

117TH CONGRESS
1ST SESSION

H. R. 1947

To provide emergency rental assistance under the Housing Choice Voucher Program of the Department of Housing and Urban Development, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2021

Mr. SMITH of Washington introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To provide emergency rental assistance under the Housing Choice Voucher Program of the Department of Housing and Urban Development, 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 “Ensuring a Long-Term
5 Housing Recovery Act of 2021”.

6 **SEC. 2. CONGRESSIONAL FINDINGS.**

7 The Congress finds that—

8 (1) the economic impact of the novel
9 coronavirus disease (COVID-19) pandemic on hous-

1 ing renters is substantial and has contributed to a
2 growing rental income shortfall throughout the econ-
3 omy during the pandemic;

4 (2) while other economic stimulus efforts have
5 been very important, there is a gap in rental pay-
6 ments;

7 (3) rigorous research shows that tenant-based
8 housing vouchers, which help families afford decent
9 stable housing in the private market, are the single
10 most effective policy for reducing homelessness,
11 housing instability, and overcrowding among ex-
12 tremely low-income persons; and

13 (4) the Federal response must include, in the
14 near term, an increase in the amount of provided
15 under direct rental assistance programs, which are
16 varied and can interact with the public through a va-
17 riety of different methods.

18 **SEC. 3. HOUSING CHOICE VOUCHER PROGRAM.**

19 (a) AUTHORIZATION OF APPROPRIATIONS.—

20 (1) IN GENERAL.—There is authorized to be
21 appropriated to the Secretary of Housing and Urban
22 Development (in this section referred to as the “Sec-
23 retary”) \$25,000,000,000 to remain available until
24 expended (subject to subsection (d)), for an addi-
25 tional amount for fiscal year 2021 to be used for in-

1 incremental rental voucher assistance under section
2 8(o) of the United States Housing Act of 1937 for
3 use by individuals and families, including adminis-
4 trative and other expenses. Amounts authorized pur-
5 suant to this subsection are in addition to any other
6 amounts authorized or made available for such pur-
7 poses.

8 (2) ADMINISTRATIVE AND OTHER EXPENSES.—

9 Administrative and other expenses of public housing
10 agencies in administering the vouchers funded this
11 subsection shall—

12 (A) be funded under the same terms for
13 administrative and other expenses to public
14 housing agencies under paragraph (3) of this
15 heading “Public and Indian Housing—Tenant-
16 Based Rental Assistance” in title II of division
17 H of the Further Consolidated Appropriations
18 Act, 2020 (Public Law 116–94; 133 Stat.
19 2978), except that those expenses shall not be
20 subject to any pro rata reduction under such
21 paragraph; and

22 (B) include costs related to retention and
23 support of participating owners.

24 (b) ALLOCATION.—

1 (1) FORMULA.—The Secretary shall allocate 75
2 percent of any amounts made available pursuant to
3 subsection (a) to public housing agencies not later
4 than 60 days after the date of the enactment of this
5 Act, according to a formula that—

6 (A) is based on an agency’s authorized
7 level of units under contract for calendar year
8 2020; and

9 (B) provides amounts for individuals and
10 families residing in rural areas in each State in
11 proportion to the population of income-eligible
12 individuals and families residing in such areas
13 in such State.

14 (2) COMPETITION.—The Secretary shall allo-
15 cate 25 percent of any amounts made available pur-
16 suant to subsection (a) to public housing agencies
17 under a competition based on need for such amounts
18 and such other criteria as the Secretary shall estab-
19 lish.

20 (3) REALLOCATION OF UNUSED ASSISTANCE.—
21 If a public housing authority elects not to administer
22 or does not utilize at least 95 percent of its author-
23 ized vouchers within a reasonable period of time, the
24 Secretary shall reallocate any unissued vouchers and

1 associated funds to other public housing agencies ac-
2 cording to the criteria under paragraph (1).

