

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 3700) TO PROVIDE HOUSING OPPORTUNITIES IN THE UNITED STATES THROUGH MODERNIZATION OF VARIOUS HOUSING PROGRAMS, AND FOR OTHER PURPOSES

FEBRUARY 1, 2016.—Referred to the House Calendar and ordered to be printed

Mr. STIVERS, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 594]

The Committee on Rules, having had under consideration House Resolution 594, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 3700, the Housing Opportunity Through Modernization Act of 2015, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for the purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114-42 and provides that it shall be considered as read. The resolution waives all points of order against that amendment in the nature of a substitute. The resolution makes in order only those further amendments printed in this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in this report. The resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill includes a waiver of clause 3(e)(1) of rule XIII (“Ramseyer”), requiring a committee report accompanying a bill amending or repealing statutes to show, by typographical device, parts of statute affected. The waiver is provided because the submission provided by the Committee on Financial Services was insufficient to meet the standards established by the rule in its current form. The Committee on Rules continues to work with the House Office of Legislative Counsel and committees to determine the steps necessary to comply with the updated rule.

Although the resolution waives all points of order against the amendment in the nature of a substitute made in order as original text, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

SUMMARY OF THE AMENDMENTS MADE IN ORDER

1. Buchanan (FL): Promotes efficient and accurate administration of income reviews and the collection of asset information when determining eligibility for rental assistance, consistent with other means-tested programs. (10 minutes)

2. Waters (CA): Removes harmful language that would limit the amount that families receiving certain federal housing assistance can deduct from their income for childcare expenses. (10 minutes)

3. Sewell (AL): Requires the Secretary of HUD to conduct a study to determine the impacts of the decreased deductions on rents paid by elderly and disabled individuals and families assisted under the Section 8 rental assistance and housing programs. (10 minutes)

4. Bordallo (GU): Prioritizes U.S. citizens and nationals over migrants from the Republic of the Marshall Islands, Republic of Palau, and the Federated States of Micronesia when receiving federal housing assistance in Guam. (10 minutes)

5. Hinojosa (TX): Allows the USDA to assess a nominal fee (maximum of \$50) per loan under the Section 502 single family guaranteed home loan program in order to fund needed technological improvements and investments into the guaranteed underwriting system. (10 minutes)

6. Meng (NY): Requires HUD to publish model guidelines for minimum heating requirements for units operated by public housing agencies receiving federal assistance. (10 minutes)

7. Palazzo (MS): Makes permanent the exception to public housing agency resident board member requirement. (10 minutes)

8. Welch (VT): Allows the property taxes paid on mobile homes, insurance payments, utilities and financing to be included as components of the housing costs eligible for Section 8 payments. (10 minutes)

9. Lujan Grisham (NM): Inserts a provision for collaborating with the Department of Veterans Affairs and the Department of Housing and Urban Development on how to better coordinate and improve veterans housing services. (10 minutes)

10. Peters, Scott (CA): Directs the Secretary of Housing and Urban Development to reopen the period for public comment for the “Homeless Emergency Assistance and Rapid Transition to Housing: Continuum of Care Program” to allow stakeholders the opportunity to provide input on how HUD’s resources can be most equitably used to end homelessness in our country. (10 minutes)

11. Ellison (MN): Provides affirmative permission for housing providers who administer U.S. Department of Housing and Urban Development funds to report on-time rental payment data for their tenants to credit reporting agencies without requiring and managing individual written consent agreements. Directs HUD to retain tenant privacy so the furnished information would not specifically note that tenants receive HUD assistance. (10 minutes)

12. Green, Al (TX): Reauthorizes the FHA pilot program to establish an automated process for providing additional credit rating information to help determine creditworthiness for families with insufficient credit histories. (10 minutes)

13. Jackson Lee (TX): Directs the Secretary of Housing and Urban Development to work with the Secretary of Labor to produce an annual report on interagency strategies to strengthen family economic empowerment by linking housing with essential supportive services such as employment counseling and training, financial growth, childcare, transportation, meals, youth recreational activities and other supportive services. (10 minutes)

14. Price, David (NC), Aderholt (AL): Updates and modernizes HUD’s funding formula for the Housing Opportunities for Persons With AIDS (HOPWA) program so that funding is distributed to jurisdictions based on living cases of HIV/AIDS. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BUCHANAN OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 16, line 2, after “develop” insert “electronic”.

Page 16, line 4, strike “income” and insert “benefit”.

