

117TH CONGRESS
1ST SESSION

S. _____

To create livable communities through coordinated public investment and streamlined requirements, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. MENENDEZ (for himself, Ms. CORTEZ MASTO, Mr. VAN HOLLEN, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To create livable communities through coordinated public investment and streamlined requirements, 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 “Livable Communities
5 Act of 2021”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) key Federal programs can boost economic
9 growth at the local and regional level through better

1 coordination of housing, transportation, and related
2 infrastructure investments;

3 (2) Federal regulations and policies should sup-
4 port community efforts to implement and sustain
5 progress toward the achievement of locally-defined
6 development goals, in terms of—

7 (A) geographic location and proximity to
8 existing resources;

9 (B) developing transportation choices that
10 serve the needs of all users and fit within the
11 context of the community;

12 (C) maintaining structural and indoor en-
13 vironmental quality and minimizing health haz-
14 ards; and

15 (D) ensuring that minority and low-income
16 communities have greater access to existing and
17 future transportation services and healthy and
18 affordable housing resources;

19 (3) greater coordination of public investment
20 will provide direct support for immediate job cre-
21 ation and lay the groundwork for long-term resil-
22 ience and prosperity by leveraging significant private
23 sector and philanthropic investment to make the
24 most of Federal funding; and

1 (4) improved coordination of Federal housing,
2 transportation, water infrastructure, and climate
3 and resiliency investments will strengthen local com-
4 munities' ability to plan for and respond to the ef-
5 fects of climate change.

6 **SEC. 3. PURPOSES.**

7 The purposes of this Act are—

8 (1) to strengthen rural, suburban, and urban
9 economies by enabling communities to establish
10 goals for the future and to chart a course for achiev-
11 ing such goals;

12 (2) to promote local leadership by encouraging
13 communities to develop innovative solutions that re-
14 flect the unique economic assets and needs of the
15 communities;

16 (3) to maximize returns on Federal funding of
17 housing, transportation, and environmental infra-
18 structure and resiliency projects through the coordi-
19 nation of Federal grant programs and improving the
20 efficiency and effectiveness of programs and policies
21 of the Department of Housing and Urban Develop-
22 ment, the Department of Transportation, the Envi-
23 ronmental Protection Agency, and other Federal
24 agencies, as appropriate;

1 (4) to ensure that Federal funding supports lo-
2 cally defined long range development goals;

3 (5) to make investments in housing, transpor-
4 tation, environmental, and resiliency projects in and
5 for the benefit of historically disadvantaged or un-
6 derserved minority and low-income communities;

7 (6) to support a Federal initiative to support
8 healthy housing and reduce the prevalence and se-
9 verity of housing-related health hazards; and

10 (7) to support the efforts of local communities
11 to address the impact of climate change, including
12 increased resilience to extreme weather events.

13 **SEC. 4. DEFINITIONS.**

14 In this Act, the following definitions shall apply:

15 (1) AFFORDABLE HOUSING.—The term “afford-
16 able housing” means housing, the cost of which does
17 not exceed 30 percent of the income of low-, very
18 low-, and extremely low-income families.

19 (2) COMPREHENSIVE REGIONAL PLAN.—The
20 term “comprehensive regional plan” means a plan
21 that—

22 (A) uses a cooperative, locally controlled,
23 and inclusive public engagement process to
24 identify needs and goals across a region and to
25 integrate related planning processes;

1 (B) prioritizes projects for implementation,
2 including healthy housing projects; and

3 (C) is tied to capital improvement pro-
4 grams and annual budgets.

5 (3) DEPARTMENT.—The term “Department”
6 means the Department of Housing and Urban De-
7 velopment.

8 (4) DIRECTOR.—The term “Director” means
9 the Director of the Office of Sustainable Housing
10 and Communities established under section 5.

11 (5) EXTREMELY LOW-INCOME FAMILY.—The
12 term “extremely low-income family” has the mean-
13 ing given that term in section 3(b) of the United
14 States Housing Act of 1937 (42 U.S.C. 1437a(b)).

15 (6) HEALTHY HOUSING.—The term “healthy
16 housing” means housing, including senior housing
17 and residential care facilities, that is designed, con-
18 structed, rehabilitated, and maintained in a manner
19 that supports the health of the occupants of the
20 housing.

21 (7) HIGH-POVERTY COMMUNITY.—The term
22 “high-poverty community” means a census tract
23 with a poverty rate of not less than 25 percent, ac-
24 cording to the most recent 5-year estimate of the

1 American Community Survey of the Bureau of the
2 Census.

3 (8) HOUSING-RELATED HEALTH HAZARD.—The
4 term “housing-related health hazard” means any bi-
5 ological, physical, or chemical source of exposure or
6 condition in, or immediately adjacent to, housing
7 that could adversely affect human health.

