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(Original Signature of Member)

116TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To create an equitable and stable rental housing market, and for other purposes.

\_\_\_\_\_  
IN THE HOUSE OF REPRESENTATIVES

Ms. OCASIO-CORTEZ introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To create an equitable and stable rental housing market, 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 “A Just Society: A  
5 Place to Prosper Act of 2019”.

6 **SEC. 2. OBLIGATIONS OF LANDLORDS.**

7 (a) OBLIGATIONS.—A covered landlord—

8 (1) may not, when a residential lease expires,  
9 increase monthly rent by an amount greater than

1 the percentage increase, if any, over the preceding  
2 12 months in the Consumer Price Index for All  
3 Urban Consumers or 3 percent of the average  
4 monthly amount paid for the same unit for each  
5 month that the unit was occupied during the pre-  
6 vious 12-month period, whichever is greater;

7 (2) may not initiate eviction proceedings or  
8 threaten a tenant with eviction, except in the case  
9 that—

10 (A) the tenant has failed to pay rent for 2  
11 or more consecutive months, caused substantial  
12 destruction to the rental property, or violated  
13 an explicit lease term; or

14 (B) the landlord seeks to occupy the unit,  
15 or seeks the availability of the unit for occu-  
16 pancy by an immediate relative; and

17 (3) shall maintain each rental unit in good re-  
18 pair (as defined under applicable State and local  
19 codes).

20 (b) ENFORCEMENT.—

21 (1) CIVIL ACTION AUTHORIZED.—A tenant may  
22 file a civil action in the appropriate district court of  
23 the United States against a covered landlord who  
24 violates subsection (a).

1           (2) LEASE PROVISION VOID.—Any lease provi-  
2           sion that waives the right of a tenant to file a civil  
3           action under this subsection is void.

4           (3) ENFORCEMENT BY STATE ATTORNEY GEN-  
5           ERAL.—The attorney general of the State may file  
6           a civil action in the appropriate district court of the  
7           United States on behalf of a resident of the State  
8           whose covered landlord violated subsection (a) to—

9                   (A) enjoin further violations;

10                   (B) obtain damages on behalf of such resi-  
11           dent in an amount that does not exceed ten  
12           times the sum of the monthly rent amounts  
13           specified on the most recent lease agreement for  
14           each such resident; and

15                   (C) in the case of a covered landlord  
16           against whom a court has ruled in 2 or more  
17           civil actions under this subsection, obtain addi-  
18           tional punitive damages in an amount not to ex-  
19           ceed three times the amount of actual damages  
20           suffered by resident.

21           (4) GOOD FAITH EFFORTS CONSIDERED.—In  
22           any civil action under this subsection, the court shall  
23           consider, for purposes of awarding damages, a cov-  
24           ered landlord's good faith effort or attempt to com-  
25           ply with the subsection (a).

1 (c) RULE OF CONSTRUCTION.—Nothing in this sec-  
2 tion shall prevent a State or local government from impos-  
3 ing lower limits on rent increases or additional obligations  
4 on landlords.

5 (d) DEFINITIONS.—In this section:

6 (1) The term “covered landlord” means entity  
7 that owns or holds a controlling interest in more  
8 than 5 residential properties or more than 2 manu-  
9 factured housing parks.

10 (2) The term “rent” includes any payment  
11 made by a tenant to a landlord, with respect to  
12 which the failure to pay may authorize the landlord  
13 to initiate eviction proceedings, except that such  
14 term does not include any utility which is paid by  
15 the landlord on behalf of the tenant.

16 **SEC. 3. FUNDING FOR ACCESS TO COUNSEL.**

17 (a) GRANT PROGRAM.—The Secretary of Housing  
18 and Urban Development is authorized to make grants to  
19 State and local governments to establish a right to counsel  
20 for tenants in eviction proceedings.

21 (b) APPLICATION.—The chief executive officer of a  
22 State or unit of local government seeking a grant under  
23 this section shall submit an application to the Secretary  
24 of Housing and Urban Development at such time, in such  
25 manner, and containing such information as the Secretary

1 may reasonably require, including an assurance that the  
2 funds will be used in accordance with subsection (c).

