSISTANCE.**

14 (a) DEFINITIONS.—In this section:

15 (1) ELIGIBLE HOUSEHOLD.—The term “eligible
16 household” means a household with an income that
17 is less than 140 percent of the area median income.

18 (2) SHARE EQUITY HOME; SHARED EQUITY
19 HOMEOWNERSHIP PROGRAM.—The terms “shared
20 equity home” and “shared equity homeownership
21 program” have the meanings given those terms in
22 section 105(a).

23 (b) ESTABLISHMENT.—The Secretary shall establish
24 a program to provide grants to State housing finance
25 agencies to establish new or supplement existing down

1 payment assistance programs for eligible households lo-
2 cated within the State.

3 (c) REQUIREMENTS FOR ELIGIBLE HOUSEHOLDS.—

4 An eligible household receiving assistance from a grant
5 provided under this section shall—

6 (1) participate in housing counseling provided
7 by—

8 (A) an organization approved by the De-
9 partment of Housing and Urban Development;
10 or

11 (B) a culturally specific nonprofit organi-
12 zation; and

13 (2) use the assistance for a down payment on
14 a property to be used by the eligible household as a
15 primary residence for a period of not less than 10
16 years.

17 (d) NO RESTRICTION ON HOUSING.—An eligible
18 household may use assistance received from a grant pro-
19 vided under this section for a down payment on any type
20 of dwelling that shall be used as a primary residence, in-
21 cluding a manufactured housing unit, residential property
22 under 400 square feet, a condominium, or a cooperative.

23 (e) UNRESTRICTED CO-BORROWERS PILOT.—There
24 shall be reserved 2 percent of the funds made available
25 under this section for grantees to carry out a pilot down

1 payment assistance program serving more than 2 co-bor-
2 rowers receiving assistance from a grant provided under
3 this section.

4 (f) SUPPLEMENT FOR SHARED EQUITY HOME PUR-
5 CHASES.—A grantee shall establish a 25 percent supple-
6 mental bonus down payment for eligible households that
7 are seeking to purchase an existing shared equity home
8 or cooperative or bring a property into a shared equity
9 homeownership program or cooperative with funds made
10 available under this section.

11 (g) LIMITATION.—The aggregate amount treated as
12 acquisition indebtedness for purposes of this section for
13 any period shall not exceed the limitation governing the
14 maximum original principal obligation for a mortgage se-
15 cured by a single-family residence, as determined and ad-
16 justed annually under section 302(b)(2) of the Federal
17 National Mortgage Association Charter Act (12 U.S.C.
18 1717(b)(2)) and section 305(a)(2) of the Federal Home
19 Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)).

20 (h) AUTHORIZATION OF APPROPRIATIONS.—

21 (1) IN GENERAL.—There is authorized to be
22 appropriated to carry out this section
23 \$1,000,000,000 for each of fiscal years 2021
24 through 2030.

1 (2) SET ASIDE FOR FUND.—An amount equal
2 to 20 percent of the funds appropriated under para-
3 graph (1) in a fiscal year shall be set aside and
4 transferred to the Restorative Housing Justice Fund
5 established under section 113(h).

6 (3) SET ASIDE FOR INDIAN TRIBES.—Of the
7 amount appropriated under paragraph (1) for each
8 fiscal year, the Secretary shall allocate as grant
9 funds—

10 (A) 98 percent to be provided to States;

11 and

12 (B) 2 percent to be provided to Indian
13 tribes in accordance with paragraph (4).

14 (4) ALLOCATION TO INDIAN TRIBES.—Of the
15 amount allocated for Indian tribes under paragraph
16 (3)(B), the Secretary shall allocate funds to each In-
17 dian tribe participating in the program during that
18 fiscal year based on a formula established by the
19 Secretary that takes into account any factor that the
20 Secretary determines to be appropriate.

21 (5) PUBLICATION OF ALLOCATION FOR-
22 MULAS.—Not later than 90 days before the begin-
23 ning of each fiscal year for which grants are pro-
24 vided to States and Indian tribes under this section,
25 the Secretary shall publish in the Federal Register

1 the formulas for allocation established under this
2 subsection.

3 **SEC. 102. MORTGAGE INTEREST TAX CREDIT.**

4 (a) ALLOWANCE OF CREDIT.—

5 (1) IN GENERAL.—Subpart A of part IV of sub-
6 chapter A of chapter 1 of the Internal Revenue Code
7 of 1986 is amended by inserting after section 25D
8 the following new section:

9 **“SEC. 25A-1. MORTGAGE INTEREST.**

10 “(a) IN GENERAL.—There shall be allowed as a cred-
11 it against the tax imposed by this chapter for the taxable
12 year an amount equal to 15 percent of the qualified mort-
13 gage interest paid or accrued by the taxpayer during the
14 taxable year.

15 “(b) QUALIFIED MORTGAGE INTEREST.—For pur-
16 poses of this section—

17 “(1) IN GENERAL.—The term ‘qualified mort-
18 gage interest’ means interest paid or accrued on ac-
19 quisition indebtedness (as defined in section
20 163(h)(3)(B)(i)) with respect to a residence of the
21 taxpayer which is the principal residence (within the
22 meaning of section 121) of the taxpayer.

23 “(2) LIMITATION.—The aggregate amount
24 treated as acquisition indebtedness for purposes of
25 this section for any period shall not exceed the limi-

1 tation governing the maximum original principal ob-
2 ligation for a mortgage secured by a single-family
3 residence, as determined and adjusted annually
4 under section 302(b)(2) of the Federal National
5 Mortgage Association Charter Act (12 U.S.C.
6 1717(b)(2)) and section 305(a)(2) of the Federal
7 Home Loan Mortgage Corporation Act (12 U.S.C.
8 1454(a)(2)).

9 “(3) TREATMENT OF MORTGAGE INSURANCE
10 PREMIUMS.—Rules similar to the rules of section
11 163(h)(3)(E) shall apply.

12 “(4) COOPERATIVE HOUSING CORPORATIONS;
13 UNENFORCEABLE SECURITY INTERESTS; ESTATES
14 AND TRUSTS.—Rules similar to the rules of subpara-
15 graphs (B), (C), and (D) of section 163(h)(4) shall
16 apply.

17 “(c) ELECTION.—A taxpayer may elect not to have
18 this section apply with respect to qualified mortgage inter-
19 est paid or accrued by the taxpayer for any taxable year.

20 “(d) COORDINATION WITH OTHER PROVISIONS.—No
21 credit shall be allowed under this section for any taxable
22 year with respect any residence if—

23 “(1) a deduction is allowed for such taxable
24 year under section 163 with respect to such resi-
25 dence, or

1 “(2) a credit is allowed for such taxable year
2 under section 25 with respect to such residence.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-
4 tions for subpart A of part IV of subchapter A of
5 chapter 1 of such Code is amended by inserting
6 after the item relating to section 25 the following
7 new item:

“Sec. 25A-1. Mortgage interest.”.

8 (b) COORDINATION WITH EXISTING CREDIT.—

9 (1) IN GENERAL.—Section 25 of the Internal
10 Revenue Code of 1986 is amended by adding at the
11 end the following new subsections:

12 “(j) ELECTION.—A taxpayer may elect not to have
13 this section apply for any taxable year.

14 “(k) COORDINATION.—No credit shall be allowed
15 under this section for any taxable year with respect to a
16 if a credit is allowed for such taxable year under section
17 25A-1 with respect to such residence.”.

18 (2) CONFORMING AMENDMENT.—Section
19 6501(m) of such Code is amended by inserting
20 “25(j), 25A-1(c),” before “30B(h)(9)”.

21 (c) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to taxable years beginning after
23 December 31, 2019.

1 **SEC. 103. POSITIVE RENTAL HISTORY CREDIT ENHANCE-**
 2 **MENT.**

3 Not later than 180 days after the date of enactment
 4 of this Act, the Director of the Federal Housing Finance
 5 Agency shall issue supervisory guidance requiring, to the
 6 greatest extent practicable, that not less than 5 percent
 7 of mortgages securitized by the Federal Home Loan Mort-
 8 gage Corporation or the Federal National Mortgage Asso-
 9 ciation by 2024 factor borrower opt-in positive rental pay-
 10 ment history in the credit rating and underwriting process
 11 with respect to those mortgages.

12 **SEC. 104. INDIVIDUAL DEVELOPMENT ACCOUNTS.**

13 (a) IN GENERAL.—Section 416 of the Assets for
 14 Independence Act (42 U.S.C. 604 note) is amended by
 15 striking “\$25,000,000 for each of fiscal years 1999, 2000,
 16 2001, 2002, and 2003,” and inserting “\$100,000,000 for
 17 each of fiscal years 2021 through 2030,”.

18 (b) SET ASIDE.—An amount equal to 10 percent of
 19 the funds appropriated under section 416 of the Assets
 20 for Independence Act (42 U.S.C. 604 note) in a fiscal year
 21 shall be set aside and transferred to the Restorative Hous-
 22 ing Justice Fund established under section 113(h).

23 **SEC. 105. SHARED EQUITY HOMEOWNERSHIP INITIATIVE.**

24 (a) DEFINITIONS.—In this section:

25 (1) ELIGIBLE ENTITY.—The term “eligible enti-
 26 ty” means—

1 (A) a participating jurisdiction; and

2 (B) an entity certified as a community de-
3 velopment financial institution by the Commu-
4 nity Development Financial Institutions Fund
5 established under section 104(a) of the Riegle
6 Community Development and Regulatory Im-
7 provement Act of 1994 (12 U.S.C. 4703(a)).

8 (2) ELIGIBLE HOUSEHOLD.—The term “eligible
9 household” means a household described in sub-
10 section (e).

11 (3) PARTICIPATING JURISDICTION.—The term
12 “participating jurisdiction” has the meaning given
13 the term in section 92.2 of title 24, Code of Federal
14 Regulations, or any successor regulation.

15 (4) SHARED EQUITY HOME.—The term “shared
16 equity home” means a dwelling unit serving an eligi-
17 ble household that utilizes a ground lease, deed re-
18 striction, subordinate loan, or similar legal mecha-
19 nism that includes provisions stating that—

20 (A) the dwelling unit is intended to be kept
21 affordable for subsequent eligible households;

22 (B) the affordability term is not less than
23 60 years after recordation;

24 (C) a resale formula applies that limits the
25 proceeds of the homeowner upon resale; and

1 (D) the shared equity homeownership pro-
2 gram, its agent, or its assignee has a preemp-
3 tive option to purchase the dwelling unit from
4 the homeowner at resale.

5 (5) SHARED EQUITY HOMEOWNERSHIP PRO-
6 GRAM.—The term “shared equity homeownership
7 program” means a program that—

8 (A) provides access to shared equity homes
9 for eligible households; and

10 (B) is administered by community land
11 trusts, other nonprofit organizations, or State
12 or local governments or instrumentalities.

13 (6) SUBSIDY TO COVER THE AFFORDABILITY
14 GAP.—The term “subsidy to cover the affordability
15 gap” means the subsidy amount needed to make a
16 dwelling unit affordable at a targeted area median
17 income level in a targeted market, such as a census
18 tract, neighborhood, county, city, or metropolitan
19 statistical area, that—

20 (A) accounts for the number of bedrooms
21 in a dwelling unit and the area median income
22 adjusted for family size; and

23 (B) shall be not be less than 20 percent of
24 the median sales price in the targeted market.

1 (b) ESTABLISHMENT.—The Secretary shall provide
2 grants to eligible entities to establish and expand shared
3 equity homeownership programs and shared equity homes,
4 including through partnerships with nonprofit entities,
5 community land trusts, or State or local governments or
6 instrumentalities.

7 (c) TYPES OF GRANTS.—

8 (1) GRANTS FOR PLANNING AND CAPACITY
9 BUILDING.—The Secretary may award 3-year grants
10 under this section to eligible entities to provide
11 grants to nonprofit entities, community land trusts,
12 or State or local governments or instrumentalities to
13 develop shared equity homeownership programs or
14 community land trusts or to plan and build capacity
15 related to carrying out grant activities under this
16 section.

17 (2) GRANTS FOR EXPANDING THE NUMBER OF
18 SHARED EQUITY HOMES.—The Secretary may award
19 grants under this section to eligible entities to ex-
20 pand the number of shared equity homes in existing
21 shared equity homeownership programs, which may
22 include—

23 (A) grants for acquisition and rehabilita-
24 tion or new construction to create shared equity

1 homes and includes subsidy to cover the afford-
2 ability gap; and

3 (B) grants to implement a buyer-initiated
4 program, where eligible households identify
5 homes in the market and bring them into the
6 shared equity homeownership program, which
7 may include subsidy to cover the affordability
8 gap and funds necessary for rehabilitation or
9 repair of the property.

10 (3) LIMITATION.—The amount of grants pro-
11 vided under paragraph (1) in a fiscal year shall be
12 limited to not more than 25 percent of the amount
13 appropriated in the fiscal year under subsection (h).