8 (9) INDIAN TRIBE.—The term “Indian tribe”
9 has the meaning given the term in section 4(e) of
10 the Indian Self-Determination and Education Assist-
11 ance Act (25 U.S.C. 450b(e)).

12 (10) LIVABLE COMMUNITY.—The term “livable
13 community” means a metropolitan, urban, suburban,
14 or rural community that—

15 (A) provides transportation choices that
16 are safe, reliable, affordable, accessible, and ac-
17 commodative for individuals with disabilities;

18 (B) provides long-term affordable housing
19 that provides accessible, energy-efficient, and
20 location-efficient choices for people of all ages,
21 incomes, races, and ethnicities;

22 (C) supports, revitalizes, and encourages
23 the growth of existing communities and maxi-
24 mizes the cost-effectiveness of existing infra-
25 structure;

1 (D) promotes economic development and
2 economic competitiveness;

3 (E) preserves the environment and natural
4 resources and increases community resilience to
5 natural or anthropogenic environmental disas-
6 ters;

7 (F) protects agricultural land, rural land,
8 and green spaces; and

9 (G) supports public health and improves
10 the quality of life for residents of, and workers
11 in, the community.

12 (11) LOCATION-EFFICIENT.—The term “loca-
13 tion-efficient” characterizes mixed-use development
14 or neighborhoods that integrate housing, transpor-
15 tation choices, commercial development, and facili-
16 ties and amenities—

17 (A) to lower living expenses for working
18 families;

19 (B) to enhance economic and physical mo-
20 bility;

21 (C) to encourage private investment in
22 transit-oriented development; and

23 (D) to encourage private sector infill devel-
24 opment and maximize the use of existing infra-
25 structure.

1 (12) LONG-TERM AFFORDABLE HOUSING.—The
2 term “long-term affordable housing” means housing
3 that is affordable housing for a period of not less
4 than 30 years.

5 (13) LOW-INCOME FAMILY.—The term “low-in-
6 come family” has the meaning given the term in sec-
7 tion 3(b) of the United States Housing Act of 1937
8 (42 U.S.C. 1437a(b)).

9 (14) METROPOLITAN PLANNING ORGANIZA-
10 TION.—The term “metropolitan planning organiza-
11 tion” means a metropolitan planning organization
12 described in section 134(b) of title 23, United States
13 Code or section 5303(b) of title 49, United States
14 Code.

15 (15) OFFICE.—The term “Office” means the
16 Office of Sustainable Housing and Communities es-
17 tablished under section 5.

18 (16) REGIONAL COUNCIL.—The term “regional
19 council” means a multiservice regional organization
20 with State and locally defined boundaries that is—

21 (A) accountable to units of general local
22 government;

23 (B) delivers a variety of Federal, State,
24 and local programs; and

1 (C) performs planning functions and pro-
2 vides professional and technical assistance.

3 (17) RURAL PLANNING ORGANIZATION.—The
4 term “rural planning organization” means a vol-
5 untary regional organization of local elected officials
6 and representatives of local transportation sys-
7 tems—

8 (A) that—

9 (i) works in cooperation with the de-
10 partment of transportation (or equivalent
11 entity) of a State to plan transportation
12 networks and advise officials of the State
13 on transportation planning; and

14 (ii) is located in a rural area—

15 (I) with a population of not less
16 than 5,000; and

17 (II) that is not located in an area
18 represented by a metropolitan plan-
19 ning organization; or

20 (B) that is a regional transportation plan-
21 ning organization, as defined in section 5303 of
22 title 49, United States Code.

23 (18) SECRETARY.—The term “Secretary”
24 means the Secretary of Housing and Urban Develop-
25 ment.

1 (19) STATE.—The term “State” has the mean-
2 ing given the term in section 5302 of title 49,
3 United States Code.

4 (20) SUSTAINABLE DEVELOPMENT.—The term
5 “sustainable development” means development
6 that—

7 (A) fulfills a current and future social need
8 of a community;

9 (B) promotes economic competitiveness or
10 growth and creates new economic opportunity;
11 and

12 (C) uses natural resources responsibly,
13 minimizes ecological and environmental im-
14 pacts, and improves community resilience to
15 natural disasters while preserving the ability of
16 future generations to meet their own needs.

17 (21) TRANSIT-ORIENTED DEVELOPMENT.—The
18 term “transit-oriented development” means high-
19 density, walkable, accessible to individuals with dis-
20 abilities, and location-efficient mixed-use develop-
21 ment, including commercial development, and afford-
22 able and market-rate housing, that is within walking
23 distance of and accessible to 1 or more public trans-
24 portation facilities with frequent service.