Page 16, after line 14, insert the following:

“(E) ELECTRONIC INCOME VERIFICATION.—The Secretary shall develop a mechanism for disclosing information to a public housing agency for the purpose of verifying the employment and income of individuals and families in accordance with section 453(j)(7)(E) of the Social Security Act (42 U.S.C. 653(j)(7)(E)), and shall ensure public housing agencies have access to information contained in the ‘Do Not Pay’ system established by section 5 of the Improper Payments Elimination and Recovery Improvement Act of 2012 (Public Law 112–248; 126 Stat. 2392).”.

Page 16, line 15, strike “(E)” and insert “(F)”.

Page 34, line 14, strike the closing quotation marks and the last period.

Page 34, after line 14, insert the following:

“(7) VERIFYING INCOME.—

“(A) Beginning in fiscal year 2018, the Secretary shall require public housing agencies to require each applicant for, or recipient of, benefits under this Act to provide authorization by the applicant or recipient (or by any other

person whose income or resources are material to the determination of the eligibility of the applicant or recipient for such benefits) for the public housing agency to obtain (subject to the cost reimbursement requirements of section 1115(a) of the Right to Financial Privacy Act) from any financial institution (within the meaning of section 1101(1) of such Act) any financial record (within the meaning of section 1101(2) of such Act) held by the institution with respect to the applicant or recipient (or any such other person) whenever the public housing agency determines the record is needed in connection with a determination with respect to such eligibility or the amount of such benefits.

“(B) Notwithstanding section 1104(a)(1) of the Right to Financial Privacy Act, an authorization provided by an applicant or recipient (or any other person whose income or resources are material to the determination of the eligibility of the applicant or recipient) pursuant to subparagraph (A) of this paragraph shall remain effective until the earliest of—

“(i) the rendering of a final adverse decision on the applicant’s application for eligibility for benefits under this Act;

“(ii) the cessation of the recipient’s eligibility for benefits under this Act; or

“(iii) the express revocation by the applicant or recipient (or such other person referred to in subparagraph (A)) of the authorization, in a written notification to the Secretary.

“(C)(i) An authorization obtained by the public housing agency pursuant to this paragraph shall be considered to meet the requirements of the Right to Financial Privacy Act for purposes of section 1103(a) of such Act, and need not be furnished to the financial institution, notwithstanding section 1104(a) of such Act.

“(ii) The certification requirements of section 1103(b) of the Right to Financial Privacy Act shall not apply to requests by the public housing agency pursuant to an authorization provided under this clause.

“(iii) A request by the public housing agency pursuant to an authorization provided under this clause is deemed to meet the requirements of section 1104(a)(3) of the Right to Financial Privacy Act and the flush language of section 1102 of such Act.

“(iv) The public housing agency shall inform any person who provides authorization pursuant to this paragraph of the duration and scope of the authorization.

“(D) If an applicant for, or recipient of, benefits under this Act (or any such other person referred to in subparagraph (A)) refuses to provide, or revokes, any authorization made by the applicant or recipient for the public housing agency to obtain from any financial institution any financial record, the public housing agency may, on that basis, determine that the applicant or recipient is ineligible for benefits under this title.”.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WATERS OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike line 17 on page 20 and all that follows through page 21, line 10, and insert the following:

“(B) MINORS, STUDENTS, AND PERSONS WITH DISABILITIES.—\$480 for each member of the family residing in the household (other than the head of the household or his or her spouse) who is less than 18 years of age or is attending school or vocational training on a full-time basis, or who is 18 years of age or older and is a person with disabilities.

“(C) CHILD CARE.—Any reasonable child care expenses necessary to enable a member of the family to be employed or to further his or her education.”.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SEWELL OF ALABAMA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 26, after line 3, insert the following new subsection:

(h) STUDY ON IMPACT ON ELDERLY AND DISABLED FAMILIES OF DECREASED DEDUCTIONS IN INCOME.—

(1) STUDY.—The Secretary of Housing and Urban Development shall conduct a study to determine the impacts, on rents paid by elderly and disabled individuals and families assisted under the section 8 rental assistance and public housing programs under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq), of any decreases in the amounts of any deductions from income (for purposes of section 3(b) of such Act (42 U.S.C. 1437a(b))), as compared to such deductions under such section 3(b) as in effect before the effectiveness of this section, resulting from the amendments made by this section.

(2) REPORT.—The Secretary shall submit to the Congress a report setting forth the results of the study conducted pursuant to paragraph (1) not later than the expiration of the 12-month period beginning on the date of the enactment of this Act.

(3) EFFECTIVE DATE.—Notwithstanding subsection (h) of this section, this subsection shall take effect on the date of the enactment of this Act.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BORDALLO OF GUAM OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 55, after line 11, insert the following new section:

SEC. 111. PREFERENCE FOR UNITED STATES CITIZENS OR NATIONALS.

