

117TH CONGRESS
1ST SESSION

S. _____

To make housing affordable, and for other purposes.

IN THE SENATE OF THE UNITED STATES

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

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.

2

- 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.
- Sec. 206. Public housing.

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.

TITLE V—EMERGENCY HOUSING PROGRAM

- Sec. 501. Definitions.
- Sec. 502. Emergency assistance.
- Sec. 503. Authorization of appropriations.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

- 3 (1) The United States is experiencing an ongoing affordable housing crisis that the Federal Government has failed to adequately or proportionately address. The Harvard Housing Center found that about half of all renters in the United States spent more than 30 percent of their incomes on rent and

1 utilities, while 1 in 4 renters spent more than half
2 their incomes on housing in 2018. Although devel-
3 opers have increased new home construction in re-
4 cent years, the impacts of increased supply have not
5 alleviated pricing pressures evenly across income dis-
6 tributions. Often, housing developers focus new de-
7 velopment on the most profitable sectors, increasing
8 construction in the luxury housing market and leav-
9 ing a void in affordable home construction. The most
10 disadvantaged populations are left defenseless, with-
11 out affordable housing options and at risk of eviction
12 and displacement due to rising rents.

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

23 (3) The current housing affordability crisis does
24 not impact all Americans equally—it is felt most
25 acutely by people of color, and in particular African

1 Americans, a testament to the lingering impacts of
2 discriminatory housing policies. African Americans
3 represent 40 percent of all people experiencing
4 homelessness in the United States, while only ac-
5 counting for 13 percent of the United States popu-
6 lation.

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

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

22 (6) Several areas of the United States saw an
23 influx of African Americans migrating from the
24 Deep South in pursuit of better economic opportuni-
25 ties. The Federal Government and State and local

1 municipalities and their policies heavily influenced
2 where this population settled.

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

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

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

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

21 (11) Data demonstrates that communities of
22 color and low-income families experience the adverse
23 consequence of displacement the most due to Fed-
24 eral, State, and local inequitable housing policies. As
25 a result, disparities have occurred, diminishing or

1 outright denying opportunities to obtain homeowner-
2 ship and access to generational wealth within these
3 means. As living preferences change, current trends
4 demonstrate that urban areas once comprised of
5 higher concentrations of low income people and peo-
6 ple of color have become more desirable and sought
7 after by affluent people with different identities of
8 those displaced—this is also known as gentrification.

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

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

23 **SEC. 3. DEFINITIONS.**

24 In this Act:

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

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

8 (3) MANUFACTURED HOME.—The term “manu-
9 factured home”—

10 (A) has the meaning given the term in sec-
11 tion 603 of the National Manufactured Housing
12 Construction and Safety Standards Act of 1974
13 (42 U.S.C. 5402);

14 (B) includes a home described in subpara-
15 graph (A) without regard to whether the home
16 was built before, on, or after the date on which
17 the construction and safety standards estab-
18 lished under section 604 of that Act (42 U.S.C.
19 5403) became effective; and

20 (C) shall not include any self-propelled rec-
21 reational vehicle.

22 (4) MANUFACTURED HOUSING COMMUNITY.—
23 The term “manufactured housing community”
24 means a community comprised primarily of manu-

1 factored homes used primarily for residential pur-
 2 poses.

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

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

9 (7) STATE.—The term “State” means—

10 (A) a State;

11 (B) the District of Columbia;

12 (C) the Commonwealth of Puerto Rico;

13 and

14 (D) any other territory or possession of the
 15 United States.

16 **TITLE I—HOMEOWNERSHIP**

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

18 (a) DEFINITIONS.—In this section:

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

22 (2) SHARE EQUITY HOME; SHARED EQUITY
 23 HOMEOWNERSHIP PROGRAM.—The terms “shared
 24 equity home” and “shared equity homeownership

1 program” have the meanings given those terms in
2 section 105(a).

3 (b) ESTABLISHMENT.—The Secretary shall establish
4 a program to provide grants to State housing finance
5 agencies to establish new or supplement existing down
6 payment assistance programs for eligible households lo-
7 cated within the State.

8 (c) REQUIREMENTS FOR ELIGIBLE HOUSEHOLDS.—
9 An eligible household receiving assistance from a grant
10 provided under this section shall—

11 (1) participate in housing counseling provided
12 by—

13 (A) an organization approved by the De-
14 partment of Housing and Urban Development;
15 or

16 (B) a culturally specific nonprofit organi-
17 zation; and

18 (2) use the assistance for a down payment on
19 a property to be used by the eligible household as a
20 primary residence for a period of not less than 10
21 years.

22 (d) NO RESTRICTION ON HOUSING.—An eligible
23 household may use assistance received from a grant pro-
24 vided under this section for a down payment on any type
25 of dwelling that shall be used as a primary residence, in-

1 cluding a manufactured housing unit, residential property
2 under 400 square feet, a condominium, or a cooperative.

3 (e) UNRESTRICTED CO-BORROWERS PILOT.—There
4 shall be reserved 2 percent of the funds made available
5 under this section for grantees to carry out a pilot down
6 payment assistance program serving more than 2 co-bor-
7 rowers receiving assistance from a grant provided under
8 this section.

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

16 (g) LIMITATION.—The aggregate amount treated as
17 acquisition indebtedness for purposes of this section for
18 any period shall not exceed the limitation governing the
19 maximum original principal obligation for a mortgage se-
20 cured by a single-family residence, as determined and ad-
21 justed annually under section 302(b)(2) of the Federal
22 National Mortgage Association Charter Act (12 U.S.C.
23 1717(b)(2)) and section 305(a)(2) of the Federal Home
24 Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)).

25 (h) AUTHORIZATION OF APPROPRIATIONS.—

1 (1) IN GENERAL.—There is authorized to be
2 appropriated to carry out this section
3 \$1,000,000,000 for each of fiscal years 2022
4 through 2031.

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

10 (3) SET ASIDE FOR INDIAN TRIBES.—Of the
11 amount appropriated under paragraph (1) for each
12 fiscal year, the Secretary shall allocate as grant
13 funds—

14 (A) 98 percent to be provided to States;
15 and

16 (B) 2 percent to be provided to Indian
17 Tribes in accordance with paragraph (4).

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

1 (5) PUBLICATION OF ALLOCATION FOR-
2 MULAS.—Not later than 90 days before the begin-
3 ning of each fiscal year for which grants are pro-
4 vided to States and Indian Tribes under this section,
5 the Secretary shall publish in the Federal Register
6 the formulas for allocation established under this
7 subsection.

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

9 (a) ALLOWANCE OF CREDIT.—

10 (1) IN GENERAL.—Subpart A of part IV of sub-
11 chapter A of chapter 1 of the Internal Revenue Code
12 of 1986 is amended by inserting after section 25D
13 the following new section:

14 **“SEC. 25A-1. MORTGAGE INTEREST.**

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

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

22 “(1) IN GENERAL.—The term ‘qualified mort-
23 gage interest’ means interest paid or accrued on ac-
24 quisition indebtedness (as defined in section
25 163(h)(3)(B)(i)) with respect to a residence of the

1 taxpayer which is the principal residence (within the
2 meaning of section 121) of the taxpayer.

3 “(2) LIMITATION.—The aggregate amount
4 treated as acquisition indebtedness for purposes of
5 this section for any period shall not exceed the limi-
6 tation governing the maximum original principal ob-
7 ligation for a mortgage secured by a single-family
8 residence, as determined and adjusted annually
9 under section 302(b)(2) of the Federal National
10 Mortgage Association Charter Act (12 U.S.C.
11 1717(b)(2)) and section 305(a)(2) of the Federal
12 Home Loan Mortgage Corporation Act (12 U.S.C.
13 1454(a)(2)).

14 “(3) TREATMENT OF MORTGAGE INSURANCE
15 PREMIUMS.—Rules similar to the rules of section
16 163(h)(3)(E) shall apply.

17 “(4) COOPERATIVE HOUSING CORPORATIONS;
18 UNENFORCEABLE SECURITY INTERESTS; ESTATES
19 AND TRUSTS.—Rules similar to the rules of subpara-
20 graphs (B), (C), and (D) of section 163(h)(4) shall
21 apply.

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

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

4 “(1) a deduction is allowed for such taxable
5 year under section 163 with respect to such resi-
6 dence, or

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

9 (2) CLERICAL AMENDMENT.—The table of sec-
10 tions for subpart A of part IV of subchapter A of
11 chapter 1 of such Code is amended by inserting
12 after the item relating to section 25 the following
13 new item:

“Sec. 25A-1. Mortgage interest.”.

14 (b) COORDINATION WITH EXISTING CREDIT.—

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

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

20 “(k) COORDINATION.—No credit shall be allowed
21 under this section for any taxable year with respect to if
22 a credit is allowed for such taxable year under section
23 25A-1 with respect to such residence.”.

1 (2) CONFORMING AMENDMENT.—Section
2 6501(m) of such Code is amended by inserting
3 “25(j), 25A–1(c),” before “30B(h)(9)”.

