

116TH CONGRESS
2D SESSION

H. R. 6820

To provide emergency rental assistance under the Emergency Solutions Grants program of the Secretary of Housing and Urban Development in response to the public health emergency resulting from the coronavirus, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 2020

Mr. HECK (for himself, Ms. WATERS, Mr. KILMER, Ms. SCHRIER, Ms. NORTON, Mr. DEFazio, Mr. PETERS, Mr. NADLER, Ms. SCHAKOWSKY, Mr. RASKIN, Mr. BERA, Mr. BLUMENAUER, Ms. CLARKE of New York, Mr. TONKO, Mr. PERLMUTTER, Mr. POCAN, Mrs. CAROLYN B. MALONEY of New York, Ms. VELÁZQUEZ, Mrs. BEATTY, Mr. CÁRDENAS, Ms. DELBENE, Mr. MCGOVERN, Mr. BEYER, Mr. HORSFORD, Ms. JAYAPAL, Mr. GONZALEZ of Texas, Mrs. MURPHY of Florida, Mrs. DINGELL, Mr. EVANS, Mr. GRIJALVA, Mr. GREEN of Texas, Mr. NEGUSE, Ms. HAALAND, Mr. ESPAILLAT, Mrs. DEMINGS, Mr. CLEAVER, Mr. HUFFMAN, Ms. MCCOLLUM, Miss RICE of New York, Mr. PANETTA, Mr. CASTRO of Texas, Mr. ROSE of New York, Mr. DANNY K. DAVIS of Illinois, Mr. RICHMOND, Mrs. HAYES, Ms. PRESSLEY, Mrs. DAVIS of California, Mr. VARGAS, Mr. KENNEDY, Mr. LEWIS, Mr. ROUDA, Mr. THOMPSON of Mississippi, Mrs. NAPOLITANO, Mr. SCHIFF, Mr. CLAY, Mr. CARBAJAL, Mr. SMITH of Washington, Mr. COHEN, Mr. ENGEL, Mr. SAN NICOLAS, Ms. LEE of California, Mr. GARCÍA of Illinois, Mr. MICHAEL F. DOYLE of Pennsylvania, Ms. TLAIB, Ms. BONAMICI, Mrs. AXNE, Ms. BASS, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. GOMEZ, Mr. LOWENTHAL, Mr. GOTTHEIMER, Mr. LANGEVIN, Mr. THOMPSON of California, Mr. HIMES, Mr. FOSTER, Mr. LYNCH, Ms. MENG, Ms. SCANLON, Ms. WASSERMAN SCHULTZ, Mr. MEEKS, Mr. RYAN, Ms. ADAMS, Mr. SUOZZI, Ms. WEXTON, Mrs. WATSON COLEMAN, Mr. JEFFRIES, Mr. SIRES, Ms. GARCIA of Texas, Ms. DEAN, Ms. DELAURO, Ms. TITUS, Ms. SHALALA, Mr. TAKANO, Ms. LOFGREN, Ms. MUCARSEL-POWELL, Mr. LARSEN of Washington, Ms. CLARK of Massachusetts, Mr. PASCRELL, Ms. DEGETTE, Ms. WILSON of Florida, Mrs. BUSTOS, Mr. SOTO, Ms. ESHOO, Mr. HASTINGS, Ms. OCASIO-CORTEZ, Mr. LAWSON of Florida, Mr. SWALWELL of California, Mr. CASTEN of Illinois, Mr. TED LIEU of California, Mr. LARSON of Connecticut, Mr. HIGGINS of New York, Mr. CONNOLLY, Ms. JOHNSON of Texas, Mrs. KIRKPATRICK, Ms. ROYBAL-ALLARD, Mr. TRONE, Mr. COOPER, Mr. DAVID SCOTT of Georgia, Mr.

