

Voice Vote

Accepted

AMENDMENT NO. _____

Calendar No. _____

Purpose: To improve the bill.

IN THE SENATE OF THE UNITED STATES—111th Cong., 2d Sess.

S. 1619

To establish the Office of Sustainable Housing and Communities, to establish the Interagency Council on Sustainable Communities, to establish a comprehensive planning grant program, to establish a sustainability challenge grant program, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. DODD

Viz:

1 On page 8, between lines 15 and 16, insert the fol-
2 lowing (and redesignate subsequent paragraphs accord-
3 ingly):

4 (1) ACTIVE TRANSPORTATION.—The term “ac-
5 tive transportation” means modes of transportation
6 powered solely by human energy, including bicycling
7 and walking.

8 On page 13, between lines 4 and 5, insert the fol-
9 lowing (and redesignate subsequent paragraphs accord-
10 ingly):

1 (16) INTEGRATED ACTIVE TRANSPORTATION
2 NETWORK.—The term “integrated active transpor-
3 tation network” means a network of facilities for ac-
4 tive transportation, including bicycle lanes, bikeways,
5 bicycle boulevards, pedestrian and bicycle trails, and
6 sidewalks that are coordinated to provide safe and
7 convenient connections to public transportation,
8 workplaces, schools, residences, businesses, recre-
9 ation areas, and other community activity centers.

10 On page 23, line 13, insert before the period at the
11 end the following: “, including methods to reduce duplica-
12 tive programs and improve the efficiency and effectiveness
13 of programs within the Department of Transportation, the
14 Environmental Protection Agency, and the Department of
15 Housing and Urban Development”.

16 On page 34, strike lines 8 through 10 and insert the
17 following:

18 (3) with respect to sustainable development ef-
19 forts by departments and agencies of the Federal
20 Government—

21 (A) coordinate the research agendas of the
22 departments and agencies, to consolidate or
23 eliminate overlapping or duplicative efforts; and

1 (B) review Federal sustainable housing
2 programs at each department and agency, re-
3 port the results of the review on the website of
4 the Council not less than frequently annually,
5 and make recommendations to Congress with
6 respect to the review;

7 On page 34, line 25, strike "and" at the end.

8 On page 35, between lines 15 and 16, insert the fol-
9 lowing:

10 (D) researching training programs and
11 work practices that can accurately assess hous-
12 ing-related health hazards;

13 On page 35, line 15, strike "(D)" and insert "(E)".

14 On page 35, line 18, strike "(E)" and insert "(F)".

15 On page 35, line 19, strike the period at the end and
16 insert "; and".

17 On page 35, between lines 19 and 20, insert the fol-
18 lowing:

1 (8) coordinate with the Director to develop
2 common performance measures to assess the
3 progress and effectiveness of projects carried out
4 using grants made under this Act, including efforts
5 to provide detailed and in-depth analysis, data col-
6 lection, and application of rigorous methods of meas-
7 uring and addressing the impacts and outcomes of
8 the projects, particularly with respect to the extent
9 to which the projects have—

10 (A) provided improved and efficient access
11 to jobs and other activities throughout metro-
12 politan areas and micropolitan areas and re-
13 gions;

14 (B) reduced carbon emissions and petro-
15 leum consumption associated with transpor-
16 tation on per-capita and vehicle-miles-traveled
17 bases, and made other environmental improve-
18 ments, as determined by the Council;

19 (C) increased energy efficiency in commu-
20 nities and housing;

21 (D) improved the availability and quality
22 of long-term affordable and location-efficient
23 housing for people of all income levels, particu-
24 larly in mixed-income neighborhoods with access
25 to public transportation;

1 (E) encouraged density and mixed-use de-
2 velopment within ½ mile of transit stations in
3 regions with fixed guideway transit;

4 (F) increased the number of trips taken by
5 walking, biking, and transit in a region;

6 (G) encouraged location-efficient develop-
7 ment and the use of existing infrastructure in
8 a region; and

9 (H) prompted an increase in comprehen-
10 sive regional land use planning efforts, includ-
11 ing the preservation of agricultural and rural
12 land and green spaces.

13 On page 36, line 4, strike “and” and insert the fol-
14 lowing:

15 (B) an evaluation of the development and
16 implementation of performance measures to
17 guide progress on cost-effective and outcome-
18 oriented investment and a description of pos-
19 sible impediments to developing effective per-
20 formance measures; and

21 On page 36, line 5, strike “(B)” and insert “(C)”.

22 On page 47, line 20, insert “healthy,” before “and”.

1 On page 47, line 24, insert "healthy," before "and".

2 On page 48, line 14, insert "increasing trips made
3 by bicycle and walking through strategies including devel-
4 oping integrated active transportation networks and" be-
5 fore "enacting".