14 (d) ELIGIBLE GRANT EXPENSES.—An eligible entity
15 receiving a grant under (c)(2) may use the funds—

16 (1) to provide a developer with a subsidy to
17 cover the affordability gap, which funds may be used
18 to acquire properties and conduct rehabilitation or to
19 construct new homes before the property is con-
20 verted to shared equity homeownership;

21 (2) for acquisition, rehabilitation, and develop-
22 ment expenses that are not covered by a subsidy
23 provided under paragraph (1), including a developer
24 fee;

1 (3) for capitalization of repair and replacement
2 reserves, which funds may be used for repair and re-
3 placement expenses between resales to repair or im-
4 prove a property so that a subsequent eligible house-
5 holds is not financially vulnerable due to deferred
6 maintenance;

7 (4) to provide initial stewardship funds to sup-
8 port the operations of the shared equity homeowner-
9 ship program; and

10 (5) for the cost of administering the shared eq-
11 uity homeownership program, such as identifying
12 and qualifying eligible households.

13 (e) ELIGIBLE HOUSEHOLDS.—Shared equity home-
14 ownership programs receiving funds under this section
15 may serve households with an income under 120 percent
16 of the area median income, as adjusted for household size,
17 based upon the needs of the targeted market.

18 (f) TECHNICAL ASSISTANCE AND CAPACITY BUILD-
19 ING HUB.—The Secretary shall establish a dedicated
20 shared equity housing professional technical assistance
21 hub entity to educate and engage with local partners to
22 share best practices and otherwise facilitate the shared eq-
23 uity homeownership model.

24 (g) ANNUAL REPORT.—The Secretary shall establish
25 a data collection hub to which all eligible entities receiving

1 a grant under this section shall report on an annual
2 basis—

3 (1) the number of shared equity homes created;

4 (2) the number of households served;

5 (3) eligible household demographic characteris-
6 tics; and

7 (4) any other relevant demographic information
8 required at the discretion of the Secretary.

9 (h) AUTHORIZATION OF APPROPRIATIONS.—

10 (1) IN GENERAL.—There is authorized to be
11 appropriated to carry out this section
12 \$1,000,000,000 for each of fiscal years 2021
13 through 2030.

14 (2) SET ASIDE FOR FUND.—An amount equal
15 to 20 percent of the funds appropriated under para-
16 graph (1) in a fiscal year shall be set aside and
17 transferred to the Restorative Housing Justice Fund
18 established under section 113(h).

19 **SEC. 106. NATIONAL RIGHT OF FIRST REFUSAL.**

20 (a) FANNIE MAE.—Section 302 of the Federal Na-
21 tional Mortgage Association Charter Act (12 U.S.C. 1717)
22 is amended by adding at the end the following:

23 “(d) RIGHT OF FIRST REFUSAL.—The corporation
24 may not sell or transfer any mortgage that is secured by
25 a single-family or multi-family residential property that is

1 a rental property unless the current tenant or the most
2 recent tenant within the preceding 12-month period was
3 given—

4 “(1) not less than 30 days to indicate interest
5 in purchasing the single-family home or dwelling
6 unit in which the tenant resides; and

7 “(2) not less than 60 additional days to initiate
8 the application process of securing financing to pur-
9 chase the home or dwelling unit.”.

10 (b) FREDDIE MAC.—Section 305 of the Federal
11 Home Loan Mortgage Corporation Act (12 U.S.C. 1454)
12 is amended by adding at the end the following:

13 “(e) RIGHT OF FIRST REFUSAL.—The Corporation
14 may not sell or transfer any mortgage that is secured by
15 a single-family or multi-family residential property that is
16 a rental property unless the current tenant or the most
17 recent tenant within the preceding 12-month period was
18 given—

19 “(1) not less than 20 days to indicate interest
20 in purchasing the single-family home or dwelling
21 unit in which the tenant resides; and

22 “(2) not less than 45 additional days to secure
23 financing to purchase the home or dwelling unit.”.

24 (c) SPECIAL RULE FOR MANUFACTURED HOUSING
25 COMMUNITIES.—

1 (1) DEFINITIONS.—

2 (A) MANUFACTURED HOUSING COMMUNITY
3 COOPERATIVE OR CORPORATION.—The term
4 “manufactured housing community cooperative
5 or corporation” means a cooperative or non-
6 profit corporation established pursuant to the
7 laws of the State in which the property used as
8 a manufactured housing community.

9 (B) QUALIFIED GAIN.—The term “quali-
10 fied gain” means the gain from the sale or ex-
11 change of real property comprised primarily of
12 manufactured housing used solely for residen-
13 tial purposes.

14 (2) RESIDENT RIGHT TO PURCHASE.—

15 (A) IN GENERAL.—A taxpayer who is a
16 party to a manufactured housing community
17 sale or transfer or ownership shall be assessed
18 the tax penalty described in subparagraph (B)
19 unless—

20 (i) the residents of a manufactured
21 housing community were given 60 days to
22 form a manufactured housing community
23 cooperative or corporation if no such entity
24 currently exists; and

1 (ii) the manufactured housing commu-
2 nity cooperative or corporation subjected to
3 sale or exchange is given 90 days to ini-
4 tiate the application process of securing fi-
5 nancing to purchase the manufactured
6 housing community.

7 (B) TAX PENALTY.—The tax penalty de-
8 scribed in this subparagraph for any taxable
9 year is an amount equal to 15 percent of the
10 qualified gain received by the taxpayer during
11 the taxable year.

12 (d) TECHNICAL ASSISTANCE AND CAPACITY BUILD-
13 INGS GRANTS.—

14 (1) IN GENERAL.—The Secretary shall award
15 grants to organizations described in section
16 501(c)(3) of the Internal Revenue Code and exempt
17 from taxation under section 501(a) of such Code
18 that are actively engaged in supporting affordable
19 housing and resident-owned manufactured housing
20 communities.

21 (2) APPROPRIATIONS.—There is authorized to
22 be appropriated \$10,000,000 for each of fiscal years
23 2021 to 2030 to carry out this subsection.

24 **SEC. 107. NO CAUSE EVICTIONS.**

25 (a) DEFINITIONS.—In this section:

1 (1) LANDLORD.—The term “landlord”—

2 (A) means the owner, lessor, or sublessor
3 of a residence; and

4 (B) includes an individual who is author-
5 ized by an owner, lessor, or sublessor of a resi-
6 dence to—

7 (i) manage the residence; or

8 (ii) enter into a lease agreement for
9 the residence.

10 (2) RESIDENCE.—The term “residence”—

11 (A) means a non-commercial—

12 (i) plot of real property; or

13 (ii) dwelling; and

14 (B) includes—

15 (i) a tiny home that has not more
16 than 400 square feet of living space;

17 (ii) an accessory dwelling unit;

18 (iii) an apartment; and

19 (iv) a manufactured home on a plot of
20 real property leased from the landlord.

21 (3) TENANT.—The term “tenant” means an in-
22 dividual who—

23 (A) is not less than 18 years of age; and

24 (B) has leased a residence for not fewer
25 than 6 months.

1 (b) PROHIBITION.—Subject to subsection (e), a land-
2 lord may not evict a tenant from a residence, unless—

3 (1) there is not less than one just cause for the
4 eviction under subsection (e); and

5 (2) the landlord has followed the notice proce-
6 dure established under subsection (d).

7 (c) JUST CAUSES FOR EVICTION BY A LANDLORD.—
8 The following situations constitute just cause for a land-
9 lord to evict a tenant:

10 (1) The intentional or negligent actions of the
11 tenant cause substantial physical damage to the resi-
12 dence of the tenant.

13 (2) The intentional actions of the tenant meas-
14 urably and demonstrably inhibit the quality of life of
15 an individual who lives—

16 (A) in the building where the residence of
17 the tenant is located; or

18 (B) in the immediate vicinity of the resi-
19 dence of the tenant.

20 (3) The tenant does not pay rent owed to the
21 landlord for the residence of the tenant.

22 (4) The tenant, in the residence of the tenant
23 or in the immediate vicinity of the residence of the
24 tenant, commits a crime—

25 (A) that involves—

1 (i) prostitution; commercial sexual so-
2 licitation, or the promotion of prostitution;

3 (ii) the unlawful manufacture, deliv-
4 ery, or possession of a controlled sub-
5 stance;

6 (iii) the manufacture of a cannabinoid
7 extract, unless the tenant holds a license to
8 manufacture the cannabinoid extract under
9 Federal, State, or Tribal law; or

10 (iv) burglary; and

11 (B) which, at a trial for damages under
12 this section, the landlord of the residence can
13 prove by a preponderance of the evidence.

14 (5) The tenant commits a crime that impacts—

15 (A) the health or safety of individuals who
16 live within the immediate vicinity of the resi-
17 dence of the tenant; or

18 (B) the right of individuals who live within
19 the immediate vicinity of the residence of the
20 tenant to peacefully enjoy the property of those
21 individuals.

22 (6) The landlord or an immediate relative of the
23 landlord makes a measurable, demonstrable, and
24 bona fide plan to occupy the residence.

1 (7)(A) Local or State housing inspectors deter-
2 mine that the residence of the tenant is unsuitable
3 for occupancy; and

4 (B) the unsuitability of the residence is not a
5 result of deferred maintenance of the residence by
6 the landlord.

7 (d) NOTICE PROCEDURE.—Before a landlord may
8 evict a tenant, the landlord shall provide the following no-
9 tice:

10 (1) The landlord shall provide the tenant with
11 an initial eviction notice not fewer than 6 months
12 before the eviction takes place that—

13 (A) states the just cause for the eviction
14 under subsection (c); and

15 (B) if the just cause stated under subpara-
16 graph (A) is described in paragraphs (1)
17 through (3) of subsection (c) and the tenant
18 can remedy the just cause, provides the tenant
19 with 15 days to correct the actions of the ten-
20 ant.

21 (2) Not sooner than 30 days after providing the
22 initial eviction notice under paragraph (1), the land-
23 lord shall provide the tenant with a second eviction
24 notice that—

1 (A) states the just cause for the eviction
2 under subsection (c); and

3 (B) if the just cause stated under subpara-
4 graph (A) is described in paragraphs (1)
5 through (3) of subsection (c) and the tenant
6 can remedy the just cause, provides the tenant
7 with 15 days to correct the actions of the ten-
8 ant.

9 (e) EXCEPTIONS.—A landlord may evict a tenant
10 from a residence without a just cause for the eviction
11 under subsection (c) or providing the notice required
12 under subsection (d) for one or more of the following rea-
13 sons:

14 (1)(A) The tenant intentionally provided a sub-
15 stantial amount of false information relating to a
16 criminal conviction of the tenant on a rental applica-
17 tion for the residence;

18 (B) the conviction described in subparagraph
19 (A) occurred not less than 1 year before the date of
20 the submission of the application;

21 (C) the landlord would not have entered into a
22 rental agreement for the residence with the tenant
23 if the landlord had known that the information de-
24 scribed in subparagraph (A) was false; and

1 (D) the landlord terminates the rental agree-
2 ment of the tenant not later than 30 days after the
3 date on which the landlord discovered that the infor-
4 mation described in subparagraph (A) was false.

5 (2) The tenant commits domestic violence, dat-
6 ing violence, sexual assault, or stalking against a
7 member of the household of the tenant.

8 (f) PENALTY.—A landlord who violates subsection (b)
9 shall pay to the tenant a sum not less than 6 times the
10 median monthly rent price for the area in which the resi-
11 dence of the tenant is located.

12 (g) DUTY TO EVICT.—

13 (1) If a landlord knows that a tenant has com-
14 mitted domestic violence, dating violence, sexual as-
15 sault, or stalking against a member of the household
16 of the tenant, the landlord shall—

17 (A) take steps to exclude, evict, or other-
18 wise expel the tenant from the residence of the
19 tenant; and

20 (B) permit the member of the household of
21 the tenant to continue living in the residence.

22 (h) TENANT RIGHT TO TERMINATE LEASE.—

23 (1) IN GENERAL.—A tenant may terminate the
24 lease agreement for the residence of the tenant and
25 any immediate family members of the tenant if—

1 (A) the tenant provides the landlord of the
2 residence written notice not less than 14 days
3 before the date on which the tenant terminates
4 the lease agreement;

5 (B)(i) the tenant is protected by a valid
6 order of protection; or

7 (ii) not more than 90 days before the date
8 on which the tenant provides the landlord the
9 notice described in subparagraph (A), the ten-
10 ant has been the victim of domestic violence,
11 dating violence, sexual assault, or stalking;

12 (C) the tenant provides the landlord with
13 a document that verifies the condition described
14 in subparagraph (B), which includes the signa-
15 ture or seal of—

16 (i) a court;

17 (ii) a State or local governmental au-
18 thority; or

19 (iii) an entity that serves victims of—

20 (I) domestic violence;

21 (II) dating violence;

22 (III) sexual assault; or

23 (IV) stalking; and

24 (D) the tenant vacates the residence not
25 later than 14 days after the date on which the

1 tenant provides the notice described in subpara-
2 graph (A).

