

110TH CONGRESS
2^D SESSION

H. R. 6216

IN THE SENATE OF THE UNITED STATES

JULY 10 (legislative day, JULY 9), 2008

Received; read twice and referred to the Committee on Banking, Housing, and
Urban Affairs

AN ACT

To improve the Operating Fund for public housing of the
Department of Housing and Urban Development, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Asset Management Im-
3 provement Act of 2008”.

4 **SEC. 2. REVISIONS TO ASSET MANAGEMENT RULES AND**
5 **RELATED FEES.**

6 (a) **MANAGEMENT AND RELATED FEES.**—The Sec-
7 retary of Housing and Urban Development shall not im-
8 pose any restriction or limitation on the amount of man-
9 agement and related fees with respect to a public housing
10 project if the fee is determined to be reasonable by the
11 public housing agency, unless such restriction or limitation
12 imposed by the Secretary on such fees—

13 (1) is determined pursuant to a negotiated rule-
14 making which is convened by the Secretary no ear-
15 lier than April 1, 2009, and in accordance with sub-
16 chapter III of chapter 5 of title 5, United States
17 Code, with representatives from interested parties;
18 and

19 (2) is effective only on or after January 1,
20 2011.

21 The Secretary may not consider a public housing agency
22 as failing to comply with the asset management require-
23 ments of subpart H of part 990 of title 24 of the Code
24 of Federal Regulations, or any successor or amended regu-
25 lation containing asset management requirements, or de-
26 termine that an agency fails to comply with such require-

1 ments, because of or as a result of the agency determining
2 its fees in accordance with this subsection.

3 (b) INCREASE OF THRESHOLD FOR EXEMPTION
4 FROM ASSET MANAGEMENT REQUIREMENTS.—

5 (1) INCREASE.—Any public housing agency
6 that owns or operates fewer than 500 public housing
7 units under title I of the United States Housing Act
8 of 1937 may elect to be exempt from any asset man-
9 agement requirement imposed by the Secretary of
10 Housing and Urban Development.

11 (2) DETERMINATION OF OPERATING FUND AL-
12 LOCATION.—If a public housing agency elects pursu-
13 ant to paragraph (1) to be exempt from asset man-
14 agement requirements, the agency may, at its op-
15 tion, retain the same number of separate public
16 housing projects, for purposes of determining its op-
17 erating fund allocation, as the agency had identified
18 and the Secretary of Housing and Urban Develop-
19 ment had approved before the agency's election to be
20 so exempt.

21 **SEC. 3. PROHIBITION ON RESTRICTION OF FUNGIBILITY OF**
22 **CAPITAL FUND AMOUNTS.**

23 The Secretary of Housing and Urban Development
24 shall not impose any requirement, regulation, or guideline
25 relating to asset management that restricts or limits in

1 any way the use by public housing agencies of amounts
2 for Capital Fund assistance under section 9(d) of such
3 Act, pursuant to paragraph (1) or (2) of section 9(g) of
4 the United States Housing Act of 1937 (42 U.S.C.
5 1437g(g)), for costs of any central office of a public hous-
6 ing agency.

7 **SEC. 4. TENANT PARTICIPATION.**

8 (a) **RULE OF CONSTRUCTION.**—Neither the require-
9 ments of this Act, nor any other requirement, regulation,
10 guideline, or other policy or action of the Department of
11 Housing and Urban Development relating to public hous-
12 ing asset management may be construed to repeal or waive
13 any provision of part 964 of title 24 of the Code of Federal
14 Regulations, regarding tenant participation and tenant op-
15 portunities in public housing. The Secretary of Housing
16 and Urban Development shall ensure that public housing
17 agencies encourage the reasonable efforts of resident ten-
18 ant organizations to represent their members or the rea-
19 sonable efforts of tenants to organize.

20 (b) **PHAS IN RECEIVERSHIP.**—In the case of any
21 public housing agency in receivership, the Secretary of
22 Housing and Urban Development or any receiver may not
23 abrogate, waive, repeal, or modify any provision of part
24 964 of title 24 of the Code of Federal Regulations or any
25 provision of a formalized housing agreement entered into

1 pursuant to such part 964 (including pursuant to section
2 964.11, 964.14, 964.18(a)(6), or 964.135 of such part)
3 before the commencement of such receivership by a resi-
4 dent or tenant organization and the public housing agen-
5 cy.

6 (c) GUIDANCE.—Guidance issued by the Secretary of
7 Housing and Urban Development shall encourage partici-
8 pation by residents in the implementation of asset man-
9 agement and the development of local policies for such
10 purposes.

11 **SEC. 5. INELIGIBILITY OF ILLEGAL IMMIGRANTS FOR AS-**
12 **SISTANCE.**

13 Immigrants who are not lawfully present in the
14 United States shall be ineligible for financial assistance
15 under this Act, as provided and defined by section 214
16 of the Housing and Community Development Act of 1980
17 (42 U.S.C. 1436a). Nothing in this Act shall be construed
18 to alter the restrictions or definitions in such section 214.

19 **SEC. 6. ADMINISTRATIVE PROVISIONS.**

20 (a) PROHIBITION OF MANAGEMENT FEES FOR
21 AGREEMENTS PROHIBITING OR REQUIRING REGISTRA-
22 TION OF LEGAL FIREARMS.—The Secretary of Housing
23 and Urban Development shall not accept as reasonable
24 any management or related fees for enforcing any provi-
25 sion of a dwelling lease agreement or other similar agree-

1 ment that requires the registration of or prohibits the pos-
 2 session of any firearm that is possessed by an individual
 3 for his or her personal protection or for sport the posses-
 4 sion of which is not prohibited, or the registration of which
 5 is not required, by existing law.

6 (b) TERMINATION OF TENANCY AND ASSISTANCE
 7 FOR ILLEGAL USE OF FIREARM IN FEDERALLY ASSISTED
 8 HOUSING.—Section 577 of the Quality Housing and Work
 9 Responsibility Act of 1998 (42 U.S.C. 13662) is amend-
 10 ed—

11 (1) in the section heading—

12 (A) by striking “**AND**” the second place it
 13 appears and inserting a comma; and

14 (B) by inserting “, **AND FIREARMS**
 15 **USERS**” after “**ABUSERS**”; and

16 (2) in subsection (a)—

17 (A) in paragraph (1), by striking “or” at
 18 the end;

19 (B) in paragraph (2), by striking the pe-
 20 riod at the end and inserting “; or”; and

21 (C) by adding at the end the following new
 22 paragraph:

23 “(3) who the public housing agency or owner
 24 determines is illegally using a firearm, or whose ille-
 25 gal use of a firearm is determined by the public

1 housing authority or owner to interfere with the
2 health, safety, or right to peaceful enjoyment of the
3 premises by other residents.”.

Passed the House of Representatives July 9, 2008.

Attest: LORRAINE C. MILLER,
Clerk.