

116TH CONGRESS
1ST SESSION

H. R. 5072

To create an equitable and stable rental housing market, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 13, 2019

Ms. OCASIO-CORTEZ (for herself, Ms. MENG, Ms. TLAIB, Mr. GARCÍA of Illinois, and Ms. LEE of California) introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committees on the Judiciary, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To create an equitable and stable rental housing market,
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 “A Just Society: A
5 Place to Prosper Act of 2019”.

6 **SEC. 2. OBLIGATIONS OF LANDLORDS.**

7 (a) OBLIGATIONS.—A covered landlord—

1 (1) may not, when a residential lease expires,
2 increase monthly rent by an amount greater than
3 the percentage increase, if any, over the preceding
4 12 months in the Consumer Price Index for All
5 Urban Consumers or 3 percent of the average
6 monthly amount paid for the same unit for each
7 month that the unit was occupied during the pre-
8 vious 12-month period, whichever is greater;

9 (2) may not initiate eviction proceedings or
10 threaten a tenant with eviction, except in the case
11 that—

12 (A) the tenant has failed to pay rent for 2
13 or more consecutive months, caused substantial
14 destruction to the rental property, or violated
15 an explicit lease term; or

16 (B) the landlord seeks to occupy the unit,
17 or seeks the availability of the unit for occu-
18 pancy by an immediate relative; and

19 (3) shall maintain each rental unit in good re-
20 pair (as defined under applicable State and local
21 codes).

22 (b) ENFORCEMENT.—

23 (1) CIVIL ACTION AUTHORIZED.—A tenant may
24 file a civil action in the appropriate district court of

1 the United States against a covered landlord who
2 violates subsection (a).

3 (2) LEASE PROVISION VOID.—Any lease provi-
4 sion that waives the right of a tenant to file a civil
5 action under this subsection is void.

6 (3) ENFORCEMENT BY STATE ATTORNEY GEN-
7 ERAL.—The attorney general of the State may file
8 a civil action in the appropriate district court of the
9 United States on behalf of a resident of the State
10 whose covered landlord violated subsection (a) to—

11 (A) enjoin further violations;

12 (B) obtain damages on behalf of such resi-
13 dent in an amount that does not exceed ten
14 times the sum of the monthly rent amounts
15 specified on the most recent lease agreement for
16 each such resident; and

17 (C) in the case of a covered landlord
18 against whom a court has ruled in 2 or more
19 civil actions under this subsection, obtain addi-
20 tional punitive damages in an amount not to ex-
21 ceed three times the amount of actual damages
22 suffered by resident.

23 (4) GOOD FAITH EFFORTS CONSIDERED.—In
24 any civil action under this subsection, the court shall
25 consider, for purposes of awarding damages, a cov-

1 ered landlord’s good faith effort or attempt to com-
 2 ply with the subsection (a).

3 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
 4 tion shall prevent a State or local government from impos-
 5 ing lower limits on rent increases or additional obligations
 6 on landlords.

7 (d) DEFINITIONS.—In this section:

8 (1) The term “covered landlord” means entity
 9 that owns or holds a controlling interest in more
 10 than 5 residential properties or more than 2 manu-
 11 factured housing parks.

12 (2) The term “rent” includes any payment
 13 made by a tenant to a landlord, with respect to
 14 which the failure to pay may authorize the landlord
 15 to initiate eviction proceedings, except that such
 16 term does not include any utility which is paid by
 17 the landlord on behalf of the tenant.

18 **SEC. 3. FUNDING FOR ACCESS TO COUNSEL.**

19 (a) GRANT PROGRAM.—The Secretary of Housing
 20 and Urban Development is authorized to make grants to
 21 State and local governments to establish a right to counsel
 22 for tenants in eviction proceedings.

23 (b) APPLICATION.—The chief executive officer of a
 24 State or unit of local government seeking a grant under
 25 this section shall submit an application to the Secretary

1 of Housing and Urban Development at such time, in such
 2 manner, and containing such information as the Secretary
 3 may reasonably require, including an assurance that the
 4 funds will be used in accordance with subsection (c).