3 (2) EFFECT OF TERMINATION.—If a tenant ter-
4 minates a lease agreement for the residence of the
5 tenant under paragraph (1)—

6 (A) the tenant is not liable for any unpaid
7 rent for the period of time beginning on the
8 date that is—

9 (i) 14 days after the tenant gives the
10 landlord notice under paragraph (1)(A); or

11 (ii) agreed upon in the lease agree-
12 ment; and

13 (B) not later than 21 days after receiving
14 the notice described in paragraph (1)(A), the
15 landlord shall return to the tenant—

16 (i) the appropriate share of a security
17 deposit of the tenant; and

18 (ii) in the case that it is not possible
19 to discern the appropriate share of a secu-
20 rity deposit of the tenant to be returned,
21 not less than 20 percent of the security de-
22 posit of the tenant.

23 (i) SAVINGS CLAUSES.—Nothing in this section shall
24 be construed to supersede or preempt—

1 (1) any provision of law enacted by a State or
2 local government that provides greater protections
3 for tenants than provided in this section; or

4 (2) any provision of section 41411 of the Vio-
5 lence Against Women Act of 1994 (34 U.S.C.
6 12491) that offers greater protections to individuals
7 residing in federally assisted housing that are vic-
8 tims of—

9 (A) domestic violence;

10 (B) dating violence;

11 (C) sexual assault; or

12 (D) stalking.

13 **SEC. 108. RIGHT TO COUNSEL.**

14 (a) PURPOSE.—The purpose of this section is to—

15 (1) establish funding for State governments,
16 local governments, or Indian tribes that have estab-
17 lished a Right to Counsel through legislation for cov-
18 ered individuals who are facing—

19 (A) eviction;

20 (B) a termination of a housing subsidy; or

21 (C) foreclosure;

22 (2) provide counsel to the most vulnerable pop-
23 ulations;

24 (3) allow governing bodies to tailor the Right to
25 Counsel to fit the unique needs of the community of

1 the governing body, including by setting eligibility
2 requirements for individuals who receive the Right to
3 Counsel; and

4 (4) guarantee that—

5 (A) covered individuals have a legal right
6 to receive full legal representation at no cost;

7 (B) covered individuals are not denied a
8 Right to Counsel for discretionary reasons; and

9 (C) funding for a State government, a
10 local government, or an Indian tribe with a
11 Right to Counsel continues as long as the State
12 government, local government, or Indian tribe
13 complies with—

14 (i) the plan outlined in the application
15 of the State government, local government,
16 or Indian tribe; and

17 (ii) the reporting requirements de-
18 scribed in subsection (f).

19 (b) DEFINITIONS.—In this section:

20 (1) AFFIRMATIVE CASE.—The term “affirma-
21 tive case” means any housing-related lawsuit in
22 which a covered individual is not a defendant, which
23 may include a lawsuit designed to—

24 (A) compel a landlord to make a necessary
25 repair to a residence;

1 (B) enjoin the harassment of a tenant by
2 a landlord;

3 (C) remedy mortgage or rental lease fraud;
4 and

5 (D) remedy—

6 (i) an instance of discrimination
7 against a tenant or prospective tenant by
8 a landlord;

9 (ii) discrimination in lending;

10 (iii) discrimination under the Fair
11 Housing Act (42 U.S.C. 3601 et seq.); or

12 (iv) any other instance of discrimina-
13 tion that is directly related to housing.

14 (2) COVERED INDIVIDUAL.—The term “covered
15 individual”—

16 (A) means an individual who—

17 (i) meets the eligibility requirements
18 of an eligible entity established in the
19 Right to Counsel legislation of the eligible
20 entity; and

21 (ii) is a defendant or plaintiff in a
22 covered proceeding that takes place within
23 the geographic boundaries of the eligible
24 entity described in clause (i); and

1 (B) includes any individual described in
2 subparagraph (A) who is—

3 (i) a tenant of any type of rental
4 housing, including public housing;

5 (ii) a homeowner of any type of home,
6 including a tiny home or a manufactured
7 home;

8 (iii) a tenant or homeowner with a
9 terminated housing subsidy; or

10 (iv) a tenant or homeowner who has
11 received notice that the housing subsidy of
12 the tenant or homeowner will be termi-
13 nated.

14 (3) COVERED PROCEEDING.—The term “cov-
15 ered proceeding” means a civil action in a court or
16 administrative forum—

17 (A) for—

18 (i) eviction from the primary residence
19 of a tenant;

20 (ii) the termination of a housing sub-
21 sidy;

22 (iii) foreclosure on the primary resi-
23 dence of a homeowner; and

1 (iv) an affirmative case, if the eligible
2 entity meets the requirement under sub-
3 section (c)(2)(B); and

4 (B) that an eligible entity chooses to cover
5 in the Right to Counsel legislation of the eligi-
6 ble entity.

7 (4) ELIGIBLE ENTITY.—The term “eligible enti-
8 ty” means a State government, a local government,
9 or an Indian tribe with a Right to Counsel.

10 (5) HOUSING-RELATED LEGAL REPRESENTA-
11 TION.—The term “housing-related legal representa-
12 tion”—

13 (A) means full legal representation by a
14 Right to Counsel attorney for a covered indi-
15 vidual in a covered proceeding; and

16 (B) includes full legal representation on an
17 appeal from a covered proceeding.

18 (6) HOUSING SUBSIDY.—The term “housing
19 subsidy” means Federal, State, or local monetary
20 assistance for a rental or mortgage payment, such as
21 a voucher.

22 (7) IMPLEMENTATION PERIOD.—The term “im-
23 plementation period” means the 5-year period dur-
24 ing which an eligible entity gradually increases the

1 capacity of the eligible entity to provide housing-re-
2 lated legal representation to covered individuals.

3 (8) LEGAL SERVICE PROVIDER.—The term
4 “legal service provider” means a nonprofit organiza-
5 tion that—

6 (A) provides housing-related legal rep-
7 resentation on behalf of an eligible entity to
8 covered individuals; and

9 (B) receives compensation from the eligible
10 entity for providing the housing-related legal
11 representation described in subparagraph (A).

12 (9) LOCAL GOVERNMENT.—The term “local
13 government” includes the government of a city,
14 town, township, county, parish, village, or any other
15 subdivision of a State.

16 (10) PUBLIC HOUSING.—The term “public
17 housing” has the meaning given the term in section
18 3(b) of the United States Housing Act of 1937 (42
19 U.S.C. 1437a(b)).

20 (11) RIGHT TO COUNSEL.—The term “Right to
21 Counsel” means a right established by a State gov-
22 ernment, a local government, or an Indian tribe
23 that—

24 (A) is created through Right to Counsel
25 legislation;

1 (B) guarantees housing-related legal rep-
 2 resentation at no cost to—

3 (i) during the implementation period,
 4 the amount of covered individuals the eligi-
 5 ble entity identifies in the plan required
 6 under subsection (d)(2)(B); and

7 (ii) after the implementation period
 8 ends, every covered individual; and

9 (C) may be contingent upon the receipt of
 10 a certification by the Secretary under sub-
 11 section (e).

12 (12) RIGHT TO COUNSEL ATTORNEY.—The
 13 term “Right to Counsel attorney” means an attor-
 14 ney—

15 (A) employed by a legal service provider; or

16 (B) who, under the supervision of a legal
 17 service provider—

18 (i) provides housing-related legal rep-
 19 resentation to a covered individual; or

20 (ii) works on an affirmative case.

21 (13) RIGHT TO COUNSEL LEGISLATION.—The
 22 term “Right to Counsel legislation” means legisla-
 23 tion of a State government, a local government, or
 24 an Indian tribe that—

25 (A) establishes a Right to Counsel;

1 (B) identifies eligibility requirements for
2 covered individuals, which may not—

3 (i) discriminate against any individual
4 on the basis of—

5 (I) the criminal record, gender
6 identity, gender expression, sexual ori-
7 entation, family status, age, national
8 origin, disability, genetic information,
9 family medical history, eviction his-
10 tory, or foreclosure history of the indi-
11 vidual;

12 (II) the immigration status or
13 prior immigration status of the indi-
14 vidual, except as required by Legal
15 Services Corporation law and regula-
16 tions; or

17 (III) any other protected status;

18 (C) identifies the type of covered pro-
19 ceedings the eligible entity will include in the
20 Right to Counsel; and

21 (D) provides for a not more than 5-year
22 implementation period.

23 (c) FEDERAL REIMBURSEMENTS.—

24 (1) IN GENERAL.—Each fiscal year, the Sec-
25 retary shall reimburse an eligible entity for the total

1 cost of implementing and maintaining a Right to
2 Counsel if the Right to Counsel has a certification
3 from the Secretary under subsection (e).

4 (2) USE OF FUNDS.—

5 (A) IN GENERAL.—The cost described in
6 paragraph (1) may include—

- 7 (i) personnel costs;
8 (ii) operational costs;
9 (iii) administrative costs; and
10 (iv) the cost of support services.

11 (B) LIMITATION.—

12 (i) AFFIRMATIVE CASES.—Not more
13 than 5 percent of the cost described in
14 paragraph (1) may be used to provide rep-
15 resentation for covered individuals in an
16 affirmative case.

17 (ii) OTHER PROCEEDINGS FA-
18 VORED.—An eligible entity may only pro-
19 vide representation for a covered individual
20 in an affirmative case if the provision does
21 not interfere with the ability of the eligible
22 entity to provide representation to covered
23 individuals for covered proceedings that
24 are not affirmative proceedings.

25 (d) APPLICATION.—

1 (1) IN GENERAL.—An eligible entity that de-
2 sires a reimbursement from the Secretary under
3 subsection (c) shall submit to the Secretary an appli-
4 cation at such time, in such manner, and accom-
5 panied by such information as the Secretary may
6 reasonably require.

7 (2) CONTENTS.—Each application submitted
8 under paragraph (1) shall include the following:

9 (A) If the Right to Counsel of the eligible
10 entity covers actions for eviction, statistical
11 data that shows, within the geographic bound-
12 aries of the eligible entity—

13 (i) the number of actions for eviction
14 that were filed against individuals;

15 (ii) the number of orders for eviction
16 that were granted as a result of an action
17 described in clause (i);

18 (iii) the number of actions for fore-
19 closure that were filed against individuals;

20 (iv) the number of foreclosures that
21 were granted as a result of an action de-
22 scribed in clause (iii);

23 (v) the percentage of the individuals
24 described in clauses (i) and (iii) that were

1 represented by an attorney in the eviction
2 or foreclosure proceeding; and

3 (vi) to the greatest extent practicable,
4 the household income level of the individ-
5 uals described in clauses (i) and (iii).

6 (B) A detailed plan for the implementation
7 period of the Right to Counsel of the eligible
8 entity that includes—

9 (i) a timeline that describes the grad-
10 ual increase in the number of covered indi-
11 viduals who receive housing-related legal
12 representation at no cost;

13 (ii) an assurance that key stake-
14 holders, including legal service providers
15 and community organizations—

16 (I) were included in the formula-
17 tion of the plan; and

18 (II) will be included in the execu-
19 tion of the plan; and

20 (iii) proposed methods to increase the
21 rate of housing-related legal representation
22 for covered individuals.

23 (e) CERTIFICATION.—

24 (1) IN GENERAL.—The Secretary shall certify
25 the Right to Counsel of an eligible entity if the eligi-

1 ble entity submits an application meeting the re-
2 quirements under subsection (d).

3 (2) 3-YEAR REVIEW.—

4 (A) IN GENERAL.—A certification of the
5 Secretary under paragraph (1) shall be effective
6 for a 3-year period.

7 (B) RECERTIFICATION.—The Secretary
8 shall extend the certification of the Right to
9 Counsel of an eligible entity for an additional 3-
10 year period if—

11 (i) the eligible entity submits an addi-
12 tional application under subsection (d);
13 and

14 (ii) the additional application meets
15 the requirements under subsection (d).

16 (f) REPORTS.—

17 (1) IN GENERAL.—Not less frequently than an-
18 nually, each eligible entity receiving a reimbursement
19 from the Secretary under subsection (c) shall submit
20 to the Secretary each of the following reports:

21 (A) For an eligible entity that is under an
22 implementation period, a report summarizing
23 the progress of the plan described in subsection
24 (d)(2)(B).

25 (B) A report that includes—

1 (i) an estimation of the number of
2 covered individuals who live in the geo-
3 graphic boundaries of the eligible entity;
4 and

5 (ii) statistical information relating to
6 eviction and foreclosure proceedings han-
7 dled by Right to Counsel attorneys of the
8 eligible entity, including, to the greatest
9 extent practicable, for each proceeding—

10 (I) the race of each covered indi-
11 vidual;

12 (II) the age of each covered indi-
13 vidual;

14 (III) the household income of
15 each covered individual;

16 (IV) the number of individuals
17 included in the household of the cov-
18 ered individual;

19 (V) the type of property at issue;
20 and

21 (VI) whether the covered indi-
22 vidual or a member of the household
23 of the covered individual was a victim
24 of domestic violence, dating violence,
25 sexual assault, or stalking.