Section 214(a)(7) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(a)(7)) is amended by striking “such alien” and all that follows through the period at the end and inserting “any citizen or national of the United States shall be entitled to a preference or priority in receiving financial assistance before any such alien who is otherwise eligible for assistance.”.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HINOJOSA OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 55, after line 24, insert the following new section:

SEC. 202. GUARANTEED UNDERWRITING USER FEE.

Section 502 of the Housing Act of 1949 (42 U.S.C. 1472) is amended by adding at the end the following new subsection:

“(i) **GUARANTEED UNDERWRITING USER FEE.**—

“(1) **AUTHORITY; MAXIMUM AMOUNT.**—The Secretary may assess and collect a fee for a lender to access the automated underwriting systems of the Department in connection with such lender’s participation in the single family loan program under this section and only in an amount necessary to cover the costs of information technology enhancements, improvements, maintenance, and development for automated underwriting systems used in connection with the single family loan program under this section, except that such fee shall not exceed \$50 per loan.

“(2) **CREDITING; AVAILABILITY.**—Any amounts collected from such fees shall be credited to the Rural Development Expense Account as offsetting collections and shall remain available until expended, in the amounts provided in appropriation Acts, solely for expenses described in paragraph (1).”.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MENG OF NEW YORK OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 55, after line 11, add the following new section:

SEC. 111. PUBLIC HOUSING HEATING GUIDELINES.

Section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

“(o) **PUBLIC HOUSING HEATING GUIDELINES.**—The Secretary shall publish model guidelines for minimum heating requirements for public housing dwelling units operated by public housing agencies receiving assistance under this section.”.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PALAZZO OF MISSISSIPPI OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 55, after line 11, insert the following new section:

SEC. 111. EXCEPTION TO PUBLIC HOUSING AGENCY RESIDENT BOARD MEMBER REQUIREMENT.

Subsection (b) of section 2 of the United States Housing Act of 1937 (42 U.S.C. 1437(b)) is amended—

(1) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”;

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following new paragraph:

“(3) **EXCEPTION FOR CERTAIN JURISDICTIONS.**—

“(A) **EXCEPTION.**—A covered agency (as such term is defined in subparagraph (C) of this paragraph) shall not be required to include on the board of directors or a similar

governing board of such agency a member described in paragraph (1).

“(B) **ADVISORY BOARD REQUIREMENT.**—Each covered agency that administers Federal housing assistance under section 8 (42 U.S.C. 1437f) that chooses not to include a member described in paragraph (1) on the board of directors or a similar governing board of the agency shall establish an advisory board of not less than 6 residents of public housing or recipients of assistance under section 8 (42 U.S.C. 1437f) to provide advice and comment to the agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

“(C) **COVERED AGENCY OR ENTITY.**—For purposes of this paragraph, the term ‘covered agency’ means a public housing agency or such other entity that administers Federal housing assistance for—

“(I) the Housing Authority of the county of Los Angeles, California; or

“(ii) any of the States of Alaska, Iowa, and Mississippi.”.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WELCH OF VERMONT OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 55, after line 11, insert the following new section:

SEC. 111. USE OF VOUCHERS FOR MANUFACTURED HOUSING.

(a) **IN GENERAL.**—Section 8(o)(12) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(12)) is amended—

(1) in subparagraph (A), by striking the period at the end of the first sentence and all that follows through “of” in the second sentence and inserting “and rents’”; and

(2) in subparagraph (B)—

(A) in clause (i), by striking “the rent” and all that follows and inserting the following: “rent shall mean the sum of the monthly payments made by a family assisted under this paragraph to amortize the cost of purchasing the manufactured home, including any required insurance and property taxes, the monthly amount allowed for tenant-paid utilities, and the monthly rent charged for the real property on which the manufactured home is located, including monthly management and maintenance charges.”;

(B) by striking clause (ii); and

(C) in clause (iii)—

(i) by inserting after the period at the end the following: “If the amount of the monthly assistance payment for a family exceeds the monthly rent charged for the real property on which the manufactured home is located, including monthly management and maintenance charges, a public housing agency may pay the remainder to the family, lender or utility company, or may choose to make a single payment to the family for the entire monthly assistance amount.”; and

(ii) by redesignating such clause as clause (ii).

(b) EFFECTIVE DATE.—The Secretary of Housing and Urban Development shall issue notice to implement the amendments made by subsection (a) and such amendments shall take effect upon such issuance.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LUJAN GRISHAM OF NEW MEXICO OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 64, line 16, strike “and”.

