

111TH CONGRESS
1ST SESSION

S. 118

To amend section 202 of the Housing Act of 1959, to improve the program under such section for supportive housing for the elderly, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 6, 2009

Mr. KOHL (for himself, Mr. SCHUMER, Mr. DURBIN, Mr. BROWN, Mr. NELSON of Florida, Ms. STABENOW, Mr. LEAHY, and Mr. CASEY) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To amend section 202 of the Housing Act of 1959, to improve the program under such section for supportive housing for the elderly, and for other purposes.

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 AND TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Section 202 Supportive Housing for the Elderly Act of
6 2009”.

7 (b) **TABLE OF CONTENTS.**—The table of contents for
8 this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—NEW CONSTRUCTION REFORMS

- Sec. 101. Project rental assistance.
- Sec. 102. Selection criteria.
- Sec. 103. Development cost limitations.
- Sec. 104. Owner deposits.
- Sec. 105. Definition of private nonprofit organization.
- Sec. 106. Preferences for homeless elderly.
- Sec. 107. Nonmetropolitan allocation.

TITLE II—REFINANCING

- Sec. 201. Approval of prepayment of debt.
- Sec. 202. Sources of refinancing.
- Sec. 203. Use of unexpended amounts.
- Sec. 204. Use of project residual receipts.
- Sec. 205. Additional provisions.

TITLE III—ASSISTED LIVING FACILITIES

- Sec. 301. Definition of assisted living facility.
- Sec. 302. Monthly assistance payment under rental assistance.

TITLE IV—FACILITATING AFFORDABLE HOUSING PRESERVATION TRANSACTIONS

- Sec. 401. Use of sale or refinancing proceeds.

TITLE V—NATIONAL SENIOR HOUSING CLEARINGHOUSE

- Sec. 501. National senior housing clearinghouse.

1 **TITLE I—NEW CONSTRUCTION**
 2 **REFORMS**

3 **SEC. 101. PROJECT RENTAL ASSISTANCE.**

4 Paragraph (2) of section 202(c) of the Housing Act
5 of 1959 (12 U.S.C. 1701q(c)(2)) is amended—

6 (1) by inserting after “ASSISTANCE.—” the fol-
7 lowing: “(A) INITIAL PROJECT RENTAL ASSISTANCE
8 CONTRACT.—”;

9 (2) in the last sentence, by striking “may” and
10 inserting “shall”; and

1 (3) by adding at the end the following new sub-
2 paragraph:

3 “(B) RENEWAL OF AND INCREASES IN CON-
4 TRACT AMOUNTS.—

5 “(i) EXPIRATION OF CONTRACT TERM.—

6 Upon the expiration of each contract term, the
7 Secretary shall adjust the annual contract
8 amount to provide for reasonable project costs,
9 and any increases, including adequate reserves,
10 supportive services, and service coordinators,
11 except that any contract amounts not used by
12 a project during a contract term shall not be
13 available for such adjustments upon renewal.

14 “(ii) EMERGENCY SITUATIONS.—In the
15 event of emergency situations that are outside
16 the control of the owner, the Secretary shall in-
17 crease the annual contract amount, subject to
18 reasonable review and limitations as the Sec-
19 retary shall provide.”.

20 **SEC. 102. SELECTION CRITERIA.**

21 Section 202(f)(1) of the Housing Act of 1959 (12
22 U.S.C. 1701q(f)) is amended—

23 (1) by redesignating subparagraphs (F) and
24 (G) as subparagraphs (G) and (H), respectively; and

1 (2) by inserting after subparagraph (E) (as so
2 redesignated by paragraph (2) of this subsection)
3 the following new subparagraph:

4 “(F) the extent to which the applicant has en-
5 sured that a service coordinator will be employed or
6 otherwise retained for the housing, who has the
7 managerial capacity and responsibility for carrying
8 out the actions described in subparagraphs (A) and
9 (B) of subsection (g)(2);”.

10 **SEC. 103. DEVELOPMENT COST LIMITATIONS.**

11 Section 202(h)(1) of the Housing Act of 1959 (12
12 U.S.C. 1701q(h)(1)) is amended, in the matter preceding
13 subparagraph (A), by inserting “reasonable” before “de-
14 velopment cost limitations”.

