

## Union Calendar No. 569

116<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5187

[Report No. 116-686]

To facilitate the development of affordable housing, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 20, 2019

Ms. WATERS introduced the following bill; which was referred to the  
Committee on Financial Services

DECEMBER 24, 2020

Additional sponsors: Mr. CLAY, Ms. PRESSLEY, Ms. NORTON, Mr. MCGOVERN, Mr. NADLER, Ms. SCANLON, Ms. TLAIB, Mr. LYNCH, Mr. COHEN, Mr. SCOTT of Virginia, Mr. SHERMAN, Ms. LEE of California, Mr. GONZALEZ of Texas, Mr. ENGEL, Mr. PANETTA, Mrs. HAYES, Mr. GRIJALVA, Mr. THOMPSON of Mississippi, Mr. DEFazio, Ms. CLARKE of New York, Ms. ESHOO, Mr. GREEN of Texas, Mr. TED LIEU of California, Mr. BLUMENAUER, Ms. JAYAPAL, Mr. CASE, Ms. ADAMS, Ms. SPEIER, Mr. POCAN, Ms. VELÁZQUEZ, Mr. CLEAVER, Mr. GARCÍA of Illinois, Ms. MOORE, Ms. MATSUI, Mr. MCNERNEY, Ms. LOFGREN, Ms. GABBARD, Mr. EVANS, Mr. THOMPSON of California, Mr. DESAULNIER, Mr. COURTNEY, Ms. SCHAKOWSKY, Ms. KELLY of Illinois, Mr. ESPAILLAT, Mr. VELA, Mr. SCHIFF, Mr. GARAMENDI, Ms. BLUNT ROCHESTER, Ms. HAALAND, Mr. CARSON of Indiana, Mr. RASKIN, Mr. KHANNA, Ms. OMAR, Ms. WILSON of Florida, Mr. HORSFORD, and Mr. SAN NICOLAS

DECEMBER 24, 2020

Reported with an amendment, committed to the Committee of the Whole  
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on November 20, 2019]

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# **A BILL**

To facilitate the development of affordable housing, and for  
other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Housing is Infrastruc-*  
5 *ture Act of 2020”.*

6 **SEC. 2. FINDINGS.**

7 *The Congress finds the following:*

8 *(1) Affordable housing is a critical part of the*  
9 *national infrastructure of the United States but there*  
10 *is a severe shortage of affordable housing in the*  
11 *United States and the existing stock is badly in need*  
12 *of repair.*

13 *(2) According to a 2010 study sponsored by the*  
14 *Department of Housing and Urban Development,*  
15 *there was a \$26 billion backlog of capital needs for*  
16 *public housing; that figure is likely higher today, with*  
17 *some groups estimating the backlog of capital needs*  
18 *for public housing to be as high as \$70 billion.*

19 *(3) There are 14,000 units supported by Rural*  
20 *Rental Housing Loans under section 515 of the Hous-*  
21 *ing Act of 1949 and Farm Labor Housing Loans*  
22 *under section 514 of the Housing Act of 1949. Accord-*  
23 *ing to National Rural Housing Coalition, it would*  
24 *take an estimated \$1 billion in the Multi-Family*  
25 *Housing Revitalization Demonstration Program*

1        *(MPR) funding to fully address the capital backlog*  
2        *for rural housing properties.*

3                *(4) Federal investment in housing helps to create*  
4        *jobs and stimulate the economy.*

5                *(5) When the American Recovery and Reinvest-*  
6        *ment Act of 2009 (Public Law 111–5) was enacted,*  
7        *which included funding for public housing, research-*  
8        *ers found that for each \$1.00 in direct spending on*  
9        *public housing, there was an additional \$2.12 of indi-*  
10       *rect and induced economic activity nationwide for a*  
11       *total economic impact of \$3.12 for each \$1.00 in di-*  
12       *rect spending on public housing.*