McEACHIN, Mr. COURTNEY, Ms. JUDY CHU of California, Mr. PAYNE, Mr. LEVIN of California, Mr. CICILLINE, Mrs. TRAHAN, Mr. KILDEE, Ms. BLUNT ROCHESTER, Mr. CISNEROS, Mr. BISHOP of Georgia, Mr. KHANNA, Mr. GARAMENDI, Ms. MATSUI, Mr. SHERMAN, Ms. SPEIER, Ms. CRAIG, Mr. QUIGLEY, and Mr. CROW) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To provide emergency rental assistance under the Emergency Solutions Grants program of the Secretary of Housing and Urban Development in response to the public health emergency resulting from the coronavirus, 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 “Emergency Rental As-

5 sistance and Rental Market Stabilization Act of 2020”.

6 **SEC. 2. EMERGENCY RENTAL ASSISTANCE.**

7 (a) AUTHORIZATION OF APPROPRIATIONS.—There is

8 authorized to be appropriated to the Secretary of Housing

9 and Urban Development (referred to in this section as the

10 “Secretary”) \$100,000,000,000 for an additional amount

11 for grants under the Emergency Solutions Grants pro-

12 gram under subtitle B of title IV of the McKinney-Vento

13 Homeless Assistance Act (42 U.S.C. 11371 et seq.), to

14 remain available until expended (subject to subsections (d)

15 and (n) of this section), to be used for providing rental

1 assistance in accordance with section 415(a)(4) of such
2 Act (42 U.S.C. 11374(a)(4)) and this section.

3 (b) DEFINITION OF AT RISK OF HOMELESSNESS.—

4 Notwithstanding section 401(1) of the McKinney-Vento
5 Homeless Assistance Act (42 U.S.C. 11360(1)), for pur-
6 poses of assistance made available with amounts made
7 available pursuant to subsection (a), the term “at risk of
8 homelessness” means, with respect to an individual or
9 family, that the individual or family—

10 (1) has an income below 80 percent of the me-
11 dian income for the area as determined by the Sec-
12 retary; and

13 (2) has an inability to attain or maintain hous-
14 ing stability or has insufficient resources to pay for
15 rent or utilities due to financial hardships.

16 (c) INCOME TARGETING AND CALCULATION.—For
17 purposes of assistance made available with amounts made
18 available pursuant to subsection (a)—

19 (1) each grantee of such amounts shall use—

20 (A) not less than 40 percent of the
21 amounts received only for providing assistance
22 for individuals or families experiencing home-
23 lessness or at risk of homelessness who have in-
24 comes not exceeding 30 percent of the median

1 income for the area as determined by the Sec-
2 retary;

3 (B) not less than 70 percent of the
4 amounts received only for providing assistance
5 for individuals or families experiencing home-
6 lessness or at risk of homelessness who have in-
7 comes not exceeding 50 percent of the median
8 income for the area as determined by the Sec-
9 retary; and

10 (C) the remainder of the amounts received
11 only for providing assistance to individuals or
12 families experiencing homelessness or at risk of
13 homelessness who have incomes not exceeding
14 80 percent of the median income for the rel-
15 evant geographic area as determined by the
16 Secretary, except that if a grantee demonstrates
17 to the satisfaction of the Secretary that the
18 population in the geographic area served by the
19 grantee having such incomes is sufficiently
20 being served with respect to activities eligible
21 for funding with such amounts, such grantee
22 may establish a higher percentage limit for pur-
23 poses of subsection (b)(1), which shall not in
24 any case exceed 120 percent of the area median
25 income; and

1 (2) in determining the income of a household—

2 (A) the calculation of income performed at
3 the time of application for such assistance shall
4 consider only income that the household is cur-
5 rently receiving at such time and any income
6 recently terminated shall not be included;

7 (B) the calculation of income performed
8 with respect to households receiving ongoing as-
9 sistance (such as medium-term rental assist-
10 ance) 3 months after initial receipt of assist-
11 ance shall consider only the income that the
12 household is receiving at the time of such re-
13 view; and

14 (C) the calculation of income performed
15 with respect to households receiving assistance
16 for arrearages shall consider only the income
17 that the household was receiving at the time
18 such arrearages were incurred.

19 (d) 3-YEAR AVAILABILITY.—

20 (1) IN GENERAL.—Each grantee of amounts
21 made available pursuant to subsection (a) shall—

22 (A) expend not less than 60 percent of
23 such grant amounts within 2 years of the date
24 that such funds became available to the grantee
25 for obligation; and

1 (B) expend 100 percent of such grant
2 amounts within 3 years of such date.

