

[DISCUSSION DRAFT]

119TH CONGRESS
1ST SESSION

H. R. _____

To amend the United States Housing Act of 1937 and the Internal Revenue Code to promote the establishment of tenant organizations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mrs. RAMIREZ introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the United States Housing Act of 1937 and the Internal Revenue Code to promote the establishment of tenant organizations, 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.**

4 This Act may be cited as the “Tenants’ Right to Or-
5 ganize Act”.

1 **SEC. 2. SENSE OF THE CONGRESS.**

2 It is the sense of the Congress that all members of
3 a household receiving tenant-based rental assistance have
4 the right to decent, safe, stable, and sanitary housing.

5 **SEC. 3. HOUSING CHOICE VOUCHER TENANT ORGANIZA-**
6 **TIONS.**

7 Section 8(o) of the United States Housing Act of
8 1937 (42 U.S.C. 1437f(o)) is amended by adding at the
9 end the following:

10 “(23) RIGHT TO ORGANIZE.—

11 “(A) IN GENERAL.—A tenant—

12 “(i) has the right to establish, oper-
13 ate, and participate in a legitimate tenant
14 organization for the purpose of addressing
15 issues related to their living environment,
16 which includes—

17 “(I) the terms and conditions of
18 their tenancy; and

19 “(II) activities related to housing
20 and community development;

21 “(ii) has the right to speak to the
22 public, including media, elected officials,
23 and government agencies with respect to
24 their right to decent, safe, and sanitary
25 housing in compliance with relevant hous-

1 ing codes, fair housing statues, and any
2 other requirements; and

3 “(iii) may not be retaliated against for
4 asserting such rights.

5 “(B) REQUIRED ENGAGEMENT.—

6 “(i) PUBLIC HOUSING AGENCIES.—

7 Each public housing agency shall—

8 “(I) recognize legitimate tenant
9 organizations;

10 “(II) give reasonable consider-
11 ation to concerns raised by legitimate
12 tenant organizations;

13 “(III) solicit feedback from any
14 legitimate tenant organization within
15 the public housing agency, includ-
16 ing—

17 “(aa) if a public housing
18 agency is required to complete an
19 annual public housing agency
20 plan, feedback with respect to the
21 plan; or

22 “(bb) if a public housing
23 agency has an exemption under
24 section 5(b)(3), soliciting feed-

1 back not less than once each
2 year;

3 “(IV) after receiving feedback
4 from a legitimate tenant organiza-
5 tion—

6 “(aa) except as provided in
7 item (bb), meaningfully respond
8 in writing to such comment not
9 later than 60 days after receiving
10 such feedback; and

11 “(bb) with respect to exigent
12 poor housing conditions, respond
13 in writing to the feedback not
14 later than 30 days after receiving
15 such feedback; and

16 “(V) seek resident advisory board
17 appointments from legitimate tenant
18 organizations.

19 “(ii) OWNERS OF UNITS.—Each
20 owner shall—

21 “(I) recognize legitimate tenant
22 organizations;

23 “(II) give reasonable consider-
24 ation to concerns raised by legitimate
25 tenant organizations; and

1 “(III) allow tenant organizers to
2 assist tenants in the establishment
3 and operation of legitimate tenant or-
4 ganizations.

5 “(C) PROTECTIONS.—

6 “(i) IN GENERAL.—Each public hous-
7 ing agency and each owner may not—

8 “(I) interfere with the right of
9 any tenant to establish and operate a
10 legitimate tenant organization; and

11 “(II) retaliate against any tenant
12 or tenant organizer because of their
13 association with or participation in ac-
14 tivities related to a legitimate tenant
15 organization.

16 “(ii) PROTECTED ACTIVITIES.—Each
17 public housing agency, each owner, and
18 agents thereof shall permit tenants and
19 tenant organizers to conduct the following
20 activities related to the establishment or
21 operation of a legitimate tenant organiza-
22 tion:

23 “(I) Distributing leaflets in lobby
24 areas.

1 “(II) Placing leaflets at or under
2 doors of tenants.

3 “(III) Distributing leaflets in
4 common areas.

5 “(IV) Initiating contact with ten-
6 ants.

