

114TH CONGRESS
1ST SESSION

S. 65

To authorize the Moving to Work Charter program to enable public housing agencies to improve the effectiveness of Federal housing assistance, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 7, 2015

Mr. VITTER introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To authorize the Moving to Work Charter program to enable public housing agencies to improve the effectiveness of Federal housing assistance, 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 “Moving to Work Char-
5 ter Program Act of 2015”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act—

1 (1) the term “families” has the meaning given
2 that term in section 3(b)(3) of the United States
3 Housing Act of 1937 (42 U.S.C. 1437a(b)(3));

4 (2) the term “low-income families” has the
5 meaning given that term in section 3(b)(2) of the
6 United States Housing Act of 1937 (42 U.S.C.
7 1437a(b)(2));

8 (3) the term “Secretary” means the Secretary
9 of Housing and Urban Development; and

10 (4) the term “very low-income families” has the
11 meaning given that term in section 3(b)(2) of the
12 United States Housing Act of 1937 (42 U.S.C.
13 1437a(b)(2)).

14 **SEC. 3. MOVING TO WORK CHARTER PROGRAM AUTHOR-**
15 **IZATION.**

16 (a) **PURPOSES.**—The purposes of this Act are—

17 (1) to give public housing agencies and the Sec-
18 retary the flexibility to design and implement various
19 approaches for providing and administering housing
20 assistance that achieves greater cost effectiveness in
21 using Federal housing assistance to address local
22 housing needs for low-income families;

23 (2) to reduce administrative burdens on public
24 housing agencies providing such assistance;

1 (3) to give incentives to assisted families to
2 work and become economically self-sufficient;

3 (4) to increase housing choices for low-income
4 families; and

5 (5) to enhance the ability of low-income elderly
6 residents and persons with disabilities to live inde-
7 pendently.

8 (b) MOVING TO WORK CHARTER PROGRAM AUTHOR-
9 ITY.—

10 (1) CONTRACT AUTHORITY.—

11 (A) IN GENERAL.—Subject to the phase-in
12 requirements under subparagraph (B), the Sec-
13 retary shall enter into charter contracts, begin-
14 ning in fiscal year 2015, with not more than
15 250 public housing agencies administering the
16 public housing program or assistance provided
17 under section 8 of the United States Housing
18 Act of 1937 (42 U.S.C. 1437f).

19 (B) PHASE-IN.—The phase-in require-
20 ments under this subparagraph are as follows:

21 (i) By the end of fiscal year 2015, the
22 Secretary shall have entered into charter
23 contracts with not less than 80 public
24 housing agencies described in subpara-
25 graph (A).

1 (ii) By the end of fiscal year 2016,
2 the Secretary shall have entered into char-
3 ter contracts with not less than 160 public
4 housing agencies described in subpara-
5 graph (A).

6 (iii) By the end of fiscal year 2017,
7 the Secretary shall have entered into char-
8 ter contracts with not less than 250 public
9 housing agencies described in subpara-
10 graph (A).

11 (2) CHARTER CONTRACTS.—A charter contract
12 shall—

13 (A) supersede and have a term commensu-
14 rate with any annual contributions contract be-
15 tween a public housing agency and the Sec-
16 retary; and

17 (B) provide that a participating public
18 housing agency shall receive—

19 (i) capital and operating assistance al-
20 located to such agency under section 9 of
21 the United States Housing Act of 1937
22 (42 U.S.C. 1437g); and

23 (ii) assistance provided under section
24 8 of the United States Housing Act of
25 1937 (42 U.S.C. 1437f).

1 (3) USE OF ASSISTANCE.—Any assistance pro-
2 vided under paragraph (2)(B)—

3 (A) may be combined; and

4 (B) shall be used to provide locally de-
5 signed housing assistance for low-income fami-
6 lies, including—

7 (i) services to facilitate the transition
8 to work and self-sufficiency; and

9 (ii) any other activity which a public
10 housing agency is authorized to undertake
11 pursuant to State or local law.