3 (2) REALLOCATION AFTER 2 YEARS.—The Sec-
4 retary may recapture any amounts not obligated in
5 compliance with paragraph (1)(A) and reallocate
6 such amounts to grantees in compliance with the
7 formula referred to in subsection (h)(1)(A).

8 (3) RESCISSION AND REALLOCATION OF
9 FUNDS.—Any amounts made available pursuant to
10 subsection (a) that are not expended by a grantee to
11 provide assistance in accordance with this section by
12 the deadline under paragraph (1)(B) shall be reallo-
13 cated by the Secretary as follows:

14 (A) Sixty-five percent shall be transferred
15 and credited to the Housing Trust Fund estab-
16 lished under section 1338 of the Federal Hous-
17 ing Enterprises Financial Safety and Sound-
18 ness Act of 1992 (12 U.S.C. 4568).

19 (B) Thirty-five percent shall be transferred
20 or credited to the Capital Magnet Fund estab-
21 lished under section 1339 of the Federal Hous-
22 ing Enterprises Financial Safety and Sound-
23 ness Act of 1992 (12 U.S.C. 4569).

24 (e) RENT RESTRICTIONS.—

1 (1) INAPPLICABILITY.—Section 576.106(d) of
2 title 24, Code of Federal Regulations, shall not
3 apply with respect to homelessness prevention assist-
4 ance made available with amounts made available
5 under subsection (a).

6 (2) AMOUNT OF RENTAL ASSISTANCE.—In pro-
7 viding homelessness prevention assistance with
8 amounts made available under subsection (a), the
9 maximum amount of rental assistance that may be
10 provided shall be the greater of—

11 (A) 120 percent of the higher of—

12 (i) the Fair Market Rent established
13 by the Secretary for the metropolitan area
14 or county; or

15 (ii) the applicable Small Area Fair
16 Market Rent established by the Secretary;
17 or

18 (B) such higher amount as the Secretary
19 shall determine is needed to cover market rents
20 in the area.

21 (f) SUBLEASES.—Notwithstanding the second sen-
22 tence of subsection (g) of section 576.106 of title 24 of
23 the Code of Federal Regulations, a program participant
24 may sublet, with rental assistance made available with
25 amounts made available pursuant to subsection (a) of this

1 section, a dwelling unit from a renter of the dwelling unit
2 if there is a legally binding, written lease agreement for
3 such sublease.

4 (g) HOUSING RELOCATION OR STABILIZATION AC-
5 TIVITIES.—A grantee of amounts made available pursuant
6 to subsection (a) may expend up to 25 percent of its allo-
7 cation for activities under section 415(a)(5) of the McKin-
8 ney-Vento Homeless Assistance Act (42 U.S.C.
9 11374(a)(5)), except that notwithstanding such section,
10 activities under such section may be provided only for indi-
11 viduals or families having incomes not exceeding 50 per-
12 cent of the area median income.

13 (h) ALLOCATION OF ASSISTANCE.—

14 (1) IN GENERAL.—In allocating amounts made
15 available pursuant to subsection (a), the Secretary
16 shall—

17 (A)(i) for any purpose authorized in this
18 section, allocate 2 percent of such amount for
19 Indian tribes and tribally designated housing
20 entities (as such terms are defined in section 4
21 of the Native American Housing Assistance and
22 Self-Determination Act of 1996 (25 U.S.C.
23 4103)) under the formula established pursuant
24 to section 302 of such Act (25 U.S.C. 4152),
25 except that 0.3 percent of the amount allocated

1 under this clause shall be allocated for the De-
2 partment of Hawaiian Home Lands; and

3 (ii) not later than 30 days after the date
4 of enactment of this Act, obligate and disburse
5 the amounts allocated pursuant to clause (i) in
6 accordance with such allocations and provide
7 such grantees with any necessary guidance for
8 use of the funds;