7 “(V) Conducting door-to-door
8 surveys of tenants to ascertain inter-
9 est in establishing a legitimate tenant
10 organization and to offer information
11 about tenant organizations.

12 “(VI) Posting information on
13 bulletin boards.

14 “(VII) Assisting tenants with
15 participation in tenant organization
16 activities.

17 “(VIII) Convening regularly
18 scheduled tenant organization meet-
19 ings in a space on-site and accessible
20 to tenants, in a manner that is fully
21 independent of representatives of the
22 public housing agency or the owner,
23 unless invited by the tenant organiza-
24 tion to specific meetings to discuss a
25 specific issue or issues.

1 “(IX) Assisting tenants in—

2 “(aa) creating a resident ad-
3 visory board or resident council;
4 and

5 “(bb) appointing tenants to
6 serve on a resident advisory
7 board or resident council.

8 “(X) Speaking to the public, in-
9 cluding the media, elected officials,
10 and government agencies.

11 “(XI) Formulating a response to
12 a request by the owner or public hous-
13 ing agency for approval of rent in-
14 creases or other discretionary deci-
15 sions affecting residents.

16 “(XII) Other reasonable activities
17 related to the establishment or oper-
18 ation of a legitimate tenant organiza-
19 tion.

20 “(iii) PERMISSION.—A public housing
21 agency or owner may not require tenants
22 or tenant organizers to obtain prior per-
23 mission before engaging in the activities
24 permitted under this paragraph.

1 “(iv) PRESUMPTION.—If a public
2 housing agency or owner takes an adverse
3 action against a tenant or tenant organizer
4 that is a member of a legitimate tenant or-
5 ganization during the 180-day period be-
6 ginning on the date on which the tenant
7 engages in a protected activity under this
8 subparagraph, there shall be a rebuttable
9 presumption that the adverse action is an
10 act of retaliation relating to the participa-
11 tion of the tenant in the tenant organiza-
12 tion.

13 “(D) NOTICE OF RIGHT TO ORGANIZE.—
14 Each public housing agency shall notify each
15 tenant of the rights described under this para-
16 graph.

17 “(E) PROHIBITION ON INTERFERENCE
18 AND RETALIATION.—Each public housing agen-
19 cy and each owner may not—

20 “(i) interfere with the right of tenants
21 to establish and operate a legitimate ten-
22 ant organization; or

23 “(ii) retaliate against any tenant or
24 tenant organizer because of their associa-

1 tion with or participation in activities re-
2 lated to a legitimate tenant organization.

3 “(F) MEETING SPACES.—

4 “ (i) IN GENERAL.—Each public hous-
5 ing agency and owner shall make available
6 the use of any community room or other
7 available space appropriate for meetings
8 within the building or project when re-
9 quested by a legitimate tenant organization
10 and used for activities related to the estab-
11 lishment or operation of a legitimate ten-
12 ant organization.

13 “(ii) ACCESSIBILITY.—If the building
14 or project has an accessible common area
15 or areas, such facilities shall reasonably be
16 made available for legitimate tenant orga-
17 nization meetings to ensure such meetings
18 are accessible to persons with disabilities,
19 unless it is impractical for reasons beyond
20 the control of the public housing agency or
21 owner.

22 “(iii) FEES.—An owner of a building
23 or project may charge a reasonable, cus-
24 tomary, and usual fee, as may normally be
25 imposed for the use of such facilities.

1 “(G) DEFINITIONS.—In this paragraph:

2 “(i) ADVERSE ACTION.—The term
3 ‘adverse action’ means, in response to a
4 tenant’s exercise of rights described in this
5 paragraph—

6 “(I) the termination or non-re-
7 newal of a lease;

8 “(II) the termination of assist-
9 ance under this section;

10 “(III) a decrease or delay in serv-
11 ices provided to the tenant by the
12 owner or public housing agency;

13 “(IV) an unplanned increase of
14 rent or fees;

15 “(V) the threat or initiation of a
16 lawsuit against a lessee;

17 “(VI) a violation of tenant pri-
18 vacy; or

19 “(VII) the harassment of a ten-
20 ant or tenant organizers.