1 (C) For an eligible entity with covered pro-
2 ceedings that include actions for eviction, a re-
3 port that includes, for the previous year—

4 (i) information with respect to the eli-
5 gible entity on—

6 (I) the rate of eviction filings;

7 (II) the number of evictions that
8 were ordered;

9 (III) the number of evictions that
10 were executed; and

11 (IV) the percentage of individuals
12 who were represented by an attorney
13 of an eviction proceeding;

14 (ii) information on the resolution of
15 each eviction proceeding handled by Right
16 to Counsel attorneys on behalf of the eligi-
17 ble entity, including—

18 (I) whether the covered indi-
19 vidual was permitted to stay in the
20 residence of the covered individual;

21 (II) whether the covered indi-
22 vidual was displaced from the resi-
23 dence of the covered individual; and

24 (III) in the case of a covered in-
25 dividual who was permitted to stay in

1 the residence of the covered indi-
2 vidual—

3 (aa) whether the landlord
4 was ordered to perform repairs;
5 and

6 (bb) the amount of damages
7 either party to the proceeding
8 was ordered to pay; and

9 (iii) information on eviction pro-
10 ceedings handled by Right to Counsel at-
11 torneys on behalf of the eligible entity in
12 which the Right to Counsel attorney with-
13 drew or was discharged from the pro-
14 ceeding.

15 (D) For an eligible entity with covered pro-
16 ceedings that include actions for foreclosure, a
17 report that includes, for the previous year—

18 (i) information with respect to the eli-
19 gible entity on—

20 (I) the number of individuals who
21 were defendants in a foreclosure pro-
22 ceeding; and

23 (II) the percentage of the individ-
24 uals described in clause (i) that were
25 represented by an attorney; and

1 (ii) information on the resolution of
2 each foreclosure proceeding handled by
3 Right to Counsel attorneys on behalf of the
4 eligible entity, including—

5 (I) whether the covered indi-
6 vidual retained possession of the resi-
7 dence of the covered individual;

8 (II) whether the covered indi-
9 vidual was displaced from the resi-
10 dence of the covered individual;

11 (III) whether any payment plans
12 were agreed upon;

13 (IV) the default amount at issue;

14 (V) the value of the home on the
15 date on which the foreclosure pro-
16 ceeding began; and

17 (VI) if applicable, the sale price
18 of the home at foreclosure sale.

19 (2) PERSONALLY IDENTIFYING INFORMATION
20 REMOVED.—In each report submitted under para-
21 graph (1), an eligible entity shall remove the person-
22 ally identifying information of any covered indi-
23 vidual.

24 (g) PLANNING GRANTS.—

1 (1) IN GENERAL.—Each fiscal year, the Sec-
2 retary shall award grants in the amount of \$100,000
3 to each eligible entity that submits an application
4 under paragraph (3) for the purpose of preparing an
5 application under subsection (d).

6 (2) LIMITATION.—The total amount of grants
7 made under paragraph (1) shall not exceed
8 \$2,500,000 in a fiscal year, to be provided to eligible
9 entities described in that paragraph on a first-come,
10 first-served basis.

11 (3) PLANNING GRANT APPLICATION.—

12 (A) IN GENERAL.—An eligible entity that
13 desires a grant under paragraph (1) shall sub-
14 mit to the Secretary an application at such
15 time, in such manner, and accompanied by such
16 information as the Secretary may reasonably
17 require.

18 (B) CONTENTS.—An application submitted
19 under subparagraph (A) shall include an esti-
20 mation of the number of covered individuals the
21 Right to Counsel of the eligible entity will serve.

22 (h) INDEPENDENT COMMISSION STUDY.—The Sec-
23 retary shall conduct a study to analyze the feasibility of
24 establishing an independent commission or another inde-

1 pendent regulatory body to administer Right to Counsel
2 funding under this section.

3 (i) ESTABLISHMENT OF FUND.—

4 (1) IN GENERAL.—There is established in the
5 Treasury of the United States a fund consisting of
6 the amounts authorized to be appropriated under
7 paragraph (2).

8 (2) DEPOSITS TO THE FUND.—There are au-
9 thorized to be appropriated and there are appro-
10 priated to the fund established under paragraph (1)
11 such sums as may be necessary for each fiscal year
12 for the cost of—

13 (A) the reimbursements required under
14 subsection (c);

15 (B) the grants required under subsection
16 (g); and

17 (C) the study required under subsection
18 (h).

19 **SEC. 109. LANDLORD GUARANTEE PROGRAM.**

20 (a) ESTABLISHMENT.—The Secretary shall develop
21 and implement a Landlord Guarantee Program (in this
22 section referred to as the “Program”), to be administered
23 by public housing agencies, to provide financial assistance
24 to landlords to mitigate damages caused by tenants receiv-
25 ing tenant-based rental assistance under section 8(o) of

1 the United States Housing Act of 1937 (42 U.S.C.
2 1437f(o)).

3 (b) ELIGIBILITY.—In order to receive assistance
4 under the Program, a landlord shall—

5 (1) obtain judgment against the tenant from
6 the public housing agency with jurisdiction over the
7 property;

8 (2) submit to the Secretary an application to
9 receive assistance under the Program not later than
10 1 year after the date on which the landlord obtains
11 judgment under paragraph (1); and

12 (3) rent to a tenant with a valid guarantee.

13 (c) USE OF FUNDS.—Amounts received under the
14 Program shall only be used for reimbursing amounts in
15 a judgment described in subsection (b) that are related
16 to property damage, unpaid rent, or other damages, in-
17 cluding damages—

18 (1) caused as a result of the occupancy of the
19 tenant, including where the tenant is a victim of do-
20 mestic violence, dating violence, sexual assault, or
21 stalking;

22 (2) that exceed normal wear and tear; and

23 (3) that are in excess of \$500 but not more
24 than \$5,000 per tenancy.

1 (d) FEES.—The Secretary shall assess and collect a
2 fee from each landlord that participates in the Program
3 that is equal to 1 percent of the rental value of the prop-
4 erty for which the landlord seeks to mitigate damages
5 caused by tenants.

6 (e) TENANT ACCOUNTABILITY.—A tenant shall be el-
7 ible for not more than 2 claims under the Program every
8 10 years.

9 (f) LANDLORD ACCOUNTABILITY.—A landlord shall
10 be eligible for not more than 1 claim under the Program
11 per dwelling unit every 10 years.

12 (g) FUND.—There is established in the Treasury of
13 the United States a fund to be known as the Landlord
14 Guarantee Program Fund, into which shall be deposited—

15 (1) amounts appropriated to the fund; and

16 (2) all amounts collected as fees under sub-
17 section (d).

18 (h) REGULATIONS.—The Secretary shall issue regu-
19 lations to implement the Program, including regulations
20 relating to—

21 (1) additional qualifications and requirements
22 that a landlord is required to meet to receive assist-
23 ance under the Program; and

1 (2) the form of application that a landlord shall
2 submit to the Secretary to receive assistance under
3 the Program.

4 **SEC. 110. INCLUDING ALL FORMS OF HOUSING IN HUD**
5 **CONSOLIDATED PLAN.**

6 (a) DEFINITION OF CONSOLIDATED PLAN.—In this
7 section, the term “consolidated plan” means a comprehen-
8 sive housing affordability strategy and community devel-
9 opment plan required under part 91 of title 24, Code of
10 Federal Regulations, or any successor regulation.

11 (b) ISSUANCE OF GUIDELINES RELATING TO NON-
12 TRADITIONAL FORMS OF AFFORDABLE HOUSING.—The
13 Secretary shall issue regulations that require that each
14 grantee that is required to submit a consolidated plan
15 shall include, to the greatest extent practicable, actionable
16 plans to incorporate and preserve in the overall affordable
17 housing stock—

18 (1) modular housing constructed in accordance
19 with State, local, or regional site-built building
20 codes;

21 (2) single room occupancy units;

22 (3) emergency shelters, including dwelling units
23 under 400 square feet and supportive tiny housing
24 villages;

- 1 (4) shared equity homes, including community
2 land trusts; and
3 (5) cooperative housing ownership models.

4 **SEC. 111. PROHIBITING DISCRIMINATION AGAINST VOUCHER**
5 **HOLDERS.**

6 (a) IN GENERAL.—The Fair Housing Act (42 U.S.C.
7 3601 et seq.) is amended—

8 (1) in section 802 (42 U.S.C. 3602), by adding
9 at the end the following:

10 “(p) ‘Source of income’ means lawful, verifiable in-
11 come paid directly to a tenant or to a representative of
12 a tenant, or paid to a housing owner or landlord on behalf
13 of a tenant, including Federal rent subsidy payments
14 under section 8 of the United States Housing Act of 1937
15 (42 U.S.C. 1437f) and any other local, State, or Federal
16 housing or financial assistance.”;

17 (2) in section 804 (42 U.S.C. 3604), by insert-
18 ing “source of income,” after “familial status,” each
19 place that term appears;

20 (3) in section 805 (42 U.S.C. 3605)—

21 (A) in subsection (a), by inserting “source
22 of income,” after “familial status,”; and

23 (B) in subsection (c), by inserting “source
24 of income,” after “handicap,”;

1 (4) in section 806 (42 U.S.C. 3606), by insert-
2 ing “source of income,” after “familial status,”; and

3 (5) in section 808(e)(6) (42 U.S.C. 3608(e)(6)),
4 by inserting “source of income,” after “handicap,”.

5 (b) PREVENTION OF INTIMIDATION IN FAIR HOUS-
6 ING CASES.—Section 901 of the Civil Rights Act of 1968
7 (42 U.S.C. 3631) is amended by inserting “source of in-
8 come (as defined in section 802),” before “or national ori-
9 gin” each place that term appears.

10 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated to carry out this section
12 \$50,000,000 for each of fiscal years 2021 through 2030.

13 **SEC. 112. FAIR MARKET RENT APPEAL.**

14 (a) DEFINITIONS.—In this section:

15 (1) FAIR MARKET RENT.—The term “fair mar-
16 ket rent” means the applicable fair market rental es-
17 tablished under section 8(c) of the United States
18 Housing Act of 1937 (42 U.S.C. 1437f(e)).

19 (2) SUCCESSFUL FAIR MARKET RENT AP-
20 PEAL.—The term “successful fair market rent ap-
21 peal” means a reevaluation of a fair market rent re-
22 sulting in a revised fair market rent that is not less
23 than 3 percent higher than the fair market rent for
24 the preceding year.

1 (b) FAIR MARKET RENT APPEAL.—In the case of an
2 appeal made by a public housing agency of a fair market
3 rent established by the Secretary, the Secretary shall—

4 (1) calculate and publish estimates of historical
5 underfunding over the preceding 10-year period due
6 to fair market rents that are below true market
7 value; and

8 (2) if the Secretary determines that the fair
9 market rent calculation was below true market
10 value, reimburse the public housing agency or non-
11 profit owner of a residential dwelling unit subject to
12 fair market rent an amount equal to 75 percent of
13 the estimated underpayment caused by the inac-
14 curate fair market rent calculation.

15 (c) SURVEY.—The Secretary shall enter into a memo-
16 randum of agreement with a State housing finance agency
17 to conduct a statewide rental market survey if a State ex-
18 periences more than 2 successful fair market rent appeals
19 within the preceding 5 calendar years.

20 (d) REIMBURSEMENT FOR SUCCESSFUL FAIR MAR-
21 KET RENT APPEALS.—The Secretary shall grant an
22 amount equal the actual direct expenses incurred by a
23 public housing agency associated with a successful fair
24 market rent appeal.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated such sums as may be nec-
3 essary to carry out this section for each of fiscal years
4 2021 through 2030.

5 **SEC. 113. OFFICE OF RESTORATIVE HOUSING JUSTICE.**

6 (a) DEFINITION OF COVERED GEOGRAPHIC AREA.—
7 In this section, the term “covered geographic area” means
8 a geographic area that is—

9 (1) within 20 miles of—

10 (A) an area that was subject to an Urban
11 Renewal Loan and Grant Contract from the
12 Department of Housing and Urban Develop-
13 ment; or

14 (B) an area designated by the Home Own-
15 ers’ Loan Corporation as “C—Definitely De-
16 clining” or “D—Hazardous”; and

17 (2) within the service area of a single public
18 housing agency.

19 (b) ESTABLISHMENT.—The Secretary shall establish
20 within the Department of Housing and Urban Develop-
21 ment an Office of Restorative Housing Justice (in this sec-
22 tion referred to as the “Office”) to execute an affordable
23 housing assistance preference policy for individuals and
24 the parents, grandparents, or primary caretakers of people
25 who—

1 (1)(A) lost title to a personal residential prop-
2 erty or at any point possessed title to real property
3 in a covered geographic area; or

4 (B) were displaced from a tenancy or estab-
5 lished residence in a covered geographic area; and

6 (2) seek to return to an area that was histori-
7 cally a covered geographic area.

