

108TH CONGRESS
2D SESSION

H. R. 4436

To reform and improve certain housing programs of the Department of
Housing and Urban Development.

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2004

Mr. DEUTSCH (for himself and Mr. HASTINGS of Florida) introduced the
following bill; which was referred to the Committee on Financial Services

A BILL

To reform and improve certain housing programs of the
Department of Housing and Urban Development.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fair Housing Protec-
5 tion Act”.

6 **SEC. 2. CLARIFICATION OF PER-UNIT COSTS UNDER SEC-**
7 **TION 8 RENTAL HOUSING ASSISTANCE PRO-**
8 **GRAM.**

9 (a) IN GENERAL.—Paragraph (1) of the item relat-
10 ing to the Housing Certificate Fund in title II of the De-

1 partments of Veterans Affairs and Housing and Urban
2 Development, and Independent Agencies Appropriations
3 Act, 2004 (division G of Public Law 108–199; 118 Stat.
4 372) is amended—

5 (1) by inserting “in each calendar quarter”
6 after “and by applying”; and

7 (2) by inserting “in the most recent quarter for
8 which the public housing agency has submitted such
9 actual per unit cost information to the Secretary”
10 after “actual per unit cost”.

11 (b) **APPLICABILITY.**—The amendment made by sub-
12 section (a) shall apply to all expiring section 8 tenant-
13 based annual contributions contracts renewed pursuant to
14 the paragraph referred to in subsection (a), whether such
15 renewal occurs before, on, or after the date of the enact-
16 ment of this Act.

17 **SEC. 3. PLAN TO END WAITING LISTS FOR SECTION 8 RENT-**
18 **AL HOUSING ASSISTANCE.**

19 (a) **DEVELOPMENT OF PLAN.**—The Secretary of
20 Housing and Urban Development shall develop a plan to
21 reduce and eventually eliminate the delay between the sub-
22 mission by an eligible family to a public housing agency
23 of an application for rental housing assistance under sec-
24 tion 8 of the United States Housing Act of 1937 (42
25 U.S.C. 1437f) and the time when such assistance is even-

1 tually made available on behalf of such a family. The plan
2 shall—

3 (1) identify actual affordable housing needs,
4 taking into consideration needs of eligible families
5 who have not applied to a public housing agency for
6 housing assistance due to extensive or closed waiting
7 lists;

8 (2) provide for elimination of waiting lists over
9 both the 10- and 20-year periods that begin upon
10 the date of the enactment of this Act;

11 (3) determine the amount of additional funding
12 and other resources necessary to eliminate the delay
13 in providing housing assistance to eligible families
14 and the appropriate programs and activities to which
15 to devote such resources;

16 (4) include a strategy for expenditure of addi-
17 tional funds that sets forth the projected results of
18 such expenditures; and

19 (5) set forth options for an incentive program
20 to encourage landlords to participate in the rental
21 housing assistance program under such section 8.

22 (b) REPORT.—Not later than 6 months after the date
23 of the enactment of this Act, the Secretary of Housing
24 and Urban Development shall submit a report to the Con-
25 gress setting forth the plan required under subsection (a).

1 **SEC. 4. PROTECTION OF SECTION 8 RESERVES.**

2 (a) NOTIFICATION AND REPLENISHMENT.—If the
3 Secretary of Housing and Urban Development withdraws
4 amounts from the reserve account for any public housing
5 agency, or takes any other action that has the result of
6 reducing amounts in a reserve account without approval
7 of the agency, the Secretary shall—

8 (1) immediately notify the agency of such with-
9 drawal or action; and

10 (2) before the commencement of the quarter of
11 the fiscal year first commencing after such with-
12 drawal or action, replenish such reserve account with
13 the full amount of such withdrawal or reduction.

14 (b) ZERO BALANCE APPROVAL.—The Secretary of
15 Housing and Urban Development may not withdraw
16 amounts from the reserve account for any public housing
17 agency, or take any other action that has the result of
18 reducing amounts in a reserve account, if such withdrawal
19 or action causes the balance of amounts in the reserve ac-
20 count for a public housing agency to fall to zero, unless,
21 in advance of such withdrawal or action, the Secretary of
22 Housing and Urban Development notifies the public hous-
23 ing agency of withdrawal or action and obtains written
24 approval of such withdrawal or action from such public
25 housing agency.

1 (c) QUARTERLY NOTIFICATION.—The Secretary of
2 Housing and Urban Development shall, on a quarterly
3 basis, notify each public housing agency of the balance of
4 amounts in the reserve account for the agency.

5 (d) DEFINITIONS.—For purposes of this section:

6 (1) PUBLIC HOUSING AGENCY.—The term
7 “public housing agency” has the meaning given the
8 term in section 3(b) of the United States Housing
9 Act of 1937 (42 U.S.C. 1437a(b)).

10 (2) RESERVE ACCOUNT.—The term “reserve ac-
11 count” means, with respect to a public housing
12 agency, the annual contributions contract reserve ac-
13 count for the agency for the tenant-based rental as-
14 sistance program under section 8 of the United
15 States Housing Act of 1937 (42 U.S.C. 1437f) .

16 **SEC. 5. ADDITIONAL FUNDING FOR FAIR HOUSING INITIA-**
17 **TIVES PROGRAM.**

18 Subsection (g) of section 561 of the Housing and
19 Community Development Act of 1987 (42 U.S.C. 3616a)
20 is amended by adding after and below paragraph (4) the
21 following:

22 “In addition to any other amounts made available to carry
23 out this section, there is authorized to be appropriated for
24 investigative and enforcement activities under this section

1 \$20,000,000 for each of fiscal years 2005, 2006, and
2 2007.”.

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