13               *(6) According to the National Association of*  
14       *Home Builders, building 100 affordable rental homes*  
15       *generates \$11.7 million in local income, \$2,200,000 in*  
16       *taxes and revenue for local governments, and 161*  
17       *local jobs.*

18               *(7) Researchers estimate that the growth in the*  
19       *gross domestic product from 1964–2009 would have*  
20       *been 13.5 percent higher if families had better access*  
21       *to affordable housing, which in turn could have led to*  
22       *an additional \$1.7 trillion increase in income, equiv-*  
23       *alent to \$8,775 in additional wages for each worker.*

1 **SEC. 3. PUBLIC HOUSING CAPITAL FUND.**

2 (a) *IN GENERAL.*—*There is authorized to be appro-*  
3 *priated for the Capital Fund under section 9(d) of the*  
4 *United States Housing Act of 1937 (42 U.S.C. 1437g(d))*  
5 *\$70,000,000,000 and any amounts appropriated pursuant*  
6 *to this subsection shall remain available until the expira-*  
7 *tion of the 5-year period beginning upon the date of such*  
8 *appropriation.*

9 (b) *REQUIREMENTS.*—*The Secretary of Housing and*  
10 *Urban Development (in this Act referred to as the “Sec-*  
11 *retary”)* shall—

12 (1) *distribute not less than 35 percent and not*  
13 *more than 75 percent of any amounts appropriated*  
14 *pursuant to subsection (a) under the same formula*  
15 *used for amounts made available for the Capital*  
16 *Fund for fiscal year 2020; and*

17 (2) *make available all remaining amounts by*  
18 *competition for priority investments, including in-*  
19 *vestments that address lead hazards, other urgent*  
20 *health and safety concerns, and such other priorities*  
21 *as the Secretary may identify.*

22 (c) *TIMING.*—*The Secretary shall obligate amounts—*

23 (1) *made available under subsection (b)(1) with-*  
24 *in 30 days of enactment of the Act appropriating*  
25 *such funds; and*

1           (2) *made available under subsection (b)(2) with-*  
2           *in 12 months of enactment of the Act appropriating*  
3           *such funds.*

4           (d) *LIMITATION.—Amounts provided pursuant to this*  
5           *section may not be used for operating costs or rental assist-*  
6           *ance.*

7           (e) *USE OF FUNDS.—Not more than 0.5 percent of any*  
8           *amount appropriated pursuant to this section shall be used*  
9           *by the Secretary for costs associated with staff, training,*  
10           *technical assistance, technology, monitoring, travel, enforce-*  
11           *ment, research, and evaluation.*

12           (f) *SUPPLEMENT NOT SUPPLANT.—The Secretary*  
13           *shall ensure that amounts provided pursuant to this section*  
14           *shall serve to supplement and not supplant other amounts*  
15           *generated by a recipient of such amounts or amounts pro-*  
16           *vided by other Federal, State, or local sources.*

17           (g) *WATER AND ENERGY EFFICIENCY.—In distrib-*  
18           *uting any amounts pursuant to subsection (b), the Sec-*  
19           *retary shall give priority to public housing agencies located*  
20           *in States and localities that have a plan to increase water*  
21           *and energy efficiency when developing or rehabilitating*  
22           *public housing using any amounts distributed.*

1 **SEC. 4. RURAL MULTIFAMILY PRESERVATION AND REVITAL-**  
2 **IZATION DEMONSTRATION PROGRAM.**

3 (a) *IN GENERAL.*—*There is authorized to be appro-*  
4 *priated for carrying out the Multifamily Preservation and*  
5 *Revitalization Demonstration program of the Rural Hous-*  
6 *ing Service (as authorized under sections 514, 515, and 516*  
7 *of the Housing Act of 1949 (42 U.S.C. 1484; 1485; 1486))*  
8 *\$1,000,000,000 and any amounts appropriated pursuant to*  
9 *this section shall remain available until expended.*