12 (c) TERMS AND CONDITIONS OF ASSISTANCE.—

13 (1) APPLICABILITY OF UNITED STATES HOUS-
14 ING ACT OF 1937.—Except as provided in this sub-
15 section, the United States Housing Act of 1937 (42
16 U.S.C. 1437 et seq.) shall not be applicable to any
17 public housing agency participating in the Moving to
18 Work Charter program established under this sec-
19 tion.

20 (2) APPLICABLE 1937 ACT PROVISIONS.—The
21 following provisions of the United States Housing
22 Act of 1937 (42 U.S.C. 1437 et seq.) are applicable
23 to any public housing agency participating in the
24 Moving to Work Charter program established under
25 this section:

1 (A) Subsections (a) and (b) of section 12
2 (42 U.S.C. 1437j (a) and (b)) shall apply to
3 housing assisted under a charter contract, other
4 than housing assisted solely due to occupancy
5 by families receiving tenant based rental assist-
6 ance.

7 (B) Section 18 (42 U.S.C. 1437p) shall
8 continue to apply to public housing developed
9 under such Act notwithstanding any use of the
10 housing under a charter contract.

11 (3) CHARTER CONTRACT TERMS.—A charter
12 contract shall provide that a public housing agen-
13 cy—

14 (A) may—

15 (i) combine assistance received under
16 sections 8 and 9 of the United States
17 Housing Act of 1937 (42 U.S.C. 1437f
18 and 1437g), as described in subsection
19 (b)(3); and

20 (ii) use such assistance to provide
21 housing assistance and related services for
22 activities authorized by this section, includ-
23 ing those activities authorized by sections
24 8 and 9 of such Act;

1 (B) certify that in preparing its application
2 for participation in the Moving to Work Charter
3 program established under this section, such
4 agency has—

5 (i) provided for citizen participation
6 through a public hearing and, if appro-
7 priate, other means; and

8 (ii) taken into account comments from
9 the public hearing and any other public
10 comments on the proposed activities under
11 this Act, including comments from current
12 and prospective residents who would be af-
13 fected by such contract;

14 (C) shall ensure that not less than 75 per-
15 cent of the families assisted under a charter
16 contract shall be, at the time of such families'
17 entry into the Moving to Work Charter pro-
18 gram, very low-income families;

19 (D) shall establish a reasonable rent policy,
20 which shall—

21 (i) be designed to encourage employ-
22 ment, self-sufficiency, and homeownership
23 by participating families, consistent with
24 the purposes of this Act;

1 (ii) include transition and hardship
2 provisions;

3 (iii) be included in the annual plan of
4 such agency; and

5 (iv) be subject to the opportunities for
6 public participation described in subsection
7 (e)(1)(C)(iv);

8 (E) shall continue to assist not less than
9 substantially the same total number of low-in-
10 come families as would have been served had
11 such agency not entered into such contract;

12 (F) shall maintain a comparable mix of
13 families (by family size) as would have been
14 provided had the agency not entered into such
15 contract;

16 (G) shall ensure that housing assisted
17 under such contract meets housing quality
18 standards established or approved by the Sec-
19 retary;

20 (H) shall receive training and technical as-
21 sistance, upon request by such agency, to assist
22 with the design and implementation of the ac-
23 tivities described under this Act;

24 (I) shall receive an amount of assistance
25 under sections 8 and 9 of the United States

1 Housing Act of 1937 (42 U.S.C. 1437f and
2 1437g) that is not diminished by the participa-
3 tion of such agency in the Moving to Work
4 Charter program established under this section;

5 (J) shall be subject to the procurement
6 procedures described in such contract;

7 (K) shall ensure that each family receiving
8 housing assistance—

9 (i) is engaged in work activities that
10 would count toward satisfying the monthly
11 work participation rates applicable to the
12 State in which such public housing agency
13 is located for purposes of the State tem-
14 porary assistance to needy families pro-
15 gram funded under part A of title IV of
16 the Social Security Act (42 U.S.C. 601 et
17 seq.) if the family were receiving assistance
18 or benefits under that program; or

19 (ii) would qualify under that program
20 to an exception to engaging in such work
21 activities; and

22 (L) shall provide housing assistance to
23 families assisted under a charter contract for
24 not more than 5 years.

