

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4143

To authorize the Secretary of Housing and Urban Development to make grants to nonprofit community organizations for the development of open space on municipally owned vacant lots in urban areas.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 1994

Mrs. MALONEY (for herself, Mr. SCHUMER, Mr. KLEIN, Mr. DEUTSCH, Mr. GUTIERREZ, Mr. FOGLIETTA, Mr. TOWNS, Mr. OWENS, Mr. NADLER, Mr. PAYNE of New Jersey, Mr. SCOTT, Mr. FILNER, Mr. LIPINSKI, Mr. MENENDEZ, and Mr. HILLIARD) introduced the following bill; which was referred to the Committee on Banking, Finance and Urban Affairs

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## A BILL

To authorize the Secretary of Housing and Urban Development to make grants to nonprofit community organizations for the development of open space on municipally owned vacant lots in urban areas.

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 “Revitalizing Cities  
5       Through Parks Enhancement Act”.

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

7       The Congress finds that—

1           (1) open spaces and community parks are a  
2 critically important portion of urban infrastructure;

3           (2) many inner-city areas suffer from a lack of  
4 public open space for community residents to use for  
5 recreation, social interaction, and relief from dense  
6 urban conditions;

7           (3) vacant lots, many in public ownership as a  
8 result of tax foreclosures, are common in inner-city  
9 areas;

10          (4) the recent economic recession substantially  
11 increased the number of such vacant lots;

12          (5) such lots often become drug trafficking  
13 areas, thereby decreasing the value of surrounding  
14 property and leading to higher crime rates in inner-  
15 city areas; and

16          (6) the refurbishment of such lots, by removing  
17 garbage and rubble and creating well-lighted and  
18 maintained open spaces and community parks,  
19 would establish positive assets for surrounding com-  
20 munities, provide positive outlets for community  
21 youth, increase property values, make other types of  
22 investment in the communities more attractive, and  
23 generally improve the quality of life for residents of  
24 the affected communities.

1 **SEC. 3. AUTHORITY TO MAKE GRANTS.**

2 (a) IN GENERAL.—The Secretary of Housing and  
3 Urban Development shall, to the extent amounts are pro-  
4 vided in appropriation Acts pursuant to section 13, make  
5 grants under this Act to qualified community organiza-  
6 tions for establishment of community open space in urban  
7 areas.

8 (b) AMOUNT.—The aggregate amount of any grants  
9 made under this Act to any single qualified community  
10 organization in any single fiscal year may not exceed  
11 \$250,000.

12 **SEC. 4. QUALIFIED COMMUNITY ORGANIZATIONS.**

13 A grant under this Act may be made only to a non-  
14 profit organization that—

15 (1) has among its purposes significant activities  
16 related to the improvement of the neighborhood,  
17 community, or city in which any property that is to  
18 be assisted with the grant under this Act is located;

19 (2) has a history of serving such neighborhood,  
20 community, or city;

21 (3) maintains, through significant representa-  
22 tion on the organization's governing board and oth-  
23 erwise, accountability to residents of such neighbor-  
24 hood, community, or city; and

25 (4) complies with such standards of financial  
26 accountability as the Secretary may require.

1 **SEC. 5. USE OF GRANT AMOUNTS.**

2 (a) ELIGIBLE ACTIVITIES.—Amounts from a grant  
3 made under this Act may be used by the recipient of the  
4 grant only for costs relating to the establishment of com-  
5 munity open space, as follows:

6 (1) To develop eligible municipal real property  
7 for use as community open space, which shall in-  
8 clude design, clearance, demolition, removal, beau-  
9 tification, site improvements, and construction or in-  
10 stallation of facilities and improvements for such  
11 property.

12 (2) To lease or otherwise obtain the use of eligi-  
13 ble municipal real property for establishment of  
14 community open space.

15 (3) To maintain community open space.

16 (4) To cover other administrative costs related  
17 to the establishment, development, maintenance, ad-  
18 ministration, or management of the community open  
19 space, except that not more than 10 percent of any  
20 single grant made under this Act may be used for  
21 costs under this paragraph.