5 (c) USES OF FUNDS.—A State or unit of local gov-
 6 ernment receiving a grant under this section shall use not
 7 less than 85 percent of such funds to provide counsel for
 8 tenants in eviction proceedings.

9 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
 10 authorized to be appropriated \$6,500,000,000 for each of
 11 fiscal years 2021 through 2030 to carry out this section.

12 **SEC. 4. PROHIBITING DISCRIMINATION ON THE BASIS OF**
 13 **SOURCE OF INCOME.**

14 (a) FAIR HOUSING ACT.—The Fair Housing Act (42
 15 U.S.C. 3601 et seq.) is amended—

16 (1) in section 802 (42 U.S.C. 3602), by adding
 17 at the end the following:

18 “(p) ‘Source of income’ includes—

19 “(1) a housing voucher under section 8 of the
 20 United States Housing Act of 1937 (42 U.S.C.
 21 1437f) and any form of Federal, State, or local
 22 housing assistance provided to a family or provided
 23 to a housing owner on behalf of a family, including
 24 rental vouchers, rental assistance, and rental sub-
 25 sidies from nongovernmental organizations;

1 “(2) income received during a taxable year as
 2 Social Security benefits, as defined in section 86(d)
 3 of the Internal Revenue Code of 1986, or as supple-
 4 mental security income benefits under title XVI of
 5 the Social Security Act (42 U.S.C. 1381 et seq.);

6 “(3) income received by court order, including
 7 spousal support and child support;

8 “(4) any payment from a trust, guardian, or
 9 conservator; and

10 “(5) any other lawful source of income.”;

11 (2) in section 804 (42 U.S.C. 3604), by insert-
 12 ing “source of income,” after “familial status,” each
 13 place that term appears;

14 (3) in section 805 (42 U.S.C. 3605)—

15 (A) in subsection (a), by inserting “source
 16 of income,” after “familial status,”; and

17 (B) in subsection (c), by inserting “source
 18 of income,” after “handicap,”;

19 (4) in section 806 (42 U.S.C. 3606), by insert-
 20 ing “source of income,” after “familial status,”; and

21 (5) in section 808(e)(6) (42 U.S.C. 3608(e)(6)),
 22 by inserting “source of income,” after “handicap,”.

23 (b) CIVIL RIGHTS ACT OF 1968.—Section 901 of the
 24 Civil Rights Act of 1968 (42 U.S.C. 3631) is amended
 25 by inserting “source of income (as defined in section

1 802)”, before “or national origin” each place that term
 2 appears.

3 **SEC. 5. REMOVING TOXINS FROM HOMES.**

4 There is authorized to be appropriated
 5 \$10,000,000,000 for each of fiscal years 2020 through
 6 2029 for activities of the Office of Lead Hazard Control
 7 and Healthy Homes of the Department of Housing and
 8 Urban Development. Of any amounts appropriated in each
 9 such fiscal year pursuant to this section—

10 (1) 75 percent shall be available only for car-
 11 rying out the Lead Hazard Reduction Program au-
 12 thorized by section 1011 of the Residential Lead-
 13 Based Paint Hazard Reduction Act of 1992 (42
 14 U.S.C. 4852); and

15 (2) 25 percent shall be available only for car-
 16 rying out the Healthy Homes Initiative, pursuant to
 17 sections 501 and 502 of the Housing and Urban De-
 18 velopment Act of 1970 (42 U.S.C. 1701z–1, 1701z–
 19 2), which shall include research, studies, testing, and
 20 demonstration efforts, including education and out-
 21 reach concerning lead-based paint poisoning and
 22 other housing-related diseases and hazards.