21 “(ii) LEGITIMATE TENANT ORGANIZA-
22 TION.—The term ‘legitimate tenant organi-
23 zation’ means, in a building or project with
24 3 or more families receiving assistance
25 under this section, an organization that—

1 “(I) meets regularly and operates
2 democratically;

3 “(II) is representative of all ten-
4 ants in the building or project;

5 “(III) is completely independent
6 from a public housing agency, owner,
7 landlord, management of the building
8 or development, and any representa-
9 tives of such entities;

10 “(IV) has been established for
11 the purpose described in subpara-
12 graph (A); and

13 “(V) includes newly formed resi-
14 dent organizing committees, which do
15 not require specific structures, written
16 by-laws, elections, or resident peti-
17 tions.

18 “(iii) TENANT.—The term ‘tenant’
19 means a family or any member of a family
20 that receives assistance under this section.

21 “(iv) TENANT ORGANIZER.—

22 “(I) IN GENERAL.—The term
23 ‘tenant organizer’ means an individual
24 who—

1 “(aa) assists tenants in es-
2 tablishing and operating a legiti-
3 mate tenant organization; and

4 “(bb) is not an employee or
5 representative of current or pro-
6 spective owners or agents or the
7 owners.

8 “(II) BUILDING POLICIES.—

9 “(aa) POLICY AGAINST CAN-
10 VASSING.—If a building or
11 project has consistently enforced
12 a written policy against can-
13 vassing, any tenant organizer
14 who is not a tenant shall be ac-
15 companied by a tenant while on
16 the property of the building or
17 project.

18 “(bb) POLICY IN FAVOR OF
19 CANVASSING.—If a building or
20 project has a written policy fa-
21 voring canvassing, any tenant or-
22 ganizer who is not a tenant shall
23 be afforded the same privileges
24 and rights of access as any other
25 uninvited outside parties in the

1 normal course of operations of
2 the building or project.

3 “(cc) NO POLICY ON CAN-
4 VASSING.—If a building or
5 project does not have a consist-
6 ently enforced, written policy
7 against canvassing, the building
8 or project shall be treated as if it
9 has a policy favoring can-
10 vassing.”.

11 **SEC. 4. LIHTC TENANT ORGANIZATIONS.**

12 (a) IN GENERAL.—Section 42(g) of the Internal Rev-
13 enue Code of 1986 is amended by adding at the end the
14 following new paragraph:

15 “(10) LIHTC TENANT ORGANIZATIONS.—

16 “(A) RIGHTS OF TENANTS.—In the case of
17 any qualified low-income housing project which
18 is an applicable project, families occupying rent-
19 restricted units in such project shall have the
20 same right as families described in section
21 8(o)(23)(B)(i), (ii) and (iii) of the United
22 States Housing Act of 1937.

23 “(B) RESPONSIBILITIES OF OWNERS AND
24 STATE HOUSING CREDIT AGENCIES.—In the
25 case of any applicable project, such project shall

1 not be treated as a qualified low-income hous-
2 ing project for purposes of this section unless—

3 “(i) each owner of such project meets
4 requirements which are the same as the re-
5 quirements of clauses (i) and (iii) of sub-
6 paragraph (C) and subparagraph (D) of
7 section 8(o)(23) of the United States
8 Housing Act of 1937, and

9 “(ii) each State housing credit agency
10 meets requirements which are the same as
11 the requirements of clauses (i) and (ii) of
12 subparagraph (C) and subparagraph (D)
13 of such section.

14 “(C) APPLICABLE PROJECT.—For pur-
15 poses of this paragraph, the term ‘applicable
16 project’ means—

17 “(i) any project which is placed in
18 service after the date of enactment of this
19 Act; and

20 “(ii) any project—

21 “(I) which was placed in service
22 on or before the date of enactment of
23 such Act; and

24 “(II) for which the date of enact-
25 ment of such Act occurred before the

1 end of the compliance period for such
2 project.

3 “(D) NOTICE OF RIGHT TO ORGANIZE.—

4 “(i) IN GENERAL.—Each State hous-
5 ing credit agency shall notify each tenant
6 living at a qualified low-income housing
7 project of the right to organize as de-
8 scribed in paragraph (10) annually.