4 (c) EFFECTIVE DATE.—The amendments made by
5 this section shall apply to taxable years beginning after
6 December 31, 2020.

7 **SEC. 103. POSITIVE RENTAL HISTORY CREDIT ENHANCE-**
8 **MENT.**

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

18 **SEC. 104. INDIVIDUAL DEVELOPMENT ACCOUNTS.**

19 (a) IN GENERAL.—Section 416 of the Assets for
20 Independence Act (42 U.S.C. 604 note) is amended by
21 striking “\$25,000,000 for each of fiscal years 1999, 2000,
22 2001, 2002, and 2003,” and inserting “\$100,000,000 for
23 each of fiscal years 2022 through 2031,”.

24 (b) SET ASIDE.—An amount equal to 10 percent of
25 the funds appropriated under section 416 of the Assets

1 for Independence Act (42 U.S.C. 604 note) in a fiscal year
2 shall be set aside and transferred to the Restorative Hous-
3 ing Justice Fund established under section 113(h).

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

5 (a) DEFINITIONS.—In this section:

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

8 (A) a participating jurisdiction; and

9 (B) an entity certified as a community de-
10 velopment financial institution by the Commu-
11 nity Development Financial Institutions Fund
12 established under section 104(a) of the Riegle
13 Community Development and Regulatory Im-
14 provement Act of 1994 (12 U.S.C. 4703(a)).

15 (2) ELIGIBLE HOUSEHOLD.—The term “eligible
16 household” means a household described in sub-
17 section (e).

18 (3) PARTICIPATING JURISDICTION.—The term
19 “participating jurisdiction” has the meaning given
20 the term in section 92.2 of title 24, Code of Federal
21 Regulations, or any successor regulation.

22 (4) SHARED EQUITY HOME.—The term “shared
23 equity home” means a dwelling unit serving an eligi-
24 ble household that utilizes a ground lease, deed re-

1 restriction, subordinate loan, or similar legal mecha-
2 nism that includes provisions stating that—

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

5 (B) the affordability term is not less than
6 60 years after recordation;

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

9 (D) the shared equity homeownership pro-
10 gram, its agent, or its assignee has a preemp-
11 tive option to purchase the dwelling unit from
12 the homeowner at resale.

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

16 (A) provides access to shared equity homes
17 for eligible households; and

18 (B) is administered by community land
19 trusts, other nonprofit organizations, or State
20 or local governments or instrumentalities.

21 (6) SUBSIDY TO COVER THE AFFORDABILITY
22 GAP.—The term “subsidy to cover the affordability
23 gap” means the subsidy amount needed to make a
24 dwelling unit affordable at a targeted area median
25 income level in a targeted market, such as a census

1 tract, neighborhood, county, city, or metropolitan
2 statistical area, that—

3 (A) accounts for the number of bedrooms
4 in a dwelling unit and the area median income
5 adjusted for family size; and

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

8 (b) ESTABLISHMENT.—The Secretary shall provide
9 grants to eligible entities to establish and expand shared
10 equity homeownership programs and shared equity homes,
11 including through partnerships with nonprofit entities,
12 community land trusts, or State or local governments or
13 instrumentalities.

14 (c) TYPES OF GRANTS.—

15 (1) GRANTS FOR PLANNING AND CAPACITY
16 BUILDING.—The Secretary may award 3-year grants
17 under this section to eligible entities to provide
18 grants to nonprofit entities, community land trusts,
19 or State or local governments or instrumentalities to
20 develop shared equity homeownership programs or
21 community land trusts or to plan and build capacity
22 related to carrying out grant activities under this
23 section.

24 (2) GRANTS FOR EXPANDING THE NUMBER OF
25 SHARED EQUITY HOMES.—The Secretary may award

1 grants under this section to eligible entities to ex-
2 pand the number of shared equity homes in existing
3 shared equity homeownership programs, which may
4 include—

5 (A) grants for acquisition and rehabilita-
6 tion or new construction to create shared equity
7 homes and includes subsidy to cover the afford-
8 ability gap; and

9 (B) grants to implement a buyer-initiated
10 program, where eligible households identify
11 homes in the market and bring them into the
12 shared equity homeownership program, which
13 may include subsidy to cover the affordability
14 gap and funds necessary for rehabilitation or
15 repair of the property.

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

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

22 (1) to provide a developer with a subsidy to
23 cover the affordability gap, which funds may be used
24 to acquire properties and conduct rehabilitation or to

1 construct new homes before the property is con-
2 verted to shared equity homeownership;

3 (2) for acquisition, rehabilitation, and develop-
4 ment expenses that are not covered by a subsidy
5 provided under paragraph (1), including a developer
6 fee;

7 (3) for capitalization of repair and replacement
8 reserves, which funds may be used for repair and re-
9 placement expenses between resales to repair or im-
10 prove a property so that a subsequent eligible house-
11 holds is not financially vulnerable due to deferred
12 maintenance;

13 (4) to provide initial stewardship funds to sup-
14 port the operations of the shared equity homeowner-
15 ship program; and

16 (5) for the cost of administering the shared eq-
17 uity homeownership program, such as identifying
18 and qualifying eligible households.

19 (e) **ELIGIBLE HOUSEHOLDS.**—Shared equity home-
20 ownership programs receiving funds under this section
21 may serve households with an income under 120 percent
22 of the area median income, as adjusted for household size,
23 based upon the needs of the targeted market.

24 (f) **TECHNICAL ASSISTANCE AND CAPACITY BUILD-**
25 **ING HUB.**—The Secretary shall establish a dedicated

1 shared equity housing professional technical assistance
2 hub entity to educate and engage with local partners to
3 share best practices and otherwise facilitate the shared eq-
4 uity homeownership model.

5 (g) ANNUAL REPORT.—The Secretary shall establish
6 a data collection hub to which all eligible entities receiving
7 a grant under this section shall report on an annual
8 basis—

- 9 (1) the number of shared equity homes created;
- 10 (2) the number of households served;
- 11 (3) eligible household demographic characteris-
12 tics; and
- 13 (4) any other relevant demographic information
14 required at the discretion of the Secretary.

15 (h) AUTHORIZATION OF APPROPRIATIONS.—

16 (1) IN GENERAL.—There is authorized to be
17 appropriated to carry out this section
18 \$1,000,000,000 for each of fiscal years 2022
19 through 2031.

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

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

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

5 “(d) RIGHT OF FIRST REFUSAL.—The corporation
6 may not sell or transfer any mortgage that is secured by
7 a single-family or multi-family residential property that is
8 a rental property unless the current tenant or the most
9 recent tenant within the preceding 12-month period was
10 given—

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

14 “(2) not less than 45 additional days to initiate
15 the application process of securing financing to pur-
16 chase the home or dwelling unit.”.

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

20 “(e) RIGHT OF FIRST REFUSAL.—The Corporation
21 may not sell or transfer any mortgage that is secured by
22 a single-family or multi-family residential property that is
23 a rental property unless the current tenant or the most
24 recent tenant within the preceding 12-month period was
25 given—

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

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

6 (c) SPECIAL RULE FOR MANUFACTURED HOUSING
7 COMMUNITIES.—

8 (1) DEFINITIONS.—

9 (A) MANUFACTURED HOUSING COMMUNITY
10 COOPERATIVE OR CORPORATION.—The term
11 “manufactured housing community cooperative
12 or corporation” means a cooperative or non-
13 profit corporation established pursuant to the
14 laws of the State in which the property used as
15 a manufactured housing community.

16 (B) QUALIFIED GAIN.—The term “quali-
17 fied gain” means the gain from the sale or ex-
18 change of real property comprised primarily of
19 manufactured housing used solely for residen-
20 tial purposes.

21 (2) RESIDENT RIGHT TO PURCHASE.—

22 (A) IN GENERAL.—A taxpayer who is a
23 party to a manufactured housing community
24 sale or transfer or ownership shall be assessed

1 the tax penalty described in subparagraph (B)
2 unless—

3 (i) the residents of a manufactured
4 housing community were given 60 days to
5 form a manufactured housing community
6 cooperative or corporation if no such entity
7 currently exists; and

8 (ii) the manufactured housing commu-
9 nity cooperative or corporation subjected to
10 sale or exchange is given 90 days to ini-
11 tiate the application process of securing fi-
12 nancing to purchase the manufactured
13 housing community.

14 (B) TAX PENALTY.—The tax penalty de-
15 scribed in this subparagraph for any taxable
16 year is an amount equal to 15 percent of the
17 qualified gain received by the taxpayer during
18 the taxable year.

19 (d) TECHNICAL ASSISTANCE AND CAPACITY BUILD-
20 INGS GRANTS.—

21 (1) IN GENERAL.—The Secretary shall award
22 grants to organizations described in section
23 501(c)(3) of the Internal Revenue Code and exempt
24 from taxation under section 501(a) of such Code
25 that are actively engaged in supporting affordable

1 housing and resident-owned manufactured housing
2 communities.

3 (2) APPROPRIATIONS.—There is authorized to
4 be appropriated \$10,000,000 for each of fiscal years
5 2022 to 2031 to carry out this subsection.