9 (B)(i) not later than 7 days after the date
10 of enactment of this Act and after setting aside
11 amounts under subparagraph (A), allocate 50
12 percent of any such remaining amounts under
13 the formula specified in subsections (a), (b),
14 and (e) of section 414 of the McKinney-Vento
15 Homeless Assistance Act (42 U.S.C. 11373)
16 for, and notify, each State, metropolitan city,
17 and urban county that is to receive a direct
18 grant of such amounts; and

19 (ii) not later than 30 days after the date
20 of enactment of this Act, obligate and disburse
21 the amounts allocated pursuant to clause (i) in
22 accordance with such allocations and provide
23 such grantees with any necessary guidance for
24 use of the funds; and

1 (C)(i) not later than 45 days after the date
2 of enactment of this Act, allocate any remaining
3 amounts for eligible grantees according to a for-
4 mula to be developed by the Secretary that
5 takes into consideration the formula referred to
6 in subparagraph (A) and the need for emer-
7 gency rental assistance under this section, in-
8 cluding the severe housing cost burden among
9 extremely low- and very low-income renters and
10 disruptions in housing and economic conditions,
11 including unemployment; and

12 (ii) not later than 30 days after the date
13 of the allocation of such amounts pursuant to
14 clause (i), obligate and disburse such amounts
15 in accordance with such allocations.

16 (2) ALLOCATIONS TO STATES.—

17 (A) IN GENERAL.—Notwithstanding sec-
18 tion 576.202(a) of title 24, Code of Federal
19 Regulations, a State recipient of an allocation
20 under this section may elect to administer up to
21 100 percent of its allocation to carry out activi-
22 ties eligible under this section.

23 (B) REQUIREMENT.—Any State recipient
24 making an election described in subparagraph
25 (A) shall serve households throughout the entire

1 State, including households in rural commu-
2 nities and small towns.

3 (3) ELECTION NOT TO ADMINISTER.—If a
4 grantee elects not to receive funds under this sec-
5 tion, such funds shall be allocated to the State re-
6 cipient in which the grantee is located.

7 (4) PARTNERSHIPS AND SUBGRANTEES.—A re-
8 cipient of a grant under this section may distribute
9 funds through one or more partnerships, sub-
10 grantees, or contracts with an entity, including a
11 public housing agency (as such term is defined in
12 section 3(b) of the United States Housing Act of
13 1937 (42 U.S.C. 1437a(b))), capable of carrying out
14 a program under this section.

15 (i) INAPPLICABILITY OF MATCHING REQUIRE-
16 MENT.—Subsection (a) of section 416 of the McKinney-
17 Vento Homeless Assistance Act (42 U.S.C. 11375(a))
18 shall not apply to any amounts made available pursuant
19 to subsection (a) of this section.

20 (j) REIMBURSEMENT OF ELIGIBLE ACTIVITIES.—
21 Amounts made available pursuant to subsection (a) may
22 be used by a grantee to reimburse expenditures incurred
23 for eligible activities under this section after March 27,
24 2020.

1 (k) PROHIBITION ON PREREQUISITES.—None of the
2 funds made available pursuant to this section may be used
3 to require any individual receiving assistance under the
4 program under this section to receive treatment or per-
5 form any other prerequisite activities as a condition for
6 receiving shelter, housing, or other services.

7 (l) WAIVERS AND ALTERNATIVE REQUIREMENTS.—

8 (1) IN GENERAL.—

9 (A) AUTHORITY.—In administering the
10 amounts made available pursuant to subsection
11 (a), the Secretary may waive, or specify alter-
12 native requirements for, any provision of any
13 statute or regulation that the Secretary admin-
14 isters in connection with the obligation by the
15 Secretary or the use by the recipient of such
16 amounts (except for requirements related to fair
17 housing, nondiscrimination, labor standards,
18 prohibition on prerequisites, data reporting, and
19 the environment unless otherwise provided
20 under this paragraph), if the Secretary finds
21 that good cause exists for the waiver or alter-
22 native requirement and such waiver or alter-
23 native requirement is necessary to expedite the
24 use of funds made available pursuant to this
25 section, to respond to public health orders or

1 conditions related to the COVID-19 emergency,
2 or to ensure that eligible individuals can attain
3 or maintain housing stability.