15 **SEC. 104. OWNER DEPOSITS.**

16 Section 202(j)(3)(A) of the Housing Act of 1959 (12
17 U.S.C. 1701q(j)(3)(A)) is amended by inserting after the
18 period at the end the following: “Such amount shall be
19 used only to cover operating deficits during the first 3
20 years of operations and shall not be used to cover con-
21 struction shortfalls or inadequate initial project rental as-
22 sistance amounts.”.

1 **SEC. 105. DEFINITION OF PRIVATE NONPROFIT ORGANIZA-**
 2 **TION.**

3 Subparagraph (B) of section 202(k)(4) of the Hous-
 4 ing Act of 1959 (12 U.S.C. 1701q(k)(4)(B)) is amended
 5 by inserting before the semicolon the following: “, except
 6 that, in the case of any national organization that is the
 7 owner of multiple housing projects assisted under this sec-
 8 tion, the organization may comply with clause (i) of this
 9 subparagraph by having a local advisory board to the gov-
 10 erning board of the organization the membership which
 11 is selected in the manner required under clause (i)”.

12 **SEC. 106. PREFERENCES FOR HOMELESS ELDERLY.**

13 Subsection (j) of section 202 of the Housing Act of
 14 1959 (12 U.S.C. 1701q(j)) is amended by adding at the
 15 end the following new paragraph:

16 “(9) PREFERENCES FOR HOMELESS ELDER-
 17 LY.—The Secretary shall permit an owner of hous-
 18 ing assisted under this section to establish for, and
 19 apply to, such housing a preference in tenant selec-
 20 tion for the homeless elderly, either within the appli-
 21 cation or after selection pursuant to subsection (f),
 22 but only if—

23 “(A) such preference is consistent with
 24 paragraph (2); and

25 “(B) the owner demonstrates that the sup-
 26 portive services identified pursuant to sub-

1 section (e)(4), or additional supportive services
 2 to be made available upon implementation of
 3 the preference, will meet the needs of the home-
 4 less elderly, maintain safety and security for all
 5 tenants, and be provided on a consistent, long-
 6 term, and economical basis.”.

7 **SEC. 107. NONMETROPOLITAN ALLOCATION.**

8 Paragraph (3) of section 202(l) of the Housing Act
 9 of 1959 (12 U.S.C. 1701q(l)(3)) is amended by inserting
 10 after the period at the end the following: “In complying
 11 with this paragraph, the Secretary shall either operate a
 12 national competition for the nonmetropolitan funds or
 13 make allocations to regional offices of the Department of
 14 Housing and Urban Development.”.

15 **TITLE II—REFINANCING**

16 **SEC. 201. APPROVAL OF PREPAYMENT OF DEBT.**

17 Subsection (a) of section 811 of the American Home-
 18 ownership and Economic Opportunity Act of 2000 (12
 19 U.S.C. 1701q note) is amended—

20 (1) in the matter preceding paragraph (1), by
 21 inserting “, for which the Secretary’s consent to pre-
 22 payment is required,” after “Affordable Housing
 23 Act)”;

24 (2) in paragraph (1)—

1 (A) by inserting “at least 20 years fol-
2 lowing” before “the maturity date”;

3 (B) by inserting “project-based” before
4 “rental assistance payments contract”;

5 (C) by inserting “project-based” before
6 “rental housing assistance programs”; and

7 (D) by inserting “, or any successor
8 project-based rental assistance program,” after
9 “1701s))”;

10 (3) by amending paragraph (2) to read as fol-
11 lows:

12 “(2) the prepayment may involve refinancing of
13 the loan if such refinancing results in—

14 “(A) a lower interest rate on the principal
15 of the loan for the project and in reductions in
16 debt service related to such loan; or

17 “(B) a transaction in which the project
18 owner will address the physical needs of the
19 project, but only if, as a result of the refi-
20 nancing—

21 “(i) the rent charges for unassisted
22 families residing in the project do not in-
23 crease or such families are provided rental
24 assistance under a senior preservation

