

Union Calendar No. 191

109TH CONGRESS
1ST SESSION

H. R. 3422

[Report No. 109-342]

To amend the United States Housing Act of 1937 to exempt small public housing agencies from the requirement of preparing an annual public housing agency plan.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2005

Mr. NEUGEBAUER introduced the following bill; which was referred to the Committee on Financial Services

DECEMBER 13, 2005

Additional sponsors: Mr. PAUL and Mr. PETERSON of Minnesota

DECEMBER 13, 2005

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend the United States Housing Act of 1937 to exempt small public housing agencies from the requirement of preparing an annual public housing agency plan.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Small Public Housing
3 Authority Act”.

4 **SEC. 2. PUBLIC HOUSING AGENCY PLANS FOR CERTAIN**
5 **SMALL PUBLIC HOUSING AGENCIES.**

6 Section 5A(b) of the United States Housing Act of
7 1937 (42 U.S.C. 1437e–1(b)) is amended by adding at
8 the end the following new paragraph:

9 “(3) EXEMPTION OF CERTAIN SMALL PHAS
10 FROM FILING REQUIREMENT.—

11 “(A) IN GENERAL.—Notwithstanding para-
12 graph (1) or any other provision of this Act—

13 “(i) the requirement under paragraph
14 (1) shall not apply to any qualified small
15 public housing agency; and

16 “(ii) any reference in this section or
17 any other provision of law to a ‘public
18 housing agency’ shall not be considered to
19 refer to any qualified small public housing
20 agency; to the extent such reference ap-
21 plies to the requirement to submit a public
22 housing agency plan under this subsection.

23 “(B) DEFINITION.—For purposes of this
24 paragraph, the term ‘qualified small public
25 housing agency’ means a public housing agency
26 that meets all of the following requirements:

1 “(i) The sum of (I) the number of
2 public housing dwelling units administered
3 by the agency, and (II) the number of
4 vouchers under section 8(o) of the United
5 States Housing Act of 1937 (42 U.S.C.
6 1437f(o)) administered by the agency, is
7 250 or fewer.

8 “(ii) The agency is not designated
9 pursuant to section 6(j)(2) as a troubled
10 public housing agency.

11 “(iii) The agency provides assurances
12 satisfactory to the Secretary that notwith-
13 standing the inapplicability of the require-
14 ments under this section relating to resi-
15 dent advisory boards and public hearings
16 and notice, residents of public housing ad-
17 ministered by the agency will have an ade-
18 quate and comparable opportunity for par-
19 ticipation and notice regarding establish-
20 ment of the goals, objectives, and policies
21 of the public housing agency.”.

22 **SECTION 1. SHORT TITLE.**

23 *This Act may be cited as the “Small Public Housing*
24 *Authority Act”.*

1 **SEC. 2. PUBLIC HOUSING AGENCY PLANS FOR CERTAIN**
2 **SMALL PUBLIC HOUSING AGENCIES.**

3 (a) *IN GENERAL.*—Section 5A(b) of the United States
4 Housing Act of 1937 (42 U.S.C. 1437c–1(b)) is amended
5 by adding at the end the following new paragraph:

6 “(3) *EXEMPTION OF CERTAIN SMALL PHAS FROM*
7 *FILING REQUIREMENT.*—

8 “(A) *IN GENERAL.*—Notwithstanding para-
9 graph (1) or any other provision of this Act—

10 “(i) the requirement under paragraph
11 (1) shall not apply to any qualified small
12 public housing agency; and

13 “(ii) except as provided in subsection
14 (e)(4)(B), any reference in this section or
15 any other provision of law to a ‘public
16 housing agency’ shall not be considered to
17 refer to any qualified small public housing
18 agency, to the extent such reference applies
19 to the requirement to submit an annual
20 public housing agency plan under this sub-
21 section.