8 (c) PUBLIC HOUSING AGENCIES.—

9 (1) IN GENERAL.—Each public housing agency
10 with a geographic service area that includes a cov-
11 ered geographic area shall be eligible to receive fund-
12 ing from the Office to carry out an affordable hous-
13 ing assistance preference policy in accordance with
14 subsection (g).

15 (2) ADDITIONAL EXPENSES.—A public housing
16 agency may use not more than 10 percent of the
17 funding received from the Office in a fiscal year for
18 administration and education purposes.

19 (d) DIRECTOR.—The Office shall be headed by a Di-
20 rector, who shall be appointed by the Secretary.

21 (e) NATIONAL ADVISORY COUNCIL.—

22 (1) IN GENERAL.—The Director of the Office
23 shall establish within the Office an advisory council,
24 which shall—

1 (A) be composed of 10 members, of
2 whom—

3 (i) one shall be the Director of the Of-
4 fice;

5 (ii) two shall be representatives from
6 national nonprofit civil rights organizations
7 and appointed by the Director;

8 (iii) two shall be representatives from
9 national tenant rights organizations and
10 appointed by the Director;

11 (iv) three shall be individuals eligible
12 for assistance under this section and ap-
13 pointed by the Director; and

14 (v) two shall be appointed by the Sec-
15 retary at the discretion of the Secretary;

16 (B) submit to Congress an annual report
17 in partnership with a housing and homelessness
18 innovation research center established under
19 section 401;

20 (C) provide technical assistance to annual
21 action plans submitted by a community advi-
22 sory council established under subsection (f);
23 and

24 (D) submit annual recommendations relat-
25 ing to the policies and regulations of the Office.

1 (f) COMMUNITY ADVISORY COUNCIL.—

2 (1) IN GENERAL.—Each public housing agency
3 shall establish a community advisory council, which
4 shall—

5 (A) establish an annual action plan to gov-
6 ern the release of funds under this section and
7 administer the preference scale established
8 under subsection (g); and

9 (B) be composed of 10 members with a 2-
10 year term limit, of whom—

11 (i) one shall be the Executive Director
12 of the public housing agency or an ap-
13 pointee from the public housing agency;

14 (ii) two shall be representatives from
15 a local nonprofit civil rights organizations
16 and appointed by the Director of the coun-
17 cil;

18 (iii) two shall be representatives from
19 local tenant rights organizations and ap-
20 pointed by the Director of the council;

21 (iv) three shall be individuals eligible
22 for displacement compensation under this
23 section and appointed by the Director of
24 the council; and

1 (v) two shall be appointed by the Di-
2 rector of the council at the discretion of
3 the Executive Director of the public hous-
4 ing agency.

5 (2) DIRECTOR.—

6 (A) APPOINTMENT IN FIRST YEAR.—Dur-
7 ing the 1-year period following the date on
8 which a community advisory council is estab-
9 lished under paragraph (1), the member de-
10 scribed in paragraph (1)(B)(i) shall serve as
11 Director of the council.

12 (B) AFTER FIRST YEAR.—After the 1-year
13 period described in subparagraph (B), the Di-
14 rector of a community advisory council shall be
15 appointed on an annual basis by majority vote
16 of the council.

17 (C) DUTIES.—The Director of a commu-
18 nity advisory council shall submit to the council
19 established under subsection (e) on an annual
20 basis—

21 (i) the action plan required under
22 paragraph (1)(A) and an accompanying re-
23 port; and

24 (ii) policy proposals for the commu-
25 nity advisory council.

1 (3) FUNDING.—Each public housing agency
2 shall allocate \$100,000 on an annual basis to the
3 community advisory council established under this
4 subsection.

5 (g) PREFERENCE SCALE.—

6 (1) IN GENERAL.—The community advisory
7 council of a public housing agency established under
8 subsection (f) shall determine individual preference
9 for funds made available under this section to appli-
10 cants on a scale of 1 to 5, with 1 point awarded for
11 each of the following factors:

12 (A) Whether the applicant lost title or pos-
13 sessed title to a property or was displaced, as
14 described in subparagraphs (A) and (B) of sub-
15 section (b)(1).

16 (B) Whether the applicant is a descendant
17 of someone who lost title or possessed title to
18 a property or was displaced, as described in
19 subparagraphs (A) and (B) of subsection
20 (b)(1).

21 (C) Whether the income of the applicant is
22 below 30 percent of the median income in the
23 area in which the applicant resides.

1 (D) Whether the income of the applicant is
2 below 60 percent of the median income in the
3 area in which the applicant resides.

4 (E) Whether the applicant attended a
5 school designated as a title I school for more
6 than 5 years.

7 (h) FUND.—There is established in the Treasury of
8 the United States a fund to be known as the Restorative
9 Housing Justice Fund, into which shall be deposited—

10 (1) amounts appropriated to the fund; and

11 (2) all amounts set aside for the Restorative
12 Housing Justice Fund under any other provision of
13 law.

14 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to the Secretary to carry
16 out this section such sums as may be necessary each of
17 fiscal years 2021 through 2030.

18 **TITLE II—CONSTRUCTION AND** 19 **PRESERVATION**

20 **SEC. 201. HOUSING TRUST FUND.**

21 (a) IN GENERAL.—Section 1338 of the Federal
22 Housing Enterprises Financial Safety and Soundness Act
23 of 1992 (12 U.S.C. 4568) is amended by adding at the
24 end the following:

1 “(j) INCLUSION OF SUPPLEMENTAL APPROPRIA-
 2 TIONS IN CONGRESSIONAL JUSTIFICATION.—Beginning
 3 for fiscal year 2021 and each fiscal year thereafter, the
 4 Secretary shall include, in the annual budget justification
 5 submitted by the Secretary, a recommended supplemental
 6 appropriation level for the Housing Trust Fund, which
 7 shall be in an amount that is sufficient to eliminate the
 8 shortage of affordable and available rental dwelling units
 9 over a 10-year period.

10 “(k) SUPPLEMENTAL APPROPRIATION FOR 2020.—
 11 Out of amounts not otherwise appropriated, there is ap-
 12 propriated to the Housing Trust Fund \$40,000,000,000
 13 for fiscal year 2020.”.

14 **SEC. 202. RURAL HOUSING TRUST FUND CONSTRUCTION**
 15 **OF USDA MULTIFAMILY HOUSING FOR LOW-**
 16 **INCOME FAMILIES.**

17 The Housing Act of 1949 (42 U.S.C. 1471 et seq.)
 18 is amended by adding at the end the following:

19 **“SEC. 545. MULTIFAMILY HOUSING CONSTRUCTION FOR**
 20 **LOW-INCOME FAMILIES.**

21 “(a) ESTABLISHMENT.—The Secretary shall carry
 22 out a program under this section for the construction of
 23 multifamily rental housing projects financed with a loan
 24 under section 515 and with rental assistance provided
 25 under section 521 for low-income families in rural areas.

1 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to the Secretary to carry
3 out this section \$100,000,000 for each of fiscal years 2021
4 through 2030.”.

5 **SEC. 203. STRATEGY AND INVESTMENT IN RURAL HOUSING.**

6 (a) IN GENERAL.—Title V of the Housing Act of
7 1949 (42 U.S.C. 1471 et seq.), as amended by section 202
8 of this Act, is amended by adding at the end the following:

9 **“SEC. 546. HOUSING PRESERVATION AND REVITALIZATION**
10 **PROGRAM.**

11 “(a) ESTABLISHMENT.—The Secretary shall carry
12 out a program under this section for the preservation and
13 revitalization of multifamily rental housing projects fi-
14 nanced with loans under sections 514, 515, and 516.

15 “(b) NOTICE OF MATURING LOANS.—

16 “(1) TO OWNERS.—On an annual basis, the
17 Secretary shall provide written notice to each owner
18 of a property financed under section 515 or both
19 sections 514 and 516 that will mature within the 4-
20 year period beginning upon the provision of such no-
21 tice, setting forth the options and financial incen-
22 tives that are available to facilitate the extension of
23 the loan term or the option to decouple a rental as-
24 sistance contract pursuant to subsection (f).

25 “(2) TO TENANTS.—

1 “(A) IN GENERAL.—For each property fi-
2 nanced with a loan made or insured under sec-
3 tion 514, 515, or 516, not later than the date
4 that is 2 years before the date that such loan
5 will mature, the Secretary shall provide written
6 notice to each household residing in such prop-
7 erty that informs them of the date of the loan
8 maturity, the possible actions that may happen
9 with respect to the property upon such matu-
10 rity, and how to protect their right to reside in
11 Federally assisted housing after such maturity.

12 “(B) HOLD HARMLESS.—If the Secretary
13 fails to provide households with the notice re-
14 quired under subparagraph (A), the residents
15 shall be held harmless from rent increases until
16 the required notice period elapses.

17 “(C) LANGUAGE.—Notice under this para-
18 graph shall be provided in plain English and
19 shall be translated to other languages in the
20 case of any property located in an area in which
21 a significant number of residents speak such
22 other languages, consistent with guidance
23 issued by the Secretary in accordance with Ex-
24 ecutive Order 13166 (42 U.S.C. 2000d–1 note;

1 relating to access to services for persons with
2 limited English proficiency).

3 “(c) LOAN RESTRUCTURING.—Under the program
4 under this section, the Secretary may restructure such ex-
5 isting housing loans, as the Secretary considers appro-
6 priate, for the purpose of ensuring that such projects have
7 sufficient resources to preserve the projects to provide safe
8 and affordable housing for low-income residents and farm
9 laborers, by—

10 “(1) reducing or eliminating interest;

11 “(2) deferring loan payments;

12 “(3) subordinating, reducing, or reamortizing
13 loan debt; and

14 “(4) providing other financial assistance, in-
15 cluding advances, payments, and incentives (includ-
16 ing the ability of owners to obtain reasonable re-
17 turns on investment) required by the Secretary.

18 “(d) RENEWAL OF RENTAL ASSISTANCE.—When the
19 Secretary offers to restructure a loan pursuant to sub-
20 section (c), the Secretary shall offer to renew the rental
21 assistance contract under section 521(a)(2) for a 20-year
22 term that is subject to annual appropriations, provided
23 that the owner agrees to bring the property up to such
24 standards that will ensure its maintenance as decent, safe,

1 and sanitary housing for the full term of the rental assist-
2 ance contract.

3 “(e) RESTRICTIVE USE AGREEMENTS.—

4 “(1) REQUIREMENT.—As part of the preserva-
5 tion and revitalization agreement for a project, the
6 Secretary shall obtain a restrictive use agreement
7 that obligates the owner to operate the project in ac-
8 cordance with this title.

9 “(2) TERM.—

10 “(A) NO EXTENSION OF RENTAL ASSIST-
11 ANCE CONTRACT.—Except when the Secretary
12 enters into a 20-year extension of the rental as-
13 sistance contract for the project, the term of
14 the restrictive use agreement for the project
15 shall be consistent with the term of the restruc-
16 tured loan for the project.

17 “(B) EXTENSION OF RENTAL ASSISTANCE
18 CONTRACT.—If the Secretary enters into a 20-
19 year extension of the rental assistance contract
20 for a project, the term of the restrictive use
21 agreement for the project shall be extended for
22 20 years.

23 “(C) TERMINATION.—The Secretary may
24 terminate the 20-year use restrictive use agree-
25 ment for a project prior to the end of its term

1 if the 20-year rental assistance contract for the
2 project with the owner is terminated at any
3 time for reasons outside the owner’s control.

4 “(f) DECOUPLING OF RENTAL ASSISTANCE.—

5 “(1) RENEWAL OF RENTAL ASSISTANCE CON-
6 TRACT.—If the Secretary determines that a matur-
7 ing loan for a project cannot reasonably be restruc-
8 tured in accordance with subsection (c) and the
9 project was operating with rental assistance under
10 section 521, the Secretary may renew the rental as-
11 sistance contract, notwithstanding any provision of
12 section 521, for a term, subject to annual appropri-
13 ations, of not less than 10 years but not more than
14 20 years.

15 “(2) RENTS.—Any agreement to extend the
16 term of the rental assistance contract under section
17 521 for a project shall obligate the owner to con-
18 tinue to maintain the project as decent, safe and
19 sanitary housing and to operate the development in
20 accordance with this title, except that rents shall be
21 based on the lesser of—

22 “(A) the budget-based needs of the project;

23 or

24 “(B)(i) the operating cost adjustment fac-
25 tor as a payment standard as provided under

1 section 524 of the Multifamily Assisted Hous-
2 ing Reform and Affordability Act of 1997 (42
3 U.S.C. 1437 note).

4 “(3) INITIAL DECOUPLED RENT.—At the time
5 of an agreement to extend the term of rental assist-
6 ance contract under section 521, the initial rent
7 shall established as conventional rents for com-
8 parable units by appraisal or market study.

9 “(4) RURAL HOUSING VOUCHERS FOR MATUR-
10 ING MORTGAGES.—Residents of projects originally
11 financed with a loan made or insured under section
12 514 or 515 that has matured shall be eligible for
13 voucher assistance under section 542 if a rental as-
14 sistance contract under section 521 is not extended
15 beyond the term of the underlying loan made or in-
16 sured under section 514 or 515.