6 **SEC. 107. NO CAUSE EVICTIONS.**

7 (a) DEFINITIONS.—In this section:

8 (1) LANDLORD.—The term “landlord”—

9 (A) means the owner, lessor, or sublessor
10 of a residence; and

11 (B) includes an individual who is author-
12 ized by an owner, lessor, or sublessor of a resi-
13 dence to—

14 (i) manage the residence; or

15 (ii) enter into a lease agreement for
16 the residence.

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

18 (A) means a non-commercial—

19 (i) plot of real property; or

20 (ii) dwelling; and

21 (B) includes—

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

24 (ii) an accessory dwelling unit;

25 (iii) an apartment; and

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

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

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

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

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

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

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

14 (c) JUST CAUSES FOR EVICTION BY A LANDLORD.—

15 The following situations constitute just cause for a land-
16 lord to evict a tenant:

17 (1) The intentional or negligent actions of the
18 tenant cause substantial physical damage to the resi-
19 dence of the tenant.

20 (2) The intentional actions of the tenant meas-
21 urably and demonstrably inhibit the quality of life of
22 an individual who lives—

23 (A) in the building where the residence of
24 the tenant is located; or

1 (B) in the immediate vicinity of the resi-
2 dence of the tenant.

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

5 (4) The tenant, in the residence of the tenant
6 or in the immediate vicinity of the residence of the
7 tenant, commits a crime—

8 (A) that involves—

9 (i) prostitution; commercial sexual so-
10 licitation, or the promotion of prostitution;

11 (ii) the unlawful manufacture, deliv-
12 ery, or possession of a controlled sub-
13 stance;

14 (iii) the manufacture of a cannabinoid
15 extract, unless the tenant holds a license to
16 manufacture the cannabinoid extract under
17 Federal, State, or Tribal law; or

18 (iv) burglary; and

19 (B) which, at a trial for damages under
20 this section, the landlord of the residence can
21 prove by a preponderance of the evidence.

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

23 (A) the health or safety of individuals who
24 live within the immediate vicinity of the resi-
25 dence of the tenant; or

1 (B) the right of individuals who live within
2 the immediate vicinity of the residence of the
3 tenant to peacefully enjoy the property of those
4 individuals.

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

8 (7)(A) Local or State housing inspectors deter-
9 mine that the residence of the tenant is unsuitable
10 for occupancy; and

11 (B) the unsuitability of the residence is not a
12 result of deferred maintenance of the residence by
13 the landlord.

14 (d) NOTICE PROCEDURE.—Before a landlord may
15 evict a tenant, the landlord shall provide the following no-
16 tice:

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

20 (A) states the just cause for the eviction
21 under subsection (c); and

22 (B) if the just cause stated under subpara-
23 graph (A) is described in paragraphs (1)
24 through (3) of subsection (c) and the tenant
25 can remedy the just cause, provides the tenant

1 with 15 days to correct the actions of the ten-
2 ant.

3 (2) Not sooner than 30 days after providing the
4 initial eviction notice under paragraph (1), the land-
5 lord shall provide the tenant with a second eviction
6 notice that—

7 (A) states the just cause for the eviction
8 under subsection (c); and

9 (B) if the just cause stated under subpara-
10 graph (A) is described in paragraphs (1)
11 through (3) of subsection (c) and the tenant
12 can remedy the just cause, provides the tenant
13 with 15 days to correct the actions of the ten-
14 ant.

15 (e) EXCEPTIONS.—A landlord may evict a tenant
16 from a residence without a just cause for the eviction
17 under subsection (c) or providing the notice required
18 under subsection (d) for one or more of the following rea-
19 sons:

20 (1)(A) The tenant intentionally provided a sub-
21 stantial amount of false information relating to a
22 criminal conviction of the tenant on a rental applica-
23 tion for the residence;

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

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

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

12 (2) The tenant commits domestic violence, dat-
13 ing violence, sexual assault, or stalking against a
14 member of the household of the tenant.

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

19 (g) DUTY TO EVICT.—

20 (1) If a landlord knows that a tenant has com-
21 mitted domestic violence, dating violence, sexual as-
22 sault, or stalking against a member of the household
23 of the tenant, the landlord shall—

1 (A) take steps to exclude, evict, or other-
2 wise expel the tenant from the residence of the
3 tenant; and

4 (B) permit the member of the household of
5 the tenant to continue living in the residence.

6 (h) TENANT RIGHT TO TERMINATE LEASE.—

7 (1) IN GENERAL.—A tenant may terminate the
8 lease agreement for the residence of the tenant and
9 any immediate family members of the tenant if—

10 (A) the tenant provides the landlord of the
11 residence written notice not less than 14 days
12 before the date on which the tenant terminates
13 the lease agreement;

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

16 (ii) not more than 90 days before the date
17 on which the tenant provides the landlord the
18 notice described in subparagraph (A), the ten-
19 ant has been the victim of domestic violence,
20 dating violence, sexual assault, or stalking;

21 (C) the tenant provides the landlord with
22 a document that verifies the condition described
23 in subparagraph (B), which includes the signa-
24 ture or seal of—

25 (i) a court;

1 (ii) a State or local governmental au-
2 thority; or

3 (iii) an entity that serves victims of—

4 (I) domestic violence;

5 (II) dating violence;

6 (III) sexual assault; or

7 (IV) stalking; and

8 (D) the tenant vacates the residence not
9 later than 14 days after the date on which the
10 tenant provides the notice described in subpara-
11 graph (A).

12 (2) EFFECT OF TERMINATION.—If a tenant ter-
13 minates a lease agreement for the residence of the
14 tenant under paragraph (1)—

15 (A) the tenant is not liable for any unpaid
16 rent for the period of time beginning on the
17 date that is—

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

20 (ii) agreed upon in the lease agree-
21 ment; and

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

1 (i) the appropriate share of a security
2 deposit of the tenant; and

3 (ii) in the case that it is not possible
4 to discern the appropriate share of a secu-
5 rity deposit of the tenant to be returned,
6 not less than 20 percent of the security de-
7 posit of the tenant.

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

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

13 (2) any provision of section 41411 of the Vio-
14 lence Against Women Act of 1994 (34 U.S.C.
15 12491) that offers greater protections to individuals
16 residing in federally assisted housing that are vic-
17 tims of—

18 (A) domestic violence;

19 (B) dating violence;

20 (C) sexual assault; or

21 (D) stalking.

22 **SEC. 108. RIGHT TO COUNSEL.**

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

24 (1) establish funding for State governments,
25 local governments, or Indian Tribes that have estab-

1 lished a Right to Counsel through legislation for cov-
2 ered individuals who are facing—

3 (A) eviction;

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

5 (C) foreclosure;

6 (2) provide counsel to the most vulnerable pop-
7 ulations;

8 (3) allow governing bodies to tailor the Right to
9 Counsel to fit the unique needs of the community of
10 the governing body, including by setting eligibility
11 requirements for individuals who receive the Right to
12 Counsel; and

13 (4) guarantee that—

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

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

18 (C) funding for a State government, a
19 local government, or an Indian Tribe with a
20 Right to Counsel continues as long as the State
21 government, local government, or Indian Tribe
22 complies with—

23 (i) the plan outlined in the application
24 of the State government, local government,
25 or Indian Tribe; and

1 (ii) the reporting requirements de-
2 scribed in subsection (f).

3 (b) DEFINITIONS.—In this section:

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

8 (A) compel a landlord to make a necessary
9 repair to a residence;

10 (B) enjoin the harassment of a tenant by
11 a landlord;

12 (C) remedy mortgage or rental lease fraud;
13 and

14 (D) remedy—

15 (i) an instance of discrimination
16 against a tenant or prospective tenant by
17 a landlord;

18 (ii) discrimination in lending;

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

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

23 (2) COVERED INDIVIDUAL.—The term “covered
24 individual”—

25 (A) means an individual who—

1 (i) meets the eligibility requirements
2 of an eligible entity established in the
3 Right to Counsel legislation of the eligible
4 entity; and

5 (ii) is a defendant or plaintiff in a
6 covered proceeding that takes place within
7 the geographic boundaries of the eligible
8 entity described in clause (i); and

9 (B) includes any individual described in
10 subparagraph (A) who is—

11 (i) a tenant of any type of rental
12 housing, including public housing;

13 (ii) a homeowner of any type of home,
14 including a tiny home or a manufactured
15 home;

16 (iii) a tenant or homeowner with a
17 terminated housing subsidy; or

18 (iv) a tenant or homeowner who has
19 received notice that the housing subsidy of
20 the tenant or homeowner will be termi-
21 nated.

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

25 (A) for—

1 (i) eviction from the primary residence
2 of a tenant;

3 (ii) the termination of a housing sub-
4 sidy;

5 (iii) foreclosure on the primary resi-
6 dence of a homeowner; and

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

10 (B) that an eligible entity chooses to cover
11 in the Right to Counsel legislation of the eligi-
12 ble entity.

