

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5640

To amend the AIDS Housing Opportunity Act to modernize the formula and terms for allocations to prevent homelessness for individuals living with HIV or AIDS.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 2014

Mr. PRICE of North Carolina (for himself, Mr. ADERHOLT, Mr. QUIGLEY, Mr. BACHUS, and Mr. McDERMOTT) introduced the following bill; which was referred to the Committee on Financial Services

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## A BILL

To amend the AIDS Housing Opportunity Act to modernize the formula and terms for allocations to prevent homelessness for individuals living with HIV or AIDS.

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 “Housing for Persons  
5 With AIDS Modernization Act of 2014”.

1 **SEC. 2. FORMULA AND TERMS FOR ALLOCATIONS TO PRE-**  
2 **VENT HOMELESSNESS FOR INDIVIDUALS LIV-**  
3 **ING WITH HIV OR AIDS.**

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

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

9 (2) striking paragraphs (1) and (2) and insert-  
10 ing the following:

11 “(1) ALLOCATION OF RESOURCES.—

12 “(A) ALLOCATION FORMULA.—The Sec-  
13 retary shall allocate 90 percent of the amount  
14 approved in appropriations Acts under section  
15 863 among States and metropolitan statistical  
16 areas as follows:

17 “(i) 75 percent of such amounts  
18 among—

19 “(I) cities that are the most pop-  
20 ulous unit of general local government  
21 in a metropolitan statistical area with  
22 a population greater than 500,000, as  
23 determined on the basis of the most  
24 recent census, and with more than  
25 2,000 individuals living with HIV or

1                   AIDS, using the data specified in sub-  
2                   paragraph (B); and

3                   “(II) States with more than  
4                   2,000 individuals living with HIV or  
5                   AIDS outside of metropolitan statis-  
6                   tical areas.

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

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

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

23                  “(i) differences in housing costs  
24                  among States and metropolitan statistical  
25                  areas based on the fair market rental es-

1           tablished pursuant to section 8(c) of the  
2           United States Housing Act of 1937 (42  
3           U.S.C. 1437f(c)) or another methodology  
4           established by the Secretary through regu-  
5           lation; and

6           “(ii) differences in poverty rates  
7           among States and metropolitan statistical  
8           areas based on area poverty indexes or an-  
9           other methodology established by the Sec-  
10          retary through regulation.

11          “(2) MAINTAINING GRANTS.—

12           “(A) CONTINUED ELIGIBILITY OF FISCAL  
13          YEAR 2014 GRANTEES.—A grantee that received  
14          an allocation in fiscal year 2014 shall continue  
15          to be eligible for allocations under paragraph  
16          (1) in subsequent fiscal years, subject to—

17           “(i) the amounts available from ap-  
18          propriations Acts under section 863;

19           “(ii) approval by the Secretary of the  
20          most recent comprehensive housing afford-  
21          ability strategy for the grantee approved  
22          under section 105; and

23           “(iii) the requirements of subpara-  
24          graph (C).

1           “(B) ADJUSTMENTS.—Allocations to  
2 grantees described in subparagraph (A) shall be  
3 adjusted annually based on the administrative  
4 provisions included in fiscal year 2014 appro-  
5 priations Acts.

6           “(C) REDETERMINATION OF CONTINUED  
7 ELIGIBILITY.—The Secretary shall redetermine  
8 the continued eligibility of a grantee that re-  
9 ceived an allocation in fiscal year 2014 at least  
10 once during the 10-year period following fiscal  
11 year 2014.

12           “(D) ADJUSTMENT TO GRANTS.—For each  
13 of fiscal years 2015, 2016, and 2017, the Sec-  
14 retary shall ensure that a grantee that received  
15 an allocation in the prior fiscal year does not  
16 receive an allocation that is 10 percent less  
17 than or 20 percent greater than the amount al-  
18 located to such grantee in the preceding fiscal  
19 year.

20           “(3) ALTERNATIVE GRANTEEES.—

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

1           “(i) the grantee submits to the Sec-  
2           retary a written agreement between the  
3           grantee and the alternative grantee that  
4           describes how the alternative grantee will  
5           take actions consistent with the applicable  
6           comprehensive housing affordability strat-  
7           egy approved under section 105 of this  
8           Act;

9           “(ii) the Secretary approves the writ-  
10          ten agreement described in clause (i) and  
11          agrees to award funds to the alternative  
12          grantee; and

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

15          “(B) RENEWAL.—An agreement approved  
16          pursuant to subparagraph (A) may be renewed  
17          by the parties with the approval of the Sec-  
18          retary.

19          “(C) DEFINITION.—In this paragraph, the  
20          term ‘alternative grantee’ means a public hous-  
21          ing agency (as defined in section 3(b) of the  
22          United States Housing Act of 1937 (42 U.S.C.  
23          1437a(b))), a unified funding agency (as de-  
24          fined in section 401 of the McKinney-Vento  
25          Homeless Assistance Act (42 U.S.C. 11360)), a

1 State, a unit of general local government, or an  
2 instrumentality of State or local government.

3 “(4) REALLOCATIONS.—If a State or metropoli-  
4 tan statistical area declines an allocation under  
5 paragraph (1)(A), or the Secretary determines, in  
6 accordance with criteria specified in regulation, that  
7 a State or metropolitan statistical area that is eligi-  
8 ble for an allocation under paragraph (1)(A) is un-  
9 able to properly administer such allocation, the Sec-  
10 retary shall reallocate any funds reserved for such  
11 State or metropolitan statistical area as follows:

12 “(A) For funds reserved for a State—

13 “(i) to eligible metropolitan statistical  
14 areas within the State on a pro rata basis;

15 or

16 “(ii) if there is no eligible metropoli-  
17 tan statistical areas within a State, to met-  
18 ropolitan cities and urban counties within  
19 the State that are eligible for grant under  
20 section 106 of the Housing and Commu-  
21 nity Development Act of 1974 (42 U.S.C.  
22 5306), on a pro rata basis.

23 “(B) For funds reserved for a metropolitan  
24 statistical area, to the State in which the metro-  
25 politan statistical area is located.

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

6           (b) AMENDMENT TO DEFINITIONS.—Section 853 of  
7 such Act is amended—

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

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

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

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

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

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

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