

109TH CONGRESS
1ST SESSION

H. R. 2636

To authorize the Secretary of Housing and Urban Development to make grants to States to supplement State assistance for the preservation of affordable housing for low-income families.

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2005

Mr. NADLER (for himself, Mr. SANDERS, Mr. OBERSTAR, Mr. GEORGE MILLER of California, Mr. McDERMOTT, Ms. SCHAKOWSKY, Ms. VELÁZQUEZ, Mr. CUMMINGS, Mr. CLEAVER, Mr. RANGEL, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SLAUGHTER, Ms. ESHOO, and Mr. STARK) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To authorize the Secretary of Housing and Urban Development to make grants to States to supplement State assistance for the preservation of affordable housing for low-income families.

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 “Housing Preservation
5 Matching Grant Act of 2005”.

1 **SEC. 2. PURPOSE.**

2 It is the purpose of this Act—

3 (1) to promote the preservation of affordable
4 housing units by providing matching grants to
5 States that have developed and funded programs for
6 the preservation of privately owned housing that is
7 affordable to low-income families and persons and
8 was produced for such purpose with Federal assist-
9 ance;

10 (2) to minimize the involuntary displacement of
11 tenants who are currently residing in such housing,
12 many of whom are elderly or disabled persons; and

13 (3) to continue the partnerships among the
14 Federal Government, State and local governments,
15 and the private sector in operating and assisting
16 housing that is affordable to low-income Americans.

17 **SEC. 3. AUTHORITY.**

18 The Secretary of Housing and Urban Development
19 shall, to the extent amounts are made available pursuant
20 to section 11, make grants under this Act to States for
21 low-income housing preservation.

22 **SEC. 4. USE OF GRANTS.**

23 (a) IN GENERAL.—Amounts from grants under this
24 Act may be used only for assistance for acquisition, pres-
25 ervation incentives, operating costs, and capital expendi-

1 tures for a housing project that meets the requirements
2 under subsection (b), (c), or (d).

3 (b) PROJECTS WITH HUD-INSURED MORTGAGES.—

4 A project meets the requirements under this subsection
5 only if—

6 (1) the project is financed by a loan or mort-
7 gage that is—

8 (A) insured or held by the Secretary under
9 section 221(d)(3) of the National Housing Act
10 and receiving loan management assistance
11 under section 8 of the United States Housing
12 Act of 1937 due to a conversion from section
13 101 of the Housing and Urban Development
14 Act of 1965;

15 (B) insured or held by the Secretary and
16 bears interest at a rate determined under the
17 proviso of section 221(d)(5) of the National
18 Housing Act;

19 (C) insured, assisted, or held by the Sec-
20 retary or a State or State agency under section
21 236 of the National Housing Act; or

22 (D) held by the Secretary and formerly in-
23 sured under a program referred to in subpara-
24 graph (A), (B), or (C);

1 (2) the project is subject to an unconditional
2 waiver of, with respect to the mortgage referred to
3 in paragraph (1)—

4 (A) all rights to any prepayment of the
5 mortgage; and

6 (B) all rights to any voluntary termination
7 of the mortgage insurance contract for the
8 mortgage; and

9 (3) the owner of the project has entered into
10 binding commitments (applicable to any subsequent
11 owner) to extend all low-income affordability restric-
12 tions for the project, including any such restrictions
13 imposed because of any contract for project-based
14 assistance for the project.

15 (c) PROJECTS WITH SECTION 8 PROJECT-BASED AS-
16 SISTANCE.—A project meets the requirements under this
17 subsection only if—

18 (1) the project is subject to a contract for
19 project-based assistance; and

20 (2) the owner of the project has entered into
21 binding commitments (applicable to any subsequent
22 owner) to extend such assistance for the maximum
23 period allowable under law (subject to the avail-
24 ability of amounts for such purpose) and to extend

1 any low-income affordability restrictions applicable
2 to the project in connection with such assistance.

3 (d) PROJECTS PURCHASED BY RESIDENTS.—A
4 project meets the requirements under this subsection only
5 if the project—

6 (1) is or was eligible low-income housing (as
7 such term is defined in section 229 of the Low-In-
8 come Housing Preservation and Resident Home-
9 ownership Act of 1990 (42 U.S.C. 4119); and

10 (2) has been purchased by a resident council for
11 the housing or is approved by the Secretary for such
12 purchase, for conversion to homeownership housing
13 under a resident homeownership program meeting
14 the requirements under section 226 of such Act (12
15 U.S.C. 4116).