13 (4) ELIGIBLE ENTITY.—The term “eligible enti-
14 ty” means a State government, a local government,
15 or an Indian Tribe with a Right to Counsel.

16 (5) HOUSING-RELATED LEGAL REPRESENTA-
17 TION.—The term “housing-related legal representa-
18 tion”—

19 (A) means full legal representation by a
20 Right to Counsel attorney for a covered indi-
21 vidual in a covered proceeding; and

22 (B) includes full legal representation on an
23 appeal from a covered proceeding.

24 (6) HOUSING SUBSIDY.—The term “housing
25 subsidy” means Federal, State, or local monetary

1 assistance for a rental or mortgage payment, such as
2 a voucher.

3 (7) IMPLEMENTATION PERIOD.—The term “im-
4 plementation period” means the 5-year period dur-
5 ing which an eligible entity gradually increases the
6 capacity of the eligible entity to provide housing-re-
7 lated legal representation to covered individuals.

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

11 (A) provides housing-related legal rep-
12 resentation on behalf of an eligible entity to
13 covered individuals; and

14 (B) receives compensation from the eligible
15 entity for providing the housing-related legal
16 representation described in subparagraph (A).

17 (9) LOCAL GOVERNMENT.—The term “local
18 government” includes the government of a city,
19 town, township, county, parish, village, or any other
20 subdivision of a State.

21 (10) PUBLIC HOUSING.—The term “public
22 housing” has the meaning given the term in section
23 3(b) of the United States Housing Act of 1937 (42
24 U.S.C. 1437a(b)).

1 (11) RIGHT TO COUNSEL.—The term “Right to
2 Counsel” means a right established by a State gov-
3 ernment, a local government, or an Indian Tribe
4 that—

5 (A) is created through Right to Counsel
6 legislation;

7 (B) guarantees housing-related legal rep-
8 resentation at no cost to—

9 (i) during the implementation period,
10 the amount of covered individuals the eligi-
11 ble entity identifies in the plan required
12 under subsection (d)(2)(B); and

13 (ii) after the implementation period
14 ends, every covered individual; and

15 (C) may be contingent upon the receipt of
16 a certification by the Secretary under sub-
17 section (e).

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

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

22 (B) who, under the supervision of a legal
23 service provider—

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

1 (ii) works on an affirmative case.

2 (13) RIGHT TO COUNSEL LEGISLATION.—The
3 term “Right to Counsel legislation” means legisla-
4 tion of a State government, a local government, or
5 an Indian Tribe that—

6 (A) establishes a Right to Counsel;

7 (B) identifies eligibility requirements for
8 covered individuals, which may not—

9 (i) discriminate against any individual
10 on the basis of—

11 (I) the criminal record, gender
12 identity, gender expression, sexual ori-
13 entation, family status, age, national
14 origin, disability, genetic information,
15 family medical history, eviction his-
16 tory, or foreclosure history of the indi-
17 vidual;

18 (II) the immigration status or
19 prior immigration status of the indi-
20 vidual, except as required by Legal
21 Services Corporation law and regula-
22 tions; or

23 (III) any other protected status;

1 (C) identifies the type of covered pro-
2 ceedings the eligible entity will include in the
3 Right to Counsel; and

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

6 (c) FEDERAL REIMBURSEMENTS.—

7 (1) IN GENERAL.—Each fiscal year, the Sec-
8 retary shall reimburse an eligible entity for the total
9 cost of implementing and maintaining a Right to
10 Counsel if the Right to Counsel has a certification
11 from the Secretary under subsection (e).

12 (2) USE OF FUNDS.—

13 (A) IN GENERAL.—The cost described in
14 paragraph (1) may include—

- 15 (i) personnel costs;
16 (ii) operational costs;
17 (iii) administrative costs; and
18 (iv) the cost of support services.

19 (B) LIMITATION.—

20 (i) AFFIRMATIVE CASES.—Not more
21 than 5 percent of the cost described in
22 paragraph (1) may be used to provide rep-
23 resentation for covered individuals in an
24 affirmative case.

1 (ii) OTHER PROCEEDINGS FA-
2 VORED.—An eligible entity may only pro-
3 vide representation for a covered individual
4 in an affirmative case if the provision does
5 not interfere with the ability of the eligible
6 entity to provide representation to covered
7 individuals for covered proceedings that
8 are not affirmative proceedings.

9 (d) APPLICATION.—

10 (1) IN GENERAL.—An eligible entity that de-
11 sires a reimbursement from the Secretary under
12 subsection (c) shall submit to the Secretary an appli-
13 cation at such time, in such manner, and accom-
14 panied by such information as the Secretary may
15 reasonably require.

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

18 (A) If the Right to Counsel of the eligible
19 entity covers actions for eviction, statistical
20 data that shows, within the geographic bound-
21 aries of the eligible entity—

22 (i) the number of actions for eviction
23 that were filed against individuals;

1 (ii) the number of orders for eviction
2 that were granted as a result of an action
3 described in clause (i);

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

6 (iv) the number of foreclosures that
7 were granted as a result of an action de-
8 scribed in clause (iii);

9 (v) the percentage of the individuals
10 described in clauses (i) and (iii) that were
11 represented by an attorney in the eviction
12 or foreclosure proceeding; and

13 (vi) to the greatest extent practicable,
14 the household income level of the individ-
15 uals described in clauses (i) and (iii).

16 (B) A detailed plan for the implementation
17 period of the Right to Counsel of the eligible
18 entity that includes—

19 (i) a timeline that describes the grad-
20 ual increase in the number of covered indi-
21 viduals who receive housing-related legal
22 representation at no cost;

23 (ii) an assurance that key stake-
24 holders, including legal service providers
25 and community organizations—

1 (I) were included in the formula-
2 tion of the plan; and

3 (II) will be included in the execu-
4 tion of the plan; and

5 (iii) proposed methods to increase the
6 rate of housing-related legal representation
7 for covered individuals.

8 (e) CERTIFICATION.—

9 (1) IN GENERAL.—The Secretary shall certify
10 the Right to Counsel of an eligible entity if the eligi-
11 ble entity submits an application meeting the re-
12 quirements under subsection (d).

13 (2) 3-YEAR REVIEW.—

14 (A) IN GENERAL.—A certification of the
15 Secretary under paragraph (1) shall be effective
16 for a 3-year period.

17 (B) RECERTIFICATION.—The Secretary
18 shall extend the certification of the Right to
19 Counsel of an eligible entity for an additional 3-
20 year period if—

21 (i) the eligible entity submits an addi-
22 tional application under subsection (d);
23 and

24 (ii) the additional application meets
25 the requirements under subsection (d).

1 (f) REPORTS.—

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

6 (A) For an eligible entity that is under an
7 implementation period, a report summarizing
8 the progress of the plan described in subsection
9 (d)(2)(B).

10 (B) A report that includes—

11 (i) an estimation of the number of
12 covered individuals who live in the geo-
13 graphic boundaries of the eligible entity;
14 and

15 (ii) statistical information relating to
16 eviction and foreclosure proceedings han-
17 dled by Right to Counsel attorneys of the
18 eligible entity, including, to the greatest
19 extent practicable, for each proceeding—

20 (I) the race of each covered indi-
21 vidual;

22 (II) the age of each covered indi-
23 vidual;

24 (III) the household income of
25 each covered individual;

1 (IV) the number of individuals
2 included in the household of the cov-
3 ered individual;

4 (V) the type of property at issue;
5 and

6 (VI) whether the covered indi-
7 vidual or a member of the household
8 of the covered individual was a victim
9 of domestic violence, dating violence,
10 sexual assault, or stalking.

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

14 (i) information with respect to the eli-
15 gible entity on—

16 (I) the rate of eviction filings;

17 (II) the number of evictions that
18 were ordered;

19 (III) the number of evictions that
20 were executed; and

21 (IV) the percentage of individuals
22 who were represented by an attorney
23 of an eviction proceeding;

24 (ii) information on the resolution of
25 each eviction proceeding handled by Right

1 to Counsel attorneys on behalf of the eligi-
2 ble entity, including—

3 (I) whether the covered indi-
4 vidual was permitted to stay in the
5 residence of the covered individual;

6 (II) whether the covered indi-
7 vidual was displaced from the resi-
8 dence of the covered individual; and

9 (III) in the case of a covered in-
10 dividual who was permitted to stay in
11 the residence of the covered indi-
12 vidual—

13 (aa) whether the landlord
14 was ordered to perform repairs;
15 and

16 (bb) the amount of damages
17 either party to the proceeding
18 was ordered to pay; and

19 (iii) information on eviction pro-
20 ceedings handled by Right to Counsel at-
21 torneys on behalf of the eligible entity in
22 which the Right to Counsel attorney with-
23 drew or was discharged from the pro-
24 ceeding.