23 **SEC. 6. REGULATION OF MARKET-DOMINANT LANDLORDS.**

24 (a) DISCLOSURE.—The Secretary of Housing and
 25 Urban Development shall require each covered owner (as

1 such term is defined in subsection (c)) to disclose to the
2 Secretary, on a calendar quarterly basis, the following in-
3 formation for the preceding calendar quarter regarding
4 rental dwelling units owned by the covered entity:

5 (1) The number and percentage of tenants that
6 have been forced to vacate its units by court order
7 or a threat that the entity would seek a court order.

8 (2) The median rent for all units.

9 (3) Any code violations and efforts to remedy
10 such violations.

11 (4) The median amount of fees and other mon-
12 ies paid by tenants to the covered owner other than
13 monthly rent, actual utility charges and homeowners
14 association fees, and security deposits.

15 (5) The most recent standard lease agreement
16 used by the covered owner.

17 (6) The identity of the covered owner and its
18 largest three shareholders, if the entity is owned by
19 shareholders.

20 (b) PUBLIC AVAILABILITY.—The Secretary shall
21 make the information submitted to the Secretary pursuant
22 to subsection (a) publicly available online. The Secretary
23 shall update such information on a calendar quarterly
24 basis and shall disaggregate such information by the
25 smallest geographic area possible.

1 (c) DEFINITION OF COVERED OWNER.—The term
2 “covered owner” means any person or entity that in aggre-
3 gate owns or holds a controlling interest in any entity that,
4 in aggregate, owns—

5 (1) more than 100 rental units that are located
6 within in a single Metropolitan Statistical Area;

7 (2) more than 1,000 rental units nationwide; or

8 (3) rental units in three or more States.

9 **SEC. 7. CONDITIONS FOR THE SALE OR GUARANTEE OF**
10 **LOANS, REAL PROPERTY, AND RELATED SE-**
11 **CURITIES.**

12 (a) PROHIBITIONS.—

13 (1) FEDERAL MORTGAGES, GUARANTEES, AND
14 INSURANCE.—A covered rental housing owner may
15 not—

16 (A) purchase any mortgage, mortgage-
17 backed security, or other loan that is made,
18 sold, insured, guaranteed, or otherwise sup-
19 ported or assisted by any Federal agency or en-
20 terprise (which term for purposes of this sec-
21 tion, shall have the meaning given such term in
22 section 1303 of the Housing and Community
23 Development Act of 1992 (12 U.S.C. 4502));

24 (B) be provided any insurance or guar-
25 antee by any Federal agency or enterprise for

1 any mortgage for which the covered rental
2 housing owner, or any entity in which such
3 owner holds a controlling interest, is the mort-
4 gagee;

5 (C) be provided any insurance or guar-
6 antee by any Federal agency or enterprise for
7 any loan for which the covered rental housing
8 owner, or any entity in which such owner holds
9 a controlling interest, is the lender; or

10 (D) purchase any FHA asset (as such
11 term is defined in section 204(m) of the Na-
12 tional Housing Act, as added by subsection (d)
13 of this section) from the Department of Hous-
14 ing and Urban Development or an enterprise
15 that was acquired by such Department or enter-
16 prise pursuant to a foreclosure action on a
17 mortgage insured under title II of the National
18 Housing Act (12 U.S.C. 1707 et seq.).

19 (2) MORTGAGE-BACKED SECURITIES.—Notwith-
20 standing any other provision of law, no Federal
21 agency or enterprise may purchase, or issue any se-
22 curity backed by, any mortgage for which the mort-
23 gagee is a covered rental housing owner.

1 (b) COVERED RENTAL HOUSING OWNER.—For pur-
2 poses of this section, the term “covered rental housing
3 owner” means—

4 (1) any owner of rental housing who has been
5 determined by the Secretary of Housing and Urban
6 Development, on the record after an opportunity for
7 an agency hearing, to—

8 (A) have 3 or more documented or adju-
9 dicated instances of—

10 (i) harassing tenants;

11 (ii) violating any applicable codes re-
12 garding health and safety of rental dwell-
13 ings;

14 (iii) evicting tenants without sufficient
15 cause; or

16 (iv) offering at-risk mortgagees tem-
17 porary interest-only modifications that do
18 not support long-term affordability to bor-
19 rowers; or

20 (B) have foreclosed on more than 40 per-
21 cent of occupied properties that are owned by
22 the covered rental housing owner and subject to
23 mortgages purchased from a government agen-
24 cy or enterprise; or

1 (2) any entity that owns or holds a controlling
2 interest in entities that, in aggregate, own—

3 (A) more than 100 rental units that are lo-
4 cated within in a single Metropolitan Statistical
5 Area;

6 (B) more than 1,000 rental units nation-
7 wide; or

8 (C) rental units in three or more States.