1 rental assistance contract for the project
 2 pursuant to subsection (e); and

3 “(ii) the overall cost for providing
 4 rental assistance under section 8 for the
 5 project (if any) is not increased, except,
 6 upon approval by the Secretary to—

7 “(I) mark-up-to-market contracts
 8 pursuant to section 524(a)(3) of the
 9 Multifamily Assisted Housing Reform
 10 and Affordability Act (42 U.S.C.
 11 1437f note), as such section is carried
 12 out by the Secretary for properties
 13 owned by nonprofit organizations; or

14 “(II) mark-up-to-budget con-
 15 tracts pursuant to section 524(a)(4)
 16 of the Multifamily Assisted Housing
 17 Reform and Affordability Act (42
 18 U.S.C. 1437f note), as such section is
 19 carried out by the Secretary for prop-
 20 erties owned by eligible owners (as
 21 such term is defined in section 202(k)
 22 of the Housing Act of 1959 (12
 23 U.S.C. 1701q(k)); and”;

24 (4) by adding at the end the following:

1 “(3) notwithstanding paragraph (2)(A), the
2 prepayment and refinancing authorized pursuant to
3 paragraph (2)(B) involves an increase in debt service
4 only in the case of a refinancing of a project assisted
5 with a loan under such section 202 carrying an in-
6 terest rate of 6 percent or lower.”.

7 **SEC. 202. SOURCES OF REFINANCING.**

8 The last sentence of section 811(b) of the American
9 Homeownership and Economic Opportunity Act of 2000
10 (12 U.S.C. 1701q note) is amended—

11 (1) by inserting after “National Housing Act,”
12 the following: “or approving the standards used by
13 authorized lenders to underwrite a loan refinanced
14 with risk sharing as provided by section 542 of the
15 Housing and Community Development Act of 1992
16 (12 U.S.C. 1701 note),”; and

17 (2) by striking “may” and inserting “shall”.

18 **SEC. 203. USE OF UNEXPENDED AMOUNTS.**

19 Subsection (c) of section 811 of the American Home-
20 ownership and Economic Opportunity Act of 2000 (12
21 U.S.C. 1701q note) is amended—

22 (1) by striking “USE OF UNEXPENDED
23 AMOUNTS.—” and inserting “USE OF PROCEEDS.—
24 ”;

1 (2) by amending the matter preceding para-
2 graph (1) to read as follows: “Upon execution of the
3 refinancing for a project pursuant to this section,
4 the Secretary shall ensure that proceeds are used in
5 a manner advantageous to tenants, or are used in
6 the provision of affordable rental housing and re-
7 lated social services for elderly persons by the pri-
8 vate nonprofit organization project owner, private
9 nonprofit organization project sponsor, or private
10 nonprofit organization project developer, including—
11 ”;

12 (3) in paragraph (1), by striking “not more
13 than 15 percent of”;

14 (4) in paragraph (2), by inserting before the
15 semicolon the following; “, including reducing the
16 number of units by reconfiguring units that are
17 functionally obsolete, unmarketable, or not economi-
18 cally viable”;

19 (5) in paragraph (3), by striking “or” at the
20 end;

21 (6) in paragraph (4), by striking “according to
22 a pro rata allocation of shared savings resulting
23 from the refinancing.” and inserting a semicolon;
24 and

1 (7) by adding at the end the following new
2 paragraphs:

3 “(5) rehabilitation of the project to ensure long-
4 term viability;

5 “(6) the payment to the project owner, sponsor,
6 or third party developer of a developer’s fee in an
7 amount not to exceed—

8 “(A) in the case of a project refinanced
9 through a State low income housing tax credit
10 program, the fee permitted by the low income
11 housing tax credit program as calculated by the
12 State program as a percentage of acceptable de-
13 velopment cost as defined by that State pro-
14 gram; or

15 “(B) in the case of a project refinanced
16 through any other source of refinancing, 15
17 percent of the acceptable development cost; and
18 “(7) the payment of equity, if any, to—

19 “(A) in the case of a sale, to the seller or
20 the sponsor of the seller, in an amount equal to
21 the lesser of the purchase price or the appraised
22 value of the project, as each is reduced by the
23 cost of prepaying any outstanding indebtedness
24 on the project and transaction costs of the sale;
25 or

1 “(B) in the case of a refinancing without
2 the transfer of the project, to the project owner
3 or the project sponsor, in an amount equal to
4 the difference between the appraised value of
5 the project less the outstanding indebtedness
6 and total acceptable development cost.