10 (b) *WATER AND ENERGY EFFICIENCY.*—*Not less than*  
11 *10 percent of all amounts made available pursuant to this*  
12 *section shall be used only for activities relating to water*  
13 *and energy efficiency and, at the Secretary's discretion,*  
14 *other strategies to enhance the environmental sustainability*  
15 *of housing production and design.*

16 **SEC. 5. FLOOD MITIGATION ASSISTANCE GRANT PROGRAM.**

17 (a) *IN GENERAL.*—*There is authorized to be appro-*  
18 *priated for carrying out the Flood Mitigation Assistance*  
19 *Grant Program under section 1366 of the National Flood*  
20 *Insurance Act of 1968 (42 U.S.C. 4104c) \$1,000,000,000*  
21 *and any amounts appropriated pursuant to this section*  
22 *shall remain available until expended.*

23 (b) *MULTIFAMILY RESIDENCES AND ATTACHED AND*  
24 *SEMI-ATTACHED HOMES.*—*With regard to any structure*  
25 *that is a multifamily residence or an attached or semi-at-*  
26 *tached residence, the Administrator shall consult with the*

1 *Secretary of Housing and Urban Development and establish*  
2 *alternative forms of mitigation.*

3 (c) *DEFINITIONS.*—*For the purposes of this section, the*  
4 *term “multifamily residence” has the same meaning as in*  
5 *the Flood Disaster Protection Act of 1973 and the National*  
6 *Flood Insurance Act of 1968.*

7 **SEC. 6. HOUSING TRUST FUND.**

8 (a) *IN GENERAL.*—*There is authorized to be appro-*  
9 *riated for the Housing Trust Fund under section 1338 of*  
10 *the Housing and Urban Development Act of 1992 (12*  
11 *U.S.C. 4568) \$5,000,000,000 and any amounts appro-*  
12 *riated pursuant to this subsection shall remain available*  
13 *until expended. The Secretary shall ensure that priority for*  
14 *occupancy in dwelling units assisted with amounts made*  
15 *available pursuant to this section that become available for*  
16 *occupancy shall be given to persons and households who are*  
17 *homeless (as such term is defined in section 103 of the*  
18 *McKinney-Vento Homeless Assistance Act (42 U.S.C.*  
19 *11302)) or at risk of homelessness (as such term is defined*  
20 *in section 401 of such Act (42 U.S.C. 11360)).*

21 (b) *WATER AND ENERGY EFFICIENCY.*—*Not less than*  
22 *10 percent of all amounts made available pursuant to this*  
23 *section shall be used only for activities relating to water*  
24 *and energy efficiency and, at the Secretary’s discretion,*



1 *other strategies to enhance the environmental sustainability*  
2 *of housing production and design.*

3 **SEC. 7. SINGLE-FAMILY HOUSING REPAIR LOANS AND**  
4 **GRANTS.**

5 (a) *IN GENERAL.*—*There is authorized to be appro-*  
6 *priated for carrying out single family housing repair loans*  
7 *and grants under section 504 of the Housing Act of 1949*  
8 *(42 U.S.C. 1474) \$100,000,000 and any amounts appro-*  
9 *priated pursuant to this section shall remain available*  
10 *until expended.*

11 (b) *WATER AND ENERGY EFFICIENCY.*—*Not less than*  
12 *10 percent of all amounts made available pursuant to this*  
13 *section shall be used only for activities relating to water*  
14 *and energy efficiency and, at the Secretary's discretion,*  
15 *other strategies to enhance the environmental sustainability*  
16 *of housing production and design.*

17 **SEC. 8. NATIVE AMERICAN HOUSING BLOCK GRANT PRO-**  
18 **GRAM.**

19 (a) *IN GENERAL.*—*There is authorized to be appro-*  
20 *priated for carrying out the Native American housing block*  
21 *grant program under title I of the Native American Hous-*  
22 *ing Assistance and Self-Determination Act of 1996 (25*  
23 *U.S.C. 4111 et seq.) \$1,000,000,000 and any amounts ap-*  
24 *propriated pursuant to this section shall remain available*  
25 *until expended.*

1           **(b) WATER AND ENERGY EFFICIENCY.**—Not less than  
2 10 percent of all amounts made available pursuant to this  
3 section shall be used only for activities relating to water  
4 and energy efficiency and, at the Secretary’s discretion,  
5 other strategies to enhance the environmental sustainability  
6 of housing production and design.