3 (4) PROHIBITION ON REISSUANCE.—A public
4 housing agency shall not reissue any vouchers made
5 available pursuant to subsection (a) for incremental
6 rental voucher assistance when assistance for the
7 family initially assisted is terminated.

8 (c) ELIGIBLE INCOME.—Notwithstanding any other
9 provision of law, the Secretary shall provide that assist-
10 ance with amounts made available pursuant to subsection
11 (a) be used to assist households having an income not ex-
12 ceeding 80 percent of the area median income if the Sec-
13 retary determines it necessary to temporarily provide rent-
14 al housing assistance to meet moderate income housing
15 needs.

16 (d) USE FOR RENT AND UTILITIES.—

17 (1) IN GENERAL.—Rental assistance made
18 available pursuant to this section may be used for
19 providing short- or medium-term assistance with
20 rent and rent-related costs including—

21 (A) tenant-paid utility costs (including
22 costs of internet access service);

23 (B) utility-arrears (including costs of inter-
24 net access service);

25 (C) rent-arrears;

1 (D) fees charged for utility arrears;

2 (E) fees charged for rent arrears;

3 (F) security deposits;

4 (G) utility deposits;

5 (H) application fees; and

6 (I) landlord incentive payments, includ-

7 ing—

8 (i) payments made to a landlord to
9 participate in a public housing agency's
10 housing choice voucher program;

11 (ii) payments made to a landlord to
12 maintain the landlord's participation in a
13 public housing agency's housing choice
14 voucher program; and

15 (iii) payments made to a landlord for
16 referring another landlord to participate in
17 a public housing agency's housing choice
18 voucher program.

19 (2) GUIDANCE.—The Secretary shall issue
20 guidance setting forth procedures for public housing
21 agencies to cover or reimburse costs of tenant inter-
22 net access service.

23 (e) WAIVERS AND ALTERNATIVE REQUIREMENTS.—

24 In providing tenant-based rental assistance with amounts
25 made available pursuant to this section:

1 (1) INCOME.—Any amounts received from un-
2 employment insurance shall be included as income,
3 except that any amounts received from temporary
4 supplemental unemployment insurance shall be ex-
5 cluded from income.

6 (2) UNOBLIGATED BALANCES.—The Secretary
7 shall award any remaining unobligated balances ap-
8 propriated pursuant to this section only for incre-
9 mental vouchers under this section to prevent, pre-
10 pare for, and respond to coronavirus.

11 (3) AUTHORITY AND CONDITIONS.—Rental as-
12 sistance made available pursuant to this section shall
13 be used under the same authority and conditions as
14 the additional appropriations for rental assistance
15 for fiscal year 2020 made available under the head-
16 ing “Tenant-Based Rental Assistance” in title XII
17 of division B of the CARES Act (Public Law 116–
18 136), except that any amounts provided for adminis-
19 trative expenses and other expenses of public hous-
20 ing agencies for carrying out their section 8 rental
21 assistance programs, including mainstream vouchers,
22 under such heading in the CARES Act (Public Law
23 116–136) and any amounts made available pursuant
24 to this section shall also be available for housing as-

1 sistance payments under section 8(o) of the United
2 States Housing Act of 1937.

3 (4) COSTS.—Amounts made available for rental
4 assistance pursuant to this section and under the
5 heading “Tenant-Based Rental Assistance” in title
6 XII of division B of the CARES Act may be used
7 to cover or reimburse allowable costs incurred to
8 prevent, prepare for, and respond to coronavirus, in-
9 cluding administrative fees for public housing agen-
10 cies, regardless of the date on which such costs were
11 incurred.

12 (5) WAITING LISTS.—To address the special
13 needs created by the coronavirus pandemic, the Sec-
14 retary shall authorize public housing agencies to de-
15 part from any existing waiting list to fund vouchers
16 for rental assistance made available pursuant to this
17 section and shall waive any other requirements for
18 public housing agencies that the Secretary deter-
19 mines are necessary to simplify implementation of
20 the provision of such rental assistance.