3 (c) USES OF FUNDS.—A State or unit of local gov-  
4 ernment receiving a grant under this section shall use not  
5 less than 85 percent of such funds to provide counsel for  
6 tenants in eviction proceedings.

7 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
8 authorized to be appropriated \$6,500,000,000 for each of  
9 fiscal years 2021 through 2030 to carry out this section.

10 **SEC. 4. PROHIBITING DISCRIMINATION ON THE BASIS OF**  
11 **SOURCE OF INCOME.**

12 (a) FAIR HOUSING ACT.—The Fair Housing Act (42  
13 U.S.C. 3601 et seq.) is amended—

14 (1) in section 802 (42 U.S.C. 3602), by adding  
15 at the end the following:

16 “(p) ‘Source of income’ includes—

17 “(1) a housing voucher under section 8 of the  
18 United States Housing Act of 1937 (42 U.S.C.  
19 1437f) and any form of Federal, State, or local  
20 housing assistance provided to a family or provided  
21 to a housing owner on behalf of a family, including  
22 rental vouchers, rental assistance, and rental sub-  
23 sidies from nongovernmental organizations;

24 “(2) income received during a taxable year as  
25 Social Security benefits, as defined in section 86(d)

1 of the Internal Revenue Code of 1986, or as supple-  
2 mental security income benefits under title XVI of  
3 the Social Security Act (42 U.S.C. 1381 et seq.);

4 “(3) income received by court order, including  
5 spousal support and child support;

6 “(4) any payment from a trust, guardian, or  
7 conservator; and

8 “(5) any other lawful source of income.”;

9 (2) in section 804 (42 U.S.C. 3604), by insert-  
10 ing “source of income,” after “familial status,” each  
11 place that term appears;

12 (3) in section 805 (42 U.S.C. 3605)—

13 (A) in subsection (a), by inserting “source  
14 of income,” after “familial status,”; and

15 (B) in subsection (c), by inserting “source  
16 of income,” after “handicap,”;

17 (4) in section 806 (42 U.S.C. 3606), by insert-  
18 ing “source of income,” after “familial status,”; and

19 (5) in section 808(e)(6) (42 U.S.C. 3608(e)(6)),  
20 by inserting “source of income,” after “handicap,”.

21 (b) CIVIL RIGHTS ACT OF 1968.— Section 901 of  
22 the Civil Rights Act of 1968 (42 U.S.C. 3631) is amended  
23 by inserting “source of income (as defined in section  
24 802)”, before “or national origin” each place that term  
25 appears.

1 **SEC. 5. REMOVING TOXINS FROM HOMES.**

2 There is authorized to be appropriated  
3 \$10,000,000,000 for each of fiscal years 2020 through  
4 2029 for activities of the Office of Lead Hazard Control  
5 and Healthy Homes of the Department of Housing and  
6 Urban Development. Of any amounts appropriated in each  
7 such fiscal year pursuant to this section—

8 (1) 75 percent shall be available only for car-  
9 rying out the Lead Hazard Reduction Program au-  
10 thorized by section 1011 of the Residential Lead-  
11 Based Paint Hazard Reduction Act of 1992 (42  
12 U.S.C. 4852); and

13 (2) 25 percent shall be available only for car-  
14 rying out the Healthy Homes Initiative, pursuant to  
15 sections 501 and 502 of the Housing and Urban De-  
16 velopment Act of 1970 (42 U.S.C. 1701z-1, 1701z-  
17 2), which shall include research, studies, testing, and  
18 demonstration efforts, including education and out-  
19 reach concerning lead-based paint poisoning and  
20 other housing-related diseases and hazards.

21 **SEC. 6. REGULATION OF MARKET-DOMINANT LANDLORDS.**

22 (a) DISCLOSURE.—The Secretary of Housing and  
23 Urban Development shall require each covered owner (as  
24 such term is defined in subsection (c)) to disclose to the  
25 Secretary, on a calendar quarterly basis, the following in-

1 formation for the preceding calendar quarter regarding  
2 rental dwelling units owned by the covered entity:

3 (1) The number and percentage of tenants that  
4 have been forced to vacate its units by court order  
5 or a threat that the entity would seek a court order.