7 **SEC. 9. HOME INVESTMENT PARTNERSHIPS PROGRAM.**

8           **(a) IN GENERAL.**—There is authorized to be appro-  
9 priated for carrying out the HOME Investment Partner-  
10 ship Program under title II of the Cranston-Gonzalez Na-  
11 tional Affordable Housing Act (42 U.S.C. 12721 et seq.)  
12 \$5,000,000,000 and any amounts appropriated pursuant to  
13 this section shall remain available until expended.

14           **(b) WATER AND ENERGY EFFICIENCY.**—Not less than  
15 10 percent of all amounts made available pursuant to this  
16 section shall be used only for activities relating to water  
17 and energy efficiency and, at the Secretary’s discretion,  
18 other strategies to enhance the environmental sustainability  
19 of housing production and design.

20 **SEC. 10. PROGRAM FOR SUPPORTIVE HOUSING FOR PER-**  
21 **SONS WITH DISABILITIES.**

22           **(a) IN GENERAL.**—There is authorized to be appro-  
23 priated \$2,500,000,000 for project rental assistance under  
24 the program for supportive housing for persons with dis-  
25 abilities under section 811(b)(3) of the Cranston-Gonzalez

1 *National Affordable Housing Act (42 U.S.C. 8013(b)(3)) for*  
2 *State housing finance agencies and any amounts appro-*  
3 *priated pursuant to this section shall remain available*  
4 *until expended.*

5       **(b) WATER AND ENERGY EFFICIENCY.**—*Not less than*  
6 *10 percent of all amounts made available pursuant to this*  
7 *section shall be used only for activities relating to water*  
8 *and energy efficiency and, at the Secretary’s discretion,*  
9 *other strategies to enhance the environmental sustainability*  
10 *of housing production and design.*

11 **SEC. 11. PROGRAM FOR SUPPORTIVE HOUSING FOR THE EL-**  
12 **DERLY.**

13       **(a) IN GENERAL.**—*There is authorized to be appro-*  
14 *priated \$2,500,000,000 for—*

15           **(1)** *capital advances pursuant to section*  
16 *202(c)(1) of the Housing Act of 1959 (12 U.S.C.*  
17 *1701q(c)(1)), including amendments to capital ad-*  
18 *vance contracts for housing for the elderly as author-*  
19 *ized by section 202 of such Act;*

20           **(2)** *project rental assistance for the elderly under*  
21 *section 202(c)(2) of such Act, including amendments*  
22 *to contracts for such assistance and renewal of expir-*  
23 *ing contracts for such assistance for up to a 1-year*  
24 *term;*

1           (3) senior preservation rental assistance con-  
2           tracts, including renewals, as authorized by section  
3           811(e) of the American Housing and Economic Op-  
4           portunity Act of 2000 (12 U.S.C. 1701g note); and

5           (4) supportive services associated with housing  
6           assisted under paragraph (1), (2), or (3).

7           (b) *AVAILABILITY OF AMOUNTS.*—Any amounts appro-  
8           priated pursuant to this section shall remain available  
9           until September 30, 2023.

10          (c) *WATER AND ENERGY EFFICIENCY.*—Not less than  
11          10 percent of all amounts made available pursuant to this  
12          section shall be used only for activities relating to water  
13          and energy efficiency and, at the Secretary’s discretion,  
14          other strategies to enhance the environmental sustainability  
15          of housing production and design.