1 (d) SELECTION.—In selecting among public housing
2 agency applications to participate in the Moving to Work
3 Charter program established under this section, the Sec-
4 retary shall consider—

5 (1) the potential of each agency to plan and
6 carry out activities under such program;

7 (2) the relative performance by an agency
8 under section 6(j) of the United States Housing Act
9 of 1937 (42 U.S.C. 1437d(j));

10 (3) the need for a diversity of participants in
11 terms of size, location, and type of agency; and

12 (4) any other appropriate factor as determined
13 by the Secretary.

14 (e) CHARTER REPORT.—

15 (1) CONTENTS.—

16 (A) IN GENERAL.—Notwithstanding any
17 other provision of law, and in place of all other
18 planning and reporting requirements otherwise
19 required, each public housing agency that is a
20 party to a charter contract shall submit to the
21 Secretary, on an annual basis, a single charter
22 report, in a form and at a time specified by the
23 Secretary.

24 (B) SOLE MEANS OF REPORTING.—A char-
25 ter report submitted under subparagraph (A)

1 shall be the sole means by which a public hous-
2 ing agency shall be required to provide informa-
3 tion to the Secretary on the activities assisted
4 under this section during a fiscal year, unless
5 the Secretary has reason to believe that such
6 agency has violated the charter contract be-
7 tween the Secretary and such agency.

8 (C) REQUIREMENTS.—Each charter report
9 required under subparagraph (A) shall—

10 (i) document the use by a public hous-
11 ing agency of any assistance provided
12 under a charter contract, including appro-
13 priate financial statements;

14 (ii) describe and analyze the effect of
15 assisted activities in addressing the objec-
16 tives of this section;

17 (iii) include a certification by such
18 agency that such agency has prepared an
19 annual plan which—

20 (I) states the goals and objectives
21 of that agency under the charter con-
22 tract for the past fiscal year;

23 (II) describes the proposed use of
24 assistance by that agency for activities

1 under the charter contract for the
2 past fiscal year;

3 (III) explains how the proposed
4 activities of that agency will meet the
5 goals and objectives of that agency;

6 (IV) includes appropriate budget
7 and financial statements of that agen-
8 cy; and

9 (V) was prepared in accordance
10 with a public process as described in
11 clause (iv);

12 (iv) describe and document how a
13 public housing agency has provided resi-
14 dents assisted under a charter contract
15 and the wider community with opportuni-
16 ties to participate in the development of
17 and comment on the annual plan, which
18 shall include not less than 1 public hear-
19 ing; and

20 (v) include such other information as
21 may be required by the Secretary pursuant
22 to subsection (f)(2).

23 (2) REVIEW.—Any charter report submitted
24 pursuant to paragraph (1) shall be deemed approved
25 unless the Secretary, not later than 45 days after

1 the date of submission of such report, issues a writ-
 2 ten disapproval because—

3 (A) the Secretary reasonably determines,
 4 based on information contained in the report,
 5 that a public housing agency is not in compli-
 6 ance with the provisions of this section or other
 7 applicable law; or

8 (B) such report is inconsistent with other
 9 reliable information available to the Secretary.

10 (f) RECORDS AND AUDITS.—

11 (1) KEEPING OF RECORDS.—Each public hous-
 12 ing agency shall keep such records as the Secretary
 13 may prescribe as reasonably necessary—

14 (A) to disclose the amounts and the dis-
 15 position of amounts under the Moving to Work
 16 Charter program established under this section;

17 (B) to ensure compliance with the require-
 18 ments of this section; and

19 (C) to measure performance.