6 (2) The median rent for all units.

7 (3) Any code violations and efforts to remedy  
8 such violations.

9 (4) The median amount of fees and other mon-  
10 ies paid by tenants to the covered owner other than  
11 monthly rent, actual utility charges and homeowners  
12 association fees, and security deposits.

13 (5) The most recent standard lease agreement  
14 used by the covered owner.

15 (6) The identity of the covered owner and its  
16 largest three shareholders, if the entity is owned by  
17 shareholders.

18 (b) PUBLIC AVAILABILITY.—The Secretary shall  
19 make the information submitted to the Secretary pursuant  
20 to subsection (a) publicly available online. The Secretary  
21 shall update such information on a calendar quarterly  
22 basis and shall disaggregate such information by the  
23 smallest geographic area possible.

24 (c) DEFINITION OF COVERED OWNER.—The term  
25 “covered owner” means any person or entity that in aggre-

1 gate owns or holds a controlling interest in any entity that,  
2 in aggregate, owns—

- 3 (1) more than 100 rental units that are located  
4 within in a single Metropolitan Statistical Area;  
5 (2) more than 1,000 rental units nationwide; or  
6 (3) rental units in three or more States.

7 **SEC. 7. CONDITIONS FOR THE SALE OR GUARANTEE OF**  
8 **LOANS, REAL PROPERTY, AND RELATED SE-**  
9 **CURITIES.**

10 (a) PROHIBITIONS.—

11 (1) FEDERAL MORTGAGES, GUARANTEES, AND  
12 INSURANCE.—A covered rental housing owner may  
13 not—

14 (A) purchase any mortgage, mortgage-  
15 backed security, or other loan that is made,  
16 sold, insured, guaranteed, or otherwise sup-  
17 ported or assisted by any Federal agency or en-  
18 terprise (which term for purposes of this sec-  
19 tion, shall have the meaning given such term in  
20 section 1303 of the Housing and Community  
21 Development Act of 1992 (12 U.S.C. 4502));

22 (B) be provided any insurance or guar-  
23 antee by any Federal agency or enterprise for  
24 any mortgage for which the covered rental  
25 housing owner, or any entity in which such

1 owner holds a controlling interest, is the mort-  
2 gagee;

3 (C) be provided any insurance or guar-  
4 antee by any Federal agency or enterprise for  
5 any loan for which the covered rental housing  
6 owner, or any entity in which such owner holds  
7 a controlling interest, is the lender; or

8 (D) purchase any FHA asset (as such  
9 term is defined in section 204(m) of the Na-  
10 tional Housing Act, as added by subsection (d)  
11 of this section)) from by the Department of  
12 Housing and Urban Development or an enter-  
13 prise that was acquired by such Department of  
14 enterprise pursuant to a foreclosure action on a  
15 mortgage insured under title II of the National  
16 Housing Act (12 U.S.C. 1707 et seq.).

17 (2) MORTGAGE-BACKED SECURITIES.—Notwith-  
18 standing any other provision of law, no Federal  
19 agency or enterprise may purchase, or issue any se-  
20 curity backed by, any mortgage for which the mort-  
21 gagee is a covered rental housing owner.

22 (b) COVERED RENTAL HOUSING OWNER.—For pur-  
23 poses of this section, the term “covered rental housing  
24 owner” means—

1           (1) any owner of rental housing who has been  
2 determined by the Secretary of Housing and Urban  
3 Development, on the record after an opportunity for  
4 an agency hearing, to—

5           (A) have 3 or more documented or adju-  
6 dicated instances of —

7           (i) harassing tenants;

8           (ii) violating any applicable codes re-  
9 garding health and safety of rental dwell-  
10 ings;

11           (iii) evicting tenants without sufficient  
12 cause; or

13           (iv) offering at-risk mortgagees tem-  
14 porary interest-only modifications that do  
15 not support long-term affordability to bor-  
16 rowers; or

17           (B) have foreclosed on more than 40 per-  
18 cent of occupied properties that are owned by  
19 the covered rental housing owner and subject to  
20 mortgages purchased from a government agen-  
21 cy or enterprise; or

22           (2) any entity that owns or holds a controlling  
23 interest in entities that, in aggregate, own—

1 (A) more than 100 rental units that are lo-  
2 cated within in a single Metropolitan Statistical  
3 Area;

4 (B) more than 1,000 rental units nation-  
5 wide; or

6 (C) rental units in three or more States.

