

105TH CONGRESS
2D SESSION

H. R. 4218

To provide rental assistance under section 8 of the United States Housing Act of 1937 in a manner that preserves residential property values, protects residents, and enhances tenant and neighborhood safety.

IN THE HOUSE OF REPRESENTATIVES

JULY 15, 1998

Mr. ANDREWS introduced the following bill; which was referred to the Committee on Banking and Financial Services

A BILL

To provide rental assistance under section 8 of the United States Housing Act of 1937 in a manner that preserves residential property values, protects residents, and enhances tenant and neighborhood safety.

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 “Section 8 Housing Im-
5 provement Act”.

1 **SEC. 2. LIMITATION ON USE OF ASSISTANCE BY AREA.**

2 Section 8 of the United States Housing Act of 1937
3 (42 U.S.C. 1437f) is amended by inserting after sub-
4 section (k) the following new subsection:

5 “(1) LIMITATION ON USE OF ASSISTANCE BY
6 AREA.—

7 “(1) AUTHORITY.—A public housing agency
8 that makes assistance available under subsection (b)
9 or (o) of this section may define an area or areas
10 within the jurisdiction of the agency and, subject to
11 the provisions of paragraph (2), limit the number of
12 families that may use such assistance to rent a
13 dwelling unit within any such area. Such an area
14 may consist of the entire geographical jurisdiction of
15 the agency or an area that is smaller than such ju-
16 risdiction.

17 “(2) REQUIRED FINDING.—A public housing
18 agency may limit the number of families that may
19 use assistance under subsection (b) or (o) to rent a
20 dwelling unit within an area defined under para-
21 graph (1) only if the agency determines, and cer-
22 tifies to the Secretary, that the limitation is nec-
23 essary—

24 “(A) to preserve the value of property in
25 such area;

1 “(B) to preserve the right of existing resi-
2 dents of such area to safety and to the quiet
3 enjoyment of their property; or

4 “(C) to preserve the unique character and
5 nature of the area.”.

6 Any limitation under this subsection for an area
7 may not restrict the number of families using assist-
8 ance in such area by more families than is necessary
9 to accomplish the purpose under subparagraph (A),
10 (B), or (C) for which the limitation is established or
11 for any other reason than such purpose.”.

12 **SEC. 3. NEIGHBORHOOD REVIEW COMMITTEES.**

13 (a) IN GENERAL.—Section 8 of the United States
14 Housing Act of 1937 (42 U.S.C. 1437f) is amended by
15 inserting after subsection (l), as added by section 2 of this
16 Act, the following new subsection:

17 “(m) NEIGHBORHOOD REVIEW COMMITTEES.—

18 “(1) ESTABLISHMENT.—Each public housing
19 agency that administers tenant-based assistance
20 under subsection (b) or (o) of this section shall es-
21 tablish and maintain a neighborhood review commit-
22 tee (in this subsection referred to as the ‘commit-
23 tee’). The committee shall consist of not less than 3
24 and not more than 6 individuals, who shall be ap-
25 pointed by the public housing agency and shall in-

1 clude not less than 3 individuals who are not, di-
2 rectly or indirectly, recipients of housing assistance
3 under this section or any other housing assistance
4 provided by the Federal Government or any State or
5 local government (not including single family mort-
6 gage insurance provided under title II of the Na-
7 tional Housing Act). The members of the committee
8 shall be residents of the jurisdiction served by the
9 agency. Members of the committee shall serve for
10 terms of not more than 2 years and there shall be
11 no limit to the number of terms that any member
12 may serve.

13 “(2) FUNCTIONS.—The committee shall obtain
14 and review information referred to in paragraphs (3)
15 and (4) for the purpose of advising the public hous-
16 ing agency regarding enforcement of laws and regu-
17 lations governing assistance provided under the ten-
18 ant-based rental assistance programs under this sec-
19 tion and assisting the agency to enforce such laws
20 and regulations.

21 “(3) AVAILABILITY OF RECORDS REGARDING
22 ASSISTED FAMILIES.—Notwithstanding any other
23 provision of Federal or State law (including any law
24 regarding confidentiality of such information), the
25 committee for a public housing agency may obtain

1 any of the following records and information relating
2 to any member of a household on whose behalf ten-
3 ant-based assistance under subsection (b) or (o) of
4 this section is provided and who resides within the
5 jurisdiction of the agency:

6 “(A) Criminal conviction, arrest, and activ-
7 ity records from any law enforcement agency.

8 “(B) Police reports.

9 “(C) Juvenile arrest and punishment
10 records.

11 “(D) References and reports of past or
12 present lessors.

13 “(E) Records of civil actions filed against
14 the member and any related judgments, settle-
15 ments, or other dispositions.

16 “(F) Any other information reasonably re-
17 lated to the procurement of information de-
18 scribed in this paragraph.