1 (22) UNIT OF GENERAL LOCAL GOVERN-
2 MENT.—The term “unit of general local govern-
3 ment” means—

4 (A) a city, county, town, township, parish,
5 village, or other general purpose political sub-
6 division of a State; or

7 (B) a combination of general purpose polit-
8 ical subdivisions, as determined by the Sec-
9 retary.

10 (23) UNIT OF SPECIAL PURPOSE LOCAL GOV-
11 ERNMENT.—The term “unit of special purpose local
12 government”—

13 (A) means a division of a unit of general
14 local government that serves a special purpose
15 and does not provide a broad array of services;
16 and

17 (B) includes an entity such as a school dis-
18 trict, a housing agency, a transit agency, and a
19 parks and recreation district.

20 (24) VERY LOW-INCOME FAMILY.—The term
21 “very low-income family” has the meaning given the
22 term in section 3(b) of the United States Housing
23 Act of 1937 (42 U.S.C. 1437a(b)).

1 **SEC. 5. OFFICE OF SUSTAINABLE HOUSING AND COMMU-**
2 **NITIES.**

3 (a) OFFICE ESTABLISHED.—There is established in
4 the Department an Office of Sustainable Housing and
5 Communities, which shall—

6 (1) coordinate the policies of the Department
7 with those of other Federal agencies that—

8 (A) encourage locally directed comprehen-
9 sive and integrated planning and development
10 at the State, regional, and local levels;

11 (B) encourage coordinated public invest-
12 ments through the development of comprehen-
13 sive regional plans;

14 (C) provide long-term affordable housing
15 that provides accessible, energy-efficient,
16 healthy, and location-efficient choices for people
17 of all ages, incomes, races, and ethnicities and
18 individuals with disabilities, particularly for low-
19 , very low-, and extremely low-income families;
20 and

21 (D) achieve other goals consistent with the
22 purposes of this Act;

23 (2) review Federal programs and policies to de-
24 termine barriers to interagency collaboration and
25 make recommendations to promote the ability of
26 local communities, including high-poverty commu-

1 nities, to access resources in the Department and
2 throughout the Federal Government and coordinate
3 with and conduct outreach to Federal agencies, in-
4 cluding the Department of Transportation and the
5 Environmental Protection Agency, on methods to
6 improve the efficiency and effectiveness of programs
7 within the Department of Transportation, the Envi-
8 ronmental Protection Agency, the Department of
9 Agriculture ,and the Department;

10 (3) review Federal programs and policies to—

11 (A) identify barriers to high-poverty indi-
12 viduals and communities' access to Federal
13 State, local, and private resources; and

14 (B) make recommendations—

15 (i) to promote the ability of high-pov-
16 erty communities to access resources in the
17 Department and throughout the Federal
18 Government and coordinate with and con-
19 duct outreach to Federal agencies, includ-
20 ing the Department of Transportation and
21 the Environmental Protection Agency; and

22 (ii) for methods to improve the access
23 of high-poverty communities to Federal re-
24 sources and programs within the Depart-
25 ment of Transportation, the Environ-

1 mental Protection Agency, and the Depart-
2 ment;

3 (4) conduct research and advise the Secretary
4 on the research agenda of the Department relating
5 to coordinated development, in collaboration with the
6 Office of Policy Development and Research of the
7 Department;

8 (5) implement and oversee the grant programs
9 established under this Act;

10 (6) provide guidance, information on best prac-
11 tices, and technical assistance to communities seek-
12 ing to adopt sustainable development policies and
13 practices;

14 (7) administer initiatives of the Department re-
15 lating to the policies described in paragraph (1), as
16 determined by the Secretary; and

17 (8) work with the Federal Transit Administra-
18 tion and the Federal Highway Administration of the
19 Department of Transportation and other offices and
20 administrations of the Department of Transpor-
21 tation, as appropriate—

22 (A) to encourage transit-oriented develop-
23 ment;

24 (B) to coordinate Federal housing, commu-
25 nity development, and transportation policies,

1 including the policies described in paragraph
2 (1); and

3 (C) to address combined household housing
4 and transportation expenses in a coordinated
5 manner.

6 (b) DIRECTOR.—The head of the Office shall be the
7 Director of the Office of Sustainable Housing and Com-
8 munities.

9 (c) DUTIES RELATING TO GRANT PROGRAMS.—

10 (1) IN GENERAL.—The Director shall carry out
11 the grant programs established under this Act.

12 (2) SMALL AND RURAL COMMUNITIES GRANT
13 PROGRAM.—The Director shall coordinate with the
14 Secretary of Agriculture to make grants to small
15 and rural communities under sections 7 and 8.

16 (3) TECHNICAL ASSISTANCE FOR GRANT RE-
17 CIPIENTS AND APPLICANTS.—The Director may—

18 (A) coordinate with other Federal agencies
19 to establish interagency and multidisciplinary
20 teams to provide technical assistance to recipi-
21 ents of, and prospective applicants for, grants
22 under this Act;

23 (B) by Federal interagency agreement,
24 transfer funds to another Federal agency to fa-
25 cilitate and support technical assistance; and

1 (C) make contracts with third parties to
2 provide technical assistance to grant recipients
3 and prospective applicants for grants.

4 **SEC. 6. COMPREHENSIVE PLANNING GRANT PROGRAM.**

5 (a) DEFINITIONS.—In this section:

6 (1) CONSORTIUM OF UNITS OF GENERAL LOCAL
7 GOVERNMENTS.—The term “consortium of units of
8 general local governments” means a consortium of
9 geographically contiguous units of general local gov-
10 ernment that the Secretary determines—

11 (A) represents all or part of a metropolitan
12 statistical area, a micropolitan statistical area,
13 or a noncore area, as those terms are defined
14 by the Office of Management and Budget;

15 (B) has the authority under State, Tribal,
16 or local law to carry out planning activities, in-
17 cluding surveys, land use studies, environmental
18 or public health analyses, and development of
19 urban revitalization plans; and

20 (C) has provided documentation to the
21 Secretary sufficient to demonstrate that the
22 purpose of the consortium is to carry out a
23 project using a grant awarded under this Act.

24 (2) ELIGIBLE ENTITY.—The term “eligible enti-
25 ty” means—

1 (A) a partnership between a consortium of
2 units of general local government and an eligi-
3 ble partner, which shall designate a lead appli-
4 cant to be the entity to establish the direct
5 grant relationship with the Secretary; or

6 (B) an Indian tribe, if the Indian tribe has
7 a Tribal entity that performs—

8 (i) housing and land use planning
9 functions; or

10 (ii) transportation or transportation
11 planning functions.

12 (3) ELIGIBLE PARTNER.—The term “eligible
13 partner” means—

14 (A) a metropolitan planning organization,
15 a rural planning organization, or a regional
16 council; or

17 (B) a metropolitan planning organization,
18 a rural planning organization, or a regional
19 council, and—

20 (i) a State;

21 (ii) an Indian Tribe;

22 (iii) a State and an Indian Tribe;

23 (iv) a community development cor-
24 poration; or

25 (v) an institution of higher education.

1 (B) goals and strategies to implement an
2 existing comprehensive regional plan and other
3 related activities; and

4 (5) to identify local zoning and other code or
5 policy changes necessary to implement a comprehen-
6 sive regional plan and promote sustainable develop-
7 ment and fair housing.

8 (c) GRANTS.—

9 (1) DIVERSITY OF GRANTEEES.—The Director
10 shall ensure geographic diversity among and ade-
11 quate representation from each of the following cat-
12 egories:

13 (A) SMALL AND RURAL COMMUNITIES.—
14 Eligible entities that represent all or part of a
15 noncore area, a micropolitan area, or a small
16 metropolitan statistical area with a population
17 of not more than 200,000.

18 (B) MID-SIZED METROPOLITAN COMMU-
19 NITIES.—Eligible entities that represent all or
20 part of a metropolitan statistical area with a
21 population of more than 200,000 and not more
22 than 500,000.

23 (C) LARGE METROPOLITAN COMMU-
24 NITIES.—Eligible entities that represent all or

1 part of a metropolitan statistical area with a
2 population of more than 500,000.

3 (D) INDIAN TRIBES.—Eligible entities that
4 are Indian tribes.

5 (2) AWARD OF FUNDS TO SMALL AND RURAL
6 COMMUNITIES.—

7 (A) IN GENERAL.—The Director shall—

8 (i) award not less than 15 percent of
9 the funds under the grant program to eli-
10 gible entities described in paragraph
11 (1)(A); and

12 (ii) ensure diversity among the geo-
13 graphic regions and the size of the popu-
14 lation of the communities served by recipi-
15 ents of grants that are eligible entities de-
16 scribed in paragraph (1)(A).

17 (B) INSUFFICIENT APPLICATIONS.—If the
18 Director determines that insufficient approvable
19 applications have been submitted by eligible en-
20 tities described in paragraph (1)(A), the Direc-
21 tor may award less than 15 percent of the
22 funds under the grant program to eligible enti-
23 ties described in paragraph (1)(A).

24 (3) AWARD OF FUNDS TO HIGH-POVERTY COM-
25 MUNITIES.—

1 approvable applications that can be award-
2 ed within the period of availability; and

3 (iv) the Director shall provide tech-
4 nical assistance to eligible entities within
5 the jurisdiction of which are high-poverty
6 communities.

7 (4) AVAILABILITY OF FUNDS.—

8 (A) IN GENERAL.—An eligible entity that
9 receives a grant under the grant program
10 shall—

11 (i) obligate any funds received under
12 the grant program not later than 1 year
13 after the date on which the grant agree-
14 ment under subsection (g) is made; and

15 (ii) expend any funds received under
16 the grant program not later than 4 years
17 after the date on which the grant agree-
18 ment under subsection (g) is made.

19 (B) UNOBLIGATED AMOUNTS.—After the
20 date described in subparagraph (A)(i), the Sec-
21 retary may—

22 (i) grant an extension to the eligible
23 entity if the eligible entity has—

24 (I) demonstrated progress in exe-
25 cuting the grant; and

1 (II) certified that the eligible en-
2 tity needs additional time to obligate
3 grant funds; or

4 (ii) award to another eligible entity, to
5 carry out activities under this section, any
6 amounts that an eligible entity has not ob-
7 ligated under subparagraph (A)(i).

8 (d) APPLICATION.—

9 (1) IN GENERAL.—The lead applicant of an eli-
10 gible entity that desires a grant under this section
11 shall submit to the Director an application, at such
12 time and in such manner as the Director shall pre-
13 scribe, that contains—

14 (A) a description of the project proposed to
15 be carried out by the eligible entity;

16 (B) a budget for the project that includes
17 the anticipated Federal share of the cost of the
18 project and a description of the source of the
19 non-Federal share;

20 (C) the designation of lead applicant to re-
21 ceive and manage any funds received by the eli-
22 gible entity under the grant program;

23 (D) a signed copy of a memorandum of
24 understanding among local jurisdictions, includ-
25 ing, as appropriate, a State, an Indian tribe,

1 units of general local government, units of spe-
2 cial purpose local government, metropolitan
3 planning organizations, rural planning organi-
4 zations, and regional councils that dem-
5 onstrates—

6 (i) the creation of an eligible entity;

7 (ii) a description of the nature and ex-
8 tent of planned collaboration between the
9 eligible entity and any partners of the eligi-
10 ble entity;

11 (iii) a commitment to develop a com-
12 prehensive regional plan; and

13 (iv) a commitment to implement the
14 plan after the plan is developed;

15 (E) a certification by the lead applicant
16 that the eligible entity has—

17 (i) secured the participation, or made
18 a good-faith effort to secure the participa-
19 tion, of transportation providers and public
20 housing agencies within the area affected
21 by the comprehensive regional plan and the
22 entities described in clause (ii); and

23 (ii) created, or will create not later
24 than 1 year after the date of the grant
25 award, a regional advisory board to provide

1 input and feedback on the development of
2 the comprehensive regional plan that in-
3 cludes representatives of a State, the met-
4ropolitan planning organization, the rural
5 planning organization, the regional council,
6 local jurisdictions, non-profit organizations,
7 and others, as deemed appropriate by the
8 eligible entity, given the local context of
9 the comprehensive planning effort; and

10 (F) a certification that the eligible entity
11 has solicited public comment on the contents of
12 the project description under subparagraph (A)
13 that includes—

14 (i) a description of the process for re-
15 ceiving public comment relating to the pro-
16 posal; and

17 (ii) such other information as the Di-
18 rector may require;

19 (G) a description of how the eligible entity
20 will carry out the activities under subsection (f);
21 and

22 (H) such additional information as the Di-
23 rector may require.

24 (2) INDIAN TRIBES.—An eligible entity that is
25 an Indian tribe is not required to submit the des-

1 ignation under paragraph (1)(C) or the certification
2 under paragraph (1)(E).

3 (e) SELECTION.—In evaluating an application for a
4 grant under the grant program, the Director shall con-
5 sider the extent to which the application—

6 (1) demonstrates that the eligible entity has or
7 will have the legal, financial, managerial, and tech-
8 nical capacity to carry out the project;

9 (2) demonstrates the extent to which the eligi-
10 ble entity has developed partnerships throughout an
11 entire region, including, as appropriate, partnerships
12 with the entities described in subsection (d)(1)(D);

13 (3) demonstrates integration with local efforts
14 in economic development and job creation;

15 (4) demonstrates a strategy for implementing a
16 comprehensive regional plan through regional infra-
17 structure investment plans and local land use plans;

18 (5) promotes diversity among the geographic re-
19 gions and the size of the population of the commu-
20 nities served by recipients of grants under this sec-
21 tion;

22 (6) demonstrates a commitment to seeking sub-
23 stantial public input during the planning process
24 and public participation in the development of the
25 comprehensive regional plan;

1 (5) Identifying and implementing local zoning
2 and other policy or code changes necessary to imple-
3 ment a comprehensive regional plan and promote
4 sustainable development and fair housing.

5 (g) GRANT AGREEMENT.—Each eligible entity that
6 receives a grant under the grant program shall agree to
7 establish, in coordination with the Director, performance
8 measures, reporting requirements, and any other require-
9 ments that the Director determines are necessary, that the
10 eligible entity, through the lead applicant, shall meet at
11 the end of each year in which the eligible entity receives
12 funds under the grant program.

13 (h) PUBLIC OUTREACH.—

14 (1) OUTREACH REQUIRED.—Each eligible entity
15 that receives a grant under the grant program shall
16 perform substantial outreach activities—

17 (A) to engage a broad cross-section of
18 community stakeholders in the process of devel-
19 oping a comprehensive regional plan, including
20 low-income families, minorities, disabled individ-
21 uals, older adults, and economically disadvan-
22 tagged community members; and

23 (B) to create an effective means for stake-
24 holders to participate in the development and

1 implementation of a comprehensive regional
2 plan.

3 (2) FINALIZATION OF COMPREHENSIVE RE-
4 GIONAL PLAN.—

5 (A) IN GENERAL.—An eligible entity that
6 receives a grant under the grant program may
7 not finalize a comprehensive regional plan be-
8 fore the eligible entity holds a public hearing to
9 obtain the views of citizens, public agencies, and
10 other interested parties.

11 (B) AVAILABILITY OF INFORMATION.—Not
12 later than 30 days before a hearing described in
13 subparagraph (A), an eligible entity shall make
14 the proposed comprehensive regional plan and
15 all information relevant to the hearing—

16 (i) available to the public for inspec-
17 tion during normal business hours; and

18 (ii) available on a publicly accessible
19 website.

20 (C) NOTICE.—Not later than 30 days be-
21 fore a hearing described in subparagraph (A),
22 an eligible entity shall publish notice—

23 (i) of the hearing; and

24 (ii) that the information described in
25 subparagraph (B) is available.

1 (i) VIOLATION OF GRANT AGREEMENT OR FAILURE
2 TO COMPLY WITH PUBLIC OUTREACH REQUIREMENTS.—

3 If the Director determines that an eligible entity has not
4 met the performance measures established in the grant
5 agreement under subsection (g), is not making reasonable
6 progress toward meeting such measures, is otherwise in
7 violation of the grant agreement, or has not complied with
8 the public outreach requirements under subsection (h), the
9 Director may—

10 (1) impose increased reporting and more strin-
11 gent expenditure authorization requirements;

12 (2) withhold financial assistance until the re-
13 quirements under the grant agreement or under sub-
14 section (h), as applicable, are met;

15 (3) wholly or partly suspend or terminate the
16 grant agreement;

17 (4) refer the grantee to the appropriate office
18 within the Department for further enforcement ac-
19 tion; and

20 (5) take other remedies that may be legally
21 available.

22 (j) REPORT ON THE COMPREHENSIVE PLANNING
23 GRANT.—

24 (1) IN GENERAL.—Not later than 120 days
25 after the date on which the grant agreement under

1 subsection (g) expires, an eligible entity that receives
2 a grant under the grant program shall submit a
3 final report on the project to the Secretary.

4 (2) CONTENTS OF REPORT.—The report shall
5 include—

6 (A) a detailed explanation of the activities
7 undertaken using the grant, including an expla-
8 nation of the completed project and how it
9 achieves specific transit-oriented, transpor-
10 tation, housing, or sustainable community goals
11 within the region;

12 (B) a discussion of any obstacles encoun-
13 tered in the planning process and how the eligi-
14 ble entity overcame the obstacles;

15 (C) an evaluation of the success of the
16 project using the performance measures estab-
17 lished in the grant agreement under subsection
18 (g), including an evaluation of the planning
19 process and how the project contributes to car-
20 rying out the comprehensive regional plan;

21 (D) an outline of any proposed follow-up
22 activities to implement 1 or more elements of
23 the plan, including commitments of additional
24 planned public or private investments for such
25 activities; and

1 (E) any other information the Director
2 may require.

3 (3) INTERIM REPORTS.—The Director may re-
4 quire an eligible entity to submit an interim report
5 or reports before the date on which the project for
6 which the grant is awarded is completed.

7 (k) AUTHORIZATION OF APPROPRIATIONS.—

8 (1) AUTHORIZATION.—There are authorized to
9 be appropriated to the Secretary for the award of
10 grants under this section, to remain available until
11 expended—

12 (A) \$570,800,000 for fiscal year 2022; and

13 (B) \$707,300,000 for each of fiscal years
14 2023 through 2026.

15 (2) TECHNICAL ASSISTANCE.—The Director
16 may use not more than 2 percent of the amounts
17 made available under this subsection for a fiscal
18 year for technical assistance under section 5(c)(3).

19 **SEC. 7. COMMUNITY CHALLENGE GRANT PROGRAM.**

20 (a) DEFINITIONS.—In this section—

21 (1) the terms “consortium of units of general
22 local governments”, “eligible entity”, and “eligible
23 partner” have the meanings given those terms in
24 section 6; and

1 (2) the term “grant program” means the com-
2 munity challenge grant program established under
3 subsection (b).

4 (b) COMMUNITY CHALLENGE GRANT PROGRAM ES-
5 TABLISHED.—The Director shall establish a community
6 challenge grant program to make grants to eligible entities
7 to—

8 (1) promote integrated planning and invest-
9 ments across policy and governmental jurisdictions;
10 and

11 (2) implement projects identified in a com-
12 prehensive regional plan.

13 (c) GRANTS.—

14 (1) DIVERSITY OF GRANTEEES.—The Director
15 shall ensure—

16 (A) geographic diversity among and ade-
17 quate representation from eligible entities in
18 each of the categories described in section
19 6(c)(1); and

20 (B) diversity among and adequate rep-
21 resentation from eligible entities described in
22 section 6(c)(3).

23 (2) TERMS AND CONDITIONS.—Except as other-
24 wise provided in this section, a grant under the

1 grant program shall be made on the same terms and
2 conditions as a grant under section 6.

3 (3) EXPENDING FUNDS.—An eligible entity
4 that receives a grant under the grant program shall
5 expend any funds received under the grant program
6 not later than 5 years after the date on which the
7 grant agreement under subsection (g) is made.

8 (d) APPLICATION.—

9 (1) CONTENTS.—An eligible entity that desires
10 a grant under the grant program shall submit to the
11 Director an application, at such time and in such
12 manner as the Director shall prescribe, that con-
13 tains—

14 (A) a copy of the comprehensive regional
15 plan, whether developed as part of the com-
16 prehensive planning grant program under sec-
17 tion 6 or developed independently;

18 (B) a description of the project or projects
19 proposed to be carried out using a grant under
20 the grant program;

21 (C) a description of any preliminary ac-
22 tions that have been or must be taken at the
23 local or regional level to implement the project
24 or projects described under subparagraph (B),

1 including the revision of land use or zoning
2 policies;

3 (D) the designation of a lead applicant to
4 be the entity to establish the direct grant rela-
5 tionship with the Secretary;

6 (E) a signed copy of a memorandum of un-
7 derstanding among local jurisdictions, includ-
8 ing, as appropriate, a State, units of general
9 local government, units of special purpose local
10 government, metropolitan planning organiza-
11 tions, rural planning organizations, and re-
12 gional councils that demonstrates—

13 (i) the creation of a consortium of
14 units of general local government; and

15 (ii) a commitment to implement the
16 activities described in the comprehensive
17 regional plan; and

18 (F) a certification that the eligible entity
19 has solicited public comment on the contents of
20 the project or projects described in subpara-
21 graph (B) that includes—

22 (i) a certification that the eligible en-
23 tity made information about the project or
24 projects available and afforded citizens,
25 public agencies, and other interested par-

1 ties a reasonable opportunity to examine
2 the content of the project or projects and
3 to submit comments;

4 (ii) a description of the process for re-
5 ceiving public comment, and a description
6 of the outreach efforts to affected popu-
7 lations and stakeholders;

8 (iii) a certification that the eligible en-
9 tity—

10 (I) held a public hearing to ob-
11 tain the views of citizens, public agen-
12 cies, and other interested parties;

13 (II) made the proposed project or
14 projects and all information relevant
15 to the hearing available for inspection
16 by the public during normal business
17 hours not less than 30 days before the
18 hearing under subclause (I); and

19 (III) published a notice informing
20 the public of the hearing under sub-
21 clause (I) and the availability of the
22 information described in subclause
23 (II); and

24 (G) a budget for the project or projects
25 that includes the Federal share of the cost of

1 the project or projects requested and a descrip-
2 tion of the source of the non-Federal share; and

3 (H) such additional information as the Di-
4 rector may require.

5 (2) INDIAN TRIBES.—An eligible entity that is
6 an Indian tribe is not required to designate a lead
7 applicant under paragraph (1)(D) or submit a
8 memorandum of understanding under paragraph
9 (1)(E).

