

104TH CONGRESS
2D SESSION

S. 1494

AN ACT

To provide an extension for fiscal year 1996 for certain programs administered by the Secretary of Housing and Urban Development and the Secretary of Agriculture, 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; DEFINITION.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Housing Opportunity Program Extension Act of 1995”.

1 (b) DEFINITION.—For purposes of this Act, the term
2 “Secretary” means the Secretary of Housing and Urban
3 Development.

4 **SEC. 2. SECTION 8 CONTRACT RENEWALS.**

5 (a) IN GENERAL.—To the extent that amounts are
6 made available in advance in any appropriations Act for
7 contract renewals under section 8 of the United States
8 Housing Act of 1937 for fiscal year 1996, with respect
9 to any project that is determined by the Secretary to meet
10 housing quality standards under the United States Hous-
11 ing Act of 1937 and to be otherwise in compliance with
12 that Act, at the request of the owner of the project, the
13 Secretary shall renew, for a period of 1 year, any contract
14 for project-based assistance under section 8 of the United
15 States Housing Act of 1937 that expires or terminates
16 during fiscal year 1996, at current rent levels under the
17 expiring or terminating contract.

18 (b) AMENDMENTS TO THE NATIONAL HOUSING
19 ACT.—Section 236(f) of the National Housing Act (12
20 U.S.C. 1715z-1(f)) is amended—

21 (1) in paragraph (1), by striking the second
22 sentence and inserting the following: “The rental
23 charge for each dwelling unit shall be at the basic
24 rental charge, or such greater amount, not to exceed
25 the lesser of (i) the fair market rental charge deter-

1 mined pursuant to this paragraph, or (ii) the fair
2 market rental established under section 8(c) of the
3 United States Housing Act of 1937 for existing
4 housing in the market area in which the housing is
5 located, as represents 30 percent of the tenant’s ad-
6 justed income.”; and

7 (2) by striking paragraph (6).

8 **SEC. 3. COMMUNITY DEVELOPMENT BLOCK GRANT ELIGI-**
9 **BLE ACTIVITIES.**

10 Notwithstanding the amendments made by section
11 907(b)(2) of the Cranston-Gonzalez National Affordable
12 Housing Act, section 105(a)(25) of the Housing and Com-
13 munity Development Act of 1974, as in existence on Sep-
14 tember 30, 1995, shall apply to the use of assistance made
15 available under title I of the Housing and Community De-
16 velopment Act of 1974 during fiscal year 1996.

17 **SEC. 4. EXTENSION OF RURAL HOUSING PROGRAMS.**

18 (a) **UNDERSERVED AREAS SET-ASIDE.**—Section
19 509(f)(4)(A) of the Housing Act of 1949 (42 U.S.C.
20 1479(f)(4)(A)) is amended—

21 (1) in the first sentence, by striking “fiscal
22 years 1993 and 1994” and inserting “fiscal year
23 1996”; and

24 (2) in the second sentence, by striking “each”.

1 (b) RURAL MULTIFAMILY RENTAL HOUSING.—Sec-
 2 tion 515(b)(4) of the Housing Act of 1949 (42 U.S.C.
 3 1485(b)(4)) is amended by striking “September 30, 1994”
 4 and inserting “September 30, 1996”.

5 (c) RURAL RENTAL HOUSING FUNDS FOR NON-
 6 PROFIT ENTITIES.—The first sentence of section
 7 515(w)(1) of the Housing Act of 1949 (42 U.S.C.
 8 1485(w)(1)) is amended by striking “fiscal years 1993
 9 and 1994” and inserting “fiscal year 1996”.

10 **SEC. 5. EXTENSION OF FHA MORTGAGE INSURANCE PRO-**
 11 **GRAM FOR HOME EQUITY CONVERSION**
 12 **MORTGAGES.**

13 (a) EXTENSION OF PROGRAM.—The first sentence of
 14 section 255(g) of the National Housing Act (12 U.S.C.
 15 1715z-20(g)) is amended by striking “September 30,
 16 1995” and inserting “September 30, 1996”.

17 (b) LIMITATION ON NUMBER OF MORTGAGES.—The
 18 second sentence of section 255(g) of the National Housing
 19 Act (12 U.S.C. 1715z-20(g)) is amended by striking
 20 “25,000” and inserting “30,000”.

21 **SEC. 6. EXTENSION OF MULTIFAMILY HOUSING FINANCE**
 22 **PROGRAMS.**

23 (a) RISK-SHARING PILOT PROGRAM.—The first sen-
 24 tence of section 542(b)(5) of the Housing and Community
 25 Development Act of 1992 (12 U.S.C. 1707 note) is

1 amended by striking “on not more than 15,000 units over
2 fiscal years 1993 and 1994” and inserting “on not more
3 than 7,500 units during fiscal year 1996”.

4 (b) HOUSING FINANCE AGENCY PILOT PROGRAM.—
5 The first sentence of section 542(c)(4) of the Housing and
6 Community Development Act of 1992 (12 U.S.C. 1707
7 note) is amended by striking “on not to exceed 30,000
8 units over fiscal years 1993, 1994, and 1995” and insert-
9 ing “on not more than 10,000 units during fiscal year
10 1996”.