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

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

6 (I) the number of individuals who
7 were defendants in a foreclosure pro-
8 ceeding; and

9 (II) the percentage of the individ-
10 uals described in subclause (I) that
11 were represented by an attorney; and

12 (ii) information on the resolution of
13 each foreclosure proceeding handled by
14 Right to Counsel attorneys on behalf of the
15 eligible entity, including—

16 (I) whether the covered indi-
17 vidual retained possession of the resi-
18 dence of the covered individual;

19 (II) whether the covered indi-
20 vidual was displaced from the resi-
21 dence of the covered individual;

22 (III) whether any payment plans
23 were agreed upon;

24 (IV) the default amount at issue;

1 (V) the value of the home on the
2 date on which the foreclosure pro-
3 ceeding began; and

4 (VI) if applicable, the sale price
5 of the home at foreclosure sale.

6 (2) PERSONALLY IDENTIFYING INFORMATION
7 REMOVED.—In each report submitted under para-
8 graph (1), an eligible entity shall remove the person-
9 ally identifying information of any covered indi-
10 vidual.

11 (g) PLANNING GRANTS.—

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

17 (2) LIMITATION.—The total amount of grants
18 made under paragraph (1) shall not exceed
19 \$2,500,000 in a fiscal year, to be provided to eligible
20 entities described in that paragraph on a first-come,
21 first-served basis.

22 (3) PLANNING GRANT APPLICATION.—

23 (A) IN GENERAL.—An eligible entity that
24 desires a grant under paragraph (1) shall sub-
25 mit to the Secretary an application at such

1 time, in such manner, and accompanied by such
2 information as the Secretary may reasonably
3 require.

4 (B) CONTENTS.—An application submitted
5 under subparagraph (A) shall include an esti-
6 mation of the number of covered individuals the
7 Right to Counsel of the eligible entity will serve.

8 (h) INDEPENDENT COMMISSION STUDY.—The Sec-
9 retary shall conduct a study to analyze the feasibility of
10 establishing an independent commission or another inde-
11 pendent regulatory body to administer Right to Counsel
12 funding under this section.

13 (i) ESTABLISHMENT OF FUND.—

14 (1) IN GENERAL.—There is established in the
15 Treasury of the United States a fund consisting of
16 the amounts authorized to be appropriated under
17 paragraph (2).

18 (2) DEPOSITS TO THE FUND.—There are au-
19 thorized to be appropriated and there are appro-
20 priated to the fund established under paragraph (1)
21 such sums as may be necessary for each fiscal year
22 for the cost of—

23 (A) the reimbursements required under
24 subsection (c);

1 (B) the grants required under subsection
2 (g); and

3 (C) the study required under subsection
4 (h).

5 **SEC. 109. LANDLORD GUARANTEE PROGRAM.**

6 (a) ESTABLISHMENT.—The Secretary shall develop
7 and implement a Landlord Guarantee Program (in this
8 section referred to as the “Program”), to be administered
9 by public housing agencies, to provide financial assistance
10 to landlords to mitigate damages caused by tenants receiv-
11 ing tenant-based rental assistance under section 8(o) of
12 the United States Housing Act of 1937 (42 U.S.C.
13 1437f(o)).

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

16 (1) obtain judgment against the tenant from
17 the public housing agency with jurisdiction over the
18 property;

19 (2) submit to the Secretary an application to
20 receive assistance under the Program not later than
21 1 year after the date on which the landlord obtains
22 judgment under paragraph (1); and

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

24 (c) USE OF FUNDS.—Amounts received under the
25 Program shall only be used for reimbursing amounts in

1 a judgment described in subsection (b) that are related
2 to property damage, unpaid rent, or other damages, in-
3 cluding damages—

4 (1) caused as a result of the occupancy of the
5 tenant, including where the tenant is a victim of do-
6 mestic violence, dating violence, sexual assault, or
7 stalking;

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

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

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

16 (e) TENANT ACCOUNTABILITY.—A tenant shall be el-
17 igible for not more than 2 claims under the Program every
18 10 years.

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

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

25 (1) amounts appropriated to the fund; and

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

3 (h) REGULATIONS.—The Secretary shall issue regu-
4 lations to implement the Program, including regulations
5 relating to—

6 (1) additional qualifications and requirements
7 that a landlord is required to meet to receive assist-
8 ance under the Program; and

9 (2) the form of application that a landlord shall
10 submit to the Secretary to receive assistance under
11 the Program.

12 **SEC. 110. INCLUDING ALL FORMS OF HOUSING IN HUD**
13 **CONSOLIDATED PLAN.**

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

19 (b) ISSUANCE OF GUIDELINES RELATING TO NON-
20 TRADITIONAL FORMS OF AFFORDABLE HOUSING.—The
21 Secretary shall issue regulations that require that each
22 grantee that is required to submit a consolidated plan
23 shall include, to the greatest extent practicable, actionable
24 plans to incorporate and preserve in the overall affordable
25 housing stock—

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

4 (2) single room occupancy units;

5 (3) emergency shelters, including dwelling units
6 under 400 square feet and supportive tiny housing
7 villages;

8 (4) shared equity homes, including community
9 land trusts; and

10 (5) cooperative housing ownership models.

11 **SEC. 111. PROHIBITING DISCRIMINATION AGAINST VOUCHER**
12 **HOLDERS.**

13 (a) IN GENERAL.—The Fair Housing Act (42 U.S.C.
14 3601 et seq.) is amended—

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

17 “(p) ‘Source of income’ means lawful, verifiable in-
18 come paid directly to a tenant or to a representative of
19 a tenant, or paid to a housing owner or landlord on behalf
20 of a tenant, including Federal rent subsidy payments
21 under section 8 of the United States Housing Act of 1937
22 (42 U.S.C. 1437f) and any other local, State, or Federal
23 housing or financial assistance.”;

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

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

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

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

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

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

13 (b) PREVENTION OF INTIMIDATION IN FAIR HOUS-
14 ING CASES.—Section 901 of the Civil Rights Act of 1968
15 (42 U.S.C. 3631) is amended by inserting “source of in-
16 come (as defined in section 802),” before “or national ori-
17 gin” each place that term appears.

18 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to carry out this section
20 \$50,000,000 for each of fiscal years 2022 through 2031.

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

22 (a) DEFINITIONS.—In this section:

23 (1) FAIR MARKET RENT.—The term “fair mar-
24 ket rent” means the applicable fair market rental es-

1 established under section 8(c) of the United States
2 Housing Act of 1937 (42 U.S.C. 1437f(e)).

3 (2) SUCCESSFUL FAIR MARKET RENT AP-
4 PEAL.—The term “successful fair market rent ap-
5 peal” means a reevaluation of a fair market rent re-
6 sulting in a revised fair market rent that is not less
7 than 3 percent higher than the fair market rent for
8 the preceding year.

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

12 (1) calculate and publish estimates of historical
13 underfunding over the preceding 10-year period due
14 to fair market rents that are below true market
15 value; and

16 (2) if the Secretary determines that the fair
17 market rent calculation was below true market
18 value, reimburse the public housing agency or non-
19 profit owner of a residential dwelling unit subject to
20 fair market rent an amount equal to 75 percent of
21 the estimated underpayment caused by the inac-
22 curate fair market rent calculation.

23 (c) SURVEY.—The Secretary shall enter into a memo-
24 randum of agreement with a State housing finance agency
25 to conduct a statewide rental market survey if a State ex-

1 periences more than 2 successful fair market rent appeals
2 within the preceding 5 calendar years.

3 (d) REIMBURSEMENT FOR SUCCESSFUL FAIR MAR-
4 KET RENT APPEALS.—The Secretary shall grant an
5 amount equal the actual direct expenses incurred by a
6 public housing agency associated with a successful fair
7 market rent appeal.

8 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated such sums as may be nec-
10 essary to carry out this section for each of fiscal years
11 2022 through 2031.

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

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

16 (1) within 20 miles of—

17 (A) an area that was subject to an Urban
18 Renewal Loan and Grant Contract from the
19 Department of Housing and Urban Develop-
20 ment; or

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

24 (2) within the service area of a single public
25 housing agency.

1 (b) ESTABLISHMENT.—The Secretary shall establish
2 within the Department of Housing and Urban Develop-
3 ment an Office of Restorative Housing Justice (in this sec-
4 tion referred to as the “Office”) to execute an affordable
5 housing assistance preference policy for individuals and
6 the parents, grandparents, or primary caretakers of people
7 who—

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

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

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

15 (c) PUBLIC HOUSING AGENCIES.—

16 (1) IN GENERAL.—Each public housing agency
17 with a geographic service area that includes a cov-
18 ered geographic area shall be eligible to receive fund-
19 ing from the Office to carry out an affordable hous-
20 ing assistance preference policy in accordance with
21 subsection (h).

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

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

3 (e) OFFICE OF THE OMBUDSPERSON.—

4 (1) ESTABLISHMENT.—There is established
5 within the Office an Office of the Ombudsperson,
6 which shall be—

7 (A) responsible for—

8 (i) ensuring that the National Advi-
9 sory Council and the Community Advisory
10 Council established under subsections (f)
11 and (g), respectively, are carrying out the
12 intended mission of the Office; and

13 (ii) advocating for individuals who are
14 seeking housing assistance through the
15 housing assistance preference policy estab-
16 lished under subsection (h); and

17 (B) an impartial, confidential resource that
18 is fully independent of the Department of
19 Housing and Urban Development and the Of-
20 fice.