6 On page 50, line 20, strike "and" at the end.

7 On page 50, line 24, strike the period at the end and
8 insert "; and".

9 On page 50, after line 24, add the following:

10 (I) increasing trips made by bicycle and
11 walking through strategies including developing
12 integrated active transportation networks.

13 On page 72, line 18, insert "integrated active trans-
14 portation networks," before "and complete".

15 On page 82, after line 20, insert the following:

16 **SEC. 9. REGENERATION PLANNING GRANT DEMONSTRA-**
17 **TION PROGRAM.**

18 (a) DEFINITIONS.—In this section, the following defi-
19 nitions shall apply:

1 (1) ELIGIBLE ENTITY.—The term “eligible enti-
2 ty” means—

3 (A) a unit of general local government or
4 an Indian tribe that has experienced—

5 (i) a loss in population of at least 15
6 percent since 1970, as measured by data
7 from the most recent decennial census or
8 American Community Survey; or

9 (ii) prolonged population, income, and
10 employment loss resulting in substantial
11 levels of housing vacancy and abandonment
12 that are concentrated in more than one
13 neighborhood or geographic area within the
14 unit of general local government;

15 (B) a consortium of units of general local
16 governments in which the most populous unit of
17 general local government has experienced—

18 (i) a loss in population of at least 15
19 percent since 1970, as measured by data
20 from the most recent decennial census or
21 American Community Survey; or

22 (ii) prolonged population, income, and
23 employment loss resulting in substantial
24 levels of housing vacancy and abandonment
25 that are concentrated in more than one

1 neighborhood or geographic area within the
2 unit of general local government; or

3 (C) an entity described in subparagraph
4 (A) or (B) and an eligible partner.

5 (2) ELIGIBLE PARTNER.—The term “eligible
6 partner” means—

7 (A) a State;

8 (B) an Indian tribe;

9 (C) a community revitalization nonprofit
10 agency with a city or region-wide area of focus;

11 (D) a consortium of community revitaliza-
12 tion nonprofit agencies; or

13 (E) a consortium of local universities and
14 colleges.

15 (3) GRANT PROGRAM.—The term “grant pro-
16 gram” means the regeneration planning grant pro-
17 gram established under subsection (b).

18 (4) REGENERATION PLAN.—The term “regen-
19 eration plan” means a plan that—

20 (A) integrates land use, economic develop-
21 ment, housing, environmental, energy, food pro-
22 duction, recreation, job and workforce develop-
23 ment, infrastructure, and transportation pro-
24 grams, policies, and projects to address the spe-
25 cial needs of an eligible entity;

1 (B) creates a community-driven vision and
2 action plan for reclaiming the most distressed
3 and abandoned areas of an eligible entity, stabi-
4 lizing transitional neighborhoods within an eli-
5 gible entity, and building on the strengths and
6 assets of the stable areas within an eligible enti-
7 ty;

8 (C) develops holistic strategies for meeting
9 the needs and goals of an eligible entity, includ-
10 ing strategies that—

11 (i) provide for the efficient and sus-
12 tainable use of land, structures, neighbor-
13 hoods, and resources within the community
14 or region;

15 (ii) increase the safety, value, sta-
16 bility, and connectivity of neighborhoods;

17 (iii) develop green infrastructure
18 strategies to address environmental, en-
19 ergy, recreation, and food systems needs;
20 or

21 (iv) encourage workforce development
22 and economic competitiveness through im-
23 plementation of regeneration activities.

24 (b) REGENERATION PLANNING GRANT PROGRAM ES-
25 TABLISHED.—The Secretary shall establish a regeneration

1 planning grant program to make grants to eligible entities
2 to develop a regeneration plan, in accordance with the
3 grant agreement under subsection (e).

4 (c) GRANTS.—

5 (1) DIVERSITY OF GRANTEES.—The Secretary
6 shall ensure geographic diversity among and ade-
7 quate representation from smaller units of general
8 local government, with populations of not more than
9 150,000, and larger units of general local govern-
10 ment, with populations of more than 150,000, with
11 population measured by the most recent decennial
12 census data, or in the case of consortia of units of
13 general local governments, consortia in which the
14 largest unit of general local government has such a
15 population. The Secretary shall prioritize the dis-
16 tribution of regeneration planning grants to eligible
17 applicants that have experienced significant popu-
18 lation loss due to large-scale employment losses that
19 have caused substantial levels of housing vacancy
20 and abandonment.