20 (2) ACCESS TO DOCUMENTS BY THE SEC-
 21 RETARY.—

22 (A) IN GENERAL.—The Secretary shall
 23 have access for the purpose of audit and exam-
 24 ination to any books, documents, papers, and
 25 records that are pertinent to assistance in con-

1 nection with, and the requirements of, this sec-
2 tion.

3 (B) LIMITATION.—Access by the Secretary
4 described under subparagraph (A) shall be lim-
5 ited to information obtained solely through the
6 annual charter report submitted by a public
7 housing agency under subsection (e), unless the
8 Secretary has reason to believe that such agen-
9 cy is not in compliance with the charter con-
10 tract between the Secretary and such agency.

11 (3) ACCESS TO DOCUMENTS BY THE COMP-
12 TROLLER GENERAL.—The Comptroller General of
13 the United States, or any duly authorized represent-
14 ative of the Comptroller General, shall have access
15 for the purpose of audit and examination to any
16 books, documents, papers, and records that are per-
17 tinent to assistance in connection with, and the re-
18 quirements of the Moving to Work Charter program
19 established under this section.

20 (g) PROCUREMENT PREEMPTION.—

21 (1) IN GENERAL.—Any State or local law which
22 imposes procedures or standards for procurement
23 which conflict with or are more burdensome than ap-
24 plicable Federal procurement requirements shall not
25 apply to any public housing agency under the Mov-

1 ing to Work Charter program established under this
2 section.

3 (2) REDUCTION OF ADMINISTRATIVE BUR-
4 DENS.—The Secretary may approve procurement
5 procedures for public housing agencies participating
6 in the Moving to Work Charter program established
7 under this section that reduce administrative bur-
8 dens of procurement requirements imposed by Fed-
9 eral law.

10 (h) SUBSEQUENT LAWS PREEMPTED.—A public
11 housing agency participating in the Moving to Work Char-
12 ter program established under this section shall not be
13 subject to any provision of law which conflicts with the
14 provisions of this section and which is enacted subsequent
15 to the date of execution of such agency's charter contract
16 or Moving to Work program agreement, as described in
17 subsection (i), unless such law expressly provides for such
18 law's application to public housing agencies subject to this
19 section.

20 (i) EXISTING AGREEMENTS.—Notwithstanding any-
21 thing in this section or any other provision of law, any
22 public housing agency which has an existing Moving to
23 Work program agreement with the Secretary pursuant to
24 section 204 of the Departments of Veterans Affairs and
25 Housing and Urban Development, and Independent Agen-

1 cies Appropriations Act, 1996 (Public Law 104–134; 110
2 Stat. 1321–281) and which is not in default thereof, may,
3 at the option of such agency—

4 (1) continue to operate under the terms and
5 conditions of such agreement notwithstanding any
6 limitation on the terms contained in such contract;
7 or

8 (2) at any time, enter into a charter contract
9 with the Secretary on terms and conditions which
10 are not less favorable to the agency than such exist-
11 ing agreement.

12 (j) PUBLIC HOUSING AGENCY EVALUATION.—

13 (1) IN GENERAL.—Not later than the end of
14 fiscal year 2015, the Secretary shall appoint a Fed-
15 eral advisory committee consisting of public housing
16 agencies with charter contracts, public housing in-
17 dustry organizations, resident organizations, other
18 public housing and section 8 voucher stakeholders,
19 and experts on accreditation systems in similar
20 fields, to assess and develop a demonstration pro-
21 gram to test standards, criteria, and practices for a
22 national public housing agency accreditation system
23 or other evaluation system.

24 (2) REPORT.—Not later than the end of fiscal
25 year 2017, the committee established under para-

1 graph (1) and the Secretary shall provide a report
2 and recommendations to Congress with respect to
3 the establishment of a national public housing agen-
4 cy accreditation system.

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