16          **SEC. 12. CAPITAL MAGNET FUND.**

17          (a) There is authorized to be appropriated for the Cap-  
18          ital Magnet Fund under section 1339 of the Federal Hous-  
19          ing Enterprises Financial Safety and Soundness Act of  
20          1992 (12 U.S.C. 4569) \$2,500,000,000 and any amounts  
21          appropriated pursuant to this subsection shall remain  
22          available until expended.

23          (b) *WATER AND ENERGY EFFICIENCY.*—Not less than  
24          10 percent of all amounts made available pursuant to this  
25          section shall be used only for activities relating to water

1 *and energy efficiency and, at the Secretary's discretion,*  
2 *other strategies to enhance the environmental sustainability*  
3 *of housing production and design.*

4 **SEC. 13. COMMUNITY DEVELOPMENT BLOCK GRANT FUND-**  
5 **ING FOR AFFORDABLE HOUSING AND INFRA-**  
6 **STRUCTURE.**

7 (a) *AUTHORIZATION OF APPROPRIATIONS.—*

8 (1) *IN GENERAL.—Subject to the provisions of*  
9 *this section, there is authorized to be appropriated for*  
10 *assistance under the community development block*  
11 *grant program under title I of the Housing and Com-*  
12 *munity Development Act of 1974 (42 U.S.C. 5301 et*  
13 *seq.) \$10,000,000,000 and any amounts appropriated*  
14 *pursuant to this section shall remain available until*  
15 *expended.*

16 (2) *ADMINISTRATIVE AND PLANNING COSTS.—Not*  
17 *more than 15 percent of any amounts appropriated*  
18 *pursuant to paragraph (1) may be used for adminis-*  
19 *trative and planning costs.*

20 (b) *ELIGIBLE ACTIVITIES.—Amounts made available*  
21 *for assistance under this section may be used only for—*

22 (1) *the development and preservation of qualified*  
23 *affordable housing, including the construction of such*  
24 *housing;*

1           (2) *the responsible elimination or waiving of*  
2           *zoning requirements and other requirements that*  
3           *limit affordable housing development, including high*  
4           *density and multifamily development restrictions, off-*  
5           *street parking requirements, and height limitations;*  
6           *or*

7           (3) *any project or entity eligible for a discre-*  
8           *tionary grant provided by the Department of Trans-*  
9           *portation.*

10          (c) *LIMITATION.*—*With respect to amounts used pursu-*  
11          *ant to subsection (b)(2), the Secretary shall ensure that re-*  
12          *cipients of amounts provided pursuant to this section are*  
13          *not incentivized or otherwise rewarded for eliminating or*  
14          *undermining the intent of the zoning regulations or other*  
15          *regulations or policies that—*

16                 (1) *establish fair wages for labors;*

17                 (2) *ensure the health and safety of buildings for*  
18                 *residents and the general public;*

19                 (3) *protect fair housing;*

20                 (4) *provide environmental protections;*

21                 (5) *prevent tenant displacement; or*

22                 (6) *protect any other interest that the Secretary*  
23                 *determines is in the public interest to preserve.*

24          (d) *COMPETITION.*—*Amounts made available for as-*  
25          *sistance under this section shall be awarded to States, units*

1 *of general local government, and Indian tribes on a com-*  
2 *petitive basis, based on the extent to which the applicant—*

3           (1) *demonstrates that the applicant is respon-*  
4 *sibly streamlining the process for development of*  
5 *qualified affordable housing;*

6           (2) *is eliminating or reducing impact fees for*  
7 *housing within boundaries of the State, unit of local*  
8 *government, or Indian tribe, as applicable, and other*  
9 *assessments by State or local governments upon the*  
10 *owners of new housing development projects that offset*  
11 *governmental capital expenditures for infrastructure*  
12 *required to serve or made necessary by the new hous-*  
13 *ing developments, except for fees that are invested ex-*  
14 *clusively for housing; and*

15           (3) *provides assurances that the applicant will*  
16 *supplement assistance provided under this section*  
17 *with amounts from non-Federal sources for costs of*  
18 *the qualified affordable housing or infrastructure eli-*  
19 *gible under subsection (b) to be funded with assistance*  
20 *under this section, and the extent of such supple-*  
21 *mental assistance to be provided.*