21 (2) OMBUDSPERSON.—

22 (A) IN GENERAL.—The Office of the
23 Ombudsperson shall be headed by an
24 Ombudsperson, who shall—

1 (i) be a career employee in the Senior
2 Executive Service, as defined in section
3 3132(a) of title 5, United States Code; and

4 (ii) have demonstrated experience in
5 housing law and racial equity work.

6 (B) DUTIES.—The Ombudsperson shall—

7 (i) monitor the National Advisory
8 Council and the Community Advisory
9 Council established under subsections (f)
10 and (g), respectively, and the Office for
11 compliance with applicable laws and stand-
12 ards, including by investigating—

13 (I) claims of—

14 (aa) inadequate use of
15 funds;

16 (bb) inequitable implementa-
17 tion of the preference policy es-
18 tablished under subsection (h);
19 and

20 (cc) inaccurate covered geo-
21 graphic areas; and

22 (II) complaints against the Office
23 and each of the Councils;

24 (ii) not less frequently than quarterly,
25 invite community stakeholders, tenants'

1 rights organizations, and others to partici-
2 pate in a meeting to ensure that
3 Ombudsperson is aware of stakeholder con-
4 cerns and priorities and to provide feed-
5 back on stakeholder requests; and

6 (iii) establish regional offices to the
7 Office of the Ombudsperson to sure the in-
8 clusion of pertinent local and regional
9 issues, trends, and challenges for consider-
10 ation by the Ombudsperson.

11 (C) SUBPOENA POWER.—The
12 Ombudsperson may—

13 (i) issue a subpoena to require the
14 production of all information, reports, and
15 other documentary evidence necessary to
16 carry out the duties of the Ombudsperson
17 and;

18 (ii) invoke the aid of any appropriate
19 court of the United States.

20 (D) REPORTING MECHANISMS.—The
21 Ombudsperson shall establish and maintain—

22 (i) a toll free telephone number to re-
23 ceive complaints and reports of matters for
24 investigation;

- 1 (ii) an email address to receive com-
2 plaints, such reports, and requests for re-
3 view of housing preference determinations;
4 and
5 (iii) a website to receive complaints
6 and reports for matter of investigation.

7 (f) NATIONAL ADVISORY COUNCIL.—

8 (1) IN GENERAL.—The Director of the Office
9 shall establish within the Office an advisory council,
10 which shall—

11 (A) be composed of 10 members, of
12 whom—

13 (i) one shall be the Director of the Of-
14 fice;

15 (ii) two shall be representatives from
16 national nonprofit civil rights organizations
17 and appointed by the Director;

18 (iii) two shall be representatives from
19 national tenant rights organizations and
20 appointed by the Director;

21 (iv) three shall be individuals eligible
22 for assistance under this section and ap-
23 pointed by the Director; and

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

1 (B) submit to Congress an annual report
2 in partnership with a housing and homelessness
3 innovation research center established under
4 section 401;

5 (C) provide technical assistance to annual
6 action plans submitted by a community advi-
7 sory council established under subsection (g);
8 and

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

11 (g) COMMUNITY ADVISORY COUNCIL.—

12 (1) IN GENERAL.—Each public housing agency
13 shall establish a community advisory council, which
14 shall—

15 (A) establish an annual action plan, which
16 shall—

17 (i) be submitted to the National Advi-
18 sory Council established under subsection
19 (f);

20 (ii) govern the release of funds under
21 this section and administer the preference
22 scale established under subsection (h); and

23 (iii) include demographic data and in-
24 formation on how funds released under

1 this section were used during the preceding
2 year; and

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

5 (i) one shall be the Executive Director
6 of the public housing agency or an ap-
7 pointee from the public housing agency;

8 (ii) two shall be representatives from
9 a local nonprofit civil rights organizations
10 and appointed by the Director of the coun-
11 cil;

12 (iii) two shall be representatives from
13 local tenant rights organizations and ap-
14 pointed by the Director of the council;

15 (iv) three shall be individuals eligible
16 for displacement compensation under this
17 section and appointed by the Director of
18 the council; and

19 (v) two shall be appointed by the Di-
20 rector of the council at the discretion of
21 the Executive Director of the public hous-
22 ing agency.

23 (2) DIRECTOR.—

24 (A) APPOINTMENT IN FIRST YEAR.—Dur-
25 ing the 1-year period following the date on

1 which a community advisory council is estab-
2 lished under paragraph (1), the member de-
3 scribed in paragraph (1)(B)(i) shall serve as
4 Director of the council.

5 (B) AFTER FIRST YEAR.—After the 1-year
6 period described in subparagraph (B), the Di-
7 rector of a community advisory council shall be
8 appointed on an annual basis by majority vote
9 of the council.

10 (C) DUTIES.—The Director of a commu-
11 nity advisory council shall submit to the council
12 established under subsection (e) on an annual
13 basis—

14 (i) the action plan required under
15 paragraph (1)(A) and an accompanying re-
16 port; and

17 (ii) policy proposals for the commu-
18 nity advisory council.

19 (3) INCORPORATION BY STATES.—Each State
20 shall, to the greatest extent possible, incorporate the
21 action plan established by the applicable community
22 advisory council into all applicable sections of the
23 annual consolidated plan, as defined in section
24 110(a).

1 (4) 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 (h) 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 (i) 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 (j) 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 2022 through 2031.

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 2022 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 2021.—
11 Out of amounts not otherwise appropriated, there is ap-
12 propriated to the Housing Trust Fund \$45,000,000,000
13 for fiscal year 2021.”.

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 2022
4 through 2031.”.

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 2022, 2023, and
25 2024; 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 2022 through
11 2031.

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 2022
15 through 2031.

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 ‘Indian tribe’ in sec-
16 tion 4 of the Indian Self-Determination and Edu-
17 cation Assistance 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

12 loans 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
7 costs 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
10 Tribe.

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

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

1 as applicable, determines that the list, plan, or
2 system, as applicable, is consistent with the
3 purposes of this section.

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

6 “(6) TERM.—The term of a loan provided to an
7 eligible entity under paragraph (1) shall not exceed
8 20 years after the date on which the loan is issued.

9 “(7) ADVANCE.—

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

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

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

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

23 “(A) IN GENERAL.—In providing a loan to
24 an eligible entity under paragraph (1), a State
25 or Indian Tribe may provide a special advance

1 on request of the eligible entity for assistance in
2 defraying the start-up costs of the eligible enti-
3 ty, as determined by the State or Indian Tribe,
4 as applicable, of providing loans to qualified
5 consumers under subsection (f).

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

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

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

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

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

24 “(9) REVOLVING LOAN FUND.—

1 “(A) IN GENERAL.—As a condition of par-
2 ticipating in the program, a State or Indian
3 Tribe shall use the funds repaid to the State or
4 Indian Tribe under loans offered under this
5 subsection to issue new loans under this sub-
6 section.

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

12 “(f) LOANS BY ELIGIBLE ENTITIES TO QUALIFIED
13 CONSUMERS.—

14 “(1) USE OF LOAN.—

15 “(A) IN GENERAL.—A loan made by an el-
16 igible entity to a qualified consumer using loan
17 funds provided by a State or Indian Tribe
18 under subsection (e)—

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

1 nancial burden on the qualified consumer,
2 as determined by the eligible entity;

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

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

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

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

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

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

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

1 “(3) ENERGY ASSESSMENT.—

2 “(A) IN GENERAL.—Prior to the installa-
3 tion of energy efficiency measures at the prop-
4 erty of a qualified consumer that receives a loan
5 from an eligible entity under this section, and
6 to assist in the selection of the energy efficiency
7 measures to be installed, the eligible entity shall
8 conduct an energy assessment or audit to deter-
9 mine the impact of proposed energy efficiency
10 measures on—

11 “(i) the energy costs and consumption
12 of the qualified consumer; and

13 “(ii) the health and safety of the occu-
14 pants of the property on which the energy
15 efficiency measures are to be installed.

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

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

1 “(A) to establish a loan loss reserve for the
2 eligible entity;

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

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

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

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

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

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

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

2 “(2) if the State or Indian Tribe satisfies the
3 requirements under subsection (e)(4), as determined
4 by the Secretary.

5 “(h) PROGRAM ADMINISTRATION.—

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

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

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

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

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

1 “(3) OUTSIDE CONTRACTS.—

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

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

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

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

22 “(j) REPORT.—

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

1 each fiscal year thereafter, the Secretary shall sub-
2 mit to the appropriate committees of Congress and
3 make publicly available a report that describes, with
4 respect to the program—

5 “(A) the number of applications received
6 by each State and Indian Tribe from eligible
7 entities for that fiscal year;

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

10 “(i) to eligible entities; and

11 “(ii) directly to qualified consumers;

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

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

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

22 “(k) AUTHORIZATION OF APPROPRIATIONS.—

23 “(1) IN GENERAL.—There is authorized to be
24 appropriated to the Secretary to carry out this sec-

1 tion \$150,000,000 for each of fiscal years 2022
2 through 2027.