7 For purposes of paragraphs (6)(B) and (7)(B), the term
8 “acceptable development cost” shall include, as applicable,
9 the cost of acquisition, rehabilitation, loan prepayment,
10 initial reserve deposits, and transaction costs.”.

11 **SEC. 204. USE OF PROJECT RESIDUAL RECEIPTS.**

12 Paragraph (1) of section 811(d) of the American
13 Homeownership and Economic Opportunity Act of 2000
14 (12 U.S.C. 1701q note) is amended—

15 (1) by striking “not more than 15 percent of”;

16 and

17 (2) by inserting before the period at the end the
18 following: “or other purposes approved by the Sec-
19 retary”.

20 **SEC. 205. ADDITIONAL PROVISIONS.**

21 Section 811 of the American Homeownership and
22 Economic Opportunity Act of 2000 (12 U.S.C. 1701q
23 note) is amended by adding at the end the following new
24 subsections:

1 “(e) SENIOR PRESERVATION RENTAL ASSISTANCE
2 CONTRACTS.—Notwithstanding any other provision of
3 law, in connection with a prepayment plan for a project
4 approved under subsection (a) by the Secretary or as oth-
5 erwise approved by the Secretary to prevent displacement
6 of elderly residents of the project in the case of refinancing
7 or recapitalization and to further preservation and afford-
8 ability of such project, the Secretary shall provide project-
9 based rental assistance for the project under a senior pres-
10 ervation rental assistance contract, as follows:

11 “(1) Assistance under the contract shall be
12 made available to the private nonprofit organization
13 owner—

14 “(A) for a term of at least 20 years, sub-
15 ject to annual appropriations; and

16 “(B) under the same rules governing
17 project-based rental assistance made available
18 under section 8 of the Housing Act of 1937.

19 “(2) Any projects for which a senior preserva-
20 tion rental assistance contract is provided shall be
21 subject to a use agreement to ensure continued
22 project affordability having a term of the longer of
23 (A) the term of the senior preservation rental assist-
24 ance contract, or (B) such term as is required by the
25 new financing.

1 “(f) MORTGAGE SALE DEMONSTRATION.—

2 “(1) IN GENERAL.—The Secretary may sell
3 mortgages associated with loans made under section
4 202 of the Housing Act of 1959 (as in effect before
5 the enactment of the Cranston-Gonzalez National
6 Affordable Housing Act) in accordance with the rel-
7 evant terms for sales of subsidized loans on multi-
8 family housing projects under section 203 of the
9 Housing and Community Development Amendments
10 of 1978 (12 U.S.C. 1701z–11). For the purpose of
11 demonstrating the efficiency, effectiveness, quality,
12 and timeliness of asset management and regulatory
13 oversight of certain portfolios of such mortgages by
14 State housing finance agencies, the Secretary shall
15 carry out a demonstration program, in not more
16 than 5 States, to sell portfolios of such mortgages to
17 State housing finance agencies for a price not to ex-
18 ceed the unpaid principal balances of such mort-
19 gages and otherwise in accordance with the require-
20 ments of such section 203.

21 “(2) LIMITATIONS.—In carrying out the dem-
22 onstration program required under paragraph (1),
23 the Secretary shall—

24 “(A) prohibit State housing finance agen-
25 cies from giving preference to, or conditioning

1 the approval of, awards of subordinate debt
2 funds, allocations of tax credits, or tax exempt
3 bonds based on the use of financing for the first
4 mortgage that is provided by such State hous-
5 ing finance agency;

6 “(B) require such agencies to allow, in ac-
7 cordance with this section, for the refinancing
8 or prepayment of loans made under section 202
9 of the Housing Act of 1959 with a loan selected
10 by the owners, except that any use restrictions
11 on the property for which the loan was made
12 shall remain in effect for the duration provided
13 under the original terms of such loan; and

14 “(C) only carry out the demonstration pro-
15 gram in a State that has experience with oper-
16 ating and maintaining a housing preservation
17 revolving loan fund.