7 (c) TARGETING DISPOSITION OF FHA-OWNED AS-  
8 SETS.—Section 204 of the National Housing Act (12  
9 U.S.C. 1710) is amended by adding at the end the fol-  
10 lowing new subsection:

11 “(m) DISPOSITION REQUIREMENTS FOR FHA SIN-  
12 GLE-FAMILY ASSETS.—

13 “(1) REQUIREMENT.—Except to the extent nec-  
14 essary to comply with the capital ratio requirements  
15 of the Mutual Mortgage Insurance Fund under sec-  
16 tion 205(f) (12 U.S.C. 1711(f)), the Secretary shall  
17 ensure that not less than 75 percent of the number  
18 of FHA assets sold in each fiscal year shall be made  
19 only to purchasers—

20 “(A) who will occupy the property that is  
21 the asset or is subject to the mortgage that is  
22 the asset;

23 “(B) that is a nonprofit organization that  
24 has among its primary purposes significant ac-  
25 tivities related to the provision of decent hous-

1           ing that is affordable to low- and moderate-in-  
2           come families;

3           “(C) that is a community land trust or  
4           land bank that meets such requirements as the  
5           Secretary shall establish; or

6           “(D) is a community-controlled entity that  
7           meets such requirements as the Secretary shall  
8           establish.

9           “(2) FHA ASSETS.—For purposes of this sub-  
10          section the term ‘FHA asset’ means—

11           “(A) a property that—

12           “(i) is designed as a dwelling for occu-  
13           pancy by 1 to 4 families;

14           “(ii) was previously subject to a mort-  
15           gage insured under the provisions of this  
16           title; and

17           “(iii) is owned by the Secretary pursu-  
18           ant to the payment of insurance benefits  
19           under this title; or

20           “(B) a mortgage that—

21           “(i) is an interest in a property that  
22           meets the requirements of clause (i) of  
23           subparagraph (A);

24           “(ii) was previously insured under this  
25           title except for mortgages insured under or

1 made pursuant to sections 235, 237, or  
2 255; and

3 “(iii) is held by the Secretary pursu-  
4 ant to the payment of insurance benefits  
5 under this title.”.

6 **SEC. 8. FEDERAL SHARE PAYABLE FOR FEDERAL-AID HIGH-**  
7 **WAY PROJECTS.**

8 Section 120 of title 23, United States Code, is  
9 amended by adding at the end the following:

10 “(1) SPECIAL RULES REGARDING EQUITABLE  
11 GROWTH AREAS.—

12 “(1) INCREASED FEDERAL SHARE FOR AREAS  
13 ENCOURAGING EQUITABLE GROWTH.—

14 “(A) IN GENERAL.—The Federal share  
15 payable on account of any project under this  
16 chapter carried out in an area governed by a ju-  
17 risdiction encouraging equitable growth and not  
18 governed by any jurisdiction blocking equitable  
19 growth shall be increased, up to the total cost  
20 of the project, by the greater of—

21 “(i) 10 percent; or

22 “(ii) the percentage calculated in sub-  
23 paragraph (B).

24 “(B) CALCULATION.—

1           “(i) IN GENERAL.—Except as pro-  
2           vided in clause (ii), the percentage in sub-  
3           paragraph (A)(ii) shall be the percentage  
4           of the project (calculated by square mile-  
5           age) that is governed by a jurisdiction en-  
6           couraging equitable growth.

7           “(ii) MULTIPLE JURISDICTIONS.—For  
8           any project carried out in an area governed  
9           by multiple jurisdictions encouraging equi-  
10          table growth and not governed by any ju-  
11          risdiction blocking equitable growth, the  
12          percentage in subparagraph (A)(ii) shall be  
13          calculated by—

14                 “(I) determining the percentage  
15                 under clause (i) for each such juris-  
16                 diction; and

17                 “(II) averaging the percentages  
18                 under subclause (I).

