

**[DISCUSSION DRAFT]**110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**H. R.** \_\_\_\_\_

To amend section 18 of the United States Housing Act of 1937 to revise the requirements relating to demolition and disposition of public housing, and for other purposes.

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**IN THE HOUSE OF REPRESENTATIVES**

M\_\_\_\_. \_\_\_\_\_ introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend section 18 of the United States Housing Act of 1937 to revise the requirements relating to demolition and disposition of public housing, and for other purposes.

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

3        **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Public Housing Demo-  
5        lition-Disposition Improvement Act of 2008”.

1 **SEC. 2. DEMOLITION AND DISPOSITION OF PUBLIC HOUS-**  
2 **ING.**

3 (a) AMENDMENTS TO SECTION 18.—Section 18 of  
4 the United States Housing Act of 1937 (42 U.S.C. 1437p)  
5 is amended—

6 (1) in subsection (a)—

7 (A) in the matter preceding paragraph  
8 (1)—

9 (i) by striking “subsection (b)” and  
10 inserting “subsection (c)”; and

11 (ii) by striking “if the public housing  
12 agency certifies” and inserting “only if the  
13 Secretary makes findings supported by  
14 substantial evidence that”;

15 (B) in paragraph (2)(A)(ii), by striking  
16 “low-income housing” and inserting “housing  
17 for low-income, very-low income, and extremely  
18 low-income families consistent with the needs  
19 identified pursuant to section 5A(d)(1) in the  
20 public housing agency plan for the agency and  
21 with targeting requirements under section 16(a)  
22 for public housing”;

23 (C) by striking paragraph (4);

24 (D) in paragraph (6), by striking “sub-  
25 section (c)” and inserting “subsection (d)”; and

1 (E) by redesignating paragraphs (5) and  
2 (6) as paragraphs (4) and (5), respectively;  
3 (2) in subsection (b)—

4 (A) in the matter preceding paragraph (1),  
5 by striking “subsection (a)” and inserting “sub-  
6 section (b)”;

7 (B) in paragraph (1), by striking “or” at  
8 the end;

9 (C) in paragraph (2)(C) by striking the pe-  
10 riod at the end and inserting a semicolon; and

11 (D) by adding at the end the following new  
12 paragraphs:

13 “(3) the proposed relocation, demolition, dis-  
14 position, demolition or disposition or both subse-  
15 quent to conversion pursuant to section 22 or 33, or  
16 the provision of replacement housing will not be car-  
17 ried out in a manner that affirmatively furthers fair  
18 housing, as described in section 808(e) of the Civil  
19 Rights Act of 1968 (42 U.S.C. 3608(e)), or that the  
20 measures proposed by the public housing agency to  
21 mitigate potential adverse impacts of the proposed  
22 relocation, demolition, disposition, demolition and/or  
23 disposition subsequent to conversion pursuant to  
24 section 22 or 33, or the provision of replacement  
25 housing on persons protected by section 804 of the

1 Civil Rights Act of 1968 (42 U.S.C. 3604), are  
2 clearly insufficient or inappropriate; or

3 “(4) the Secretary determines that the proposed  
4 plan for relocation, demolition, disposition, demoli-  
5 tion or disposition or both subsequent to conversion  
6 pursuant to section 22 or 33, or the provision of re-  
7 placement housing does not comply with the require-  
8 ments of subsection (e) of this section.”;

9 (3) by striking subsection (d) and inserting the  
10 following new subsection:

11 “(d) REPLACEMENT UNITS.—

12 “(1) REQUIREMENT TO REPLACE EACH UNIT.—

13 Except for demolition pursuant to subsection (f),  
14 each public housing dwelling unit demolished or dis-  
15 posed of after January 1, 2005, shall be replaced  
16 with a newly constructed, rehabilitated, or purchased  
17 public housing unit or with a newly constructed, re-  
18 habilitated, or purchased unit (including through  
19 project-based assistance) that is subject to require-  
20 ments regarding eligibility for occupancy, tenant  
21 contribution toward rent, and long-term affordable  
22 restrictions which are comparable to public housing  
23 units, except that subparagraphs (B) and (D) of sec-  
24 tion 8(o)(13) of the United States Housing Act of  
25 1936 (relating to percentage limitation and income

1 mixing requirement of project-based assistance) shall  
2 not apply with respect to vouchers used to comply  
3 with the requirements of this paragraph

4 “(2) SIZE.—Replacement units shall be of com-  
5 parable size, unless a market analysis shows a need  
6 for other sized units, in which case such need shall  
7 be addressed.