17 “(g) AUTHORITY.—If the Secretary determines that
18 additional voucher funds under section 542 are needed,
19 funds for the revitalization program under this section
20 may be used for those vouchers for any low-income house-
21 hold (including those not receiving rental assistance) re-
22 siding in a property financed with a loan under this sec-
23 tion that has been prepaid after September 30, 2005.

24 “(h) MULTIFAMILY HOUSING TRANSFER TECHNICAL
25 ASSISTANCE.—

1 “(1) IN GENERAL.—Under the program under
2 this section, the Secretary may provide grants to
3 qualified nonprofit organizations, public housing
4 agencies, and tribal housing authorities to provide
5 technical assistance, including financial and legal
6 services, to borrowers under loans under this title
7 for multifamily housing to facilitate the acquisition
8 of such multifamily housing properties in areas
9 where the Secretary determines there is a risk of
10 loss of affordable housing.

11 “(2) PROHIBITION.—The Secretary shall not
12 categorically exclude previously initiated acquisitions
13 from the provision of technical assistance funding
14 under this subsection.

15 “(i) TRANSFER OF RENTAL ASSISTANCE.—After the
16 loan or loans for a rental project originally financed under
17 section 515 or both sections 514 and 516 have matured
18 or have been prepaid and the owner has chosen not to
19 restructure the loan pursuant to subsection (c), a tenant
20 residing in such project shall have 18 months prior to loan
21 maturation or prepayment to transfer the rental assist-
22 ance assigned to the tenant’s unit to another rental project
23 originally financed under section 515 or both sections 514
24 and 516, and the owner of the initial project may rent

1 the tenant’s previous unit to a new tenant without income
2 restrictions.

3 “(j) ADMINISTRATIVE EXPENSES.—Of any amounts
4 made available for the program under this section for any
5 fiscal year, the Secretary may use not more than
6 \$1,000,000 for administrative expenses for carrying out
7 such program.

8 “(k) RURAL HOUSING SERVICE STAFFING.—The
9 Secretary—

10 “(1) shall not carry out any policy reducing the
11 number of full-time equivalent employees of the
12 Rural Housing Service without explicit authorization
13 in an Act of Congress;

14 “(2) shall produce, not later than 90 days after
15 the date of enactment of this section, a comprehen-
16 sive, actionable, and measurable staffing plan to in-
17 crease staffing levels at rural development field of-
18 fices to levels sufficient to approve ownership trans-
19 fers of multifamily housing projects under section
20 515 of this Act within 90 days of receipt of the
21 transfer;

22 “(3) shall hire and on-board not less than 100
23 full-time equivalent employees of the Rural Housing
24 Service in each of fiscal years 2021, 2022, and
25 2023; and

1 “(4) shall delegate primary and final hiring au-
2 thority to each Rural Development State Director
3 for all vacant Rural Housing Service staff positions
4 until the Secretary certifies that the staff vacancy
5 rate for the Rural Housing Service in the respective
6 State is under 3 percent.

7 “(1) AUTHORIZATION OF APPROPRIATIONS.—

8 “(1) IN GENERAL.—There is authorized to be
9 appropriated for the program under this section
10 \$220,000,000 for each of fiscal years 2021 through
11 2030.

12 “(2) SET ASIDE.—Of amounts authorized to be
13 appropriated for each fiscal year under paragraph
14 (1)—

15 “(A) \$10,000,000 shall be set aside and al-
16 located for activities carried out under sub-
17 section (h); and

18 “(B) \$10,000,000 shall be set aside and
19 allocated for activities carried out under sub-
20 section (k).”.

21 (b) MULTIFAMILY PRESERVATION AND REVITALIZA-
22 TION PROGRAM.—Section 515 of the Housing Act of 1949
23 (42 U.S.C. 1485) is amended by adding at the end the
24 following:

1 “(bb) MULTIFAMILY PRESERVATION AND REVITAL-
2 IZATION PROGRAM.—

3 “(1) IN GENERAL.—The Secretary shall estab-
4 lish a multifamily preservation and revitalization
5 program to preserve and revitalize multifamily hous-
6 ing projects financed under section 514, 515, or
7 516.

8 “(2) OPTIONS.—In carrying out paragraph (1),
9 the Secretary may—

10 “(A) with respect to the loans provided
11 under sections 514, 515, and 516—

12 “(i) reduce or eliminate interest;

13 “(ii) defer loan payments; and

14 “(iii) subordinate, reduce, or reamor-
15 tize loan debt; and

16 “(B) provide other financial assistance, in-
17 cluding—

18 “(i) advances; and

19 “(ii) payments and incentives (includ-
20 ing the ability of owners to obtain reason-
21 able returns on investment).

22 “(3) REQUIREMENTS.—In exchange for assist-
23 ance provided pursuant to this subsection, the Sec-
24 retary shall enter into a restrictive use agreement
25 with the property owner to ensure that the property

1 remains subject to low-income use restrictions for an
2 additional period of time consistent with the terms
3 of the restructuring.

4 “(4) USE OF VOUCHER FUNDS FOR REVITAL-
5 IZATION PROGRAM.—If the Secretary determines
6 that additional funds for the revitalization program
7 under this subsection are needed, funds for the rural
8 housing voucher program under section 542 may be
9 used for the revitalization program under this sub-
10 section.”.

11 **SEC. 204. MANUFACTURED HOUSING PRESERVATION**
12 **STRATEGY AND INVESTMENT.**

13 (a) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
14 tion, the term “eligible entity” means—

15 (1) a nonprofit organization, including a com-
16 munity land trust;

17 (2) a public housing agency or other State or
18 local government agency, including a State housing
19 finance agency;

20 (3) an Indian tribe;

21 (4) a cooperative resident organization formed
22 in compliance with State law in which homeowners
23 are members and have open and equal access to
24 membership; and

1 (5) any entity that the Secretary determines to
2 have sufficient capacity and demonstrated history of
3 maintaining long term housing affordability in man-
4 ufactured housing communities.

5 (b) ESTABLISHMENT.—The Secretary shall establish
6 a grant program to make grants to eligible entities for
7 acquiring and preserving manufactured housing commu-
8 nities.

9 (c) GRANTS.—Amounts from a grant under this sec-
10 tion may be used only for—

11 (1) the acquisition and preservation of manu-
12 factured housing communities;

13 (2) such acquisition and preservation, together
14 with costs for making improvements to infrastruc-
15 ture, including roads, water, and sanitary systems,
16 common areas, and community property for acquired
17 manufactured housing communities; or

18 (3) the demolition, removal, and replacement of
19 dilapidated homes from a manufactured housing
20 community.

21 (d) TERM OF AFFORDABILITY AND PURPOSE.—The
22 Secretary shall ensure any grantee under this section
23 maintains a manufactured housing community for a pe-
24 riod of not less than 60 years following receipt of the
25 grant.

1 (e) GRANT AMOUNT.—The amount of any grant
2 under this section may not exceed an amount that is equal
3 to \$30,000 multiplied by the number of manufactured
4 home lots in the manufactured housing community for
5 which the grant is made.

6 (f) TECHNICAL ASSISTANCE AND CAPACITY BUILD-
7 ING GRANTS.—The Secretary shall establish a manufac-
8 tured housing technical assistance hub to make grants to
9 eligible entities seeking to promote best practices, project
10 planning assistance and manufactured housing community
11 preservation.

12 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated for the program under this
14 section \$500,000,000 for each of fiscal years 2021
15 through 2030.

16 **SEC. 205. COMMUNITY ENERGY SAVINGS PROGRAM.**

17 (a) IN GENERAL.—The Energy Policy and Conserva-
18 tion Act (42 U.S.C. 6201 et seq.) is amended by inserting
19 after section 362 (42 U.S.C. 6322) the following:

20 **“SEC. 362A. COMMUNITY ENERGY SAVINGS PROGRAM.**

21 “(a) PURPOSE.—The purpose of this section is to
22 help households and small businesses achieve cost savings
23 by providing loans to implement cost-effective energy effi-
24 ciency measures.

25 “(b) DEFINITIONS.—In this section:

1 “(1) COMMUNITY DEVELOPMENT FINANCIAL IN-
2 STITUTION.—The term ‘community development fi-
3 nancial institution’ means a financial institution cer-
4 tified by the Community Development Financial In-
5 stitutions Fund administered by the Secretary of the
6 Treasury.

7 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
8 tity’ means—

9 “(A) a public power group;

10 “(B) a community development financial
11 institution; and

12 “(C) an eligible unit of local government.

13 “(3) ELIGIBLE UNIT OF LOCAL GOVERN-
14 MENT.—The term ‘eligible unit of local government’
15 means any agency or political subdivision of a State.

16 “(4) ENERGY EFFICIENCY MEASURES.—The
17 term ‘energy efficiency measures’ means, with re-
18 spect to a property served by or in the service area
19 or jurisdiction, as applicable, of an eligible entity,
20 structural improvements and investments in cost-ef-
21 fective commercial technologies to increase energy
22 efficiency (including cost-effective on- or off-grid re-
23 newable energy, energy storage, or demand response
24 systems).

1 “(5) HOUSEHOLD WITH A HIGH ENERGY BUR-
2 DEN.—

3 “(A) IN GENERAL.—The term ‘household
4 with a high energy burden’ means a low-income
5 household the residential energy burden of
6 which exceeds the median energy burden for all
7 low-income households in the State in which the
8 low-income household is located.

9 “(B) CALCULATION.—The residential en-
10 ergy burden referred to in subparagraph (A) is
11 the quotient obtained by dividing residential en-
12 ergy expenditures by the annual income of the
13 low-income household.

14 “(6) INDIAN TRIBE.—The term ‘Indian tribe’
15 has the meaning given the term in section 4 of the
16 Indian Self-Determination and Education Assistance
17 Act (25 U.S.C. 5304).

18 “(7) MANUFACTURED HOME.—The term ‘man-
19 ufactured home’—

20 “(A) has the meaning given the term in
21 section 603 of the National Manufactured
22 Housing Construction and Safety Standards
23 Act of 1974 (42 U.S.C. 5402); and

24 “(B) includes a home described in sub-
25 paragraph (A) without regard to whether the

1 home was built before, on, or after the date on
2 which the construction and safety standards es-
3 tablished under section 604 of that Act (42
4 U.S.C. 5403) became effective.

5 “(8) PROGRAM.—The term ‘program’ means
6 the program established under subsection (c).

7 “(9) PUBLIC POWER GROUP.—The term ‘public
8 power group’ means—

9 “(A) a public utility;

10 “(B) an electric or energy cooperative;

11 “(C) a public power district; and

12 “(D) a group of one or more public utili-
13 ties or electric or energy cooperatives (com-
14 monly referred to as a ‘joint action agency’,
15 ‘generation and transmission cooperative’, ‘mu-
16 nicipal power association’, or ‘State cooperative
17 association’).

18 “(10) QUALIFIED CONSUMER.—The term
19 ‘qualified consumer’ means a consumer served by or
20 in the service area or jurisdiction, as applicable, of
21 an eligible entity that has the ability to repay a loan
22 made under subsection (f), as determined by the eli-
23 gible entity.

24 “(11) SECRETARY.—The term ‘Secretary’
25 means the Secretary of Energy.

1 “(12) STATE.—The term ‘State’ means—

2 “(A) a State;

3 “(B) the District of Columbia;

4 “(C) the Commonwealth of Puerto Rico;

5 and

6 “(D) any other territory or possession of
7 the United States.

8 “(c) ESTABLISHMENT.—Not later than 120 days
9 after the date of enactment of this section, the Secretary
10 shall establish a program under which the Secretary shall
11 provide grants to States and Indian tribes to provide loans
12 to eligible entities in accordance with this section.

13 “(d) GRANT FUND ALLOCATION.—

14 “(1) IN GENERAL.—Of the amount appro-
15 priated under subsection (k) for each fiscal year, the
16 Secretary shall allocate as grant funds—

17 “(A) 98 percent to be provided to States in
18 accordance with paragraph (2); and

19 “(B) 2 percent to be provided to Indian
20 tribes in accordance with paragraph (3).

21 “(2) ALLOCATION TO STATES.—Of the amount
22 allocated for all States under paragraph (1)(A), the
23 Secretary shall—

1 “(A) allocate not less than 1 percent to
2 each State described in subparagraphs (A)
3 through (C) of subsection (b)(12);

4 “(B) allocate not less than 0.5 percent to
5 each State described in subparagraph (D) of
6 that subsection; and

7 “(C) of the amount remaining after the al-
8 locations under subparagraphs (A) and (B), al-
9 locate funds to States based on the population
10 of each State as determined in the latest avail-
11 able decennial census conducted under section
12 141(a) of title 13, United States Code.

13 “(3) ALLOCATION TO INDIAN TRIBES.—Of the
14 amount allocated for Indian tribes under paragraph
15 (1)(B), the Secretary shall allocate funds to each In-
16 dian tribe participating in the program during that
17 fiscal year based on a formula established by the
18 Secretary that takes into account any factor that the
19 Secretary determines to be appropriate.