16 (e) COMBINATION OF ASSISTANCE.—Notwith-
17 standing subsection (a), any project that is otherwise eligi-
18 ble for assistance with grant amounts provided under this
19 Act because the project meets the requirements under sub-
20 section (b) or (c) and that also meets the requirements
21 under paragraph (1) of the other of such subsections, shall
22 be eligible for such assistance only if the project complies
23 with all of the requirements under such other subsection.

1 **SEC. 5. GRANT AMOUNT LIMITATION.**

2 The Secretary shall limit the portion of the aggregate
3 amount of grants under this Act made available for any
4 fiscal year that may be provided to a single State based
5 upon the proportion of such State's need (as determined
6 by the Secretary) for such assistance to the aggregate
7 need among all States approved for such assistance for
8 such fiscal year.

9 **SEC. 6. MATCHING REQUIREMENT.**

10 (a) **IN GENERAL.**—The Secretary may not make a
11 grant under this Act to any State for any fiscal year in
12 an amount that exceeds twice the amount that the State
13 certifies, as the Secretary shall require, that the State will
14 contribute for such fiscal year, or has contributed since
15 January 1, 2005, from non-Federal sources for the pur-
16 poses under section 4(a).

17 (b) **TREATMENT OF PREVIOUS CONTRIBUTIONS.**—
18 Any portion of amounts contributed after January 1,
19 2005, that are counted for purposes of meeting the re-
20 quirement under subsection (a) for a fiscal year may not
21 be counted for such purposes for any subsequent fiscal
22 year.

23 (c) **TREATMENT OF TAX CREDITS.**—Tax credits pro-
24 vided under section 42 of the Internal Revenue Code of
25 1986 and proceeds from the sale of tax-exempt bonds by

1 any State or local government entity shall not be consid-
2 ered non-Federal sources for purposes of this section

3 **SEC. 7. TREATMENT OF SUBSIDY LAYERING REQUIRE-**
4 **MENTS.**

5 Neither section 6 nor any other provision of this Act
6 may be construed to prevent the use of tax credits pro-
7 vided under section 42 of the Internal Revenue Code of
8 1986 in connection with housing assisted with grant
9 amounts provided under this Act, to the extent that such
10 use is in accordance with section 102(d) of the Depart-
11 ment of Housing and Urban Development Reform Act of
12 1989 (42 U.S.C. 3545(d)) and section 911 of the Housing
13 and Community Development Act of 1992 (42 U.S.C.
14 3545 note).

15 **SEC. 8. APPLICATIONS.**

16 The Secretary shall provide for States (through ap-
17 propriate State agencies) to submit applications for grants
18 under this Act. The Secretary shall require the applica-
19 tions to contain any information and certifications nec-
20 essary for the Secretary to determine whether the State
21 is eligible to receive such a grant.

22 **SEC. 9. DEFINITIONS.**

23 For purposes of this Act, the following definitions
24 shall apply:

1 (1) LOW-INCOME AFFORDABILITY RESTRIC-
2 TIONS.—The term “low-income affordability restric-
3 tions” means, with respect to a housing project, any
4 limitations imposed by regulation or regulatory
5 agreement on rents for tenants of the project, rent
6 contributions for tenants of the project, or income-
7 eligibility for occupancy in the project.

8 (2) PROJECT-BASED ASSISTANCE.—The term
9 “project-based assistance” has the meaning given
10 such term in section 16(c) of the United States
11 Housing Act of 1937 (42 U.S.C. 1437n(c)), except
12 that such term includes assistance under any suc-
13 cessor programs to the programs referred to in such
14 section.

15 (3) SECRETARY.—The term “Secretary” means
16 the Secretary of Housing and Urban Development.

17 (4) STATE.—The term “State” means the
18 States of the United States, the District of Colum-
19 bia, the Commonwealth of Puerto Rico, the Com-
20 monwealth of the Northern Mariana Islands, Guam,
21 the Virgin Islands, American Samoa, and any other
22 territory or possession of the United States.

23 **SEC. 10. REGULATIONS.**

24 The Secretary may issue any regulations necessary
25 to carry out this Act.

1 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated for grants
3 under this title such sums as may be necessary for each
4 of fiscal years 2006, 2007, 2008, 2009, and 2010.

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