8 “(3) LOCATION ON SITE OR IN NEIGHBOR-  
9 HOOD.—

10 “(A) IN GENERAL.—At least one-third of  
11 all replacement units for public housing units  
12 demolished shall be public housing units con-  
13 structed on the original public housing location  
14 or in the same neighborhood as the original  
15 public housing location.

16 “(B) INCREASE TO ACCOMMODATE RESI-  
17 DENTS ELECTING TO REMAIN.—More than one-  
18 third of all replacement units for public housing  
19 units demolished shall be public housing units  
20 **【constructed on the original public housing lo-**  
21 **cation or in the same neighborhood as such lo-**  
22 **cation?】 **【as necessary】** to accommodate all  
23 public housing residents residing in the develop-  
24 ment who elect to remain in the neighborhood  
25 in replacement public housing units.**

1           “(C) TIMING OF DETERMINATION.— For  
2           purposes of this paragraph, the number of pub-  
3           lic housing residents residing in a development  
4           shall be determined as of the date the initial  
5           public housing agency plan or a proposed  
6           amendment thereto indicating an intent to  
7           apply for a demolition application pursuant to  
8           subsection (b) of this section is or should have  
9           been presented to the resident advisory board  
10          for consideration, or in the case of a demolition  
11          application due to a natural disaster, on the  
12          date of the natural disaster.

13          “(4) LOCATION IN OTHER AREAS.—Any re-  
14          placement housing units provided in addition to  
15          dwelling units provided pursuant to paragraph (3)  
16          shall be provided in areas within the jurisdiction of  
17          the public housing agency having low concentrations  
18          of poverty. Notwithstanding the preceding sentence,  
19          if a public housing agency has limited areas within  
20          its jurisdiction having low concentrations of poverty,  
21          the replacement units provided in addition to the  
22          dwelling units provided pursuant to paragraph (3)  
23          may be provided within a 25-mile radius of the re-  
24          placement units provided pursuant to paragraph  
25          (3).”;

1           (4) in subsection (e), by inserting before the pe-  
2           riod at the end the following: “, except that, a public  
3           housing agency submitting an application for demoli-  
4           tion or disposition pursuant to this section may not  
5           consolidate any units during the period that begins  
6           upon submission of such application and ends upon  
7           approval of the application by the Secretary, except  
8           in cases of an imminent threat to health or safety.”;

9           (5) by striking subsection (g) and inserting the  
10          following new subsection:

11          “(g) RELOCATION, NOTICE, APPLICATION FOR  
12          VOUCHERS, AND DATA.—In the case of all relocation ac-  
13          tivities resulting from demolition, disposition, or demoli-  
14          tion or disposition or both subsequent to conversion pursu-  
15          ant to section 22 or 33 of this Act, of public housing dwell-  
16          ing units:

17                 “(1) UNIFORM RELOCATION AND REAL PROP-  
18          PERTY ACQUISITION ACT.—The Uniform Relocation  
19          and Real Property Acquisition Policies Act of 1970  
20          (42 U.S.C. 4601 et seq.) shall apply.

21                 “(2) RELOCATION PLAN.—The public housing  
22          agency shall submit to the Secretary, together with  
23          the application for demolition or disposition, a relo-  
24          cation plan providing for the relocation of residents  
25          occupying the public housing for which the demoli-

1       tion or disposition application is proposed, which  
2       shall include a statement of the estimated number of  
3       vouchers for rental assistance under section 8 that  
4       will be needed for such relocation.

5               “(3) NOTICE UPON APPROVAL OF APPLICA-  
6       TION.—Within a reasonable time after notice to the  
7       public housing agency of the approval of an applica-  
8       tion for demolition or disposition, the public housing  
9       agency shall provide notice in writing, in plain and  
10      non-technical language, to the residents of the public  
11      housing subject to the approved application that—

12               “(A) states that the application has been  
13      approved;

14               “(B) describes the process involved to relo-  
15      cate the residents; and

16               “(C) provides information regarding relo-  
17      cation options.

