

[DISCUSSION DRAFT]112TH CONGRESS
1ST SESSION**H. R.** _____

To improve, expand, and make permanent the Moving to Work Program
of the Secretary of Housing and Urban Development.

IN THE HOUSE OF REPRESENTATIVES

Mr. GARY G. MILLER of California introduced the following bill; which was
referred to the Committee on _____

A BILL

To improve, expand, and make permanent the Moving to
Work Program of the Secretary of Housing and Urban
Development.

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.**

4 This Act may be cited as the “Moving to Work Im-
5 provement, Expansion, and Permanency Act of 2011”.

6 **SEC. 2. REFORM OF MOVING TO WORK PROGRAM.**

7 (a) PROGRAM REFORMS.—Section 204 of the Depart-
8 ments of Veterans Affairs and Housing and Urban Devel-

1 opment, and Independent Agencies Appropriations Act,
2 1996 (42 U.S.C. 1437f note) is amended—

3 (1) in the section heading, by striking “DEM-
4 ONSTRATION” and inserting “PROGRAM”; and

5 (2) by striking the section designation and all
6 that follows through the end of subsection (a) and
7 inserting the following:

8 “SEC. 204. (a) PURPOSES.—The purposes of the pro-
9 gram under this section are as follows:

10 “(1) ECONOMIC INDEPENDENCE.—To de-
11 velop measures to promote economic independ-
12 ence for families with children whose head of
13 household is working, seeking work, or pre-
14 paring for work to obtain employment and be-
15 come economically independent, by participating
16 in job training, educational programs, or other
17 supportive services and programs that assist in
18 meeting such goal.

19 “(2) FLEXIBILITY AND COST-EFFECTIVE-
20 NESS.—To give public housing agencies and the
21 Secretary of Housing and Urban Development
22 the flexibility to design and implement various
23 approaches for providing and administering
24 housing assistance that: reduce cost and achieve

1 greater cost effectiveness in Federal expendi-
2 tures.

3 “(3) HOUSING CHOICE.—To increase hous-
4 ing choices for low-income families.”;
5 (3) in subsection (b)—

6 (A) by striking “(b) PROGRAM AUTHOR-
7 ITY.—The Secretary” and inserting the fol-
8 lowing:

9 “(b) PROGRAM AUTHORITY.—
10 “(1) IN GENERAL.—The Secretary”;

11 (B) in the first sentence, by striking “con-
12 duct a demonstration program under this sec-
13 tion beginning in fiscal year 1996 under which
14 up to 30” and inserting “carry out a program
15 under this section under which”;

16 (C) by inserting after the first sentence the
17 following: “There shall be no limitation on the
18 number of public housing agencies that may
19 participate in the program under this section.”;

20 (D) by striking “The Secretary shall” and
21 all that follows through “demonstration.” and
22 inserting the following:

23 “(2) IDENTIFICATION OF REPLICABLE MOD-
24 ELS.—The Secretary shall provide training and tech-
25 nical assistance under the program and conduct de-

1 tailed evaluations of various agencies to identify
2 replicable program models promoting the purposes
3 of the program.”;

4 (E) by striking “Under the demonstration”
5 and inserting the following:

6 “(3) COMBINATION OF ASSISTANCE.—Under
7 the program under this section”; and

8 (F) by striking “operating assistance pro-
9 vided under section 9 of the United States
10 Housing Act of 1937, modernization assistance
11 provided under section 14” and inserting
12 “amounts provided to the agency from the Op-
13 erating Fund under section 9(e) of the United
14 States Housing Act of 1937, amounts provided
15 to the agency from the Capital Fund under sec-
16 tion 9(d)”.

17 (4) in subsection (c)—

18 (A) in the matter preceding paragraph (1),
19 by striking “demonstration” and inserting “pro-
20 gram under this section”;

21 (B) in paragraph (1), by striking “9, and
22 14” and inserting “9(d), and 9(e)”;

23 (C) in paragraph (3)—

24 (i) in subparagraph (A), by striking
25 “demonstration”;