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

9 “(A) a State energy conservation plan es-
10 tablished under part D of title III of the En-
11 ergy Policy and Conservation Act (42 U.S.C.
12 6321 et seq.); or

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

18 (b) STATE ENERGY CONSERVATION PLANS.—Section
19 362(d)(5) of the Energy Policy and Conservation Act (42
20 U.S.C. 6322(d)(5)) is amended—

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

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

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

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

3 (c) **TECHNICAL AMENDMENT.**—The table of contents
4 for the Energy Policy and Conservation Act (Public Law
5 94–163; 89 Stat. 872) is amended by inserting after the
6 item relating to section 362 the following:

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

7 **SEC. 206. PUBLIC HOUSING.**

8 (a) **REPEAL OF FAIRCLOTH AMENDMENT.**—Section
9 9(g) of the United States Housing Act of 1937 (42 U.S.C.
10 1437g(g)) is amended by striking paragraph (3).

11 (b) **AUTHORIZATION OF APPROPRIATIONS FOR PUB-
12 LIC HOUSING CAPITAL FUND.**—Section 9(c)(2)(A) of the
13 United States Housing Act of 1937 (42 U.S.C.
14 1437g(c)(2)(A)) is amended to read as follows:

15 “(A) **CAPITAL FUND.**—For allocations of
16 assistance from the Capital Fund,
17 \$70,000,000,000 for fiscal year 2022, to re-
18 main available until expended.”.

19 **TITLE III—HOUSING ASSIST-**
20 **ANCE FOR HOMELESS AND**
21 **LOW-INCOME FAMILIES**

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

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

1 “(21) EMERGENCY RENTAL ASSISTANCE
2 VOUCHER PROGRAM.—

3 “(A) DEFINITION OF INDIAN TRIBE.—In
4 this paragraph, the term ‘Indian Tribe’ has the
5 meaning given the term ‘Indian tribe’ in section
6 102 of the Federally Recognized Indian Tribe
7 List Act of 1994 (25 U.S.C. 5130).

8 “(B) VOUCHERS.—The Secretary shall set
9 aside, from amounts made available for rental
10 assistance under this subsection, the amount
11 specified in subparagraph (F) to provide vouch-
12 ers to tenants that are eligible for tenant-based
13 assistance under this subsection.

14 “(C) SET ASIDE.—Of the amount appro-
15 priated under subparagraph (F) for each fiscal
16 year, the Secretary shall allocate as grant
17 funds—

18 “(i) 98 percent to be provided to
19 States; and

20 “(ii) 2 percent to be provided to In-
21 dian Tribes in accordance with subpara-
22 graph (D).

23 “(D) ALLOCATION TO INDIAN TRIBES.—Of
24 the amount allocated for Indian Tribes under
25 subparagraph (C)(ii), the Secretary shall allo-

1 “(iv) for fiscal year 2025, the amount
2 necessary to provide 400,000 vouchers for
3 rental assistance under this subsection;

4 “(v) for fiscal year 2026, the amount
5 necessary to provide 500,000 vouchers for
6 rental assistance under this subsection;

7 “(vi) for fiscal year 2027, the amount
8 necessary to provide 600,000 vouchers for
9 rental assistance under this subsection;

10 “(vii) for fiscal year 2028, the amount
11 necessary to provide 700,000 vouchers for
12 rental assistance under this subsection;

13 “(viii) for fiscal year 2029, the
14 amount necessary to provide 800,000
15 vouchers for rental assistance under this
16 subsection;

17 “(ix) for fiscal year 2030, the amount
18 necessary to provide 900,000 vouchers for
19 rental assistance under this subsection;
20 and

21 “(x) for fiscal year 2031, the amount
22 necessary to provide 1,000,000 vouchers
23 for rental assistance under this subsection.

24 “(G) AMOUNT OF VOUCHER.—A voucher
25 provided to a tenant under this paragraph shall

1 be in an amount that is not more than 110 per-
2 cent of the small area fair market rental estab-
3 lished under section 8(c) for the area in which
4 the tenant resides.

5 “(H) ADMINISTRATIVE FEE.—Each public
6 housing agency or tribal housing authority that
7 administers a voucher provided under this para-
8 graph shall be provided with amounts necessary
9 to cover all related administrative fees.

10 “(I) ADMINISTRATION OF VOUCHERS.—

11 “(i) PRIORITY.—The Secretary shall
12 give priority to public housing agencies
13 over State housing finance agencies with
14 respect to the administration of vouchers
15 provided under this paragraph.

16 “(ii) STATE HOUSING FINANCE AGEN-
17 CIES.—A State housing finance agency
18 may apply for and administer a voucher
19 provided under this paragraph on the same
20 terms as a public housing agency if the
21 Secretary determines that public housing
22 agencies in that State lack the capacity to
23 administer the voucher.

24 “(J) NO ARBITRARY TIME LIMIT.—The
25 Secretary shall not limit the amount of time a

1 voucher holder is eligible to receive rental as-
2 sistance under this paragraph, except by an in-
3 dividualized determination that ending rental
4 assistance serves the best interest of the vouch-
5 er holder.”.

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

12 (c) PROHIBITION ON DENIAL OF ASSISTANCE BASED
13 ON NON-VIOLENT CRIMINAL CONVICTIONS.—Section 8(o)
14 of the United States Housing Act of 1937 (42 U.S.C.
15 1437f(o)), as amended by subsection (a) of this section,
16 is amended by adding at the end the following:

17 “(22) PROHIBITION.—Each public housing
18 agency or tribal housing authority that administers
19 a voucher provided under this subsection shall not
20 establish eligibility criteria for the voucher that ex-
21 cludes individuals with non-violent criminal convic-
22 tions, except for—

23 “(A) registered sex offenders; and

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

1 **SEC. 302. SUPPORTIVE TINY HOUSING VILLAGE INNOVA-**
2 **TION PILOT PROGRAM.**

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

- 5 (1) a public housing agency;
6 (2) a religious organization;
7 (3) an Indian Tribe that has jurisdiction over
8 Indian country; and
9 (4) a nonprofit housing entity.

10 (b) ESTABLISHMENT.—The Secretary shall establish
11 a pilot program to provide grants to eligible entities to
12 promote innovation and increased capacity of tiny housing
13 village programs.

14 (c) PRIORITY.—In awarding grants under this sec-
15 tion, the Secretary shall prioritize funding for public hous-
16 ing agencies, religious organizations, Indian Tribes that
17 have jurisdiction over Indian country, and nonprofit hous-
18 ing entities to construct and operate gate-controlled tiny
19 home villages or community spaces that—

- 20 (1) have a per unit cost of not more than
21 \$25,000, including all necessary construction mate-
22 rials, labor, shared infrastructure, dining, laundry,
23 and sanitation facilities;
24 (2) require residents to receive not less than 1
25 hour of weekly case management; and

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

4 (d) CASE MANAGERS.—In hiring case managers to
5 provide assistance to residents in the tiny home village or
6 community space under this section, a public housing
7 agency shall give priority to applications submitted by
8 former residents.

9 (e) MATCHING FUNDING.—A recipient of a grant
10 under this section shall provide matching non-Federal
11 funds in an amount equal to 50 percent of the grant
12 amount.

13 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated to carry out this section
15 \$100,000,000 for each of fiscal years 2022 through 2031.

16 **SEC. 303. PERMANENT SUPPORTIVE HOUSING.**

17 (a) IN GENERAL.—Out of funds in the Treasury not
18 otherwise appropriated, there is appropriated to the Sec-
19 retary \$1,000,000,000 for each of fiscal years 2022
20 through 2031 to provide grants under title IV of the
21 McKinney-Vento Homeless Assistance Act (42 U.S.C.
22 11360 et seq.) to support permanent supportive housing,
23 including capital costs, rental subsidies, and services.

24 (b) TECHNICAL ASSISTANCE.—Of amounts appro-
25 priated under subsection (a), there shall be allocated to

1 the Secretary \$25,000,000 in each fiscal year for under-
2 capacity jurisdictions to develop comprehensive whole-of-
3 local government plans to build capacity for permanent
4 supportive housing in a rural area, as defined in section
5 1282.1 of title 12, Code of Federal Regulations, or any
6 successor regulation.

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

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

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

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

20 (1) provide intensive management services, in-
21 cluding connections to health care, employment,
22 legal aid, and permanent housing, to individuals and
23 families experiencing homelessness; and

1 (2) allow an individual or family experiencing
2 homelessness to stay at the center for not more than
3 90 continuous days per 180-day period.

4 (c) MATCHING FUNDING.—A recipient of a grant
5 under this section shall provide matching non-Federal
6 funds in an amount equal to 100 percent of the grant
7 amount.

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

10 (1) \$50,000,000 for each of fiscal years 2022
11 through 2026; and

12 (2) \$100,000,000 for each of fiscal years 2027
13 through 2031.

