

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2069
OFFERED BY MR. DUFFY OF WISCONSIN**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Fostering Stable Hous-
3 ing Opportunities Act of 2018”.

4 SEC. 2. DEFINITION OF FAMILY.

5 Subparagraph (A) of section 3(b)(3) of the United
6 States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(A))
7 is amended—

8 (1) in the first sentence—

9 (A) by striking “(v)” and inserting “(vi)”;

10 and

11 (B) by inserting after “tenant family,” the
12 following: “(v) a child who is in foster care and
13 has attained an age such that the provision of
14 foster care for such child will end by reason of
15 the age of the child within 6 months,”; and

16 (2) in the second sentence, by inserting “or
17 (vi)” after “clause (v)”.

1 **SEC. 3. PRIORITY FOR PUBLIC HOUSING OCCUPANCY AND**
2 **SECTION 8 ASSISTANCE.**

3 (a) PUBLIC HOUSING.—Subparagraph (A) of section
4 6(c)(4) of the United States Housing Act of 1937 (42
5 U.S.C. 1437d(c)(4)(A)) is amended—

6 (1) by striking “may establish a system for
7 making dwelling units available that provides pref-
8 erences” and inserting the following: “shall establish
9 a system for making dwelling units available that—

10 “(i) shall provide preferences”;

11 (2) by striking “each system of preferences es-
12 tablished pursuant to this subparagraph shall be
13 based” and inserting the following:

14 “(ii) except as provided in clause (iii),
15 shall be based”;

16 (3) by adding at the end the following new
17 clause:

18 “(iii) except for projects or portions of
19 projects designated for occupancy pursuant
20 to section 7(a), shall provide that the high-
21 est preference for occupancy shall be given
22 to otherwise eligible children who are in
23 foster care, have attained an age such that
24 the provision of foster care for such child
25 will end by reason of the age of the child
26 within 6 months, meet the requirements

1 under clauses (i) and (ii) of paragraph (1)
2 of the definition of ‘at risk of homeless-
3 ness’ in section 91.5 of the Secretary’s reg-
4 ulations (24 C.F.R. 91.5), as in effect on
5 September 1, 2016, and have agreed to
6 comply with the requirements under sec-
7 tion 39(c); and

8 “(iv) may provide highest preference
9 for occupancy to, in addition to eligible
10 children described in clause (iii), not more
11 than two other types of families.”.

12 (b) VOUCHER ASSISTANCE.—Subparagraph (A) of
13 section 8(o)(6) of the United States Housing Act of 1937
14 (42 U.S.C. 1437f(o)(6)(A)) is amended—

15 (1) in clause (i), by striking “may” and insert-
16 ing “shall”;

17 (2) by redesignating clause (ii) as clause (iii);

18 (3) by inserting before clause (iii), as so reded-
19 icated by paragraph (1) of this subsection, the fol-
20 lowing new clause:

21 “(ii) HIGHEST PREFERENCE.—Each
22 system of preferences established pursuant
23 to this subparagraph—

24 “(I) shall provide that the high-
25 est preference for assistance shall be

1 given to otherwise eligible children
2 who are in foster care, have attained
3 an age such that the provision of fos-
4 ter care for such child will end by rea-
5 son of the age of the child within 6
6 months, meet the requirements under
7 clauses (i) and (ii) of paragraph (1) of
8 the definition of ‘at risk of homeless-
9 ness’ in section 91.5 of the Sec-
10 retary’s regulations (24 C.F.R. 91.5),
11 as in effect on September 1, 2016,
12 and have agreed to comply with the
13 requirements under section 39(c); and
14 “(II) may provide highest pref-
15 erence for assistance to, in addition to
16 eligible children described in subclause
17 (I), not more than two other types of
18 eligible families.”; and

19 (4) in clause (iii), as so redesignated by para-
20 graph (2) of this subsection, by striking “Each sys-
21 tem” and inserting “Except as provided in clause
22 (ii)(I), each system”.

23 (c) PHA PROJECT-BASED VOUCHER ASSISTANCE.—
24 Subparagraph (J) of section 8(o)(13) of the United States

1 Housing Act of 1937 (42 U.S.C. 1437f(o)(13)(J)) is
2 amended—

3 (1) by striking “(J) TENANT SELECTION.—A
4 public” and inserting the following:

5 “(J) TENANT SELECTION.—

6 “(i) SELECTION AND ELIGIBILITY.—A
7 public”;

8 (2) by striking “The agency or owner may es-
9 tablish preferences or criteria for selection for a unit
10 assisted under this section that” and inserting the
11 following:

12 “(ii) PREFERENCES FOR OCCU-
13 PANCY.—The agency or owner shall estab-
14 lish a system of preferences or criteria for
15 selection for a unit assisted under this sec-
16 tion that—

17 “(I) shall provide that the high-
18 est preference shall be given to other-
19 wise eligible children who are in foster
20 care, have attained an age such that
21 the provision of foster care for such
22 child will end by reason of the age of
23 the child within 6 months, meet the
24 requirements under clauses (i) and (ii)
25 of paragraph (1) of the definition of

1 ‘at risk of homelessness’ in section
2 91.5 of the Secretary’s regulations
3 (24 C.F.R. 91.5), as in effect on Sep-
4 tember 1, 2016, and have agreed to
5 comply with the requirements under
6 section 39(c); and

7 “(II) may provide highest pref-
8 erence to, in addition to eligible chil-
9 dren described in subclause (I), not
10 more than two other types of eligible
11 families; and

12 “(III) except as provided under
13 subclause (I),”; and

14 (3) by striking “Any family that” and inserting
15 the following:

16 “(iii) WAITING LISTS.—Any family
17 that”.

18 (d) PROJECT-BASED SECTION 8 RENTAL ASSIST-
19 ANCE.—Subparagraph (A) of section 8(d)(1) of the
20 United States Housing Act of 1937 (42 U.S.C.
21 1437f(d)(1)(A)) is amended—

22 (1) by striking “except that with respect” and
23 inserting the following: “except that—

24 “(i) with respect to assisted dwelling
25 units in a project assisted with project-

1 based assistance under this section, the
2 tenant selection criteria used by the
3 owner—

4 “(I) shall provide that the high-
5 est preference shall be given to other-
6 wise eligible children who are in foster
7 care, have attained an age such that
8 the provision of foster care for such
9 child will end by reason of the age of
10 the child within 6 months, meet the
11 requirements under clauses (i) and (ii)
12 of paragraph (1) of the definition of
13 ‘at risk of homelessness’ in section
14 91.5 of the Secretary’s regulations
15 (24 C.F.R. 91.5), as in effect on Sep-
16 tember 1, 2016, and have agreed to
17 comply with the requirements under
18 section 39(c); and

19 “(II) may provide highest pref-
20 erence to, in addition to eligible chil-
21 dren described in subclause (I), not
22 more than two other types of eligible
23 families; and

24 “(ii) with respect”; and

1 (2) by inserting “who are not eligible for high-
2 est preference pursuant to clause (i)(I)” after “to be
3 assisted”.

4 (e) TERMS AND CONDITIONS ON PRIORITY.—Title I
5 of the United States Housing Act of 1937 (42 U.S.C.
6 1437 et seq.) is amended by adding at the end the fol-
7 lowing new section:

8 **“SEC. 39. TERMS AND CONDITIONS ON PREFERENCE FOR**
9 **ASSISTANCE FOR CHILDREN AGING OUT OF**
10 **FOSTER CARE.**

11 “(a) PREFERENCE.—For purposes of this section,
12 the term ‘preference for housing assistance’ means pref-
13 erence, for an otherwise eligible child in foster care, for—

14 “(1) occupancy in a public housing dwelling
15 unit, pursuant to section 6(c)(4)(A)(iii);

16 “(2) tenant-based assistance under section 8(o),
17 pursuant to paragraph (6)(A)(ii)(I) of such section;

18 “(3) project-based assistance under section
19 8(o)(13), pursuant to subparagraph (J)(ii)(I) of
20 such section; and

21 “(4) occupancy in a dwelling unit in a project
22 assisted with project-based assistance under section
23 8, pursuant to subsection (d)(1)(A)(i)(I) of such sec-
24 tion.

1 “(b) EARLY APPLICATION FOR ASSISTANCE.—Not-
2 withstanding the period during which a preference for
3 housing assistance is provided for a person, an otherwise
4 eligible person may apply for such occupancy or assistance
5 at any time after such person attains 16 years of age.

6 “(c) REQUIREMENT FOR EDUCATION OR TRAIN-
7 ING.—

8 “(1) REQUIREMENT.—Except as provided in
9 paragraph (2), each person occupying a dwelling
10 unit pursuant to a preference for housing assistance
11 shall, not later than 30 months after such initial oc-
12 cupancy, comply with the requirements under one of
13 the following subparagraphs, as selected by the pub-
14 lic housing agency for or project owner of the as-
15 sisted housing dwelling unit involved, in consultation
16 with relevant public child welfare agencies:

17 “(A) OPTION 1.—The requirements under
18 this subparagraph are—

19 “(i) obtaining a recognized postsec-
20 ondary credential or a secondary school di-
21 ploma or its recognized equivalent;

22 “(ii) enrollment in an institution of
23 higher education, as such term is defined
24 in section 101(a) of the Higher Education
25 Act of 1965 (20 U.S.C. 1001(a)) and in-

1 including the institutions described in sub-
2 paragraphs (A) and (B) of section
3 102(a)(1) of such Act (20 U.S.C.
4 1002(a)(1)); or

5 “(iii) participation in a career path-
6 way, as such term is defined in section 3
7 of the Workforce Innovation and Oppor-
8 tunity Act (29 U.S.C. 3102).

9 Notwithstanding any other provision of this
10 paragraph, a public housing agency or project
11 owner may consider employment as satisfying
12 the requirements under this subparagraph.

13 “(B) OPTION 2.—The requirements under
14 this subparagraph are compliance with the
15 terms and conditions applicable under section
16 23 of the United States Housing Act of 1937
17 (42 U.S.C. 1437u) and the regulations imple-
18 menting such section to a person participating
19 in a family self-sufficiency program under such
20 section, except that—

21 “(i) a public housing agency may se-
22 lect the option under this subparagraph
23 only if the agency is participating in such
24 self-sufficiency program or has made such

1 commitments to commence participation as
2 the Secretary considers sufficient; and

3 “(ii) a project owner of assisted hous-
4 ing may select the option under this sub-
5 paragraph only if the public housing agen-
6 cy in whose jurisdiction the project is lo-
7 cated is participating in such self-suffi-
8 ciency program or has made such commit-
9 ments to commence participation as the
10 Secretary considers sufficient.

11 “(C) OPTION 3.—The requirements under
12 this subparagraph are compliance with any
13 combination of the terms, conditions, and re-
14 quirements under subparagraphs (A) and (B),
15 as may be established by the public housing
16 agency, except that a project owner of assisted
17 housing may select the option under this sub-
18 paragraph only if the public housing agency in
19 whose jurisdiction the project is located has se-
20 lected the option under this subparagraph and
21 has established such terms, conditions, and re-
22 quirements. In designing such terms, condi-
23 tions, and requirements, the public housing
24 agency may consult with local workforce devel-
25 opment agencies and other organizations and

1 entities with expertise and experience in this
2 field.

3 “(2) EXCEPTIONS.—The requirement under
4 paragraph (1) shall not apply to—

5 “(A) a parent or other household member
6 responsible for the care of a dependent child
7 under the age of 6 or for the care of an inca-
8 pacitated person;

9 “(B) a person who is regularly and actively
10 participating in a drug addiction or alcohol
11 treatment and rehabilitation program; and

12 “(C) a person who is incapable of com-
13 plying with the requirement under paragraph
14 (1) due to a documented medical condition.

15 “(3) VERIFICATION OF COMPLIANCE.—The Sec-
16 retary shall require the public housing agency or
17 project owner, as applicable, to verify compliance
18 with the requirement under paragraph (1) by each
19 person occupying a dwelling unit assisted or admin-
20 istered by such agency or owner, as applicable, pur-
21 suant to a preference for housing assistance annu-
22 ally in conjunction with reviews of income for pur-
23 poses of determining eligibility for assistance de-
24 scribed in subsection (a).

1 “(d) LIMITATION ON BEDROOMS.—A dwelling unit
2 that is occupied by a person, or assisted with assistance
3 made available on behalf of a person, pursuant to a pref-
4 erence for housing assistance may contain more than one
5 bedroom only if such additional bedrooms are occupied
6 only by other persons who occupy such dwelling unit, or
7 receive assistance made available, pursuant to a preference
8 for housing assistance.

9 “(e) SUPPORTIVE SERVICES.—

10 “(1) ELIGIBILITY.—Each person occupying a
11 dwelling unit pursuant to a preference for housing
12 assistance shall be eligible for any supportive serv-
13 ices (as such term is defined in section 103 of the
14 Workforce Innovation and Opportunity Act (29
15 U.S.C. 3102)) made available, in connection with
16 any housing assistance program of the agency, by or
17 through the public housing agency providing such
18 preference or, in the case of a preference for housing
19 assistance for housing not assisted by such agency,
20 by or through the public housing agency in whose
21 jurisdiction the housing is located, including any
22 services provided under a family self-sufficiency pro-
23 gram under section 23 of this Act.

24 “(2) INFORMATION.—Upon the initial provision
25 of housing assistance for any person pursuant to a

1 preference for such assistance, the public housing
2 agency or owner, as applicable, shall inform such
3 person of the existence of any programs or services
4 referred to in paragraph (1) and of their eligibility
5 for such programs and services.

6 “(f) TERMINATION OF ASSISTANCE.—The public
7 housing agency or project owner, as applicable, shall ter-
8 minate any occupancy of, or assistance on behalf of, a per-
9 son pursuant to any preference for housing assistance
10 upon the person attaining 25 years of age or upon sub-
11 stantial noncompliance with the requirement under sub-
12 section (c), except that nothing in this subsection may be
13 construed to prohibit the occupancy of housing assisted
14 under this title by, or the provision of rental assistance
15 under section 8 for, any person, or to affect the eligibility
16 of any person for such occupancy or assistance, other than
17 pursuant to a preference for housing assistance.

18 “(g) APPLICABILITY TO MOVING TO WORK AGEN-
19 CIES.—Notwithstanding any other provision of law, the
20 preferences for housing assistance identified in subsection
21 (a) of this section shall apply to assistance made available
22 by each public housing agency participating in the Moving
23 to Work Program under section 204 of the Departments
24 of Veterans Affairs and Housing and Urban Development,
25 and Independent Agencies Appropriations Act, 1996 (42

1 U.S.C. 1437f note), except that in lieu of compliance with
2 one of the options under subsection (c)(1) of this section,
3 such an agency may comply with the requirement under
4 such subsection by complying with such terms, conditions,
5 and requirements as may be established by the agency for
6 persons occupying dwelling units pursuant to a preference
7 for housing assistance.

8 “(h) REPORTS.—The Secretary of Housing and
9 Urban Development shall require each public housing
10 agency that provides any preference for housing assistance
11 pursuant to this section in any fiscal year to submit a re-
12 port to the Secretary for such fiscal year that—

13 “(1) specifies the number of applications for
14 such preferences received during such fiscal year
15 disaggregated by—

16 “(A) the number received by persons who
17 have attained 16 years of age but have not at-
18 tained an age such that the provision of foster
19 care for such child will end by reason of the age
20 of the child within 6 months; and

21 “(B) the number received by persons who
22 have attained an age such that the provision of
23 foster care for such child will end by reason of
24 the age of the child within 6 months;

1 “(2) specifies the number of persons provided a
2 preference for housing assistance during such fiscal
3 year; and

4 “(3) describes how the public housing agency
5 communicated or collaborated with public child wel-
6 fare agencies to collect such data.”.

7 **SEC. 4. PRIORITY FOR RURAL RENTAL ASSISTANCE.**

8 Paragraph (2) of section 521(a) of the Housing Act
9 of 1949 (42 U.S.C. 1490a(a)(2)) is amended by adding
10 at the end the following new subparagraph:

11 “(F)(i) In making occupancy in a project assisted
12 under this paragraph, and rental assistance under this
13 paragraph, available on behalf of eligible families, the
14 project owner—

15 “(I) shall provide that the highest preference
16 shall be given to otherwise eligible children who—

17 “(aa) are in foster care;

18 “(bb) have attained an age such that
19 the provision of foster care for such child
20 will end by reason of the age of the child
21 within 6 months;

22 “(cc) meet the requirements under
23 clauses (i) and (ii) of paragraph (1) of the
24 definition of ‘at risk of homelessness’ in
25 section 91.5 of the Secretary of Housing

1 and Urban Development's regulations (24
2 C.F.R. 91.5), as in effect on September 1,
3 2016; and—

4 “(dd) have agreed to comply with the
5 requirements under clause (iii); and

6 “(II) may provide highest preference to, in ad-
7 dition to eligible children described in subclause (I),
8 not more than two other types of eligible families

9 “(ii) Notwithstanding the period during which a pref-
10 erence pursuant to clause (i)(I) for occupancy in project
11 assisted under this paragraph or for rental assistance
12 under this paragraph is provided for a person, an other-
13 wise eligible person may apply for such occupancy or as-
14 sistance at any time after the person attains 16 years of
15 age.

16 “(iii)(I) Except as provided in subclause (II), each
17 person occupying a dwelling unit pursuant to a preference
18 under clause (i)(I) shall, not later than 30 months after
19 such initial occupancy, be—

20 “(aa) obtaining a recognized postsecondary cre-
21 dential or a secondary school diploma or its recog-
22 nized equivalent;

23 “(bb) enrolled in an institution of higher edu-
24 cation, as such term is defined in section 101(a) of
25 the Higher Education Act of 1965 (20 U.S.C.

1 1001(a)) and including the institutions described in
2 subparagraphs (A) and (B) of section 102(a)(1) of
3 such Act (20 U.S.C. 1002(a)(1)); or

4 “(cc) participating in a career pathway, as such
5 term is defined in section 3 of the Workforce Inno-
6 vation and Opportunity Act (29 U.S.C. 3102).

7 Notwithstanding any other provision of this sub-
8 clause, a project owner may consider employment as
9 satisfying the requirements under this subclause.

10 “(II) The requirement under subclause (I) shall not
11 apply to—

12 “(aa) a parent or other household member re-
13 sponsible for the care of a dependent child under the
14 age of 6 or for the care of an incapacitated person;

15 “(bb) a person who is regularly and actively
16 participating in a drug addiction or alcohol treat-
17 ment and rehabilitation program; and

18 “(cc) a person who is incapable of complying
19 with the requirement under subclause (I) due to a
20 documented medical condition.

21 “(III) The Secretary shall require a project owner to
22 verify compliance with the requirement under this clause
23 by each person occupying a dwelling unit pursuant to a
24 preference under clause (i)(I) annually in conjunction with

1 reviews of income for purposes of determining eligibility
2 for assistance described in clause (i).

3 “(iv) A dwelling unit that is occupied by a person
4 pursuant to a preference under clause (i)(I) may contain
5 more than one bedroom only if such additional bedrooms
6 are occupied only by other persons who occupy such dwell-
7 ing unit pursuant to a preference under clause (i)(I).

8 “(v) The project owner shall terminate any occupancy
9 of a person pursuant to the preference under clause (i)(I)
10 upon the person attaining 25 years of age or upon sub-
11 stantial noncompliance with the requirement under clause
12 (iii), except that nothing in this clause may be construed
13 to prohibit the occupancy in a project assisted under this
14 paragraph by, or the provision of rental assistance under
15 this paragraph for, any person, or to affect the eligibility
16 of any person for such occupancy or assistance, other than
17 pursuant to a preference under clause (i)(I).”.

18 **SEC. 5. EXCEPTIONS TO LIMITATIONS FOR PROJECT-BASED**

19 **VOUCHER ASSISTANCE.**

20 (a) PERCENTAGE LIMITATION.—The first sentence of
21 clause (ii) of section 8(o)(13)(B) of the United States
22 Housing Act of 1937 (42 U.S.C. 1437f(o)(13)(B)(ii)) is
23 amended by inserting before “or that” the following: “that
24 house eligible children described in section 6(c)(4)(A)(iii)
25 who comply with the requirements under section 39(c),”.

1 (b) INCOME-MIXING REQUIREMENT.—Subclause (I)
2 of section 8(o)(13)(D)(ii) of the United States Housing
3 Act of 1937 (42 U.S.C. 1437f(o)(13)(D)(ii)(I)) is amend-
4 ed by inserting after “elderly families” the following: “,
5 to eligible children described in section 6(c)(4)(A)(iii),”.

6 **SEC. 6. GUIDANCE REGARDING IMPLEMENTATION.**

7 (a) IN GENERAL.—The Secretary of Housing and
8 Urban Development jointly with the Secretary of Agri-
9 culture, in consultation with the Secretary of Health and
10 Human Services, shall develop guidance for public housing
11 agencies and owners of assisted housing regarding how to
12 correctly and efficiently implement and comply with the
13 requirements of this Act and the amendments made by
14 this Act and shall make such guidance available to such
15 agencies and owners.

16 (b) CONSULTATION WITH HHS.—The Secretary of
17 Housing and Urban Development jointly with the Sec-
18 retary of Agriculture shall consult with the Secretary of
19 Health and Human Services to provide such information
20 and guidance to the Secretary of Health and Human Serv-
21 ices as may be necessary to facilitate such Secretary in
22 informing States and public child welfare agencies on how
23 to correctly and efficiently implement and comply with the

1 requirements of this Act and the amendments made by
2 this Act.