9 “(ii) TENANCY ADDENDUM.—The
10 Secretary shall require each State housing
11 credit agency—

12 “(I) that has implemented a
13 standard lease, lease addendum, or
14 other guidance to owners of a quali-
15 fied low-income housing project, to
16 amend that document to include lan-
17 guage affirming lessees’ right to orga-
18 nize provided for in this paragraph; or

19 “(II) that performs lease-based
20 evaluations of low income-housing tax
21 credit compliance to include in that
22 evaluation a requirement to include a
23 written affirmation of the tenant’s
24 right to organize as provided for in
25 this paragraph.

1 “(E) AUTHORIZATION OF APPROPRIA-
2 TIONS.—There are authorized to be appro-
3 priated to the Secretary such sums as are nec-
4 essary to carry out this paragraph.”.

5 (b) EFFECTIVE DATE.—The amendment made by
6 this section shall apply to taxable years beginning after
7 the date of the enactment of this Act.

8 **SEC. 5. ENFORCEMENT.**

9 (a) IN GENERAL.—Not later than 1 year after the
10 date of the enactment of this Act, the Assistant Secretary
11 for Public and Indian Housing of the Department of
12 Housing and Urban Development shall, in coordination
13 with the Secretary of the Treasury, establish a protocol
14 for the enforcement of paragraph (23) of section 8(o) of
15 the United States Housing Act of 1937 (42 U.S.C.
16 1437f(o)(23)), as added by section 3 of this Act, and para-
17 graph (10) of section 42(g) of the Internal Revenue Code
18 of 1986, as added by section 4 of this Act, that—

19 (1) reflects or integrates the existing enforce-
20 ment protocol for tenants protected under section
21 202 of the Housing and Community Development
22 Amendments Act of 1978 (12 U.S.C. 1715z–1b),
23 where possible;

24 (2) creates a mechanism for administrative
25 complaints to be filed, cataloged, and investigated

1 regarding public housing agencies, State housing
2 credit agencies, owners, landlords, management, and
3 their representatives' alleged violation of their obli-
4 gation not to interfere with the right of tenants to
5 establish and operate a legitimate tenant organiza-
6 tion, which shall—

7 (A) provide families a remedy when the
8 agency determines a violation of the obligation
9 not to interfere with the right of tenants to es-
10 tablish and operate a legitimate tenant organi-
11 zation;

12 (B) include an independent investigation of
13 tenant and advocate allegations of abuse;

14 (C) keep tenants informed about the pro-
15 gression of any complaint; and

16 (D) provide confidentiality if necessary, in-
17 cluding in cases where alleged abuse is extreme
18 and targeted;

19 (3) prohibits withholding the tenant-based as-
20 sistance under such section 8(o) or the denial of the
21 right to occupy an assisted unit or a rent-restricted
22 unit, or any other right or privilege required to be
23 provided as a condition of the tenant-based assist-
24 ance or the project being treated as a qualified low-

1 income housing project until such complaint is
2 closed; and

3 (4) if relevant, appropriately refers complaints
4 related to potential violation of fair housing laws to
5 the Office of Fair Housing and Equal Opportunity
6 at the Department of Housing and Urban Develop-
7 ment.

8 (b) ESTABLISHMENT OF PRIVATE RIGHT OF AC-
9 TION.—Tenants may file an action at law or in equity,
10 in Federal or State court, including for injunctive relief,
11 to enforce the various provisions of this Act.

12 (c) REPORT.—The Secretary of Housing and Urban
13 Development shall submit to the Committee on Banking,
14 Housing, and Urban Affairs of the Senate and the Com-
15 mittee on Financial Services of the House of Representa-
16 tives a quarterly report on the enforcement of this section
17 that—

18 (1) provides all data at both the property-level
19 and jurisdiction-level; and

20 (2) includes—

21 (A) the volume of outstanding complaints;

22 (B) the average response time to an initial
23 complaint;

24 (C) the average time it takes to close a
25 complaint; and

1 (D) information about the type of issues
2 reported by tenants that necessitated enforce-
3 ment action.