21 (2) FEDERAL SHARE.—

22 (A) IN GENERAL.—Except as provided in
23 subparagraph (B), the Federal share of the cost
24 of developing a regeneration plan under the
25 grant program may not exceed 80 percent.

1 (B) INDIAN TRIBES.—In the case of an eli-
2 gible entity that is an Indian tribe, the Federal
3 share of the cost of developing a regeneration
4 plan under the grant program may be 100 per-
5 cent.

6 (C) IN-KIND CONTRIBUTIONS.—In-kind
7 contributions may be used for the non-Federal
8 share of the cost of developing a regeneration
9 plan under the grant program.

10 (3) TECHNICAL ASSISTANCE FOR GRANT RE-
11 CIPIENTS AND APPLICANTS.—The Secretary may—

12 (A) establish a technical assistance pro-
13 gram for prospective applicants, particularly to
14 applicants from smaller communities (including
15 distressed older industrial cities, rural commu-
16 nities, and first tier suburbs), preparing to
17 apply for grants under this section;

18 (B) make contracts with third parties to
19 provide technical assistance to grant recipients
20 and prospective applicants for grants under this
21 section; and

22 (C) coordinate to establish interagency and
23 multidisciplinary teams to provide technical as-
24 sistance to recipients of and prospective appli-
25 cants for grants under this section.

1 (4) AVAILABILITY OF FUNDS.—

2 (A) IN GENERAL.—An eligible entity that
3 receives a grant under the grant program
4 shall—

5 (i) obligate any funds received under
6 the grant program not later than 2 years
7 after the date on which the grant agree-
8 ment under subsection (e) is made; and

9 (ii) expend any funds received under
10 the grant program not later than 4 years
11 after the date on which the grant agree-
12 ment under subsection (e) is made.

13 (B) UNOBLIGATED AMOUNTS.—After the
14 date described in subparagraph (A)(i), the Sec-
15 retary may award to another eligible entity, to
16 carry out activities under this section, any
17 amounts that an eligible entity has not obli-
18 gated under subparagraph (A)(i).

19 (d) APPLICATION.—

20 (1) IN GENERAL.—An eligible entity that de-
21 sires a grant under the grant program shall submit
22 to the Secretary an application at such time and in
23 such manner as the Secretary shall prescribe.

24 (2) CONTENTS.—

1 (A) IN GENERAL.—Each application sub-
2 mitted under this subsection shall contain a re-
3 generation plan.

4 (B) PLAN ELEMENTS.—The regeneration
5 plan required under subparagraph (A) shall in-
6 clude—

7 (i) a comprehensive land use plan that
8 reflects the population loss the community
9 or region has experienced, reflects future
10 population trends, including any antici-
11 pated further losses, using the most cur-
12 rent data available, and provides for the ef-
13 ficient and sustainable use of land, struc-
14 tures, neighborhoods, and resources within
15 the community or region;

16 (ii) a plan for creation of green infra-
17 structure to be set aside in the community
18 or region for recreation, open space, agri-
19 culture, park use, educational use, or pur-
20 poses related to future economic or resi-
21 dential development;

22 (iii) a detailed implementation strat-
23 egy for the plan, including modifications to
24 a comprehensive or master land use plan,

1 neighborhood plans, strategic demolition
2 plans, and zoning and building codes;

3 (iv) a plan for integrating related pro-
4 grams and strategies funded through other
5 sources, including Federal, State, local,
6 and private sources, into the implementa-
7 tion strategy described in clause (iii);

8 (v) a plan to create new employment
9 opportunities, especially in areas directly
10 related to the implementation of the regen-
11 eration plan, including building
12 deconstruction, removal of buildings and
13 infrastructure, creation of green infrastruc-
14 ture, environmental remediation, and long-
15 term employment in environmentally sus-
16 tainable activities, including urban agri-
17 culture, open space maintenance, and re-
18 newable energy production; or

19 (vi) any other element, as determined
20 appropriate or feasible by the Secretary.

21 (e) GRANT AGREEMENT.—Each eligible entity that
22 receives a grant under the grant program shall agree to
23 establish, in coordination with the Secretary, annual re-
24 porting requirements, and other requirements that the
25 Secretary determines are necessary that shall be met each

1 year in which the eligible entity receives funds under the
2 grant program.