22 (b) DEVELOPMENT PLAN REQUIREMENT.—Amounts  
23 from a grant made under this Act may be used by the  
24 recipient of a grant only to carry out activities under sub-  
25 section (a) that are described in the development plan of  
26 the recipient approved by the Secretary under section 7

1 or that are described in an amendment to the development  
2 plan approved by the Secretary under section 9.

3 (c) COMMUNITY INVOLVEMENT REQUIREMENTS.—A  
4 qualified community organization that applies for a grant  
5 under this Act shall provide for involvement by interested  
6 residents and organizations of the neighborhood, commu-  
7 nity, or city in which the property to be assisted under  
8 plan is located in—

9 (1) establishing the development plan under  
10 section 7(b), which shall include—

11 (A) making the proposed development plan  
12 available in a manner that, in the determination  
13 of the Secretary, provides interested parties a  
14 reasonable opportunity to examine its content  
15 and to submit comments on the proposed plan;  
16 and

17 (B) holding one or more public hearings to  
18 obtain the views of interested parties regarding  
19 the proposed plan; and

20 (2) carrying out activities under the develop-  
21 ment plan, if the qualified community organization  
22 is a recipient.

1 **SEC. 6. ELIGIBLE MUNICIPAL REAL PROPERTY.**

2 Amounts from a grant under this Act may be used  
3 for costs under section 5(a) relating to the establishment  
4 of community open space only on real property that—

5 (1) is owned in fee simple by the unit of general  
6 local government in which the property is located;

7 (2) is located in an urban area;

8 (3) is free of structures; and

9 (4) is subject to a binding commitment, entered  
10 into by the unit of general local government that  
11 owns the property and the eligible community orga-  
12 nization receiving the grant, that makes the property  
13 available for use and improvement under this Act as  
14 community open space for a period of not less than  
15 7 years.

16 **SEC. 7. APPLICATION AND DEVELOPMENT PLAN.**

17 (a) IN GENERAL.—The Secretary shall provide for  
18 nonprofit organizations to submit applications to the Sec-  
19 retary for grants under this Act in such form and manner  
20 as the Secretary may require to carry out the purposes  
21 of this Act.

22 (b) DEVELOPMENT PLAN.—The Secretary shall re-  
23 quire each application to include a detailed plan for the  
24 use of any amounts received from a grant under this Act,  
25 which shall include—

1           (1) a description of any eligible municipal prop-  
2           erty that is to be established as community open  
3           space using such grant amounts;

4           (2) evidence of the ownership of the eligible mu-  
5           nicipal property and the binding commitment re-  
6           quired under section 6(4) for the property;

7           (3) a description of the nonprofit organization  
8           applying for the grant that is sufficient to allow the  
9           Secretary to determine whether such organization is  
10          a qualified community organization;

11          (4) a description of the activities under section  
12          5(a) to be conducted with amounts from the grant;

13          (5) evidence of any commitments to make as-  
14          sistance (other than assistance under this Act) avail-  
15          able for use in developing or maintaining the com-  
16          munity open space;

17          (6) a description of the need for community  
18          open space in the neighborhood or community in  
19          which the eligible municipal property is located;

20          (7) a description of how the nonprofit organiza-  
21          tion will provide for the maintenance of the commu-  
22          nity open space;

23          (8) a description of the community participation  
24          involved (pursuant to section 5(c)) in establishing  
25          the plan, and the provisions made (pursuant to such

1 section) for community participation in developing,  
2 maintaining, administering, and managing the com-  
3 munity open space;

4 (9) a budget specifying all of the estimated  
5 costs relating to the project to establish and main-  
6 tain the community open space; and

7 (10) any other information the Secretary con-  
8 siders appropriate to carry out this Act.

9 **SEC. 8. SELECTION AND GRANT AGREEMENTS.**

10 (a) SELECTION.—From among the applications sub-  
11 mitted under section 7, the Secretary shall select qualified  
12 community organizations to receive grants under this Act  
13 pursuant to a competitive selection process. The Secretary  
14 shall review all applications received and may select only  
15 applications containing development plans that the Sec-  
16 retary approves as feasible and cost-effective pursuant to  
17 the competitive selection process.

