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H. R. 3894

To provide for waivers under certain housing assistance programs of the Department of Housing and Urban Development to assist victims of Hurricane Katrina in obtaining housing.

IN THE HOUSE OF REPRESENTATIVES

September 26, 2005

Mr. ALEXANDER (for himself, Mr. BAKER, Mr. MCCRERY, Mr. JEFFERSON, Mr. BOUSTANY, Mr. JINDAL, and Mr. MELANCON) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To provide for waivers under certain housing assistance programs of the Department of Housing and Urban Development to assist victims of Hurricane Katrina in obtaining housing.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Hurricane Katrina Emergency Housing Act of 2005'.

SEC. 2. WAIVERS FOR SECTION 8 VOUCHER PROGRAM.

(a) In General- The Secretary of Housing and Urban Development (in this section referred to as the 'Secretary') shall waive any of the requirements described in subsection (b) in the connection with the provision of assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) on behalf of an individual or family if--

- (1) the individual or family resides, or resided on August 29, 2005, in any area that is subject to a declaration by the President of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina; and
- (2) the residence of the individual or family became uninhabitable or inaccessible as result of that major disaster or emergency.

(b) Waiver of Eligibility Requirements- The requirements described in this subsection are the requirements under--

- (1) paragraph (2) of section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(2)), relating to tenant contributions towards rent, except that any such waiver shall expire on an individual's return to work;
- (2) paragraph (4) of such section 8(o), relating to the eligibility of individuals to receive assistance;
- (3) subsection (k) of such section 8 and paragraph (5) of such section 8(o), relating to verification of income;
- (4) paragraph (7)(A) of such section 8(o), relating to the requirement that leases shall be for a term of 1 year;
- (5) paragraph (8) of such section 8(o), relating to initial inspection of housing units by a public housing agency;
- (6) subsection (r)(1)(B) of such section 8, relating to restrictions on portability;
- (7) any regulation, notice, or order requiring prior approval by the Secretary for the use of any lease provision that modifies, amends, or waives, or differs from, any provision in a model lease issued by the Department of Housing and Urban Development for use under the program under such section 8(o); and
- (8) any regulation or Executive Order providing for access to Federally funded programs by eligible persons having limited English proficiency.

(c) Termination of Authority- The authority of the Secretary to provide waivers pursuant to this section shall--

- (1) apply during the 6-month period beginning on the date of enactment of this Act; and
- (2) extend for an additional 6 months after that period, unless at that time the Secretary makes a determination that assistance under this section is no longer needed.

SEC. 3. AUTHORITY OF THE SECRETARY TO DIRECTLY ADMINISTER VOUCHERS WHEN PHAS ARE UNABLE TO DO SO.

If the Secretary of Housing and Urban Development determines that a public housing agency is unable to implement the provisions of subsection (o) of section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) or section 2 or 3 of this Act due to the effects of Hurricane Katrina, the Secretary may--

- (1) directly administer any voucher program described in such subsection or in section 2 or 3 of this Act; and
- (2) perform the functions assigned to a public housing agency by such subsection or section 2 or 3 of this Act.

SEC. 4. WAIVERS FOR PROJECT-BASED SECTION 8 TO FACILITATE HOUSING OF AFFECTED FAMILIES.

(a) In General- During the period specified under subsection (c), the Secretary of Housing and Urban Development (in this section referred to as the `Secretary') shall waive the applicability of any of the requirements described subsection (b) with respect to any housing provided project-based assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) for any individual or family described for any individual or family that meets the requirements of paragraphs (1) and (2) of section 2 of this Act.

(b) Provisions Waived- The requirements described in this subsection are--

- (1) section 3(a) of the United States Housing Act of 1937 (42 U.S.C. 1437a(a)), relating to tenant contributions towards rent, except that any such waiver shall expire on an individual's return to work;
- (2) sections 3(a), 8(a), and 8(c)(4) of such Act (42 U.S.C. 1437a(a), 1437f) relating to the income eligibility of individuals to receive assistance;
- (3) section 8(k) of such Act, relating to verification of income;
- (4) section 8(d)(1)(B)(i) of such Act, relating to the requirement that leases shall be for a term of 1 year;
- (5) any requirement relating to initial inspection of housing units by a public housing agency;
- (6) any regulation, notice, or order requiring prior approval by the Secretary for the use of any lease provision that modifies, amends, or waives, or differs from, any provision in a model lease issued by the Department of Housing and Urban Development for use under the program under this subsection; and
- (7) any regulation or Executive Order providing for access to Federally funded programs by eligible persons having limited English proficiency.

(c) Termination- The period specified under this subsection is the 12-month period beginning upon the date of the enactment of this Act, unless before the expiration of the 6-month period beginning on such date of enactment the Secretary makes a determination that the waivers under this section are no longer needed, in which case the period specified under this subsection is the 6-month period beginning on such date of enactment.

SEC. 5. PRESERVATION OF PROJECT-BASED SECTION 8 HOUSING ASSISTANCE PAYMENTS CONTRACTS FOR DAMAGED OR DESTROYED HOUSING UNITS.

Notwithstanding any other provision of law, a project-based housing assistance payments contract entered into pursuant to section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) covering a project damaged or destroyed by Hurricane Katrina shall not expire or be terminated because of the damage or destruction of dwelling units in the project. The expiration date of the contract shall be deemed to be the later of the date specified in the contract or a date ending three months after the units are first made habitable.

SEC. 6. REPORT ON INVENTORY OF AVAILABILITY OF TEMPORARY HOUSING.

(a) Compiling of Inventory- Not later than 20 days after the date of the enactment of this Act--

(1) the Secretary of Housing and Urban Development, the Secretary of Defense, the Administrator of the General Services Administration, the Secretary of Agriculture, the Secretary of Veterans Affairs, and such other agency heads as the Secretary of Housing and Urban Development determines appropriate, and the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, shall compile an inventory of Federal civilian and defense facilities (or, in the case of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, properties held by such entities) that can be used--

(A) to provide emergency housing; or

(B) as locations for the construction or deployment of temporary housing units; and

(2) each such agency head and entity shall submit the inventory compiled pursuant to paragraph (1) to the Secretary of Housing and Urban Development.

(b) Report to Congress- Not later than 30 days after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall compile and submit to the Congress an aggregate inventory comprised of the inventory compiled by the Secretary pursuant to subsection (a) and all the inventories submitted to the Secretary pursuant to such subsection.

SEC. 7. GAO REPORT ON STATE EMERGENCY HOUSING PLANS.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Congress--

(1) identifying any States that have developed emergency housing contingency plans for use in the event of a disaster;

(2) describing such plans; and

(3) assessing the effectiveness of such plans.