22           (e) *WATER AND ENERGY EFFICIENCY.—Not less than*  
23 *10 percent of all amounts made available for assistance*  
24 *pursuant to this section shall be used only for eligible activi-*  
25 *ties relating to water and energy efficiency and, at the Sec-*

1 *retary’s discretion, other strategies to enhance the environ-*  
2 *mental sustainability of housing production and design.*

3 *(f) QUALIFIED AFFORDABLE HOUSING.—For purposes*  
4 *of this section, the term “qualified affordable housing”*  
5 *means a housing development that—*

6 *(1) is either—*

7 *(A) funded in any part by assistance pro-*  
8 *vided by the Department of Housing and Urban*  
9 *Development or the Rural Housing Service of the*  
10 *Department of Agriculture; or*

11 *(B) includes a qualified low income build-*  
12 *ing as such term is defined in section 42 of the*  
13 *Internal Revenue Code of 1986; or*

14 *(2) consists of 5 or more dwelling units of which*  
15 *20 percent or more are made available—*

16 *(A) for rental only by a low-income family*  
17 *(as defined in section 3(b) of the United States*  
18 *Housing Act of 1937 (42 U.S.C. 1437a(b)));*

19 *(B) at a monthly rent amount that does not*  
20 *exceed 30 percent of the monthly adjusted income*  
21 *(as defined in such section 3(b)) of the tenant*  
22 *low-income family; and*

23 *(C) maintains affordability for residents*  
24 *who are low-income families for a period of not*  
25 *less than 30 years.*



1 **SEC. 14. INCLUSION OF MINORITY AND WOMEN'S BUSINESS**  
2 **ENTERPRISES.**

3 (a) *DUTY.*—*It shall be the duty of each relevant agency*  
4 *head—*

5 (1) *to consult and cooperate with grantees and*  
6 *recipients, when utilizing funds made available pur-*  
7 *suant to this Act, to promote the inclusion of minor-*  
8 *ity and women's business enterprises, as defined in*  
9 *subsection (b) including to establish—*

10 (A) *special consideration to increasing*  
11 *grantee and recipient outreach to minority and*  
12 *women's business enterprises to inform such*  
13 *businesses of hiring opportunities created*  
14 *through such funds; and*

15 (B) *procurement goals for the utilization of*  
16 *minority and women's business enterprises; and*

17 (2) *to convene meetings with leaders and officials*  
18 *of State and local governments, tribal entities, and*  
19 *public housing authorities for the purpose of recom-*  
20 *mending and promoting funding opportunities and*  
21 *initiatives needed to advance the position of minority*  
22 *and women's business enterprises when competing for*  
23 *funds provided in this Act.*

24 (b) *DEFINITIONS.*—*For the purposes of this section, the*  
25 *following definitions shall apply:*

1           (1) *MINORITY.*—*The term “minority” has the*  
2 *meaning given such term in section 308(b) of the Fi-*  
3 *nancial Institutions Reform, Recovery, and Enforce-*  
4 *ment Act of 1989 (12 U.S.C. 1463 note) and also in-*  
5 *cludes any indigenous person in the United States or*  
6 *its territories.*

7           (2) *MINORITY AND WOMEN’S BUSINESS ENTER-*  
8 *PRISE.*—*The term “minority and women’s business*  
9 *enterprise” means a business at least 51 percent*  
10 *owned and controlled by minority group members or*  
11 *women.*

12           (3) *RELEVANT AGENCY HEAD.*—*The term “rel-*  
13 *evant agency head” means, with respect to funds*  
14 *made available pursuant to any section of this Act,*  
15 *the head of the Federal agency responsible for admin-*  
16 *istering the program under which such funds are to*  
17 *be expended.*



Union Calendar No. 569

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## **A BILL**

To facilitate the development of affordable housing,  
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DECEMBER 24, 2020

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed