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
3 This Act may be cited as the “Fostering Stable Housing Opportunities Act of 2018”.

4 **SEC. 2. DEFINITION OF FAMILY.**
5
6 Subparagraph (A) of section 3(b)(3) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(A)) is amended—
7
8 (1) in the first sentence—
9
10 (A) by striking “(v)” and inserting “(vi)”;
11
12 and
13
14 (B) by inserting after “tenant family,” the following: “(v) a child who is in foster care and has attained an age such that the provision of foster care for such child will end by reason of the age of the child within 6 months,”; and
15
16 (2) in the second sentence, by inserting “or (vi)” after “clause (v)”.

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

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

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

“(i) shall provide preferences”;

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

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

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

“(iii) except for projects or portions of
projects designated for occupancy pursuant
to section 7(a), shall provide that the high-
est preference for occupancy shall be given
to otherwise eligible children who are in
foster care, have attained an age such that
the provision of foster care for such child
will end by reason of the age of the child
within 6 months, meet the requirements
under clauses (i) and (ii) of paragraph (1)
of the definition of ‘at risk of homelessness’ in section 91.5 of the Secretary’s reg-
ulations (24 C.F.R. 91.5), as in effect on
September 1, 2016, and have agreed to
comply with the requirements under sec-
tion 39(e); and
“(iv) may provide highest preference
for occupancy to, in addition to eligible
children described in clause (iii), not more
than two other types of families.”.

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

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

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

(3) by inserting before clause (iii), as so redes-
ignated by paragraph (1) of this subsection, the fol-
lowing new clause:

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

“(I) shall provide that the high-
est preference for assistance shall be
given to otherwise eligible children
who are in foster care, have attained
an age such that the provision of fos-
ter care for such child will end by rea-
son of the age of the child within 6
months, meet the requirements under
clauses (i) and (ii) of paragraph (1) of
the definition of ‘at risk of homelessness’ in section 91.5 of the Sec-
retary’s regulations (24 C.F.R. 91.5),
as in effect on September 1, 2016,
and have agreed to comply with the
requirements under section 39(c); and
“(II) may provide highest pref-
ere for assistance to, in addition to
elegible children described in subclause
(I), not more than two other types of
elegible families.”; and

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

(e) PHA PROJECT-BASED VOUCHER ASSISTANCE.—

Subparagraph (J) of section 8(o)(13) of the United States
Housing Act of 1937 (42 U.S.C. 1437f(o)(13)(J)) is amended—

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

“(J) TENANT SELECTION.—

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

(2) by striking “The agency or owner may estab-

lish preferences or criteria for selection for a unit assisted under this section that” and inserting the following:

“(ii) PREFERENCES FOR OCCU-

PANCY.—The agency or owner shall estab-

lish a system of preferences or criteria for selection for a unit assisted under this sec-

tion that—

“(I) shall provide that the high-
est preference shall be given to other-

wise eligible children who are in foster care, have attained an age such that the provision of foster care for such child will end by reason of the age of the child within 6 months, meet the requirements under clauses (i) and (ii) of paragraph (1) of the definition of
‘at risk of homelessness’ in section 91.5 of the Secretary’s regulations (24 C.F.R. 91.5), as in effect on September 1, 2016, and have agreed to comply with the requirements under section 39(c); and

“(II) may provide highest preference to, in addition to eligible children described in subclause (I), not more than two other types of eligible families; and

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

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

“(iii) Waiting lists.—Any family that”.

(d) Project-based Section 8 Rental Assistance.—Subparagraph (A) of section 8(d)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437f(d)(1)(A)) is amended—

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

“(i) with respect to assisted dwelling units in a project assisted with project-
based assistance under this section, the
tenant selection criteria used by the
owner—

“(I) shall provide that the highest preference shall be given to otherwise eligible children who are in foster care, have attained an age such that the provision of foster care for such child will end by reason of the age of the child within 6 months, meet the requirements under clauses (i) and (ii) of paragraph (1) of the definition of ‘at risk of homelessness’ in section 91.5 of the Secretary’s regulations (24 C.F.R. 91.5), as in effect on September 1, 2016, and have agreed to comply with the requirements under section 39(c); and

“(II) may provide highest preference to, in addition to eligible children described in subclause (I), not more than two other types of eligible families; and

“(ii) with respect”; and
(2) by inserting “who are not eligible for highest preference pursuant to clause (i)(I)” after “to be assisted”.

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

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

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

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

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

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

“(4) occupancy in a dwelling unit in a project assisted with project-based assistance under section 8, pursuant to subsection (d)(1)(A)(i)(I) of such section.
“(b) EARLY APPLICATION FOR ASSISTANCE.—Notwithstanding the period during which a preference for housing assistance is provided for a person, an otherwise eligible person may apply for such occupancy or assistance at any time after such person attains 16 years of age.

“(c) REQUIREMENT FOR EDUCATION OR TRAINING.—

“(1) REQUIREMENT.—Except as provided in paragraph (2), each person occupying a dwelling unit pursuant to a preference for housing assistance shall, not later than 30 months after such initial occupancy, comply with the requirements under one of the following subparagraphs, as selected by the public housing agency for or project owner of the assisted housing dwelling unit involved, in consultation with relevant public child welfare agencies:

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

“(i) obtaining a recognized postsecondary credential or a secondary school diploma or its recognized equivalent;

“(ii) enrollment in an institution of higher education, as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) and in-
cluding the institutions described in subparagraphs (A) and (B) of section 102(a)(1) of such Act (20 U.S.C. 1002(a)(1)); or

“(iii) participation in a career pathway, as such term is defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

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

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

“(i) a public housing agency may select the option under this subparagraph only if the agency is participating in such self-sufficiency program or has made such
commitments to commence participation as
the Secretary considers sufficient; and

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

“(C) OPTION 3.—The requirements under
this subparagraph are compliance with any
combination of the terms, conditions, and re-
quirements under subparagraphs (A) and (B),
as may be established by the public housing
agency, except that a project owner of assisted
housing may select the option under this sub-
paragraph only if the public housing agency in
whose jurisdiction the project is located has se-
lected the option under this subparagraph and
has established such terms, conditions, and re-
quirements. In designing such terms, condi-
tions, and requirements, the public housing
agency may consult with local workforce devel-
opment agencies and other organizations and
entities with expertise and experience in this field.

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

“(A) a parent or other household member responsible for the care of a dependent child under the age of 6 or for the care of an incapacitated person;

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

“(C) a person who is incapable of complying with the requirement under paragraph (1) due to a documented medical condition.

“(3) VERIFICATION OF COMPLIANCE.—The Secretary shall require the public housing agency or project owner, as applicable, to verify compliance with the requirement under paragraph (1) by each person occupying a dwelling unit assisted or administered by such agency or owner, as applicable, pursuant to a preference for housing assistance annually in conjunction with reviews of income for purposes of determining eligibility for assistance described in subsection (a).
“(d) LIMITATION ON BEDROOMS.—A dwelling unit that is occupied by a person, or assisted with assistance made available on behalf of a person, pursuant to a preference for housing assistance may contain more than one bedroom only if such additional bedrooms are occupied only by other persons who occupy such dwelling unit, or receive assistance made available, pursuant to a preference for housing assistance.

“(e) SUPPORTIVE SERVICES.—

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

“(2) INFORMATION.—Upon the initial provision of housing assistance for any person pursuant to a
preference for such assistance, the public housing
agency or owner, as applicable, shall inform such
person of the existence of any programs or services
referred to in paragraph (1) and of their eligibility
for such programs and services.

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

“(g) APPLICABILITY TO MOVING TO WORK AGEN-
cies.—Notwithstanding any other provision of law, the
preferences for housing assistance identified in subsection
(a) of this section shall apply to assistance made available
by each public housing agency participating in the Moving
to Work Program under section 204 of the Departments
of Veterans Affairs and Housing and Urban Development,
and Independent Agencies Appropriations Act, 1996 (42
U.S.C. 1437f note), except that in lieu of compliance with one of the options under subsection (e)(1) of this section, such an agency may comply with the requirement under such subsection by complying with such terms, conditions, and requirements as may be established by the agency for persons occupying dwelling units pursuant to a preference for housing assistance.

“(h) Reports.—The Secretary of Housing and Urban Development shall require each public housing agency that provides any preference for housing assistance pursuant to this section in any fiscal year to submit a report to the Secretary for such fiscal year that—

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

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

“(B) the number received by persons who have attained an age such that the provision of foster care for such child will end by reason of the age of the child within 6 months;
“(2) specifies the number of persons provided a preference for housing assistance during such fiscal year; and

“(3) describes how the public housing agency communicated or collaborated with public child welfare agencies to collect such data.”.

SEC. 4. PRIORITY FOR RURAL RENTAL ASSISTANCE.

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

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

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

“(aa) are in foster care;

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

“(cc) meet the requirements under clauses (i) and (ii) of paragraph (1) of the definition of ‘at risk of homelessness’ in section 91.5 of the Secretary of Housing
and Urban Development’s regulations (24 C.F.R. 91.5), as in effect on September 1, 2016; and—

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

“(II) may provide highest preference to, in addition to eligible children described in subclause (I), not more than two other types of eligible families

“(ii) Notwithstanding the period during which a preference pursuant to clause (i)(I) for occupancy in project assisted under this paragraph or for rental assistance under this paragraph is provided for a person, an otherwise eligible person may apply for such occupancy or assistance at any time after the person attains 16 years of age.

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

“(aa) obtaining a recognized postsecondary credential or a secondary school diploma or its recognized equivalent;

“(bb) enrolled in an institution of higher education, as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C.
1001(a)) and including the institutions described in
subparagraphs (A) and (B) of section 102(a)(1) of
such Act (20 U.S.C. 1002(a)(1)); or

“(cc) participating in a career pathway, as such
term is defined in section 3 of the Workforce Inno-

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

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

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

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

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

“(III) The Secretary shall require a project owner to
verify compliance with the requirement under this clause
by each person occupying a dwelling unit pursuant to a
preference under clause (i)(I) annually in conjunction with
reviews of income for purposes of determining eligibility
for assistance described in clause (i).

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

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

SEC. 5. EXCEPTIONS TO LIMITATIONS FOR PROJECT-BASED
VOUCHER ASSISTANCE.

(a) PERCENTAGE LIMITATION.—The first sentence of
clause (ii) of section 8(o)(13)(B) of the United States
Housing Act of 1937 (42 U.S.C. 1437f(o)(13)(B)(ii)) is
amended by inserting before “or that” the following: “that
house eligible children described in section 6(c)(4)(A)(iii)
who comply with the requirements under section 39(e),”.
(b) INCOME-MIXING REQUIREMENT.—Subclause (I) of section 8(o)(13)(D)(ii) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)(D)(ii)(I)) is amended by inserting after “elderly families” the following: “to eligible children described in section 6(c)(4)(A)(iii),”.

SEC. 6. GUIDANCE REGARDING IMPLEMENTATION.

(a) IN GENERAL.—The Secretary of Housing and Urban Development jointly with the Secretary of Agriculture, in consultation with the Secretary of Health and Human Services, shall develop guidance for public housing agencies and owners of assisted housing regarding how to correctly and efficiently implement and comply with the requirements of this Act and the amendments made by this Act and shall make such guidance available to such agencies and owners.

(b) CONSULTATION WITH HHS.—The Secretary of Housing and Urban Development jointly with the Secretary of Agriculture shall consult with the Secretary of Health and Human Services to provide such information and guidance to the Secretary of Health and Human Services as may be necessary to facilitate such Secretary in informing States and public child welfare agencies on how to correctly and efficiently implement and comply with the
requirements of this Act and the amendments made by this Act.