19           “(2) DECREASED FEDERAL SHARE FOR AREAS  
20          BLOCKING EQUITABLE GROWTH.—

21                 “(A) IN GENERAL.—The Federal share  
22                 payable on account of any project under this  
23                 chapter carried out in an area governed by a ju-  
24                 risdiction blocking equitable growth and not  
25                 governed by any jurisdiction encouraging equi-

1 table growth shall be decreased by the greater  
2 of—

3 “(i) 10 percent; or

4 “(ii) the percentage calculated in sub-  
5 paragraph (B).

6 “(B) CALCULATION.—

7 “(i) IN GENERAL.—Except as pro-  
8 vided in clause (ii), the percentage in sub-  
9 paragraph (A)(ii) shall be the percentage  
10 of the project (calculated by square mile-  
11 age) that is governed by a jurisdiction  
12 blocking equitable growth.

13 “(ii) MULTIPLE JURISDICTIONS.—For  
14 any project carried out in an area governed  
15 by multiple jurisdictions blocking equitable  
16 growth and not governed by any jurisdic-  
17 tion encouraging equitable growth, the per-  
18 centage in subparagraph (A)(ii) shall be  
19 calculated by—

20 “(I) determining the percentage  
21 under clause (i) for each such juris-  
22 diction; and

23 “(II) averaging the percentages  
24 under subclause (I).

1           “(3) SPECIAL RULE FOR MIXED COVERAGE OF  
2           JURISDICTIONS ENCOURAGING AND BLOCKING EQUI-  
3           TABLE GROWTH.—

4                   “(A) IN GENERAL.—For any project under  
5           this chapter carried out in an area any portion  
6           of which is governed by at least 1 jurisdiction  
7           encouraging equitable growth and at least 1 ju-  
8           risdiction blocking equitable growth, the Fed-  
9           eral share payable on account of such project  
10          shall be—

11                   “(i) for any percentage under sub-  
12          paragraph (B)(ii)(I), increased, up to the  
13          total cost of the project, by the percentage  
14          under such subparagraph;

15                   “(ii) for any percentage under sub-  
16          paragraph (B)(ii)(II), decreased by the  
17          percentage under such subparagraph; or

18                   “(iii) for any percentage under sub-  
19          paragraph (B)(ii)(III), neither increased or  
20          decreased.

21                   “(B) CALCULATION.—The percentages in  
22          subparagraph (A) shall be calculated by—

23                   “(i) determining the percentages  
24          under paragraphs (1)(B) and (2)(B); and

25                   “(ii) in any case in which—

1                   “(I) the percentage in paragraph  
2                   (1)(B) is greater than the percentage  
3                   in paragraph (2)(B), subtracting the  
4                   percentage in paragraph (2)(B) from  
5                   the percentage in paragraph (1)(B);

6                   “(II) the percentage in para-  
7                   graph (2)(B) is greater than the per-  
8                   centage in paragraph (1)(B), sub-  
9                   tracting the percentage in paragraph  
10                  (1)(B) from the percentage in para-  
11                  graph (2)(B); or

12                  “(III) the percentage in para-  
13                  graph (1)(B) is the same as the per-  
14                  centage in paragraph (2)(B), sub-  
15                  tracting the percentage in (1)(B) from  
16                  the percentage in (2)(B).

17                  “(4) DEFINITIONS.—For purposes of this sub-  
18                  section:

19                  “(A) AFFORDABLE DEVELOPMENT.—The  
20                  term ‘affordable development’ means a housing  
21                  development in which not less than 15 percent  
22                  of the housing units of such development are  
23                  affordable housing units.

24                  “(B) AFFORDABLE HOUSING UNIT.—The  
25                  term ‘affordable housing unit’ means a housing

1 unit for which the amount of rent does not ex-  
2 ceed 9 percent of the median household income  
3 of the area in which the unit is located, as de-  
4 termined by the Secretary.

5 “(C) JURISDICTION ENCOURAGING EQUI-  
6 TABLE GROWTH.—The term ‘jurisdiction en-  
7 couraging equitable growth’ means any unit of  
8 State or local government that the Secretary  
9 determines has enacted and is enforcing any  
10 provision of law or regulation that—

11 “(i) allows an affordable development  
12 to contain a number of housing units  
13 greater than the number allowed by appli-  
14 cable laws or regulations for other housing  
15 developments;

16 “(ii) streamlines or shortens permit-  
17 ting processes and timelines for the con-  
18 struction of affordable developments;

19 “(iii) eliminates height restrictions for  
20 affordable developments;

21 “(iv) prohibits a landlord from reject-  
22 ing a rental application on the basis of the  
23 source of income (as such term is de-  
24 scribed in section 802 of the Fair Housing  
25 Act (42 U.S.C. 3602)) of the applicant;

1 “(v) taxes vacant land;

2 “(vi) provides for the donation of va-  
3 cant land to nonprofit developers for the  
4 purpose of developing affordable develop-  
5 ments;

6 “(vii) allows a smaller, independent  
7 residential dwelling unit to be located on  
8 the same lot as a stand-alone or detached  
9 single-family dwelling unit; or

10 “(viii) prohibits landlords from asking  
11 prospective tenants for criminal history in-  
12 formation.

13 “(D) JURISDICTION BLOCKING EQUITABLE  
14 GROWTH.—The term ‘jurisdiction blocking equi-  
15 table growth’ means any unit of State or local  
16 government that the Secretary determines has  
17 enacted and is enforcing any provision of law or  
18 regulation that—

19 “(i) requires a housing developer to  
20 provide off-street parking at a housing de-  
21 velopment constructed by such developer;

22 “(ii) requires residential housing to sit  
23 on more than 1/2 of an acre of land;

24 “(iii) prohibits multiunit residential  
25 properties; or

1 “(iv) prohibits the development of  
2 manufactured housing parks.”.

3 **SEC. 9. INCREASING ACCESS TO HOUSING ASSISTANCE FOR**  
4 **ALL.**

5 (a) INAPPLICABILITY OF PERSONAL RESPONSIBILITY  
6 AND WORK OPPORTUNITY RECONCILIATION ACT OF  
7 1996.—The Personal Responsibility and Work Oppor-  
8 tunity Reconciliation Act of 1996 is amended—

9 (1) in section 401 (8 U.S.C. 1611)—

10 (A) in subsection (b)(1), by striking sub-  
11 paragraph (E); and

12 (B) in subsection (c)—

13 (i) in paragraph (1)(B), by striking  
14 “public or assisted housing,”; and

15 (ii) in paragraph (2)—

16 (I) in subparagraph (B), by  
17 striking “or” at the end;

18 (II) in subparagraph (C), by  
19 striking the period at the end and in-  
20 serting “; or”; and

21 (III) by adding at the end the  
22 following new subparagraph:

23 “(D) to any benefit or assistance under  
24 any program for housing or community develop-  
25 ment assistance or financial assistance adminis-

1           tered by the Secretary of Housing and Urban  
2           Development or under any program under title  
3           V of the Housing Act of 1949 (42 U.S.C. 1471  
4           et seq.).”;

5           (2) in section 411 (8 U.S.C. 1621)—

6                 (A) in subsection (c)(1)(B), by striking  
7           “public or assisted housing,”; and

8                 (B) in subtitle D (8 U.S.C. 1641 et seq.),  
9           by adding at the end the following new section:

10   **“SEC. 437. INAPPLICABILITY TO HOUSING PROGRAMS.**

11           “‘This title may not be construed to affect the eligi-  
12           bility of any individual or family for any benefit or assist-  
13           ance under any program for housing or community devel-  
14           opment assistance or financial assistance administered by  
15           the Secretary of Housing and Urban Development or  
16           under any program under title V of the Housing Act of  
17           1949 (42 U.S.C. 1471 et seq.).’”.

18           (b) REPEAL OF RESTRICTIONS ON USE OF ASSISTED  
19           HOUSING BY CERTAIN ALIENS.—Section 214 of the  
20           Housing and Community Development Act of 1980 (42  
21           U.S.C. 1436a) is hereby repealed.