9 (c) TARGETING DISPOSITION OF FHA-OWNED AS-
10 SETS.—Section 204 of the National Housing Act (12
11 U.S.C. 1710) is amended by adding at the end the fol-
12 lowing new subsection:

13 “(m) DISPOSITION REQUIREMENTS FOR FHA SIN-
14 GLE-FAMILY ASSETS.—

15 “(1) REQUIREMENT.—Except to the extent nec-
16 essary to comply with the capital ratio requirements
17 of the Mutual Mortgage Insurance Fund under sec-
18 tion 205(f) (12 U.S.C. 1711(f)), the Secretary shall
19 ensure that not less than 75 percent of the number
20 of FHA assets sold in each fiscal year shall be made
21 only to purchasers—

22 “(A) who will occupy the property that is
23 the asset or is subject to the mortgage that is
24 the asset;

1 “(B) that is a nonprofit organization that
2 has among its primary purposes significant ac-
3 tivities related to the provision of decent hous-
4 ing that is affordable to low- and moderate-in-
5 come families;

6 “(C) that is a community land trust or
7 land bank that meets such requirements as the
8 Secretary shall establish; or

9 “(D) is a community-controlled entity that
10 meets such requirements as the Secretary shall
11 establish.

12 “(2) FHA ASSETS.—For purposes of this sub-
13 section the term ‘FHA asset’ means—

14 “(A) a property that—

15 “(i) is designed as a dwelling for occu-
16 pancy by 1 to 4 families;

17 “(ii) was previously subject to a mort-
18 gage insured under the provisions of this
19 title; and

20 “(iii) is owned by the Secretary pursu-
21 ant to the payment of insurance benefits
22 under this title; or

23 “(B) a mortgage that—

1 “(i) is an interest in a property that
 2 meets the requirements of clause (i) of
 3 subparagraph (A);

4 “(ii) was previously insured under this
 5 title except for mortgages insured under or
 6 made pursuant to section 235, 237, or
 7 255; and

8 “(iii) is held by the Secretary pursu-
 9 ant to the payment of insurance benefits
 10 under this title.”.

11 **SEC. 8. FEDERAL SHARE PAYABLE FOR FEDERAL-AID HIGH-**
 12 **WAY PROJECTS.**

13 Section 120 of title 23, United States Code, is
 14 amended by adding at the end the following:

15 “(l) SPECIAL RULES REGARDING EQUITABLE
 16 GROWTH AREAS.—

17 “(1) INCREASED FEDERAL SHARE FOR AREAS
 18 ENCOURAGING EQUITABLE GROWTH.—

19 “(A) IN GENERAL.—The Federal share
 20 payable on account of any project under this
 21 chapter carried out in an area governed by a ju-
 22 risdiction encouraging equitable growth and not
 23 governed by any jurisdiction blocking equitable
 24 growth shall be increased, up to the total cost
 25 of the project, by the greater of—

1 “(i) 10 percent; or

2 “(ii) the percentage calculated in sub-
3 paragraph (B).

4 “(B) CALCULATION.—

5 “(i) IN GENERAL.—Except as pro-
6 vided in clause (ii), the percentage in sub-
7 paragraph (A)(ii) shall be the percentage
8 of the project (calculated by square mile-
9 age) that is governed by a jurisdiction en-
10 couraging equitable growth.

