

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

# H. R. 4165

To amend the United States Housing Act of 1937 to authorize the Secretary of Housing and Urban Development to enter into contracts with high-performing public housing agencies to provide for the development of public housing in a manner that eliminates time-consuming interim review procedures otherwise required.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 12, 1994

Mr. BEREUTER introduced the following bill; which was referred to the Committee on Banking, Finance and Urban Affairs

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## A BILL

To amend the United States Housing Act of 1937 to authorize the Secretary of Housing and Urban Development to enter into contracts with high-performing public housing agencies to provide for the development of public housing in a manner that eliminates time-consuming interim review procedures otherwise required.

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 “Public Housing Devel-  
5 opment Reform Amendments”.

1 **SEC. 2. AUTHORITY TO PROVIDE BY CONTRACT FOR ELIMI-**  
2 **NATION OF REVIEW PROCESS.**

3 Section 6 of the United States Housing Act of 1937  
4 (42 U.S.C. 1437d) is amended by inserting after sub-  
5 section (e) the following new subsection:

6 “(f) AUTHORITY TO ELIMINATE INTERIM REVIEW IN  
7 DEVELOPMENT PROCESS FOR HIGH-PERFORMING  
8 PHA’S.—

9 “(1) AUTHORITY.—In any contract for con-  
10 tributions to cover the development or acquisition  
11 cost of a public housing project by a public housing  
12 agency that the Secretary determines is complying  
13 with the management performance standards estab-  
14 lished under subsection (j) in an exemplary manner,  
15 the Secretary may include provisions described  
16 under paragraph (2).

17 “(2) EXEMPTION FROM QUALIFIED DEVELOP-  
18 MENT REQUIREMENTS.—The contract provisions re-  
19 ferred to in paragraph (1) are provisions that ex-  
20 empt the public housing project assisted under the  
21 contract from review (by the Secretary or any field  
22 or area office of the Department of Housing and  
23 Urban Development) for compliance with qualified  
24 development requirements or from any requirement  
25 for approval (by the Secretary or any such office)  
26 with such requirements, only during the period that

1 ends upon completion of the development or acqui-  
2 sition or at such other time occurring before comple-  
3 tion, as may be agreed to by the Secretary and the  
4 public housing agency.

5 “(3) REMEDIES.—Each contract for contribu-  
6 tions that includes provisions described under para-  
7 graph (2) shall include such additional provisions as  
8 the Secretary considers necessary to ensure that,  
9 upon completion of development or acquisition, the  
10 public housing project assisted under the contract  
11 complies with the qualified development require-  
12 ments, which may include provisions—

13 “(A) authorizing the imposition of civil  
14 monetary penalties against the public housing  
15 agency if the Secretary determines, on the  
16 record after notice and opportunity for a hear-  
17 ing in accordance with section 553 of title 5,  
18 United States Code, that the public housing  
19 project does not comply with the qualified devel-  
20 opment requirements regarding site or neigh-  
21 borhood standards or environmental require-  
22 ments, except that the amount of such penalties  
23 may not exceed \$10,000 for each such failure  
24 to comply and the sum of the penalties imposed  
25 against any public housing agency with respect

1 to public housing developed or acquired pursu-  
2 ant to any single contract for contributions may  
3 not exceed \$1,000,000;

4 “(B) requiring specific performance suffi-  
5 cient to correct any noncompliance and estab-  
6 lishing deadlines for such specific performance;

7 “(C) authorizing the Secretary to withhold  
8 payments (or portions of payments) to be made  
9 under the contract upon completion of develop-  
10 ment or acquisition (or after the expiration of  
11 the period established under the contract pursu-  
12 ant to paragraph (2)) to cover the actual devel-  
13 opment cost of the project until the project  
14 complies with qualified development require-  
15 ments;

16 “(D) authorizing the Secretary to withhold  
17 assistance for the operation of the project until  
18 the project complies with qualified development  
19 requirements; and

20 “(E) specifying any other lawful remedy  
21 agreed to by the Secretary and the public hous-  
22 ing agency.

23 “(4) DEFINITION OF ‘QUALIFIED DEVELOP-  
24 MENT REQUIREMENTS’.—For purposes of this sub-  
25 section, the term ‘qualified development require-

1       ments’ means requirements or standards under law,  
2       or established pursuant to law by the Secretary, re-  
3       garding the development or acquisition of public  
4       housing, which shall include site and neighborhood  
5       standards, design and construction standards, cost  
6       guidelines, environmental requirements, zoning com-  
7       pliance, selection of utilities, and such other require-  
8       ments or standards as the Secretary may provide.

9           “(5) RULE OF CONSTRUCTION.—This sub-  
10       section may not be construed to waive, alter, annul,  
11       exempt, or affect the applicability of any qualified  
12       development requirements to any public housing  
13       project after the expiration of the period established  
14       under the contract for the project pursuant to para-  
15       graph (2).”.

16 **SEC. 3. CONSTRUCTION COMMENCEMENT REQUIREMENTS.**

17       Section 5(k) of the United States Housing Act of  
18       1937 (42 U.S.C. 1437c(k)) is amended by adding at the  
19       end the following new sentence: “A contract for contribu-  
20       tions for development or acquisition of a public housing  
21       project that includes provisions authorized under sub-  
22       section 6(f) may waive or alter the applicability of the re-  
23       quirements under this subsection with respect to the pub-  
24       lic housing project.”.

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