11 **SEC. 7. CAPACITY BUILDING FOR COMMUNITY DEVELOP-**
12 **MENT AND AFFORDABLE HOUSING.**

13 Section 4 of the HUD Demonstration Act of 1993
14 (42 U.S.C. 9816 note) is amended—

15 (1) in subsection (a)—

16 (A) by striking “Initiative to develop” and
17 inserting the following: “Initiative—

18 “(1) to develop”;

19 (B) by striking the period at the end and
20 inserting “; and”; and

21 (C) by adding at the end the following new
22 paragraph:

23 “(2) for national or regional organizations or
24 consortia, including Habitat for Humanity Inter-
25 national, that have experience in providing or facili-

1 tating self-help housing homeownership opportuni-
2 ties.”;

3 (2) in subsection (b)—

4 (A) in paragraph (2), by striking “and” at
5 the end;

6 (B) by redesignating paragraph (3) as
7 paragraph (4); and

8 (C) by inserting after paragraph (2) the
9 following:

10 “(3) innovative homeownership opportunities
11 for the acquisition and rehabilitation of single family
12 housing through the provision of self-help housing,
13 under which the homeowner contributes a significant
14 amount of sweat equity toward the construction of
15 the new dwelling; and”;

16 (3) by striking subsection (e) and inserting the
17 following:

18 “(e) AUTHORIZATION.—There are authorized to be
19 appropriated to carry out this section \$50,000,000 for fis-
20 cal year 1996, of which \$25,000,000 shall be made avail-
21 able to Habitat for Humanity International for activities
22 under this section.”.

1 **SEC. 8. THE NATIONAL CITIES IN SCHOOLS COMMUNITY**
 2 **DEVELOPMENT PROGRAM.**

3 Section 930(c) of the Housing and Community Devel-
 4 opment Act of 1992 (Public Law 102–550, 106 Stat.
 5 3887) is amended to read as follows:

6 “(c) AUTHORIZATION.—There are authorized to be
 7 appropriated to carry out this section \$10,000,000 for fis-
 8 cal year 1996.”.

9 **SEC. 9. AMENDMENTS TO THE UNITED STATES HOUSING**
 10 **ACT OF 1937 FOR SAFETY AND SECURITY IN**
 11 **PUBLIC AND ASSISTED HOUSING.**

12 (a) CONTRACT PROVISIONS AND REQUIREMENTS.—
 13 Section 6 of the United States Housing Act of 1937 (42
 14 U.S.C. 1437d) is amended—

15 (1) in subsection (k), by striking “on or near
 16 such premises” and inserting “on or off such prem-
 17 ises”; and

18 (2) in subsection (l)(5), by striking “on or near
 19 such premises” and inserting “on or off such prem-
 20 ises”.

21 (b) AVAILABILITY OF CRIMINAL RECORDS FOR
 22 SCREENING AND EVICTION; EVICTION FOR DRUG-RELAT-
 23 ED ACTIVITY.—Section 6 of the United States Housing
 24 Act of 1937 (42 U.S.C. 1437d) is amended by adding at
 25 the end the following new subsections:

26 “(q) AVAILABILITY OF RECORDS.—

1 “(1) IN GENERAL.—

2 “(A) PROVISION OF INFORMATION.—Not-
3 withstanding any other provision of law, except
4 as provided in subparagraph (B), the National
5 Crime Information Center, police departments,
6 and other law enforcement agencies shall, upon
7 request, provide information to public housing
8 agencies regarding the criminal conviction
9 records of adult applicants for, or tenants of,
10 public housing for purposes of applicant screen-
11 ing, lease enforcement, and eviction.

12 “(B) EXCEPTION.—Except as provided
13 under any provision of State, tribal, or local
14 law, no law enforcement agency described in
15 subparagraph (A) shall provide information
16 under this paragraph relating to any criminal
17 conviction if the date of that conviction oc-
18 curred 5 or more years prior to the date on
19 which the request for the information is made.

20 “(2) OPPORTUNITY TO DISPUTE.—Before an
21 adverse action is taken with regard to assistance
22 under this title on the basis of a criminal record, the
23 public housing agency shall provide the tenant or ap-
24 plicant with a copy of the criminal record and an op-

1 portunity to dispute the accuracy and relevance of
2 that record.

3 “(3) FEE.—A public housing agency may be
4 charged a reasonable fee for information provided
5 under paragraph (1).

6 “(4) RECORDS MANAGEMENT.—Each public
7 housing agency shall establish and implement a sys-
8 tem of records management that ensures that any
9 criminal record received by the public housing agen-
10 cy is—

11 “(A) maintained confidentially;

12 “(B) not misused or improperly dissemi-
13 nated; and

14 “(C) destroyed, once the purpose for which
15 the record was requested has been accom-
16 plished.

17 “(5) DEFINITION.—For purposes of this sub-
18 section, the term ‘adult’ means a person who is 18
19 years of age or older, or who has been convicted of
20 a crime as an adult under any Federal, State, or
21 tribal law.