4 (B) REQUIRED WAIVER.—The Secretary
5 shall waive any regulatory requirements that re-
6 strict eligibility based upon prior receipt of as-
7 sistance under the program during the 3-year
8 period preceding the date of enactment of this
9 Act.

10 (C) PUBLIC NOTICE.—The Secretary shall
11 notify the public through the Federal Register
12 or other appropriate means of any waiver or al-
13 ternative requirement under this paragraph,
14 and that such public notice may be provided, at
15 a minimum, on the internet at the appropriate
16 Government website or through other electronic
17 media, as determined by the Secretary.

18 (2) PUBLIC HEARINGS.—

19 (A) INAPPLICABILITY OF IN-PERSON HEAR-
20 ING REQUIREMENTS DURING THE COVID-19
21 EMERGENCY.—

22 (i) IN GENERAL.—A grantee under
23 this section shall not be required to hold
24 in-person public hearings in connection
25 with its citizen participation plan, but shall

1 provide citizens with notice, including pub-
2 lication of its plan for carrying out this
3 section on the internet, and a reasonable
4 opportunity to comment of not less than 5
5 days.

6 (ii) RESUMPTION OF IN-PERSON
7 HEARING REQUIREMENTS.—After the pe-
8 riod beginning on the date of enactment of
9 this Act and ending on the date of the ter-
10 mination by the Federal Emergency Man-
11 agement Agency of the emergency declared
12 on March 13, 2020, by the President
13 under the Robert T. Stafford Disaster Re-
14 lief and Emergency Assistance Act (42
15 U.S.C. 4121 et seq.) relating to the
16 Coronavirus Disease 2019 (COVID-19)
17 pandemic, and after the period described
18 in subparagraph (B), the Secretary shall
19 direct grantees under this section to re-
20 sume pre-crisis public hearing require-
21 ments.

22 (B) VIRTUAL PUBLIC HEARINGS.—

23 (i) IN GENERAL.—During the period
24 that national or local health authorities
25 recommend social distancing and limiting

1 public gatherings for public health reasons,
2 a grantee may fulfill applicable public
3 hearing requirements for all grants from
4 funds made available pursuant to this sec-
5 tion by carrying out virtual public hear-
6 ings.

7 (ii) REQUIREMENTS.—Any virtual
8 hearings held under clause (i) by a grantee
9 under this section shall provide reasonable
10 notification and access for citizens in ac-
11 cordance with the grantee’s certifications,
12 timely responses from local officials to all
13 citizen questions and issues, and public ac-
14 cess to all questions and responses.

15 (m) DEVELOPMENT AND SUBMISSION OF PLANS.—

16 (1) RESUBMISSION OF PLANS.—A recipient of
17 funds made available pursuant to this section may
18 revise and resubmit its plan for executing a program
19 or programs under this section to the Secretary at
20 any time during the first 180 days of initiating the
21 program.

22 (2) CONSULTATION.—In developing a plan to
23 carry out this section, each recipient of funds made
24 available pursuant to this section shall consult with
25 the applicable continuum or continuums of care for

1 the geographic area served by the recipient and or-
2 ganizations representing underserved communities
3 and populations and organizations with expertise in
4 affordable housing.

5 (n) ADMINISTRATION.—

6 (1) BY SECRETARY.—Of any amounts made
7 available pursuant to subsection (a)—

8 (A) not more than the lesser of 0.5 per-
9 cent, or \$15,000,000, may be used by the Sec-
10 retary for staffing, training, technical assist-
11 ance, technology, monitoring, research, and
12 evaluation activities necessary to carry out the
13 program carried out under this section, and
14 such amounts shall remain available until Sep-
15 tember 30, 2024; and

16 (B) not more than \$2,000,000 shall be
17 available to the Office of the Inspector General
18 for audits and investigations of the program au-
19 thorized under this section.

20 (2) BY RECIPIENTS.—Subsection (a) of section
21 576.108 of title 24 of the Code of Federal Regula-
22 tions shall be applied, with respect to amounts made
23 available pursuant to this section, by substituting
24 “10” for “7.5”.

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