3 (f) PUBLIC OUTREACH.—

4 (1) OUTREACH REQUIRED.—Each eligible entity
5 that receives a grant under the grant program shall
6 perform outreach activities—

7 (A) to engage a broad cross-section of
8 community stakeholders in the process of devel-
9 oping a regeneration plan, including low-income
10 families, minorities, older adults, economically
11 disadvantaged community members, affected
12 citizens, community groups and any others who
13 would be impacted by the adoption of a regen-
14 eration plan; and

15 (B) to create an effective means for stake-
16 holders to participate in the development and
17 implementation of a regeneration plan.

18 (2) FINALIZATION OF REGENERATION PLAN.—

19 (A) IN GENERAL.—An eligible entity that
20 receives a grant under the grant program may
21 not finalize a regeneration plan before the eligi-
22 ble entity holds a public hearing to obtain the
23 views of citizens, public agencies, and other in-
24 terested parties.

1 (B) AVAILABILITY OF INFORMATION.—Not
2 later than 30 days before a hearing described in
3 subparagraph (A), an eligible entity shall make
4 the proposed regeneration plan and all informa-
5 tion relevant to the hearing available to the
6 public for inspection during normal business
7 hours.

8 (C) NOTICE.—Not later than 30 days be-
9 fore a hearing described in subparagraph (A),
10 an eligible entity shall publish notice—

11 (i) of the hearing; and

12 (ii) that the information described in
13 subparagraph (B) is available.

14 (g) VIOLATION OF GRANT AGREEMENT OR FAILURE
15 TO COMPLY WITH PUBLIC OUTREACH REQUIREMENTS.—
16 If the Secretary determines that an eligible entity has not
17 met the requirements established under subsection (e), is
18 not making reasonable progress toward meeting such
19 measures, is otherwise in violation of the grant agreement,
20 or has not complied with the public outreach requirements
21 under subsection (f), the Secretary may—

22 (1) withhold financial assistance until the per-
23 formance measures are met; or

24 (2) terminate the grant agreement.

25 (h) AUTHORIZATION OF APPROPRIATIONS.—

1 (1) AUTHORIZATION.—There are authorized to
2 be appropriated for regeneration planning grants
3 under this section \$20,000,000 for each of fiscal
4 years 2011 through 2014.

5 (2) TECHNICAL ASSISTANCE.—The Secretary
6 may use not more than 5 percent of the amounts
7 made available under this subsection for a fiscal
8 year for technical assistance under subsection (c)(3).

9 (i) IMPLEMENTATION OF REGENERATION PLANS.—
10 To the extent practicable, for a reasonable amount of time
11 following the full expenditure of a grant under this section,
12 the Secretary shall ensure that each recipient of a grant
13 under this section—

14 (1) establishes and maintains processes pro-
15 viding for the continued implementation and periodic
16 revision of regeneration plans; and

17 (2) submits to the Secretary such reports as the
18 Secretary determines are necessary.

19 **SEC. 10. INFRASTRUCTURE CREDIT FACILITY TO SUPPORT**
20 **TRANSIT-ORIENTED DEVELOPMENT.**

21 (a) DEFINITIONS.—In this section—

22 (1) the term “eligible applicant” means a State
23 or local government;

24 (2) the term “eligible borrower” means—

1 (A) a governmental entity, authority, agen-
2 cy, or instrumentality;

3 (B) a corporation, partnership, joint ven-
4 ture, or trust on behalf of which an eligible ap-
5 plicant has submitted an application under sub-
6 section (c); or

7 (C) any other legal entity undertaking an
8 infrastructure development project on behalf of
9 which an eligible applicant has submitted an
10 application under subsection (c); and

11 (3) the term "project" means an infrastructure
12 development project that is used to support transit-
13 oriented development, including—

14 (A) property enhancement, including con-
15 ducting environmental remediation, park devel-
16 opment, and open space acquisition;

17 (B) improvement of mobility and parking,
18 including rehabilitating, or providing for addi-
19 tional, streets, transit stations, structured park-
20 ing, walkways, and bikeways; or

21 (C) utility development, including rehabili-
22 tating existing, or providing for new drinking
23 water, wastewater, electric, and gas utilities.

24 (b) INFRASTRUCTURE CREDIT FACILITY ESTAB-
25 LISHED.—The Secretary may make or guarantee loans

1 under this section to eligible borrowers to develop the ini-
2 tial infrastructure for projects.

3 (c) APPLICATION.—

4 (1) IN GENERAL.—An eligible applicant may
5 submit to the Secretary an application for a loan or
6 loan guarantee under this section—

7 (A) to fund a project carried out by the eli-
8 gible applicant; or

9 (B) on behalf of an eligible borrower, to
10 fund a project carried out by the eligible bor-
11 rower.