18               “(4) NOTICE BEFORE RELOCATION.—Except in  
19      cases of an imminent threat to health or safety, not  
20      later than 90 days before the displacement date, the  
21      public housing agency shall provide notice in writing,  
22      in plain and non-technical language, to each family  
23      residing in a public housing project that is subject  
24      to an approved demolition or disposition application,  
25      and in accordance with such guidelines as the Sec-

1       retary may issue governing such notifications,  
2       that—

3               “(A) the public housing project will be de-  
4       molished or disposed of;

5               “(B) the demolition of the building in  
6       which the family resides will not commence  
7       until each resident of the building is relocated;  
8       and

9               “(C) each family displaced by such action  
10      shall be offered comparable housing—

11              “(i) that meets housing quality stand-  
12      ards;

13              “(ii) that is located in an area that is  
14      generally not less desirable than the loca-  
15      tion of the displaced family’s housing;

16              “(iii) that is identified; and

17              “(iv) which shall include—

18                      “(I) tenant-based assistance, ex-  
19      cept that the requirement under this  
20      subparagraph regarding offering of  
21      comparable housing shall be fulfilled  
22      by use of tenant-based assistance only  
23      upon the relocation of the family into  
24      such housing;

25                      “(II) project-based assistance;

1                   “(III) occupancy in a unit oper-  
2                   ated or assisted by the public housing  
3                   agency at a rental rate paid by the  
4                   family that is comparable to the rent-  
5                   al rate applicable to the unit from  
6                   which the family is relocated; and

7                   “(IV) other comparable housing.

8                   “(5) PAYMENT OF RELOCATION EXPENSES.—

9                   The public housing agency shall provide for the pay-  
10                  ment of the actual and reasonable relocation ex-  
11                  penses, including security deposits, of each resident  
12                  to be displaced and any replacement housing pay-  
13                  ments as are required by the Uniform Relocation  
14                  Assistance and Real Property Acquisition Policies  
15                  Act of 1970.

16                  “(6) COMPARABLE HOUSING.—The public hous-  
17                  ing agency shall ensure that each displaced resident  
18                  is offered comparable housing in accordance with the  
19                  notice under paragraph (4).

20                  “(7) RELOCATION COUNSELING.—The public  
21                  housing agency shall provide any necessary coun-  
22                  seling for residents who are displaced that shall fully  
23                  inform residents to be displaced of all relocation op-  
24                  tions, which may include relocating to housing in a  
25                  neighborhood with a lower concentration of poverty

1 than their current residence or remaining in the cur-  
2 rent neighborhood.

3 “(8) TIMING OF DEMOLITION OR DISPOSI-  
4 TION.—The public housing agency shall not com-  
5 mence demolition or complete disposition of a build-  
6 ing subject to the approved application until all resi-  
7 dents residing in the building are relocated.

8 “(9) AFFIRMATIVE FURTHERANCE OF FAIR  
9 HOUSING.—The public housing agency shall have ob-  
10 tained data regarding, and analyzed the potential  
11 impact of, the proposed demolition or disposition  
12 and relocation on persons protected by section 804  
13 of the Civil Rights Act of 1968 (42 U.S.C. 3604),  
14 including the tenants residing in the public housing  
15 project, occupants of the surrounding neighborhood,  
16 and neighborhoods into which project tenants are  
17 likely to be relocated, and persons on the agency’s  
18 waiting list, has described in the application for  
19 demolition or disposition actions that the public  
20 housing agency has taken or will take to mitigate  
21 those adverse impacts, and has certified in the pub-  
22 lic housing agency plan for the agency, with sup-  
23 porting information, that the proposed demolition or  
24 disposition, relocation, or replacement housing will  
25 be carried out in a manner that affirmatively fur-

1       thers fair housing, as described in section 808(e) of  
2       the Civil Rights Act of 1968 (42 U.S.C. 3608(e)).

3           “(10) TIMING OF RELOCATION.—The public  
4       housing agency shall not commence relocation prior  
5       to approval by the Secretary of the application for  
6       demolition or disposition, except in the case of an  
7       imminent threat to health or safety.

8           “(11) APPLICATION FOR VOUCHERS.—The pub-  
9       lic housing agency shall submit to the Secretary an  
10      application for vouchers consistent with the obliga-  
11      tions in subsection (d) (relating to replacement  
12      units) and the relocation obligations of this sub-  
13      section at the same time that the agency submits the  
14      application for demolition or disposition.”;

15           (6) in subsection (h), by striking “may” and in-  
16      serting “shall”;

17           (7) by redesignating subsections (a) through (h)  
18      (as amended by the preceding provisions of this sec-  
19      tion) as subsections (b) through (i), respectively;

20           (8) by inserting before subsection (b) (as so re-  
21      designated by paragraph (6) of this subsection) the  
22      following new subsection:

23           “(a) APPLICABILITY.—Notwithstanding any other  
24      provision of law, this section shall apply to—

1           “(1) demolition, disposition, or demolition or  
2           disposition or both subsequent to conversion pursu-  
3           ant to section 22 or 33 of any public housing unit;

4           “(2) the taking of public housing units, directly  
5           or indirectly, through the use of eminent domain;  
6           and

7           “(3) the demolition or disposition of public  
8           housing units for construction or rehabilitation by  
9           private entities.”; and

10           (9) by adding at the end the following new sub-  
11           sections:

12           “(j) RIGHT OF RETURN.—

13           “(1) RIGHT.—Any person who, on the date de-  
14           termined in accordance with subsection (e)(3)(C),  
15           occupies a public housing unit that is the subject of  
16           an application for demolition, disposition, or demoli-  
17           tion or disposition or both subsequent to conversion  
18           pursuant to section 22 or 33, and whose tenancy or  
19           right of occupancy has not been validly terminated  
20           pursuant to section 6 or 8(o), shall be eligible to oc-  
21           cupy a replacement housing unit.