Page 64, after line 16, insert the following new subparagraph:

“(G) collaborating with the Department of Veterans Affairs on making joint recommendations to the Congress, the Secretary of Housing and Urban Development, and the Secretary of Veterans Affairs on how to better coordinate and improve services to veterans under both Department of Housing and Urban Development and Department of Veteran Affairs veterans housing programs, including ways to improve the Independent Living Program of the Department of Veteran Affairs; and”

Page 64, line 17, strike “(G)” and insert “(H)”.

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PETERS OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 68, after line 4, insert the following new section:

SEC. 405. REOPENING OF PUBLIC COMMENT PERIOD FOR CONTINUUM OF CARE PROGRAM REGULATIONS.

Not later than the expiration of the 30-day period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall re-open the period for public comment regarding the Secretary’s interim rule entitled “Homeless Emergency Assistance and Rapid Transition to Housing: Continuum of Care Program”, published in the Federal Register on July 31, 2012 (77 Fed. Reg. 45422; Docket No. FR-5476-I-01). Upon re-opening, such comment period shall remain open for a period of not fewer than 60 days.

11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ELLISON OF MINNESOTA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end of the bill the following new title:

TITLE VI—FURNISHING RENT PAYMENT INFORMATION TO CREDIT REPORTING AGENCIES

SEC. 504. FURNISHING INFORMATION ABOUT RENT PAYMENTS TO A CONSUMER REPORTING AGENCY.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Housing and Urban Development or any other person having authorized access may furnish to a consumer reporting agency (as defined in section 603 of the Fair Credit Reporting Act

(15 U.S.C. 1681a)) information relating to the on-time performance of an individual in making payments under a lease agreement with respect to a dwelling unit for which any subsidy or assistance for occupancy in the dwelling unit is provided under a program administered by the Secretary of Housing and Urban Development.

(b) **ADDITIONAL REQUIREMENTS FOR FURNISHERS.**—Any person who furnishes such information shall—

(1) ensure that the payment information is reported in a manner that does not by itself identify the individual as a recipient of housing assistance under a program administered by the Secretary of Housing and Urban Development; and

(2) notify the individual that such information will be provided to a consumer reporting agency before providing such information to a consumer reporting agency.

12. **AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GREEN OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

At the end of the bill, add the following new title:

**TITLE VI—FHA PILOT PROGRAM FOR
ADDITIONAL CREDIT RATING INFORMATION**

SEC. 601. PILOT PROGRAM FOR ADDITIONAL CREDIT RATING INFORMATION FOR FHA MORTGAGORS.

Section 258 of the National Housing Act (12 U.S.C. 1715z–24) is amended as follows:

(1) **AUTHORITY.**—In the first sentence of subsection (a), by striking “shall” and inserting “may”.

(2) **EXTENSION OF PROGRAM.**—By striking subsection (d).

13. **AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES**

At the end of the bill, add the following new title:

TITLE VI—REPORTS

SEC. 601. REPORT ON INTERAGENCY FAMILY ECONOMIC EMPOWERMENT STRATEGIES.

The Secretary of Housing and Urban Development, in consultation with the Secretary of Labor, shall submit a report to the Congress annually that describes—

(1) any interagency strategies of such Departments that are designed to improve family economic empowerment by linking housing assistance with essential supportive services, such as employment counseling and training, financial education and growth, childcare, transportation, meals, youth recreational activities, and other supportive services; and

(2) any actions taken in the preceding year to carry out such strategies and the extent of progress achieved by such actions.

14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PRICE OF NORTH CAROLINA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following new title:

TITLE VI—HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

SEC. 601. FORMULA AND TERMS FOR ALLOCATIONS TO PREVENT HOMELESSNESS FOR INDIVIDUALS LIVING WITH HIV OR AIDS.

(a) IN GENERAL.—Subsection (c) of section 854 of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) is amended by—

(1) redesignating paragraph (3) as paragraph (5); and

(2) striking paragraphs (1) and (2) and inserting the following:

“(1) ALLOCATION OF RESOURCES.—

“(A) ALLOCATION FORMULA.—The Secretary shall allocate 90 percent of the amount approved in appropriations Acts under section 863 among States and metropolitan statistical areas as follows:

“(I) 75 percent of such amounts among—

“(I) cities that are the most populous unit of general local government in a metropolitan statistical area with a population greater than 500,000, as determined on the basis of the most recent census, and with more than 2,000 individuals living with HIV or AIDS, using the data specified in subparagraph (B); and

“(II) States with more than 2,000 individuals living with HIV or AIDS outside of metropolitan statistical areas.