12 (d) SELECTION CRITERIA.—

13 (1) IN GENERAL.—The Secretary may make a
14 loan or loan guarantee under this section for a
15 project that—

16 (A) is part of a community-wide develop-
17 ment plan;

18 (B) promotes sustainable development; and

19 (C) ensures that not less than 15 percent
20 of any housing units made available using the
21 loan or loan guarantee are for lower-income
22 households.

23 (2) CONSIDERATIONS.—The Secretary shall se-
24 lect the recipients of loans and loan guarantees
25 under this section based on the extent to which—

1 (A) the project will encourage increased
2 use of transit;

3 (B) the project will create or preserve long-
4 term affordable housing units in addition to the
5 housing units required to be made available
6 under paragraph (1)(C);

7 (C) the project will facilitate and encour-
8 age additional development or redevelopment in
9 the overall transit station area;

10 (D) the local government has adopted poli-
11 cies that—

12 (i) promote long-term affordable hous-
13 ing; and

14 (ii) allow high-density, mixed-use de-
15 velopment near transit stations;

16 (E) the project is part of a comprehensive
17 regional plan;

18 (F) the eligible borrower has established a
19 reliable, dedicated revenue source to repay the
20 loan;

21 (G) the project is not financially viable for
22 the eligible borrower without a loan or loan
23 guarantee under this section; and

1 (H) a loan or loan guarantee under this
2 section would be used in conjunction with non-
3 Federal loans to fund the project.

4 (e) ELIGIBLE SOURCES OF REPAYMENT.—A loan
5 made or guaranteed under this section shall be repayable,
6 in whole or in part, from dedicated revenue sources, which
7 may include—

8 (1) user fees;

9 (2) property tax revenues;

10 (3) sales tax revenues; or

11 (4) other revenue sources dedicated to the
12 project by property owners and businesses.

13 (f) INTEREST RATE.—The Secretary shall establish
14 an interest rate for loans made or guaranteed under this
15 section with reference to a benchmark interest rate (yield)
16 on marketable Treasury securities with a maturity that
17 is similar to the loans made or guaranteed under this sec-
18 tion.

19 (g) MAXIMUM MATURITY.—The maturity of a loan
20 made or guaranteed under this section may not exceed the
21 lesser of—

22 (1) 35 years; or

23 (2) 90 percent of the useful life of any project
24 to be financed by the loan, as determined by the
25 Secretary.

1 (h) MAXIMUM LOAN GUARANTEE RATE.—

2 (1) IN GENERAL.—The guarantee rate on a
3 loan guaranteed under this section may not exceed
4 75 percent of the amount of the loan.

5 (2) LOWER GUARANTEE RATE FOR LOW-RISK
6 BORROWERS.—The Secretary shall establish a guar-
7 antee rate for loans to eligible borrowers that the
8 Secretary determines pose a lower risk of default
9 that is lower than the guarantee rate for loans to
10 other eligible borrowers.

11 (i) FEES.—The Secretary shall establish fees for
12 loans made or guaranteed under this section at a level that
13 is sufficient to cover all or part of the costs to the Federal
14 Government of making or guaranteeing a loan under this
15 section.

16 (j) NONSUBORDINATION.—A loan made or guaran-
17 teed under this section may not be subordinated to the
18 claims of any holder of an obligation relating to the project
19 in the event of bankruptcy, insolvency, or liquidation.

20 (k) COMMENCEMENT OF REPAYMENT.—The sched-
21 uled repayment of principal or interest on a loan made
22 or guaranteed under this section shall commence not later
23 than 5 years after the date of substantial completion of
24 the project.

25 (l) REPAYMENT DEFERRAL FOR LOANS.—

1 (1) IN GENERAL.—If, at any time after the
2 date of substantial completion of a project, the Sec-
3 retary determines that dedicated revenue sources of
4 an eligible borrower are insufficient to make the
5 scheduled loan repayments of principal and interest
6 on a loan made or guaranteed under this section, the
7 Secretary may, subject to criteria established by the
8 Secretary, allow the eligible borrower to add unpaid
9 principal and interest to the outstanding balance of
10 the loan.

11 (2) TREATMENT OF DEFERRED PAYMENTS.—
12 Any payment deferred under this section shall—

13 (A) continue to accrue interest until fully
14 repaid; and

15 (B) be scheduled to be amortized over the
16 remaining term of the loan.

17 (m) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated for the cost of loans and
19 loan guarantees under this section—

20 (1) \$20,000,000 for each of fiscal years 2011
21 and 2012; and

22 (2) \$30,000,000 for each of fiscal years 2013
23 and 2014.