18 “(3) STUDY.—The Secretary shall conduct a
19 study to evaluate the performance and results of the
20 demonstration program carried out under paragraph
21 (1). In conducting such study, the Secretary shall
22 place particular emphasis on whether the asset man-
23 agement functions and activities related to loans and
24 properties held in the portfolios sold to State hous-
25 ing finance agencies under such demonstration pro-

1 gram have been accomplished in a timely, effective,
2 and efficient manner, including an analysis of ap-
3 provals of refinancings and preservation trans-
4 actions, rent increase requests, withdrawals from re-
5 serves or residual receipts (where there is no con-
6 tract administrator), and provider and resident sat-
7 isfaction.

8 “(4) REPORT.—Not later than 3 years after the
9 date of enactment of this subsection, the Secretary
10 shall submit a report to the Committee on Banking,
11 Housing, and Urban Affairs of the Senate and the
12 Committee on Financial Services of the House of
13 Representatives on—

14 “(A) the findings of the study required
15 under paragraph (3); and

16 “(B) any recommendations the Secretary
17 may have for expanding the demonstration
18 project required under paragraph (1).

19 “(g) SUBORDINATION OR ASSUMPTION OF EXISTING
20 DEBT.—In lieu of prepayment under this section of the
21 indebtedness with respect to a project, the Secretary may
22 approve—

23 “(1) in connection with new financing for the
24 project, the subordination of the loan for the project
25 under section 202 of the Housing Act of 1959 (as

1 in effect before the enactment of the Cranston-Gon-
2 zalez National Affordable Housing Act) and the con-
3 tinued subordination of any other existing subordi-
4 nate debt previously approved by the Secretary to
5 facilitate preservation of the project as affordable
6 housing; or

7 “(2) the assumption (which may include the
8 subordination described in paragraph (1)) of the
9 loan for the project under such section 202 in con-
10 nection with the transfer of the project with such a
11 loan to a private nonprofit organization.

12 “(h) FLEXIBLE SUBSIDY DEBT.—The Secretary
13 shall waive the requirement that debt for a project pursu-
14 ant to the flexible subsidy program under section 201 of
15 the Housing and Community Development Amendments
16 of 1978 (12 U.S.C. 1715z–1a) be prepaid in connection
17 with a prepayment, refinancing, or transfer under this sec-
18 tion of a project if such waiver is necessary for the finan-
19 cial feasibility of the transaction and is consistent with
20 the long-term preservation of the project as affordable
21 housing.

22 “(i) TENANT INVOLVEMENT IN PREPAYMENT AND
23 REFINANCING.—The Secretary shall not accept an offer
24 to prepay the loan for any project under section 202 of
25 the Housing Act of 1959 unless the Secretary has—

1 “(1) determined that the owner of the project
2 has notified the tenants of the owner’s request for
3 approval of a prepayment;

4 “(2) determined that the owner of the project
5 has provided the tenants with an opportunity to
6 comment on the owner’s request for approval of a
7 prepayment, including a description of any antici-
8 pated rehabilitation or other use of the proceeds
9 from the transaction, and its impacts on project
10 rents, tenant contributions, or the affordability re-
11 strictions for the project; and

12 “(3) taken such comments into consideration.

13 “(j) DEFINITION OF PRIVATE NONPROFIT ORGANI-
14 ZATION.—For purposes of this section, the term ‘private
15 nonprofit organization’ has the meaning given such term
16 in section 202(k) of the Housing Act of 1959 (12 U.S.C.
17 1701q(k)).”.