22 “(B) *CIVIL RIGHTS CERTIFICATION.*—Not-
23 withstanding that qualified small public housing
24 agencies are exempt pursuant to subparagraph
25 (A) from the requirement under this section to
26 prepare and submit an annual public housing

1 *plan, each qualified small public housing agency*
2 *shall, on an annual basis, make the certification*
3 *described in paragraph (15) of subsection (d) of*
4 *this section, except that for purposes of such*
5 *small public housing agencies, such paragraph*
6 *shall be applied by substituting ‘the public hous-*
7 *ing program of the agency’ for ‘the public hous-*
8 *ing agency plan’.*

9 “(C) *DEFINITION.*—*For purposes of this sec-*
10 *tion, the term ‘qualified small public housing*
11 *agency’ means a public housing agency that*
12 *meets all of the following requirements:*

13 “(i) *The sum of (I) the number of pub-*
14 *lic housing dwelling units administered by*
15 *the agency, and (II) the number of vouchers*
16 *under section 8(o) of the United States*
17 *Housing Act of 1937 (42 U.S.C. 1437f(o))*
18 *administered by the agency, is 250 or fewer.*

19 “(ii) *The agency is not designated pur-*
20 *suant to section 6(j)(2) as a troubled public*
21 *housing agency.”.*

22 (b) *RESIDENT PARTICIPATION.*—*Section 5A of the*
23 *United States Housing Act of 1937 (42 U.S.C. 1437c–1)*
24 *is amended—*

1 (1) *in subsection (e), by inserting after para-*
2 *graph (3) the following:*

3 “(4) *QUALIFIED SMALL PUBLIC HOUSING AGEN-*
4 *CIES.—*

5 “(A) *IN GENERAL.—Except as provided in*
6 *subparagraph (B), nothing in this section may*
7 *be construed to exempt a qualified small public*
8 *housing agency from the requirement under*
9 *paragraph (1) to establish one or more resident*
10 *advisory boards. Notwithstanding that qualified*
11 *small public housing agencies are exempt pursu-*
12 *ant to subsection (b)(3)(A) from the requirement*
13 *under this section to prepare and submit an an-*
14 *ual public housing plan, each qualified small*
15 *public housing agency shall consult with, and*
16 *consider the recommendations of the resident ad-*
17 *visory boards for the agency, in any determina-*
18 *tions and actions of the agency regarding estab-*
19 *lishing goals, objectives, and policies of the agen-*
20 *cy.*

21 “(B) *APPLICABILITY OF WAIVER AUTHOR-*
22 *ITY.—Paragraph (3) shall apply to qualified*
23 *small public housing agencies, except that for*
24 *purposes of such small public housing agencies,*
25 *subparagraph (B) of such paragraph shall be ap-*

1 plied by substituting ‘the functions described in
2 the second sentence of paragraph (4)(A)’ for ‘the
3 functions described in paragraph (2)’.

4 “(f) *PUBLIC HEARINGS.*—”; and

5 (2) in subsection (f) (as so designated by the
6 amendment made by paragraph (1) of this sub-
7 section), by adding at the end the following new para-
8 graph:

9 “(5) *QUALIFIED SMALL PUBLIC HOUSING AGEN-*
10 *CIES.*—

11 “(A) *REQUIREMENT.*—Notwithstanding that
12 qualified small public housing agencies are ex-
13 empt pursuant to subsection (b)(3)(A) from the
14 requirement under this section to conduct a pub-
15 lic hearing regarding the annual public housing
16 plan of the agency, each qualified small public
17 housing agency shall, not less than annually,
18 conduct a public hearing to discuss the goals, ob-
19 jectives, and policies of the agency, and any
20 changes to such goals, objectives, and policies,
21 and to invite public comment regarding such
22 issues.

23 “(B) *AVAILABILITY OF INFORMATION AND*
24 *NOTICE.*—Not later than 45 days before the date

1 *of such a hearing, the qualified small public*
2 *housing agency shall—*

3 “(i) *make all information relevant to*
4 *the hearing and any determinations of the*
5 *agency regarding the goals, objectives, and*
6 *policies of the agency to be considered at the*
7 *hearing available for inspection by the pub-*
8 *lic at the principal office of the public hous-*
9 *ing agency during normal business hours;*
10 *and*

11 “(ii) *publish a notice informing the*
12 *public that (I) the information is available*
13 *as required under clause (i), and (II) a*
14 *public hearing under subparagraph (A) will*
15 *be conducted.”.*

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