20 “(4) PUBLICATION OF ALLOCATION FOR-
21 MULAS.—Not later than 90 days before the begin-
22 ning of each fiscal year for which grants are pro-
23 vided to States and Indian tribes under this section,
24 the Secretary shall publish in the Federal Register

1 the formulas for allocation established under this
2 subsection.

3 “(5) ADMINISTRATIVE COSTS.—Of the amount
4 allocated to a State or Indian tribe under this sub-
5 section, not more than 15 percent shall be used by
6 the State or Indian tribe for the administrative costs
7 of administering loans.

8 “(e) LOANS BY STATES AND INDIAN TRIBES TO ELI-
9 GIBLE ENTITIES.—

10 “(1) IN GENERAL.—Under the program, a
11 State or Indian tribe shall make loans to eligible en-
12 tities to make loans to qualified consumers—

13 “(A) to implement cost-effective energy ef-
14 ficiency measures; and

15 “(B) in accordance with subsection (f).

16 “(2) STATE ENERGY OFFICES.—A State shall
17 carry out paragraph (1) through the State energy
18 office that is responsible for developing a State en-
19 ergy conservation plan under section 362.

20 “(3) PRIORITY.—In making loans under para-
21 graph (1), a State or Indian tribe shall give priority
22 to public power groups.

23 “(4) REQUIREMENTS.—

1 “(A) IN GENERAL.—Subject to subpara-
2 graph (C), as a condition of receiving a loan
3 under this subsection, an eligible entity shall—

4 “(i) establish a list of energy effi-
5 ciency measures that are expected to de-
6 crease the energy use or costs of qualified
7 consumers;

8 “(ii) prepare an implementation plan
9 for use of the loan funds, including the use
10 of any interest to be received under sub-
11 section (f)(4);

12 “(iii) establish an appropriate meas-
13 urement and verification system to en-
14 sure—

15 “(I) the effectiveness of the en-
16 ergy efficiency loans made by the eli-
17 gible entity; and

18 “(II) that there is no conflict of
19 interest in any loan provided by the
20 eligible entity;

21 “(iv) demonstrate expertise in the ef-
22 fective implementation of energy efficiency
23 measures;

24 “(v) ensure that a portion of the loan
25 funds, which may be determined by the

1 State or Indian tribe, are used to provide
2 loans to qualified consumers that are
3 households with a high energy burden; and

4 “(vi) give priority to providing loans
5 to qualified consumers that own homes or
6 other real property that pose health risks
7 to the occupants of the property that may
8 be mitigated by energy efficiency measures,
9 as determined by the State or Indian tribe.

10 “(B) REVISION OF LIST OF ENERGY EFFI-
11 CIENCY MEASURES.—Subject to the approval of
12 the State or Indian tribe, as applicable, an eligi-
13 ble entity may update the list required under
14 subparagraph (A)(i) to account for newly avail-
15 able efficiency technologies.

16 “(C) EXISTING ENERGY EFFICIENCY PRO-
17 GRAMS.—An eligible entity that has established
18 an energy efficiency program for qualified con-
19 sumers before the date of enactment of this sec-
20 tion may use an existing list of energy efficiency
21 measures, implementation plan, and measure-
22 ment and verification system for that program
23 to satisfy the applicable requirements under
24 subparagraph (A), if the State or Indian tribe,
25 as applicable, determines that the list, plan, or

1 system, as applicable, is consistent with the
2 purposes of this section.

3 “(5) NO INTEREST.—A loan under this sub-
4 section shall bear no interest.

5 “(6) TERM.—The term of a loan provided to an
6 eligible entity under paragraph (1) shall not exceed
7 20 years after the date on which the loan is issued.

8 “(7) ADVANCE.—

9 “(A) IN GENERAL.—In providing a loan to
10 an eligible entity under paragraph (1), a State
11 or Indian tribe may provide an advance of loan
12 funds on request of the eligible entity.

13 “(B) AMOUNT LIMITATION.—Any advance
14 provided to an eligible entity under subpara-
15 graph (A) in any single year shall not exceed 50
16 percent of the approved loan amount.

17 “(C) REPAYMENT.—The repayment of an
18 advance under subparagraph (A) shall be amor-
19 tized for a period of not more than 10 years.

20 “(8) SPECIAL ADVANCE FOR START-UP ACTIVI-
21 TIES.—

22 “(A) IN GENERAL.—In providing a loan to
23 an eligible entity under paragraph (1), a State
24 or Indian tribe may provide a special advance
25 on request of the eligible entity for assistance in

1 defraying the start-up costs of the eligible enti-
2 ty, as determined by the State or Indian tribe,
3 as applicable, of providing loans to qualified
4 consumers under subsection (f).

5 “(B) LIMITATION.—A special advance
6 shall be provided to an eligible entity under
7 subparagraph (A) only during the 10-year pe-
8 riod beginning on the date on which the loan is
9 issued to that eligible entity.

10 “(C) AMOUNT.—The amount of a special
11 advance provided under subparagraph (A) shall
12 not be greater than 5 percent of the approved
13 loan amount.

14 “(D) REPAYMENT.—Repayment of a spe-
15 cial advance provided under subparagraph
16 (A)—

17 “(i) shall be required during the 10-
18 year period beginning on the date on which
19 the special advance is made; and

20 “(ii) may be deferred to the end of the
21 10-year period described in clause (i) at
22 the election of the eligible entity.

23 “(9) REVOLVING LOAN FUND.—

24 “(A) IN GENERAL.—As a condition of par-
25 ticipating in the program, a State or Indian

1 tribe shall use the funds repaid to the State or
2 Indian tribe under loans offered under this sub-
3 section to issue new loans under this subsection.

4 “(B) ADMINISTRATIVE COSTS.—Not more
5 than 10 percent of the repaid funds described
6 in subparagraph (A) may be used for the ad-
7 ministrative cost of issuing new loans from
8 those repaid funds under this subsection.

9 “(f) LOANS BY ELIGIBLE ENTITIES TO QUALIFIED
10 CONSUMERS.—

11 “(1) USE OF LOAN.—

12 “(A) IN GENERAL.—A loan made by an el-
13 igible entity to a qualified consumer using loan
14 funds provided by a State or Indian tribe under
15 subsection (e)—

16 “(i) shall be used to finance energy ef-
17 ficiency measures for the purpose of de-
18 creasing the energy use or costs of the
19 qualified consumer by an amount that en-
20 sures, to the maximum extent practicable,
21 that the applicable loan term described in
22 subparagraph (B) shall not be an undue fi-
23 nancial burden on the qualified consumer,
24 as determined by the eligible entity;

1 “(ii) shall not be used to fund pur-
2 chases of, or modifications to, personal
3 property unless the personal property is or
4 becomes attached to real property as a fix-
5 ture;

6 “(iii) may be used to upgrade a man-
7 ufactured home, regardless of the classi-
8 fication of the home as real or personal
9 property; and

10 “(iv) may be used to finance the re-
11 placement of a manufactured home—

12 “(I) if the cost of upgrading the
13 manufactured home is excessive, as
14 determined by the eligible entity; and

15 “(II) with priority given to a
16 manufactured home that was con-
17 structed before June 15, 1976.

18 “(B) LOAN TERM DESCRIBED.—The loan
19 term referred to in subparagraph (A)(i) is—

20 “(i) in the case of a manufactured
21 home replacement, not more than 20
22 years; and

23 “(ii) in the case of any other energy
24 efficiency measure, not more than 15
25 years.

1 “(2) REPAYMENT.—

2 “(A) IN GENERAL.—Subject to subpara-
3 graph (B), a loan described in paragraph (1)(A)
4 shall be repaid by the qualified consumer
5 through charges added to an existing or new
6 electric or recurring service bill for the property
7 of the qualified consumer for, or at which, en-
8 ergy efficiency measures are being implemented.

9 “(B) ALTERNATIVE REPAYMENT.—Repay-
10 ment under subparagraph (A) shall not pre-
11 clude—

12 “(i) the voluntary prepayment of the
13 loan by the qualified consumer; or

14 “(ii) the use of any additional repay-
15 ment mechanism, including a tariffed on-
16 bill mechanism, that—

17 “(I) has appropriate risk mitiga-
18 tion features, as determined by the el-
19 igible entity; or

20 “(II) is required due to the quali-
21 fied consumer no longer being a cus-
22 tomer of the eligible entity.

23 “(3) ENERGY ASSESSMENT.—

24 “(A) IN GENERAL.—Prior to the installa-
25 tion of energy efficiency measures at the prop-

1 erty of a qualified consumer that receives a loan
2 from an eligible entity under this section, and
3 to assist in the selection of the energy efficiency
4 measures to be installed, the eligible entity shall
5 conduct an energy assessment or audit to deter-
6 mine the impact of proposed energy efficiency
7 measures on—

8 “(i) the energy costs and consumption
9 of the qualified consumer; and

10 “(ii) the health and safety of the occu-
11 pants of the property on which the energy
12 efficiency measures are to be installed.

13 “(B) FIELD OR ONLINE ASSESSMENT.—An
14 energy assessment or audit under subparagraph
15 (A) may be conducted in the field or online, as
16 determined by the State or Indian tribe that
17 has issued a loan to the eligible entity under
18 subsection (e).

19 “(4) INTEREST.—A loan described in para-
20 graph (1)(A) may bear interest, not to exceed 5 per-
21 cent, which may be used—

22 “(A) to establish a loan loss reserve for the
23 eligible entity;

1 “(B) to offset the personnel and program
2 costs of the eligible entity in providing the loan;
3 and

4 “(C) for any other related purpose, as de-
5 termined by the eligible entity, in consultation
6 with the State or Indian tribe that has issued
7 a loan to the eligible entity under subsection
8 (e).

9 “(5) OUTSIDE CONTRACTS.—An eligible entity
10 may enter into one or more contracts with one or
11 more qualified entities, as determined by the State
12 or Indian tribe that has issued a loan to the eligible
13 entity under subsection (e)—

14 “(A) to assist the eligible entity in admin-
15 istering the loans described in paragraph
16 (1)(A); and

17 “(B) to carry out any of the requirements
18 of the eligible entity described in subsection
19 (e)(4)(A).

20 “(g) DIRECT LOANS FROM STATES AND INDIAN
21 TRIBES.—A State or Indian tribe may act as an eligible
22 entity under subsection (f) to provide loans directly to
23 qualified consumers—

24 “(1) in accordance with that subsection; and

1 “(2) if the State or Indian tribe satisfies the re-
2 quirements under subsection (e)(4), as determined
3 by the Secretary.

4 “(h) PROGRAM ADMINISTRATION.—

5 “(1) PLAN.—Not later than 120 days after the
6 date of enactment of this section, the Secretary shall
7 establish and begin carrying out a plan—

8 “(A) to measure and verify the success of
9 the program in implementing energy efficiency
10 measures;

11 “(B) provide training to the employees of
12 eligible entities relating to carrying out the re-
13 quirements of eligible entities under this sec-
14 tion; and

15 “(C) provide technical assistance to States,
16 Indian tribes, and eligible entities relating to
17 carrying out the requirements of this section.

18 “(2) PUBLIC AWARENESS.—Not later than 120
19 days after the date of enactment of this section, the
20 Secretary shall establish and begin carrying out a
21 plan to make eligible entities and the general public
22 aware of the program, including by developing a
23 marketing program to raise awareness of the pro-
24 gram.

25 “(3) OUTSIDE CONTRACTS.—

1 “(A) IN GENERAL.—The Secretary may
2 enter into one or more contracts with one or
3 more qualified entities, as determined by the
4 Secretary, to carry out paragraphs (1) and (2).

5 “(B) USE OF SUBCONTRACTORS AUTHOR-
6 IZED.—A qualified entity that enters into a
7 contract with the Secretary under subparagraph
8 (A) may use one or more subcontractors to as-
9 sist the qualified entity in carrying out the con-
10 tract.

11 “(4) ACCOUNTING.—The Secretary, and each
12 State and Indian tribe participating in the program,
13 shall take appropriate steps to streamline the ac-
14 counting requirements for eligible entities under the
15 program while maintaining adequate assurances of
16 the repayment of the loans made to those eligible en-
17 tities under the program.

18 “(i) EFFECT ON AUTHORITY.—Nothing in this sec-
19 tion shall impede, impair, or modify the authority of the
20 Secretary to offer loans or grants under any other law.

21 “(j) REPORT.—

22 “(1) IN GENERAL.—Not later than 15 months
23 after the date on which the program is established,
24 and 90 days after the end of each fiscal year for
25 each fiscal year thereafter, the Secretary shall sub-

1 mit to the appropriate committees of Congress and
2 make publicly available a report that describes, with
3 respect to the program—

4 “(A) the number of applications received
5 by each State and Indian tribe from eligible en-
6 tities for that fiscal year;

7 “(B) the number of loans made by each
8 State and Indian tribe for that fiscal year—

9 “(i) to eligible entities; and

10 “(ii) directly to qualified consumers;

11 “(C) the eligible entities that are the re-
12 cipients of the loans described in subparagraph
13 (B)(i); and

14 “(D) the manner in which the program
15 was advertised to eligible entities and the gen-
16 eral public.