“(ii) 25 percent of such amounts among States and metropolitan statistical areas based on the method described in subparagraph (C).

“(B) SOURCE OF DATA.—For purposes of allocating amounts under this paragraph for any fiscal year, the number of individuals living with HIV or AIDS shall be the number of such individuals as confirmed by the Director of the Centers for Disease Control and Prevention, as of December 31 of the most recent calendar year for which such data is available.

“(C) ALLOCATION UNDER SUBPARAGRAPH (A)(ii).—For purposes of allocating amounts under subparagraph (A)(ii), the Secretary shall develop a method that accounts for—

“(I) differences in housing costs among States and metropolitan statistical areas based on the fair market rental established pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)) or another methodology established by the Secretary through regulation; and

“(ii) differences in poverty rates among States and metropolitan statistical areas based on area poverty indexes or another methodology established by the Secretary through regulation.

“(2) MAINTAINING GRANTS.—

“(A) CONTINUED ELIGIBILITY OF FISCAL YEAR 2016 GRANTEES.—A grantee that received an allocation in fiscal year 2016 shall continue to be eligible for allocations under paragraph (1) in subsequent fiscal years, subject to—

“(I) the amounts available from appropriations Acts under section 863;

“(ii) approval by the Secretary of the most recent comprehensive housing affordability strategy for the grantee approved under section 105; and

“(iii) the requirements of subparagraph (C).

“(B) ADJUSTMENTS.—Allocations to grantees described in subparagraph (A) shall be adjusted annually based on the administrative provisions included in fiscal year 2016 appropriations Acts.

“(C) REDETERMINATION OF CONTINUED ELIGIBILITY.—The Secretary shall redetermine the continued eligibility of a grantee that received an allocation in fiscal year 2016 at least once during the 10-year period following fiscal year 2016.

“(D) ADJUSTMENT TO GRANTS.—For each of fiscal years 2017, 2018, 2019, 2020, and 2021, the Secretary shall ensure that a grantee that received an allocation in the prior fiscal year does not receive an allocation that is 5 percent less than or 10 percent greater than the amount allocated to such grantee in the preceding fiscal year.

“(3) ALTERNATIVE GRANTEES.—

“(A) REQUIREMENTS.—The Secretary may award funds reserved for a grantee eligible under paragraph (1) to an alternative grantee if—

“(I) the grantee submits to the Secretary a written agreement between the grantee and the alternative grantee that describes how the alternative grantee will take actions consistent with the applicable comprehensive housing affordability strategy approved under section 105 of this Act;

“(ii) the Secretary approves the written agreement described in clause (I) and agrees to award funds to the alternative grantee; and

“(iii) the written agreement does not exceed a term of 10 years.

“(B) RENEWAL.—An agreement approved pursuant to subparagraph (A) may be renewed by the parties with the approval of the Secretary.

“(C) DEFINITION.—In this paragraph, the term ‘alternative grantee’ means a public housing agency (as defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b))), a unified funding agency (as defined in section 401 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360)), a State, a unit of general local government, or an instrumentality of State or local government.

“(4) REALLOCATIONS.—If a State or metropolitan statistical area declines an allocation under paragraph (1)(A), or the Secretary determines, in accordance with criteria specified in reg-

ulation, that a State or metropolitan statistical area that is eligible for an allocation under paragraph (1)(A) is unable to properly administer such allocation, the Secretary shall reallocate any funds reserved for such State or metropolitan statistical area as follows:

“(A) For funds reserved for a State—

“(I) to eligible metropolitan statistical areas within the State on a pro rata basis; or

“(ii) if there is no eligible metropolitan statistical areas within a State, to metropolitan cities and urban counties within the State that are eligible for grant under section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306), on a pro rata basis.

“(B) For funds reserved for a metropolitan statistical area, to the State in which the metropolitan statistical area is located.

“(C) If the Secretary is unable to make a reallocation under subparagraph (A) or (B), the Secretary shall make such funds available on a pro rata basis under the formula in paragraph (1)(A).”.

(b) AMENDMENT TO DEFINITIONS.—Section 853 of the AIDS Housing Opportunity Act (42 U.S.C. 12902) is amended—

(1) in paragraph (1), by inserting “or ‘AIDS’” before “means”; and

(2) by inserting at the end the following new paragraphs:

“(15) The term ‘HIV’ means infection with the human immunodeficiency virus.

“(16) The term ‘individuals living with HIV or AIDS’ means, with respect to the counting of cases in a geographic area during a period of time, the sum of—

“(A) the number of living non-AIDS cases of HIV in the area; and

“(B) the number of living cases of AIDS in the area.”.