18 (b) SELECTION CRITERIA.—The competitive selection  
19 process referred to in subsection (a) shall be based upon  
20 selection criteria, which shall include—

21 (1) the extent of community involvement in the  
22 establishment, development, maintenance, adminis-  
23 tration, or management of the community open  
24 space;

1           (2) the extent of need for community open  
2 space in the neighborhood or community in which  
3 the eligible municipal property is located;

4           (3) the extent to which the development plan  
5 for the community open space limits administrative  
6 and management costs relating to the community  
7 open space; and

8           (4) the extent to which commitments have been  
9 made providing assistance (other than assistance  
10 under this Act) for use in establishing, developing,  
11 maintaining, administering, or managing the com-  
12 munity open space.

13       (c) GRANT AGREEMENTS.—The Secretary shall enter  
14 into agreements with each qualified community organiza-  
15 tion selected to receive a grant under this section as the  
16 Secretary considers necessary to ensure that amounts pro-  
17 vided under the grant are used in accordance with the re-  
18 quirements of this Act to carry out the development plan  
19 approved under section 7 and any amendments to such  
20 plan approved under section 9.

21 **SEC. 9. AMENDMENTS TO DEVELOPMENT PLANS.**

22       The Secretary shall provide for recipients to submit  
23 amendments to development plans to the Secretary and  
24 for the Secretary to review, and approve or disapprove,  
25 such amendments.

1 **SEC. 10. REPORTS.**

2 (a) **RECIPIENTS.**—The Secretary may require each  
3 recipient to submit to the Secretary such reports as the  
4 Secretary considers appropriate to determine whether the  
5 recipient is carrying out the development plan for any  
6 community open space for which the grant was made and  
7 is complying with the provisions of this Act and any agree-  
8 ments entered into under section 8(c).

9 (b) **SECRETARY.**—The Secretary shall submit a re-  
10 port to the Congress not less than annually describing the  
11 grants made under this Act, the recipients of the grants,  
12 and the community open space provided with such grant  
13 amounts.

14 **SEC. 11. DEFINITIONS.**

15 For purposes of this Act, the following definitions  
16 shall apply:

17 (1) **COMMUNITY OPEN SPACE.**—The term  
18 “community open space” means a parcel of real  
19 property that is used for open space, park, play-  
20 ground, garden, or other recreational or other simi-  
21 lar purposes and is generally open to and available  
22 for use by the public.

23 (2) **NONPROFIT ORGANIZATION.**—The term  
24 “nonprofit organization” means a private organiza-  
25 tion that—

1 (A) is organized under State or local laws;  
2 and

3 (B) has no part of its net earnings inuring  
4 to the benefit of any member, shareholder,  
5 founder, contributor, or individual.

6 (3) QUALIFIED COMMUNITY ORGANIZATION.—  
7 The term “qualified community organization” means  
8 a nonprofit organization that complies with the re-  
9 quirements under section 4 to be eligible to receive  
10 a grant under this Act.

11 (4) RECIPIENT.—The term “recipient” means a  
12 qualified community organization that receives a  
13 grant under this Act.

14 (5) URBAN AREA.—The term “urban area”  
15 means—

16 (A) a city within a standard metropolitan  
17 statistical area (as established by the Office of  
18 Management and Budget) which is the central  
19 city of such area (as defined and used by such  
20 Office); or

21 (B) a city within such a standard metro-  
22 politan statistical area which has a population  
23 of 50,000 or more.

24 (6) SECRETARY.—The term “Secretary” means  
25 the Secretary of Housing and Urban Development.

1 (7) UNIT OF GENERAL LOCAL GOVERNMENT.—

2 The term “unit of general local government” means  
3 any city, town, township, county, parish, village, or  
4 other general purpose political subdivision of a  
5 State.

6 (8) STATE.—The term “State” means the  
7 States of the United States, the District of Colum-  
8 bia, the Commonwealth of Puerto Rico, the Com-  
9 monwealth of the Northern Mariana Islands, Guam,  
10 the Virgin Islands, American Samoa, and any other  
11 territory or possession of the United States.

12 **SEC. 12. REGULATIONS.**

13 The Secretary shall issue any regulations necessary  
14 to carry out this Act.

15 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

16 There is authorized to be appropriated for grants  
17 under this Act \$10,000,000 for fiscal year 1995 and  
18 \$10,000,000 for fiscal year 1996.

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