17 “(2) CONSULTATION.—The Secretary shall con-
18 sult with and obtain information from States and
19 Indian tribes in preparing the report submitted
20 under paragraph (1).

21 “(k) AUTHORIZATION OF APPROPRIATIONS.—

22 “(1) IN GENERAL.—There is authorized to be
23 appropriated to the Secretary to carry out this sec-
24 tion \$150,000,000 for each of fiscal years 2021
25 through 2026.

1 “(2) SUPPLEMENT NOT SUPPLANT.—The fund-
2 ing provided to a State or Indian tribe under sub-
3 section (d) for each fiscal year shall be used to sup-
4 plement, not supplant, any Federal, State, or other
5 funds otherwise made available to that State or In-
6 dian tribe under—

7 “(A) a State energy conservation plan es-
8 tablished under part D of title III of the En-
9 ergy Policy and Conservation Act (42 U.S.C.
10 6321 et seq.); or

11 “(B) the Weatherization Assistance Pro-
12 gram for Low-Income Persons established
13 under part A of title IV of the Energy Con-
14 servation and Production Act (42 U.S.C. 6861
15 et seq.).”.

16 (b) STATE ENERGY CONSERVATION PLANS.—Section
17 362(d)(5) of the Energy Policy and Conservation Act (42
18 U.S.C. 6322(d)(5)) is amended—

19 (1) in subparagraph (A), by striking “or” at
20 the end;

21 (2) in subparagraph (B), by inserting “or”
22 after the semicolon; and

23 (3) by adding at the end the following:

24 “(C) which may include the community en-
25 ergy savings program under section 362A;”.

1 (c) TECHNICAL AMENDMENT.—The table of contents
 2 for the Energy Policy and Conservation Act (Public Law
 3 94–163; 89 Stat. 872) is amended by inserting after the
 4 item relating to section 362 the following:

“Sec. 362A. Community energy savings program.”.

5 **TITLE III—HOUSING ASSIST-**
 6 **ANCE FOR HOMELESS AND**
 7 **LOW-INCOME FAMILIES**

8 **SEC. 301. INCREASING DIRECT RENTAL ASSISTANCE.**

9 (a) IN GENERAL.—Section 8(o) of the United States
 10 Housing Act of 1937 (42 U.S.C. 1437f(o)) is amended
 11 by adding at the end the following:

12 “(21) EMERGENCY RENTAL ASSISTANCE
 13 VOUCHER PROGRAM.—

14 “(A) DEFINITION OF INDIAN TRIBE.—In
 15 this paragraph, the term ‘Indian tribe’ has the
 16 meaning given the term in section 102 of the
 17 Federally Recognized Indian Tribe List Act of
 18 1994 (25 U.S.C. 5130).

19 “(B) VOUCHERS.—The Secretary shall set
 20 aside, from amounts made available for rental
 21 assistance under this subsection, the amount
 22 specified in subparagraph (F) to provide vouch-
 23 ers to tenants that are eligible for tenant-based
 24 assistance under this subsection.

1 “(C) SET ASIDE.—Of the amount appro-
2 priated under subparagraph (F) for each fiscal
3 year, the Secretary shall allocate as grant
4 funds—

5 “(i) 98 percent to be provided to
6 States; and

7 “(ii) 2 percent to be provided to In-
8 dian tribes in accordance with subpara-
9 graph (D).

10 “(D) ALLOCATION TO INDIAN TRIBES.—Of
11 the amount allocated for Indian tribes under
12 subparagraph (C)(ii), the Secretary shall allo-
13 cate funds to each Indian tribe under this para-
14 graph during that fiscal year based on a for-
15 mula established by the Secretary that takes
16 into account any factor that the Secretary de-
17 termines to be appropriate.

18 “(E) PUBLICATION OF ALLOCATION FOR-
19 MULAS.—Not later than 90 days before the be-
20 ginning of each fiscal year for which grants are
21 provided to States and tribal housing authori-
22 ties under this paragraph, the Secretary shall
23 publish in the Federal Register the formulas for
24 allocation established under this paragraph.

1 “(F) AMOUNTS.—The amount specified in
2 this subparagraph is—

3 “(i) for fiscal year 2021, the amount
4 necessary to provide 100,000 vouchers for
5 rental assistance under this subsection;

6 “(ii) for fiscal year 2022, the amount
7 necessary to provide 200,000 vouchers for
8 rental assistance under this subsection;

9 “(iii) for fiscal year 2023, the amount
10 necessary to provide 300,000 vouchers for
11 rental assistance under this subsection;

12 “(iv) for fiscal year 2024, the amount
13 necessary to provide 400,000 vouchers for
14 rental assistance under this subsection;

15 “(v) for fiscal year 2025, the amount
16 necessary to provide 500,000 vouchers for
17 rental assistance under this subsection;

18 “(vi) for fiscal year 2026, the amount
19 necessary to provide 600,000 vouchers for
20 rental assistance under this subsection;

21 “(vii) for fiscal year 2027, the amount
22 necessary to provide 700,000 vouchers for
23 rental assistance under this subsection;

24 “(viii) for fiscal year 2028, the
25 amount necessary to provide 800,000

1 vouchers for rental assistance under this
2 subsection;

3 “(ix) for fiscal year 2029, the amount
4 necessary to provide 900,000 vouchers for
5 rental assistance under this subsection;
6 and

7 “(x) for fiscal year 2030, the amount
8 necessary to provide 1,000,000 vouchers
9 for rental assistance under this subsection.

10 “(G) AMOUNT OF VOUCHER.—A voucher
11 provided to a tenant under this paragraph shall
12 be in an amount that is not more than 110 per-
13 cent of the small area fair market rental estab-
14 lished under section 8(c) for the area in which
15 the tenant resides.

16 “(H) ADMINISTRATIVE FEE.—Each public
17 housing agency or tribal housing authority that
18 administers a voucher provided under this para-
19 graph shall be provided with amounts necessary
20 to cover all related administrative fees.

21 “(I) ADMINISTRATION OF VOUCHERS.—

22 “(i) PRIORITY.—The Secretary shall
23 give priority to public housing agencies
24 over State housing finance agencies with

1 respect to the administration of vouchers
2 provided under this paragraph.

3 “(ii) STATE HOUSING FINANCE AGEN-
4 CIES.—A State housing finance agency
5 may apply for and administer a voucher
6 provided under this paragraph on the same
7 terms as a public housing agency if the
8 Secretary determines that public housing
9 agencies in that State lack the capacity to
10 administer the voucher.

11 “(J) NO ARBITRARY TIME LIMIT.—The
12 Secretary shall not limit the amount of time a
13 voucher holder is eligible to receive rental as-
14 sistance under this paragraph, except by an in-
15 dividualized determination that ending rental
16 assistance serves the best interest of the vouch-
17 er holder.”.

18 (b) SET ASIDE.—An amount equal to 20 percent of
19 the funds appropriated to carry out paragraph (21) of sec-
20 tion 8(o) of the United States Housing Act of 1937 (42
21 U.S.C. 1437f(o)), as added by subsection (a), in a fiscal
22 year shall be set aside and transferred to the Restorative
23 Housing Justice Fund established under section 113(h).

24 (c) PROHIBITION ON DENIAL OF ASSISTANCE BASED
25 ON NON-VIOLENT CRIMINAL CONVICTIONS.—Section 8(o)

1 of the United States Housing Act of 1937 (42 U.S.C.
 2 1437f(o)), as amended by subsection (a) of this section,
 3 is amended by adding at the end the following:

4 “(22) PROHIBITION.—Each public housing
 5 agency or tribal housing authority that administers
 6 a voucher provided under this subsection shall not
 7 establish eligibility criteria for the voucher that ex-
 8 cludes individuals with non-violent criminal convic-
 9 tions, except for—

10 “(A) registered sex offenders; and

11 “(B) a person described in section 16(f).”.

12 **SEC. 302. SUPPORTIVE TINY HOUSING VILLAGE INNOVA-**
 13 **TION PILOT PROGRAM.**

14 (a) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
 15 tion, the term “eligible entity” means—

16 (1) a public housing agency;

17 (2) a religious organization;

18 (3) an Indian tribe that has jurisdiction over
 19 Indian country; and

20 (4) a nonprofit housing entity.

21 (b) ESTABLISHMENT.—The Secretary shall establish
 22 a pilot program to provide grants to eligible entities to
 23 promote innovation and increased capacity of tiny housing
 24 village programs.

1 (c) PRIORITY.—In awarding grants under this sec-
2 tion, the Secretary shall prioritize funding for public hous-
3 ing agencies, religious organizations, Indian tribes that
4 have jurisdiction over Indian country, and nonprofit hous-
5 ing entities to construct and operate gate-controlled tiny
6 home villages or community spaces that—

7 (1) have a per unit cost of not more than
8 \$25,000, including all necessary construction mate-
9 rials, labor, shared infrastructure, dining, laundry,
10 and sanitation facilities;

11 (2) require residents to receive not less than 1
12 hour of weekly case management; and

13 (3) permit residents to bring and share their
14 housing unit with a partner, an assistance animal,
15 or a pet.

16 (d) CASE MANAGERS.—In hiring case managers to
17 provide assistance to residents in the tiny home village or
18 community space under this section, a public housing
19 agency shall give priority to applications submitted by
20 former residents.

21 (e) MATCHING FUNDING.—A recipient of a grant
22 under this section shall provide matching non-Federal
23 funds in an amount equal to 50 percent of the grant
24 amount.

1 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$100,000,000 for each of fiscal years 2021 through 2030.

4 **SEC. 303. PERMANENT SUPPORTIVE HOUSING.**

5 (a) IN GENERAL.—Out of funds in the Treasury not
6 otherwise appropriated, there is appropriated to the Sec-
7 retary \$1,000,000,000 for each of fiscal years 2021
8 through 2030 to provide grants under title IV of the
9 McKinney-Vento Homeless Assistance Act (42 U.S.C.
10 11360 et seq.) to support permanent supportive housing,
11 including capital costs, rental subsidies, and services.

12 (b) TECHNICAL ASSISTANCE.—Of amounts appro-
13 priated under subsection (a), there shall be allocated to
14 the Secretary \$25,000,000 in each fiscal year for under-
15 capacity jurisdictions to develop comprehensive whole-of-
16 local government plans to build capacity for permanent
17 supportive housing in a rural area, as defined in section
18 1282.1 of title 12, Code of Federal Regulations, or any
19 successor regulation.

20 (c) EQUITY EVALUATION.—Of amounts appropriated
21 under subsection (a), there shall be allocated to the Sec-
22 retary \$25,000,000 in each fiscal year for housing innova-
23 tion research centers to evaluate access barriers impacting
24 people of color within existing permanent supportive hous-
25 ing implementation criteria.

1 **SEC. 304. NAVIGATION CENTER PILOT PROGRAM.**

2 (a) ESTABLISHMENT.—The Secretary shall establish
3 a grant program to provide funding to State and local gov-
4 ernments to create low-barrier navigation centers for indi-
5 viduals and families experiencing homelessness.

6 (b) USE OF FUNDS.—A low-barrier navigation center
7 created by a grant recipient shall—

8 (1) provide intensive management services, in-
9 cluding connections to health care, employment,
10 legal aid, and permanent housing, to individuals and
11 families experiencing homelessness; and

12 (2) allow an individual or family experiencing
13 homelessness to stay at the center for not more than
14 90 continuous days per 180-day period.

15 (c) MATCHING FUNDING.—A recipient of a grant
16 under this section shall provide matching non-Federal
17 funds in an amount equal to 100 percent of the grant
18 amount.

19 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to carry out this section—

21 (1) \$50,000,000 for each of fiscal years 2021
22 through 2025; and

23 (2) \$100,000,000 for each of fiscal years 2026
24 through 2030.

1 **TITLE IV—HOUSING AND**
2 **HOMELESSNESS INNOVATION**

3 **SEC. 401. HOUSING AND HOMELESSNESS INNOVATION RE-**
4 **SEARCH CENTERS.**

5 (a) **ESTABLISHMENT.**—The Secretary shall establish
6 not less than 1 housing and homelessness innovation re-
7 search center in each region of the Department of Housing
8 and Urban Development.

9 (b) **REPORTS.**—Each center established under sub-
10 section (a) shall, on an annual basis, submit a report to
11 the Secretary and Congress that includes—

12 (1) recommendations for changes to Federal
13 policy surrounding housing and homelessness; and

14 (2) a study of best practices to preserve low-
15 and middle-cost housing and expand low-cost hous-
16 ing options in the region served by the center, in-
17 cluding single room occupancy units, manufactured
18 housing, shelters, housing units under 400 square
19 feet, stacked flats, and accessory dwelling units.

20 (c) **AUTHORIZATION OF APPROPRIATIONS.**—There is
21 authorized to be appropriated to carry out this section
22 \$100,000,000 for each of fiscal years 2021 through 2030.

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