21 **SEC. 4. WAIVER AUTHORITY IN CONNECTION WITH ASSIST-**
22 **ANCE UNDER THIS ACT.**

23 (a) WAIVER AUTHORITY.—Except for requirements
24 related to fair housing, nondiscrimination, labor stand-
25 ards, prohibition on prerequisites, data reporting, and the

1 environment, the Secretary may waive, or specify alter-
2 native requirements for, any provision of any statute or
3 regulation that the Secretary administers in connection
4 with the use of the amounts made available pursuant to
5 section 3 if the Secretary determines that any such waiv-
6 ers or alternative requirements are necessary for the safe
7 and effective administration of such amounts to prevent,
8 prepare for, and respond to coronavirus and such waiver
9 or alternative requirement is consistent with the purposes
10 of this Act.

11 (b) PUBLIC NOTICE.—The Secretary shall notify the
12 public through publication of notice in the Federal Reg-
13 ister or other appropriate means of any waiver or alter-
14 native requirement pursuant to this subsection to ensure
15 the most expeditious allocation of rental assistance
16 amounts made available pursuant to this section and in
17 order for such waiver or alternative requirement to take
18 effect, and such public notice may be provided, at a min-
19 imum, online on the Internet at an appropriate website
20 of the Department of Housing and Urban Development
21 or through other electronic media, as determined by the
22 Secretary.

1 **SEC. 5. EXTENSION OF EXISTING WAIVERS AND WAIVER AU-**
2 **THORITY.**

3 (a) 5-YEAR EXTENSION OF WAIVERS.—Subject to
4 subsection (d) and notwithstanding any other provision of
5 law, any waiver impacting the housing choice voucher pro-
6 gram included in Notice PIH 2020–33(HA), REV–2 of
7 the Department of Housing and Urban Development,
8 issued November 30, 2020, shall remain in effect until the
9 expiration of the 5-year period beginning on the date of
10 the enactment of this Act. The Secretary of Housing and
11 Urban Development shall modify any alternative require-
12 ments to comply with the waiver extensions.

13 (b) 5-YEAR EXTENSION OF WAIVER AUTHORITY.—
14 Subject to subsection (d) and notwithstanding any other
15 provision of law, any authority under this Act, the CARES
16 Act, or any other provision of law, that provides for the
17 Secretary of Housing and Urban Development to waive,
18 or specify alternative requirements for, any provision of
19 any statute or regulation that the Secretary administers,
20 that is in effect as of the date of the enactment of this
21 Act, shall remain in effect until the expiration of the 5-
22 year period beginning on the date of the enactment of this
23 Act.

24 (c) 5-YEAR INAPPLICABILITY OF CASH MANAGE-
25 MENT REQUIREMENTS.—The cash management require-
26 ments described in section 3.1.C of part 3 of the Compli-

1 ance Supplement of the Office of Management and Budget
2 (2 C.F.R. Part 200, Appendix XI) shall not apply to any
3 programs administered by the Secretary of Housing and
4 Urban Development during the 5-year period beginning on
5 the date of the enactment of this Act.

6 (d) EXTENSION.—Before the expiration of the 5-year
7 period beginning on the date of the enactment of this Act,
8 the Secretary of Housing and Urban Development shall
9 analyze any waivers in effect pursuant to subsections (a)
10 and (b) and the inapplicability of the cash management
11 requirements pursuant to subsection (c) to determine the
12 effectiveness of such waivers and inapplicability in improv-
13 ing program efficiencies without reducing program integ-
14 rity or quality. The Secretary may, based on such deter-
15 minations, extend any such waivers or inapplicability for
16 such period as the Secretary considers appropriate upon
17 written notice to the Congress of such extension and the
18 reasons for such extension.

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