18 **TITLE III—ASSISTED LIVING** 19 **FACILITIES**

20 **SEC. 301. DEFINITION OF ASSISTED LIVING FACILITY.**

21 Section 202b(g) of the Housing Act of 1959 (12
22 U.S.C. 1701q–2(g)) is amended by striking paragraph (1)
23 and inserting the following new paragraph:

24 “(1) the term ‘assisted living facility’ means a
25 facility that—

1 “(A) is owned by a private nonprofit orga-
2 nization; and

3 “(B)(i) is licensed and regulated by a
4 State (or if there is no State law providing for
5 such licensing and regulation by the State, by
6 the municipality or other political subdivision in
7 which the facility is located); or

8 “(ii)(I) makes available, directly or
9 through recognized and experienced third party
10 service providers, to residents at the resident’s
11 request or choice supportive services to assist
12 the residents in carrying out the activities of
13 daily living, as described in section
14 232(b)(6)(B) of the National Housing Act (12
15 U.S.C. 1715w(b)(6)(B)); and

16 “(II) provides separate dwelling units for
17 residents, each of which may contain a full
18 kitchen and bathroom and which includes com-
19 mon rooms and other facilities appropriate for
20 the provision of supportive services to the resi-
21 dents of the facility; and”.

22 **SEC. 302. MONTHLY ASSISTANCE PAYMENT UNDER RENTAL**
23 **ASSISTANCE.**

24 Clause (iii) of section 8(o)(18)(B) of the United
25 States Housing Act of 1937 (42 U.S.C.

1 1437f(o)(18)(B)(iii)) is amended by inserting before the
2 period at the end the following: “, except that a family
3 may be required at the time the family initially receives
4 such assistance to pay rent in an amount exceeding 40
5 percent of the monthly adjusted income of the family by
6 such an amount or percentage that is reasonable given the
7 services and amenities provided and as the Secretary
8 deems appropriate.”.

9 **TITLE IV—FACILITATING AF-**
10 **FORDABLE HOUSING PRESER-**
11 **VATION TRANSACTIONS**

12 **SEC. 401. USE OF SALE OR REFINANCING PROCEEDS.**

13 Notwithstanding any other provision of law, in con-
14 nection with the sale or refinancing of a multifamily hous-
15 ing project, or the transfer of an assistance contract on
16 such a property, that requires the approval of the Sec-
17 retary of Housing and Urban Development, the Secretary
18 shall not impose any condition that restricts the amount
19 or use of sale or refinancing proceeds, or requires the fil-
20 ing of a financial report, unless such condition is expressly
21 authorized by an existing contract entered into between
22 the Secretary (or the Secretary’s designee) and the project
23 owner before the imposition of a condition prohibited by
24 this section or is a general condition for new financing
25 with a mortgage insured by the Secretary. Any such condi-

1 tion previously imposed by the Secretary after January 1,
 2 2005, shall, at the option of the project owner, be consid-
 3 ered void and not enforceable, and any agreement con-
 4 taining such a condition shall be rescinded and may be
 5 reissued without the void condition.

6 **TITLE V—NATIONAL SENIOR**
 7 **HOUSING CLEARINGHOUSE**

8 **SEC. 501. NATIONAL SENIOR HOUSING CLEARINGHOUSE.**

9 (a) ESTABLISHMENT.—Not later than 180 days after
 10 the date of enactment of this Act, the Secretary of Hous-
 11 ing and Urban Development shall establish and operate
 12 a clearinghouse to serve as a national repository to receive,
 13 collect, process, assemble, and disseminate information re-
 14 garding the availability and quality of multifamily develop-
 15 ments for elderly tenants, including—

16 (1) the availability of—

17 (A) supportive housing for the elderly pur-
 18 suant to section 202 of the Housing Act of
 19 1959 (12 U.S.C. 1701q), including any housing
 20 unit assisted with a project rental assistance
 21 contract under such section;

22 (B) properties and units eligible for assist-
 23 ance under section 8 of the United States
 24 Housing Act of 1937 (42 U.S.C. 1437f);

1 (C) properties eligible for the low-income
2 housing tax credit under section 42 of the In-
3 ternal Revenue Code of 1986;

4 (D) units in assisted living facilities in-
5 sured pursuant to section 221(d)(4) of the Na-
6 tional Housing Act (12 U.S.C. 1715l(d)(4));

7 (E) units in any multifamily project that
8 has been converted into an assisted living facil-
9 ity for elderly persons pursuant to section 202b
10 of the Housing Act of 1959 (12 U.S.C. 1701q-
11 2); and