22 “(r) EVICTION FOR DRUG-RELATED ACTIVITY.—Any
23 tenant evicted from housing assisted under this title by
24 reason of drug-related criminal activity (as that term is
25 defined in section 8(f)(5)) shall not be eligible for housing

1 assistance under this title during the 3-year period begin-
2 ning on the date of such eviction, unless the evicted tenant
3 successfully completes a rehabilitation program approved
4 by the public housing agency (which shall include a waiver
5 of this subsection if the circumstances leading to eviction
6 no longer exist).”.

7 (c) LIMITATION ON OCCUPANCY IN ELDERLY AND
8 DISABLED HOUSING.—

9 (1) IN GENERAL.—Section 7 of the United
10 States Housing Act of 1937 (42 U.S.C. 1437e) is
11 amended by adding at the end the following new
12 subsection:

13 “(h) LIMITATION ON OCCUPANCY IN DESIGNATED
14 PROJECTS.—

15 “(1) OCCUPANCY LIMITATION.—Notwithstand-
16 ing any other provision of law, a dwelling unit in a
17 public housing project (or portion of a project) that
18 is designated under subsection (a) shall not be occu-
19 pied by any person whose illegal use (or pattern of
20 illegal use) of a controlled substance or abuse (or
21 pattern of abuse) of alcohol provides reasonable
22 cause for the public housing agency to believe that
23 such occupancy could interfere with the health, safe-
24 ty, or right to peaceful enjoyment of the premises by
25 the tenants of the public housing project.

1 “(2) REQUIRED STATEMENT.—A public housing
2 agency may not make a dwelling unit in a public
3 housing project (or portion of a project) designated
4 under subsection (a) available for occupancy to any
5 family, unless the application for occupancy by that
6 family is accompanied by a signed statement that no
7 person who will be occupying the unit illegally uses
8 a controlled substance, or abuses alcohol, in a man-
9 ner that would interfere with the health, safety, or
10 right to peaceful enjoyment of the premises by the
11 tenants of the public housing project.”.

12 (2) LEASE PROVISIONS.—Section 6(l) of the
13 United States Housing Act of 1937 (42 U.S.C.
14 1437d(l)) is amended—

15 (A) in paragraph (5), by striking “and” at
16 the end;

17 (B) by redesignating paragraph (6) as
18 paragraph (7); and

19 (C) by inserting after paragraph (5) the
20 following new paragraph:

21 “(6) provide that any occupancy in violation of
22 section 7(h)(1) or the furnishing of any false or mis-
23 leading information pursuant to section 7(h)(2) shall
24 be cause for termination of tenancy; and”.

1 (d) INELIGIBILITY OF ILLEGAL DRUG USERS AND
2 ALCOHOL ABUSERS FOR ASSISTED HOUSING.—Section
3 16 of the United States Housing Act of 1937 (42 U.S.C.
4 1437n) is amended by adding at the end the following new
5 subsection:

6 “(e) INELIGIBILITY OF ILLEGAL DRUG USERS AND
7 ALCOHOL ABUSERS.—

8 “(1) IN GENERAL.—Notwithstanding any other
9 provision of law, a public housing agency shall estab-
10 lish standards for occupancy in public housing dwell-
11 ing units—

12 “(A) that prohibit occupancy in any such
13 unit by any person—

14 “(i) who the public housing agency
15 determines is illegally using a controlled
16 substance; or

17 “(ii) if the public housing agency de-
18 termines that it has reasonable cause to
19 believe that such person’s illegal use (or
20 pattern of illegal use) of a controlled sub-
21 stance, or abuse (or pattern of abuse) of
22 alcohol, could interfere with the health,
23 safety, or right to peaceful enjoyment of
24 the premises by the tenants of the public
25 housing project; and

1 “(B) that allow the public housing agency
2 to terminate the tenancy in any public housing
3 unit of any person—

4 “(i) if the public housing agency de-
5 termines that such person is illegally using
6 a controlled substance; or

7 “(ii) whose illegal use of a controlled
8 substance, or whose abuse of alcohol, is de-
9 termined by the public housing agency to
10 interfere with the health, safety, or right to
11 peaceful enjoyment of the premises by the
12 tenants of the public housing project.

13 “(2) INAPPLICABILITY TO INDIAN HOUSING.—
14 This subsection does not apply to any dwelling unit
15 assisted by an Indian housing authority.”.

16 **SEC. 10. ELIGIBLE HOME EQUITY CONVERSION MORT-**
17 **GAGES.**

18 Section 255(d)(3) of the National Housing Act (12
19 U.S.C. 1715z–20(d)(3)) is amended to read as follows:

20 “(3) be secured by a dwelling that is designed
21 principally for a 1- to 4-family residence in which
22 the mortgagor occupies 1 of the units;”.

1 **SEC. 11. APPLICABILITY.**

2 This Act and the amendments made by this Act shall
3 be construed to have become effective on October 1, 1995.

Passed the Senate January 24, 1996.

Attest:

Secretary.

104TH CONGRESS
2^D SESSION

S. 1494

AN ACT

To provide an extension for fiscal year 1996 for certain programs administered by the Secretary of Housing and Urban Development and the Secretary of Agriculture, and for other purposes.