- 1 (ii) in subparagraph (B)—
- 2 (I) by striking “self-sufficiency”
- 3 and inserting “economic independ-
- 4 ence”; and
- 5 (II) by striking “purpose of this
- 6 demonstration” and inserting “pur-
- 7 pose of the program under subsection
- 8 (a)(1)”;
- 9 (iii) in subparagraph (D), by striking
- 10 “demonstration” and inserting “program
- 11 under this section;”;
- 12 (iv) in subparagraph (E), by striking
- 13 “demonstration program” and inserting
- 14 “program under this section”;
- 15 (v) by redesignating subparagraphs
- 16 (A), (B), (C), (D), and (E) as subpara-
- 17 graphs ((B), (C), (D), (F), and (G), re-
- 18 spectively;
- 19 (vi) by inserting before subparagraph
- 20 (B) (as so redesignated by clause (v) of
- 21 this subparagraph) the following new para-
- 22 graph:
- 23 “(A) actions to be taken under the pro-
- 24 posed program to achieve the purposes of the

1 program under paragraphs (1), (2), and (3) of
2 subsection (a);” and

3 (vii) by inserting after subparagraph
4 (D) (as so redesignated by clause (v) of
5 this subparagraph) the following new sub-
6 paragraph:

7 “(E) providing assisted families and partici-
8 pants in the program operated by the agency with
9 an informal administrative hearing or grievance
10 process, prior to any eviction or termination of as-
11 sistance;” and

12 (D) in paragraph (4), by striking “dem-
13 onstration” and inserting “proposed program”;
14 (5) in subsection (d)—

15 (A) by striking “(d) SELECTION.—In se-
16 lecting among applications, the Secretary shall
17 take into account the” and inserting the fol-
18 lowing:

19 “(d) APPLICATIONS FOR PARTICIPATION.—

20 “(1) SUBMISSION.—The Secretary shall provide
21 for public housing agencies to submit applications
22 for participation in the program under this section
23 and shall establish standards and requirements for
24 such applications.

1 “(2) REVIEW AND DETERMINATION.—Upon re-
2 receipt of an application for participation in the pro-
3 gram under this section, the Secretary shall prompt-
4 ly—

5 “(A) review such application;

6 “(B) make a determination of whether to
7 approve such agency for participation in the
8 program under this section, based on the cri-
9 teria under paragraph (3); and

10 “(C) notify the public housing agency of
11 such determination.

12 “(3) CRITERIA.—The Secretary shall establish
13 criteria for approval of applications of public housing
14 agencies for participation in the program under this
15 section, which shall provide for approval of applica-
16 tions that are reasonably designed to carry out the
17 purposes of the program under subsection (a). Such
18 criteria shall take into consideration the capacity
19 and”;

20 (B) by striking “each” and inserting
21 “the”;

22 (C) by striking “a program under the dem-
23 onstration” and inserting “the proposed pro-
24 gram in the application”; and

1 (D) by striking “an agency” and inserting
2 “the agency”;

3 (6) in subsection (e)—

4 (A) in paragraph (1), by striking “this
5 demonstration” and inserting “the program
6 under this section”; and

7 (B) in paragraph (2) , by striking “dem-
8 onstration” and inserting “program under this
9 section”;

10 (7) in subsection (f), by striking “section 9, or
11 pursuant to section 14 by a public housing agency
12 participating in the demonstration under this part”
13 and inserting “of the United States Housing Act of
14 1937, or provided from the Operating Fund under
15 section 9(e) or from the Capital Fund under section
16 9(d) of such Act, by a public housing agency partici-
17 pating in the program under this section”;

18 (8) in subsection (g)—

19 (A) in paragraph (1), by inserting “, in-
20 cluding performance in achieving each of the
21 purposes of the program specified in subsection
22 (a)”;

23 (B) in paragraph (2)—

1 (i) in the first sentence, by inserting
2 “, but not less often than annually” before
3 the period at the end;

4 (ii) by striking subparagraph (C) and
5 inserting the following:

6 “(C) describe and analyze the effects of
7 the program of the agency and the assisted ac-
8 tivities under such program in addressing and
9 achieving the objectives of the program under
10 this section and each of the purposes specified
11 in subsection (a), including the effects of the
12 program on—

13 “(i) the number of families that have
14 achieved economic independence from
15 housing assistance that is administered by
16 the agency, including vouchers for rental
17 assistance under section 8(o) of the United
18 States Housing Act of 1937 and dwelling
19 units in public housing and in housing as-
20 sisted with project-based section 8 assist-
21 ance;

22 “(ii) the number of new families the
23 agency has been able to assist from the
24 waiting lists for housing assistance re-
25 ferred to in clause (i) that is administered

1 by the agency, as a result of the flexibility
2 of funds and achievement of economic
3 independence;

4 “(iii) the cost and annual change, per
5 family participating in the program, of
6 providing housing assistance referred to in
7 clause (i) that is administered by the agen-
8 cy; and