12 (F) any other federally assisted or sub-
13 sidized housing for the elderly;

14 (2) the number of available units in each prop-
15 erty, project, or facility described in paragraph (1);

16 (3) the number of bedrooms in each available
17 unit in each property, project, or facility described in
18 paragraph (1);

19 (4) the estimated cost to a potential tenant to
20 rent or reside in each available unit in each prop-
21 erty, project, or facility described in paragraph (1);

22 (5) the presence of a waiting list for entry into
23 any available unit in each property, project, or facil-
24 ity described in paragraph (1);

1 (6) the number of persons on the waiting list
2 for entry into any available unit in each property,
3 project, or facility described in paragraph (1);

4 (7) the estimated time an individual can expect
5 to be on the waiting list for entry into any available
6 unit in each property, project, or facility described in
7 paragraph (1);

8 (8) the amenities available in each available
9 unit in each property, project, or facility described in
10 paragraph (1), including—

11 (A) the services provided by such property,
12 project, or facility;

13 (B) the size and availability of common
14 space within each property, project, or facility;

15 (C) the availability of organized activities
16 for individuals residing in such property,
17 project, or facility; and

18 (D) any other additional amenities avail-
19 able to individuals residing in such property,
20 project, or facility;

21 (9) the level of care (personal, physical, or nurs-
22 ing) available to individuals residing in any property,
23 project, or facility described in paragraph (1);

1 (10) whether there is a service coordinator in
2 any property, project, or facility described in para-
3 graph (1); and

4 (11) any other criteria determined appropriate
5 by the Secretary.

6 (b) COLLECTION AND UPDATING OF INFORMA-
7 TION.—

8 (1) INITIAL COLLECTION.—Not later than 90
9 days after the date of enactment of this Act, the
10 Secretary of Housing and Urban Development shall
11 conduct an annual survey requesting information
12 from each owner of a property, project, or facility
13 described in subsection (a)(1) regarding the provi-
14 sions described in paragraphs (2) through (11) of
15 such subsection.

16 (2) RESPONSE TIME.—Not later than 30 days
17 after receiving the request described under para-
18 graph (1), the owner of each such property, project,
19 or facility shall submit such information to the Sec-
20 retary of Housing and Urban Development.

21 (3) PUBLIC AVAILABILITY.—Not later than 60
22 days after the Secretary of Housing and Urban De-
23 velopment receives the submission of any informa-
24 tion required under paragraph (2), the Secretary

1 shall make such information publicly available
2 through the clearinghouse.

3 (4) UPDATES.—The Secretary of Housing and
4 Urban Development shall conduct an annual survey
5 of each owner of a property, project, or facility de-
6 scribed in subsection (a)(1) for the purpose of up-
7 dating or modifying information provided in the ini-
8 tial collection of information under paragraph (1).
9 Not later than 30 days after receiving such a re-
10 quest, the owner of each such property, project, or
11 facility shall submit such updates or modifications to
12 the Secretary. Not later than 60 days after receiving
13 such updates or modifications, the Secretary shall
14 inform the clearinghouse of such updated or modi-
15 fied information.

16 (c) FUNCTIONS.—The clearinghouse established
17 under subsection (a) shall—

18 (1) respond to inquiries from State and local
19 governments, other organizations, and individuals re-
20 questing information regarding the availability of
21 housing in multifamily developments for elderly ten-
22 ants;

23 (2) make such information publicly available via
24 the Internet website of the Department of Housing
25 and Urban Development, which shall include—

1 (A) access via electronic mail; and

2 (B) an easily searchable, sortable,
3 downloadable, and accessible index that itemizes
4 the availability of housing in multifamily devel-
5 opments for elderly tenants by State, county,
6 and zip code;

7 (3) establish a toll-free number to provide the
8 public with specific information regarding the avail-
9 ability of housing in multifamily developments for el-
10 derly tenants; and

11 (4) perform any other duty that the Secretary
12 determines necessary to achieve the purposes of this
13 section.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated such sums as necessary
16 to carry out this section.

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