11 “(ii) MULTIPLE JURISDICTIONS.—For
12 any project carried out in an area governed
13 by multiple jurisdictions encouraging equi-
14 table growth and not governed by any ju-
15 risdiction blocking equitable growth, the
16 percentage in subparagraph (A)(ii) shall be
17 calculated by—

18 “(I) determining the percentage
19 under clause (i) for each such juris-
20 diction; and

21 “(II) averaging the percentages
22 under subclause (I).

23 “(2) DECREASED FEDERAL SHARE FOR AREAS
24 BLOCKING EQUITABLE GROWTH.—

“(A) IN GENERAL.—The Federal share payable on account of any project under this chapter carried out in an area governed by a jurisdiction blocking equitable growth and not governed by any jurisdiction encouraging equitable growth shall be decreased by the greater of—

“(i) 10 percent; or

“(ii) the percentage calculated in subparagraph (B).

“(B) CALCULATION.—

“(i) IN GENERAL.—Except as provided in clause (ii), the percentage in subparagraph (A)(ii) shall be the percentage of the project (calculated by square mileage) that is governed by a jurisdiction blocking equitable growth.

“(ii) MULTIPLE JURISDICTIONS.—For any project carried out in an area governed by multiple jurisdictions blocking equitable growth and not governed by any jurisdiction encouraging equitable growth, the percentage in subparagraph (A)(ii) shall be calculated by—

1 “(I) determining the percentage
2 under clause (i) for each such juris-
3 diction; and

4 “(II) averaging the percentages
5 under subclause (I).

6 “(3) SPECIAL RULE FOR MIXED COVERAGE OF
7 JURISDICTIONS ENCOURAGING AND BLOCKING EQUI-
8 TABLE GROWTH.—

9 “(A) IN GENERAL.—For any project under
10 this chapter carried out in an area any portion
11 of which is governed by at least 1 jurisdiction
12 encouraging equitable growth and at least 1 ju-
13 risdiction blocking equitable growth, the Fed-
14 eral share payable on account of such project
15 shall be—

16 “(i) for any percentage under sub-
17 paragraph (B)(ii)(I), increased, up to the
18 total cost of the project, by the percentage
19 under such subparagraph;

20 “(ii) for any percentage under sub-
21 paragraph (B)(ii)(II), decreased by the
22 percentage under such subparagraph; or

23 “(iii) for any percentage under sub-
24 paragraph (B)(ii)(III), neither increased or
25 decreased.

1 “(B) CALCULATION.—The percentages in
2 subparagraph (A) shall be calculated by—

3 “(i) determining the percentages
4 under paragraphs (1)(B) and (2)(B); and

5 “(ii) in any case in which—

6 “(I) the percentage in paragraph
7 (1)(B) is greater than the percentage
8 in paragraph (2)(B), subtracting the
9 percentage in paragraph (2)(B) from
10 the percentage in paragraph (1)(B);

11 “(II) the percentage in para-
12 graph (2)(B) is greater than the per-
13 centage in paragraph (1)(B), sub-
14 tracting the percentage in paragraph
15 (1)(B) from the percentage in para-
16 graph (2)(B); or

17 “(III) the percentage in para-
18 graph (1)(B) is the same as the per-
19 centage in paragraph (2)(B), sub-
20 tracting the percentage in (1)(B) from
21 the percentage in (2)(B).

22 “(4) DEFINITIONS.—For purposes of this sub-
23 section:

24 “(A) AFFORDABLE DEVELOPMENT.—The
25 term ‘affordable development’ means a housing

1 development in which not less than 15 percent
2 of the housing units of such development are
3 affordable housing units.

4 “(B) AFFORDABLE HOUSING UNIT.—The
5 term ‘affordable housing unit’ means a housing
6 unit for which the amount of rent does not ex-
7 ceed 9 percent of the median household income
8 of the area in which the unit is located, as de-
9 termined by the Secretary.