9 “(iv) the household incomes, and
10 changes in such incomes, of families par-
11 ticipating in the program; and

12 “(v) such other factors as the Sec-
13 retary considers appropriate.”;

14 (9) in subsection (h)—

15 (A) in paragraph (1), by striking “dem-
16 onstration” and inserting “program under this
17 section”; and

18 (B) by striking paragraph (2) and insert-
19 ing the following:

20 “(2) REVIEW.—The Secretary shall annually
21 review the activities of each public housing agency
22 participating in the program under this section and,
23 based on such review and the reports of the agency
24 submitted pursuant to subsection (g)(2), deter-
25 mine—

1 “(A) the impact and effectiveness of the
2 agency’s program and activities in achieving
3 each of the purposes of the program specified
4 in subsection (a);

5 “(B) the extent of compliance by the agen-
6 cy with the requirements of the program under
7 this section and, in determining such extent of
8 compliance, shall take into consideration the
9 unique characteristics of the agency.

10 “(3) CONTINUED PARTICIPATION.—The Sec-
11 retary shall not terminate the participation of any
12 public housing agency in the program under this
13 section unless the Secretary finds that the agency—

14 “(A) is in material default of the condi-
15 tions and obligations under the agreement en-
16 tered into between the agency and the Secretary
17 providing for such participation;

18 “(B) has misused or misappropriated
19 funds;

20 “(C) has failed to make a good faith effort
21 to carry out the purposes of the program speci-
22 fied in subsection (a); or

23 “(D) has failed to cure a material defi-
24 ciency in performance after notice and an op-
25 portunity to correct the deficiency.

1 “(4) ANNUAL REPORTS TO CONGRESS.—The
2 Secretary shall submit a report to the Congress on
3 an annual basis regarding the program under this
4 section and the results of the reviews conducted
5 under paragraph (2), which shall evaluate the pro-
6 grams carried out by public housing agencies partici-
7 pating in the program, including with respect to
8 each of the purposes specified in subsection (a), and
9 shall include findings and recommendations for ap-
10 propriate legislative changes to the program.”;

11 (10) in subsection (i)—

12 (A) in the matter preceding paragraph (1),
13 by striking “section 14 of the United States
14 Housing Act of 1937 for fiscal years 1996,
15 1997, and 1998” and inserting “the Capital
16 Fund under section 9(d) of the United States
17 Housing Act of 1937 in each fiscal year”; and

18 (B) in paragraph (1)(B), by striking “up
19 to 10”; and

20 (11) by striking subsection (j).

21 (b) TREATMENT OF PARTICIPATING AGENCIES.—

22 (1) CONTINUATION OF PARTICIPATION.—This
23 Act and the amendments made by this Act shall not
24 affect the status of any public housing agency that,
25 as of the date of the enactment of this Act, is par-

1 participating in the Moving to Work Program under
2 section 204 of the Departments of Veterans Affairs
3 and Housing and Urban Development, and Inde-
4 pendent Agencies Appropriations Act, 1996, as such
5 a participating agency.

6 (2) ELECTION.—Any public housing agency re-
7 ferred to in paragraph (1) may elect—

8 (A) to continue participation in the Pro-
9 gram under such section 204 under the terms
10 of the agreement entered into between the
11 agency and the Secretary providing for such
12 participation until the date of the expiration of
13 such agreement; or

14 (B) at any time before date of the expira-
15 tion of such agreement, to transition to partici-
16 pation under the program under such section
17 204, as amended by this Act.

18 (3) CONVERSION TO REFORMED PROGRAM.—

19 (A) IN GENERAL.—Except as provided in
20 subparagraph (B) of this paragraph, any public
21 housing agency that elects pursuant to para-
22 graph (2)(A) of this subsection to continue par-
23 ticipation in the Program under such section
24 204 shall, upon the expiration of the agreement
25 referred to in such paragraph, be considered to

1 have been approved for participation in the Pro-
2 gram under such section 204, as amended by
3 this Act, and the Secretary of Housing and
4 Urban Development shall provide for the transi-
5 tion of the agency to participation under the
6 Program under such section as so amended.

7 (B) INAPPLICABILITY.—Subparagraph (A)
8 shall not apply to any public housing agency
9 that is determined by the Secretary to be in
10 material default, upon the expiration of the
11 agreement referred to in paragraph (2)(A), of
12 the conditions and obligations under such
13 agreement.