14 **TITLE IV—HOUSING AND**
15 **HOMELESSNESS INNOVATION**

16 **SEC. 401. HOUSING AND HOMELESSNESS INNOVATION RE-**
17 **SEARCH CENTERS.**

18 (a) ESTABLISHMENT.—The Secretary shall establish
19 not less than 1 housing and homelessness innovation re-
20 search center in each region of the Department of Housing
21 and Urban Development.

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

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

3 (2) a study of best practices to preserve low-
4 and middle-cost housing and expand low-cost hous-
5 ing options in the region served by the center, in-
6 cluding single room occupancy units, manufactured
7 housing, shelters, housing units under 400 square
8 feet, stacked flats, and accessory dwelling units.

9 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to carry out this section
11 \$100,000,000 for each of fiscal years 2022 through 2031.

12 **TITLE V—EMERGENCY HOUSING** 13 **PROGRAM**

14 **SEC. 501. DEFINITIONS.**

15 In this title:

16 (1) ELIGIBLE INDIVIDUAL.—The term “eligible
17 individual” means an individual renter or home-
18 owner who—

19 (A) is, or is expected to be, unable to make
20 payments, correct a rental, mortgage, tax, or
21 insurance delinquency within a reasonable time,
22 or resume full rent or mortgage payments due
23 to a reduction in the income of the individual
24 due to—

1 (i) involuntary loss of, or reduction in,
2 the employment income of the individual or
3 the self-employment income of the indi-
4 vidual;

5 (ii) any similar loss or reduction in in-
6 come experienced by any person who con-
7 tributes to the income of the individual;

8 (iii) a significant reduction in the in-
9 come of the household due to divorce or
10 death; or

11 (iv) a significant increase in basic ex-
12 penses of the individual or an immediate
13 family member of the individual (including
14 the spouse, child, parent, or immediate
15 family member for whom the individual
16 provides substantial care or financial as-
17 sistance) due to—

18 (I) an unexpected or significant
19 increase in medical expenses;

20 (II) an initiating event;

21 (III) a personal or national eco-
22 nomic crisis; or

23 (IV) an unexpected increase in
24 rent by the individual; and

1 (B) is not otherwise receiving housing
2 counseling provided by an organization ap-
3 proved by the Department of Housing and
4 Urban Development.

5 (2) INITIATING EVENT.—The term “initiating
6 event” means—

7 (A) a major disaster declared by the Presi-
8 dent under section 401 of the Robert T. Staf-
9 ford Disaster Relief and Emergency Assistance
10 Act (42 U.S.C. 5170);

11 (B) an increase in State-wide unemploy-
12 ment of not less than 8 percent for 2 consec-
13 utive months;

14 (C) an increase in State-wide unemploy-
15 ment of not less than 10 percent for 2 consec-
16 utive months; or

17 (D) an emergency declaration issued by
18 the Secretary of Housing and Urban Develop-
19 ment with respect to a housing disaster emer-
20 gency.

21 **SEC. 502. EMERGENCY ASSISTANCE.**

22 (a) IN GENERAL.—After the occurrence of an initi-
23 ating event, the Secretary of Housing and Urban Develop-
24 ment or the Secretary of the Treasury, as appropriate,
25 shall use amounts appropriated under section 503 to pro-

1 vide assistance to eligible individuals described in this sec-
2 tion, provided that—

3 (1) the Governor of a State submits to the Sec-
4 retary of Housing and Urban Development or the
5 Secretary of the Treasury, as appropriate, a request
6 for assistance to be provided under this section; and

7 (2) half of the amount allocated for a State
8 shall be provided if the State is only experiencing an
9 initiating event described in section 501(2)(B), with
10 the full amount provided if the State experiences an
11 initiating event described in section 501(2)(C).

12 (b) EMERGENCY ASSISTANCE AND HOUSING COUN-
13 SELING.—

14 (1) IN GENERAL.—The Secretary of the Treas-
15 ury shall, through a program established by the De-
16 partment of the Treasury that is similar to the
17 Emergency Rental Assistance Program established
18 under section 501 of division N of the Consolidated
19 Appropriations Act, 2021 (Public Law 116–133),
20 provide—

21 (A) direct monthly rental or mortgage pay-
22 ment assistance to eligible individuals for the
23 duration of the initiating event; and

1 (B) grants to nonprofit housing counseling
2 organizations to provide counseling to eligible
3 individuals with respect to—

4 (i) personal financial budgeting and
5 personal debt management;

6 (ii) available community resources, in-
7 cluding public assistance programs, rental
8 assistance programs, credit assistance pro-
9 grams, food programs, and social services;
10 and

11 (iii) employment training and place-
12 ment.

13 (2) AVAILABILITY OF HOUSING COUNSELING.—

14 The Secretary of the Treasury shall ensure that
15 grants described in paragraph (1)(B) are made
16 available throughout the areas affected by the initi-
17 ating event, with priority given to areas that—

18 (A) are experiencing high rates of evic-
19 tions, foreclosures, or any other indicators of
20 renter or homeowner distress determined by the
21 Secretary of the Treasury to be appropriate; or

22 (B) are not already adequately served by
23 housing counseling organizations.

24 (3) AUTHORIZATION OF APPROPRIATIONS.—

25 There is authorized to be appropriated \$25,000,000,

1 to remain available until expended, to carry out this
2 subsection.

3 (c) NATIONAL HOUSING TRUST FUND.—Out of
4 amounts appropriated under section 503, the Secretary of
5 Housing and Urban Development may transfer not more
6 than \$10,000,000,000 to the Housing Trust Fund estab-
7 lished under section 1338 of the Federal Housing Enter-
8 prises Financial Safety and Soundness Act of 1992 (12
9 U.S.C. 4568) to provide assistance described in such sec-
10 tion 1338.

11 (d) CDFI FUND.—Out of amounts appropriated
12 under section 503, the Secretary of the Treasury may
13 transfer not more than \$10,000,000,000 to the Commu-
14 nity Development Financial Institutions Fund established
15 under section 104 of the Riegle Community Development
16 and Regulatory Improvement Act of 1994 (12 U.S.C.
17 4703) to provide assistance described in section 108 of
18 such Act (12 U.S.C. 4707).

19 (e) RURAL HOUSING SERVICE.—Out of amounts ap-
20 propriated under section 503, the Secretary of Housing
21 and Urban Development may transfer not more than
22 \$10,000,000,000 to provide rental assistance redetermina-
23 tions and supplemental rental assistance payments to resi-
24 dents of housing assisted under section 514 or 515 of the

1 Housing Act of 1949 (42 U.S.C. 1484, 1485) who do not
2 receive rental assistance.

3 (f) EMERGENCY VOUCHERS.—Out of amounts appro-
4 priated under section 503, the Secretary of Housing and
5 Urban Development may provide vouchers authorized
6 under section 301 in an amount that is not more than
7 \$10,000,000,000.

8 (g) EMERGENCY SOLUTIONS GRANTS.—Out of
9 amounts appropriated under section 503, the Secretary of
10 Housing and Urban Development may transfer not more
11 than \$10,000,000,000 to provide assistance under the
12 Emergency Solutions Grants program under subtitle B of
13 title IV of the McKinney-Vento Homeless Assistance Act
14 (42 U.S.C. 11371 et seq.) for uses authorized under that
15 program and for non-congregate shelters, including shel-
16 ters designed with a multi-year life expectancy.

17 (h) CDBG-DISASTER RECOVERY.—

18 (1) IN GENERAL.—Out of amounts appro-
19 priated under section 503, the Secretary of Housing
20 and Urban Development may transfer not more than
21 \$50,000,000,000 to the community development
22 block grant disaster recovery program established
23 under title I of the Housing and Community Devel-
24 opment Act of 1974 (42 U.S.C. 5301 et seq.) to pro-
25 vide assistance relating to the initiating event.

1 (2) PRIORITY.—In providing assistance under
2 paragraph (1), the Secretary of Housing and Urban
3 Development shall—

4 (A) establish primary priority for pre-
5 serving, rehabilitating, or rebuilding housing
6 units (including non-titled manufactured hous-
7 ing), providing short-term bridge lending for
8 property acquisitions, and funding public utility
9 and infrastructure projects serving residents
10 below 30 percent of the area median income;
11 and

12 (B) establish secondary priority for pre-
13 serving, rehabilitating, or rebuilding housing
14 units (including non-titled manufactured hous-
15 ing), providing short-term bridge lending for
16 property acquisitions, and funding public utility
17 and infrastructure projects serving residents
18 below 60 percent of the area median income.

19 (i) DISBURSEMENT OF AMOUNTS.—

20 **SEC. 503. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) IN GENERAL.—There is authorized to be appro-
22 priated to the Secretary of Housing and Urban Develop-
23 ment and the Secretary of the Treasury such sums as may
24 be necessary to carry out this title, to remain available
25 until expended.

1 (b) ADMINISTRATIVE COSTS.—Not more than 10
2 percent of amounts appropriated under subsection (a) may
3 be used for administrative costs related to carrying out
4 this title.