10 “(C) JURISDICTION ENCOURAGING EQUI-
11 TABLE GROWTH.—The term ‘jurisdiction en-
12 couraging equitable growth’ means any unit of
13 State or local government that the Secretary
14 determines has enacted and is enforcing any
15 provision of law or regulation that—

16 “(i) allows an affordable development
17 to contain a number of housing units
18 greater than the number allowed by appli-
19 cable laws or regulations for other housing
20 developments;

21 “(ii) streamlines or shortens permit-
22 ting processes and timelines for the con-
23 struction of affordable developments;

24 “(iii) eliminates height restrictions for
25 affordable developments;

1 “(iv) prohibits a landlord from reject-
2 ing a rental application on the basis of the
3 source of income (as such term is de-
4 scribed in section 802 of the Fair Housing
5 Act (42 U.S.C. 3602)) of the applicant;

6 “(v) taxes vacant land;

7 “(vi) provides for the donation of va-
8 cant land to nonprofit developers for the
9 purpose of developing affordable develop-
10 ments;

11 “(vii) allows a smaller, independent
12 residential dwelling unit to be located on
13 the same lot as a stand-alone or detached
14 single-family dwelling unit; or

15 “(viii) prohibits landlords from asking
16 prospective tenants for criminal history in-
17 formation.

18 “(D) JURISDICTION BLOCKING EQUITABLE
19 GROWTH.—The term ‘jurisdiction blocking equi-
20 table growth’ means any unit of State or local
21 government that the Secretary determines has
22 enacted and is enforcing any provision of law or
23 regulation that—

1 “(i) requires a housing developer to
 2 provide off-street parking at a housing de-
 3 velopment constructed by such developer;

4 “(ii) requires residential housing to sit
 5 on more than 1/2 of an acre of land;

6 “(iii) prohibits multiunit residential
 7 properties; or

8 “(iv) prohibits the development of
 9 manufactured housing parks.”.

10 **SEC. 9. INCREASING ACCESS TO HOUSING ASSISTANCE FOR**
 11 **ALL.**

12 (a) INAPPLICABILITY OF PERSONAL RESPONSIBILITY
 13 AND WORK OPPORTUNITY RECONCILIATION ACT OF
 14 1996.—The Personal Responsibility and Work Oppor-
 15 tunity Reconciliation Act of 1996 is amended—

16 (1) in section 401 (8 U.S.C. 1611)—

17 (A) in subsection (b)(1), by striking sub-
 18 paragraph (E); and

19 (B) in subsection (c)—

20 (i) in paragraph (1)(B), by striking
 21 “public or assisted housing,”; and

22 (ii) in paragraph (2)—

23 (I) in subparagraph (B), by
 24 striking “or” at the end;

1 (II) in subparagraph (C), by
2 striking the period at the end and in-
3 serting “; or”; and

4 (III) by adding at the end the
5 following new subparagraph:

6 “(D) to any benefit or assistance under
7 any program for housing or community develop-
8 ment assistance or financial assistance adminis-
9 tered by the Secretary of Housing and Urban
10 Development or under any program under title
11 V of the Housing Act of 1949 (42 U.S.C. 1471
12 et seq.).”;

13 (2) in section 411 (8 U.S.C. 1621)—

14 (A) in subsection (c)(1)(B), by striking
15 “public or assisted housing,”; and

16 (B) in subtitle D (8 U.S.C. 1641 et seq.),
17 by adding at the end the following new section:

18 **“SEC. 437. INAPPLICABILITY TO HOUSING PROGRAMS.**

19 “This title may not be construed to affect the eligi-
20 bility of any individual or family for any benefit or assist-
21 ance under any program for housing or community devel-
22 opment assistance or financial assistance administered by
23 the Secretary of Housing and Urban Development or
24 under any program under title V of the Housing Act of
25 1949 (42 U.S.C. 1471 et seq.).”.

1 (b) REPEAL OF RESTRICTIONS ON USE OF ASSISTED
2 HOUSING BY CERTAIN ALIENS.—Section 214 of the
3 Housing and Community Development Act of 1980 (42
4 U.S.C. 1436a) is hereby repealed.

○