4 **SEC. 6. FUNDING FOR TENANT AND OTHER PARTICIPATION**
5 **AND CAPACITY BUILDING.**

6 Paragraph (3) of section 514(f) of the Multifamily
7 Assisted Housing Reform and Affordability Act of 1997
8 (42 U.S.C. 1437f note) is amended—

9 (1) in subparagraph (A)—

10 (A) in the first sentence—

11 (i) by striking “not more than” and
12 inserting “not less than”;

13 (ii) by inserting “for predevelopment
14 assistance to enable such transfers,” after
15 “owners),”; and

16 (iii) by striking “of low-income hous-
17 ing for which project-based rental assist-
18 ance is provided at below market rent lev-
19 els and may not be renewed (including
20 transfer of developments to tenant groups,
21 nonprofit organizations, and public enti-
22 ties), for tenant services” and inserting the
23 following: “and improvement of low-income
24 housing for which project-based rental as-
25 sistance, public housing subsidies, low-in-

1 come housing tax credits, Federal or State
2 subsidized loans, enhanced vouchers under
3 section 8(t) of the United States Housing
4 Act of 1937, or project-based vouchers
5 under section 8(o) of such Act are provided
6 or proposed”; and

7 (B) by adding at the end the following:

8 “(D) OUTREACH AND TECHNICAL ASSIST-
9 ANCE GRANTS.—

10 “(i) IN GENERAL.—Not later than 1
11 year after the date of the enactment of this
12 subparagraph, the Secretary shall establish
13 a grant program to award amounts for the
14 purposes of, under this paragraph—

15 “(I) outreach and training of ten-
16 ants by eligible entities; and

17 “(II) the provision of technical
18 assistance by eligible entities to tenant
19 groups.

20 “(ii) ELIGIBLE ENTITIES.—To be eli-
21 gible for a grant under this subparagraph,
22 an entity shall be a nonprofit organization
23 that—

1 “(I) has not less than 2 years of
2 experience with the organization and
3 provision of assistance to tenants; and

4 “(II) is independent from any
5 owners, prospective purchasers, or any
6 agents thereof of a residential devel-
7 opment.

8 “(iii) ASSISTANCE TO ELIGIBLE ENTI-
9 TIES.—The Secretary may provide assist-
10 ance and training to recipients of amounts
11 under subparagraph with respect to—

12 “(I) administrative and fiscal
13 management; and

14 “(II) compliance with any Fed-
15 eral requirements.

16 “(iv) EXPEDITED FUNDING.—The
17 Secretary shall expedite the provision of
18 funding for the fiscal year in which the
19 date of the enactment of this subparagraph
20 occurs by entering into an interagency
21 agreement for not less than \$1,000,000
22 with the Corporation for National and
23 Community Service to conduct a tenant
24 outreach and training program.

1 “(v) FLEXIBLE GRANTS.—The Sec-
2 retary shall make available flexible grants
3 under this subparagraph to qualified non-
4 profit organizations that do not own eligi-
5 ble multifamily properties, for tenant out-
6 reach in underserved areas, and to experi-
7 enced national or regional nonprofit orga-
8 nizations to provide specialized training or
9 support to grantees assisted under this
10 subsection.

11 “(vi) FUNDING FOR SUBSEQUENT FIS-
12 CAL YEARS.—Notwithstanding any other
13 provision of law, amounts authorized under
14 this subparagraph for any fiscal year shall
15 be available for obligation in subsequent
16 fiscal years.

17 “(vii) REPORTS.—The Secretary shall
18 require each recipient of amounts made
19 available pursuant to this subparagraph to
20 submit to the Secretary a report, on a
21 quarterly basis, detailing the use of such
22 amounts, including such information as the
23 Secretary shall require.”.

1 **SEC. 7. PROVISION OF FUNDS TO RESIDENT COUNCILS.**

2 The Secretary of Housing and Urban Development
3 shall, not later than 1 year after the date of the enactment
4 of this Act, provide each resident council, as described in
5 section 964.100 of title 24, Code of Federal Regulations,
6 \$40 per unit per year, to be increased annually to keep
7 pace with inflation.