22           “(2) SURVEY.—A public housing agency, before  
23           submitting an application to the Secretary for demo-  
24           lition, disposition, or demolition or disposition or  
25           both subsequent to conversion pursuant to section

1       22 or 33, shall meet with and inform in writing all  
2       residents who occupied a public housing unit on the  
3       date determined in accordance with subsection  
4       (e)(3)(C) of their right to return, and shall obtain  
5       from each resident information regarding the resi-  
6       dent's election to return to the neighborhood. The  
7       public housing agency, in its application for demoli-  
8       tion, disposition, or demolition or disposition or both  
9       subsequent to conversion pursuant to section 22 and  
10      33, shall provide for a sufficient number of replace-  
11      ment units to accommodate all residents who elect to  
12      return. In addition, any resident who occupied a  
13      public housing unit on the date determined in ac-  
14      cordance with subsection (e)(3)(C) who did not elect  
15      to return may do so if there are sufficient replace-  
16      ment housing units to accommodate the resident's  
17      request.

18           “(3) REQUIREMENT TO ALLOW RETURN.—A  
19      public housing agency or any other manager of re-  
20      placement housing units shall not, through the appli-  
21      cation of any eligibility, screening, occupancy or  
22      other policy or practice, prevent any such person  
23      from occupying a replacement housing unit. Such re-  
24      placement dwelling unit shall be made available to  
25      each household displaced as a result of a demolition,

1 disposition, or demolition or disposition or both sub-  
2 sequent to conversion pursuant to sections 22 or 33  
3 before any replacement dwelling unit is made avail-  
4 able to any other eligible household.

5 “(k) ENFORCEMENT.—Any affected person shall  
6 have the right to enforce this section pursuant to section  
7 1979 of the Revised Statutes of the United States (42  
8 U.S.C. 1983 ).”.

9 (b) EFFECTIVE DATE.—The amendments made by  
10 subsection (a) shall take effect upon the date of the enact-  
11 ment of this Act, except that such amendments shall apply  
12 to any application for demolition, disposition, or demoli-  
13 tion or disposition or both subsequent to conversion pursu-  
14 ant to section 22 or 33 of the United States Housing Act  
15 of 1937 (42 U.S.C. 1437t, 1437z-5) that—

16 (1) as of the date of the enactment of this Act  
17 is pending approval by the Secretary; or

18 (2) is submitted to the Secretary on or after  
19 January 1, 2007 by a housing authority in receiver-  
20 ship.

21 **SEC. 3. AUTHORITY TO CONVERT PUBLIC HOUSING TO**  
22 **VOUCHERS.**

23 Section 22 of the United States Housing Act of 1937  
24 (42 U.S.C. 1437t) is amended by adding at the end the  
25 following new subsection:

1 “(g) ADMINISTRATION.—

2 “(1) IN GENERAL.—The Secretary may require  
3 a public housing agency to provide to the Secretary  
4 or to public housing residents such information as  
5 the Secretary considers to be necessary for the ad-  
6 ministration of this section.

7 “(2) APPLICABILITY OF SECTION 18.—Section  
8 18 shall apply to the subsequent demolition or dis-  
9 position of public housing dwelling units removed  
10 from the inventory of the public housing agency pur-  
11 suant to this section.”.

12 **SEC. 4. REQUIRED CONVERSION OF DISTRESSED PUBLIC**  
13 **HOUSING TO TENANT-BASED ASSISTANCE.**

14 Section 33(h)(2) of the United States Housing Act  
15 of 1937 (42 U.S.C. 1437z-5(h)(2)) is amended by striking  
16 “shall not apply to the demolition of public housing  
17 projects” and inserting “shall apply to the subsequent  
18 demolition or disposition of public housing dwelling units”.

19 **SEC. 5. REGULATIONS.**

20 Not later than the expiration of the 120-day period  
21 beginning on the date of the enactment of this Act, the  
22 Secretary of Housing and Urban Development shall issue  
23 regulations to carry out this Act and the amendments  
24 made by this Act.