19 This paragraph shall apply with respect to any mem-
20 ber of any household on whose behalf such tenant-
21 based assistance is provided after the date of the ef-
22 fectiveness of the regulations implementing this sub-
23 section. A public housing agency shall provide writ-
24 ten notice to each applicant for tenant-based assist-
25 ance from the agency of the effect of the provisions

1 of this paragraph on the applicant's rights to con-
2 fidentiality of information described in this para-
3 graph.

4 “(4) AVAILABILITY OF RECORDS REGARDING
5 LANDLORDS.—Notwithstanding any other provision
6 of Federal or State law (including any law regarding
7 confidentiality of such information), the committee
8 for a public housing agency may obtain any of the
9 following records and information relating to any
10 owner of a dwelling unit located within the jurisdic-
11 tion of the agency for which assistance payments are
12 made under subsection (b) or (o) of this section:

13 “(A) Criminal conviction, arrest, and activ-
14 ity records from any law enforcement agency.

15 “(B) Police reports.

16 “(C) Citations, convictions, fines, or judg-
17 ments for violations of any laws, regulations,
18 standards, or codes relating to housing quality
19 or habitability.

20 “(D) Complaints, grievances, or actions
21 filed by any current or former tenants, and any
22 records of any related judgments, settlements,
23 or other dispositions.

1 “(E) Any other information reasonably re-
2 lated to the procurement of information de-
3 scribed in this paragraph.

4 This paragraph shall apply with respect to any
5 owner of an assisted dwelling unit for which assist-
6 ance payments are made after the date of the effec-
7 tiveness of the regulations implementing this sub-
8 section.

9 “(5) PENALTY.—Any person who obtains or
10 uses information under this subsection for purposes
11 other than those described in paragraph (2), or dis-
12 closes such information in any manner to any indi-
13 vidual not authorized under law to receive such in-
14 formation, shall be imprisoned not more than one
15 year and fined not more than \$10,000 (and such of-
16 fense is hereby exempted from the applicability of
17 the fine provided under section 3571 of title 18,
18 United States Code), or both.”.

19 (b) REGULATIONS.—The Secretary of Housing and
20 Urban Development shall issue any regulations necessary
21 to carry out the amendment made by subsection (a) not
22 later than the expiration of the 12-month period beginning
23 on the date of the enactment of this Act, which shall take
24 effect not later than the expiration of the 90-day period
25 beginning upon such issuance.

1 **SEC. 4. ENFORCEMENT OF HOUSING QUALITY STANDARDS.**

2 (a) IN GENERAL.—Section 8 of the United States
3 Housing Act of 1937 (42 U.S.C. 1437f) is amended by
4 adding at the end the following new subsection:

5 “(cc) ENFORCEMENT OF HOUSING QUALITY STAND-
6 ARDS.—Each contract providing for housing assistance
7 payments for tenant-based assistance under subsection (b)
8 or (o) shall provide that if a public housing agency deter-
9 mines that a dwelling unit for which tenant-based assist-
10 ance is provided under subsection (b) or (o) fails to comply
11 with the standards for housing quality for units so assisted
12 or with any applicable State or local law, regulation,
13 standard, or code relating to housing quality or habit-
14 ability, the following action shall be taken:

15 “(1) NOTIFICATION.—The public housing agen-
16 cy shall notify the Secretary, tenant, and owner of
17 the unit of the noncompliance and shall notify the
18 tenant and owner of the action required under this
19 subsection.

20 “(2) WITHHOLDING OF ASSISTANCE.—During
21 the period of the noncompliance, the agency shall
22 withhold all of the assistance amounts under this
23 section with respect to the unit and the Secretary
24 shall withhold any other assistance amounts pro-
25 vided with respect to the unit under any program
26 administered by the Secretary. The agency and the

1 Secretary shall promptly release any withheld
2 amounts to the owner after the owner corrects the
3 noncompliance. An owner may not terminate the
4 tenancy of any tenant or refuse to renew a lease for
5 such unit because of the withholding of assistance
6 pursuant to this paragraph.

7 “(3) TERMINATION OF LEASE OR ASSISTANCE
8 PAYMENTS CONTRACT.—If assistance amounts under
9 this section for a dwelling unit are withheld pursu-
10 ant to paragraph (2) and the owner does not correct
11 the noncompliance before the expiration of the lease
12 for the dwelling unit and such lease is not renewed,
13 the Secretary shall recapture any such amounts
14 from the public housing agency.

15 “(4) APPLICABILITY.—This subsection shall
16 apply to any dwelling unit for which a housing as-
17 sistance payments contract is entered into or re-
18 newed after the date of the effectiveness of the regu-
19 lations implementing this subsection.”.

20 (b) REGULATIONS.—The Secretary of Housing and
21 Urban Development shall issue any regulations necessary
22 to carry out the amendment made by subsection (a) not
23 later than the expiration of the 12-month period beginning
24 upon the date of the enactment of this Act, which shall

- 1 take effect not later than the expiration of the 90-day pe-
- 2 riod beginning upon such issuance.

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