10 (e) SELECTION.—In evaluating an application for a
11 grant under the grant program, the Director shall con-
12 sider the extent to which the application—

13 (1) demonstrates that the eligible entity has or
14 will have the legal, financial, managerial, and tech-
15 nical capacity to carry out the project;

16 (2) demonstrates the extent to which the eligi-
17 ble entity has developed partnerships throughout an
18 entire region, including partnerships with units of
19 special purpose local government and transportation
20 providers;

21 (3) demonstrates clear and meaningful inter-
22 jurisdictional cooperation and coordination of hous-
23 ing, including healthy housing, transportation, and
24 environmental policies and plans;

1 (4) demonstrates a commitment to imple-
2 menting a comprehensive regional plan and docu-
3 ments action taken or planned to implement the
4 plan;

5 (5) identifies original and innovative ideas to
6 overcoming regional problems, including local land
7 use, zoning, or other obstacles to carrying out the
8 comprehensive regional plan;

9 (6) promotes diversity among the geographic re-
10 gions and the size of the population of the commu-
11 nities served by recipients of grants under the grant
12 program;

13 (7) demonstrates a commitment to substantial
14 public input throughout the implementation process;

15 (8) demonstrates a strategy for connecting un-
16 derserved, low-income, disabled, and minority com-
17 munity members with housing, transportation, and
18 infrastructure resources; and

19 (9) demonstrates such other qualities as the Di-
20 rector may determine.

21 (f) GRANT ACTIVITIES.—

22 (1) PLANNING ACTIVITIES.—

23 (A) IN GENERAL.—An eligible entity that
24 receives a grant under the grant program may

1 use not more than 10 percent of the grant for
2 planning activities.

3 (B) LIMITATION.—Activities related to the
4 updating, reform, or development of a local
5 code, plan, or ordinance to implement projects
6 contained in a comprehensive regional plan
7 shall not be considered planning activities for
8 the purposes of a grant under the grant pro-
9 gram.

10 (2) PROJECTS.—An eligible entity that receives
11 a grant under the grant program shall carry out 1
12 or more projects that are designed to achieve the
13 goals identified in a comprehensive regional plan.

14 (g) GRANT AGREEMENT.—Each eligible entity that
15 receives a grant under the grant program shall agree to
16 establish, through the lead applicant and in coordination
17 with the Director, performance measures, reporting re-
18 quirements, and any other requirements that the Director
19 determines are necessary, that the eligible entity, through
20 the lead applicant, shall meet at the end of each year in
21 which the eligible entity receives funds under the grant
22 program.

23 (h) VIOLATION OF GRANT AGREEMENT.—If the Di-
24 rector determines that an eligible entity has not met the
25 performance measures established under subsection (g), is

1 not making reasonable progress toward meeting such
2 measures, or is otherwise in violation of the grant agree-
3 ment, the Director may—

4 (1) impose increased reporting and more strin-
5 gent expenditure authorization requirements

6 (2) withhold financial assistance until the re-
7 quirements under the grant agreement are met;

8 (3) wholly or partly suspend or terminate the
9 grant agreement;

10 (4) refer the grantee to the appropriate office
11 within the Department for further enforcement ac-
12 tion; and

13 (5) take other remedies that may be legally
14 available.

15 (i) REPORT ON THE COMMUNITY CHALLENGE
16 GRANT.—

17 (1) IN GENERAL.—Not later than 120 days
18 after the date on which the grant agreement under
19 subsection (g) expires, an eligible entity that receives
20 a grant under the grant program shall submit a
21 final report on the project to the Secretary.

22 (2) CONTENTS OF REPORT.—The report shall
23 include—

24 (A) a detailed explanation of the activities
25 undertaken using the grant, including an expla-

1 nation of the completed project and how it
2 achieves specific transit-oriented, transpor-
3 tation, housing, or sustainable community goals
4 within the region;

5 (B) a discussion of any obstacles encoun-
6 tered in the planning and implementation proc-
7 ess and how the eligible entity overcame the ob-
8 stacles;

9 (C) an evaluation of the success of the
10 project using the performance measures estab-
11 lished under subsection (g), including an eval-
12 uation of the planning and implementation
13 process and how the project contributes to car-
14 rying out the comprehensive regional plan;

15 (D) outline of any proposed follow-up ac-
16 tivities including commitments of additional
17 planned public or private investments; and

18 (E) any other information the Director
19 may require.

20 (3) INTERIM REPORTS.—The Director may re-
21 quire an eligible entity to submit an interim report
22 or reports before the date on which the project for
23 which the grant is awarded is completed.

24 (j) AUTHORIZATION OF APPROPRIATIONS.—There
25 are authorized to be appropriated to the Secretary for the

1 award of grants under this section, to remain available
2 until expended—

3 (1) \$175,350,000 for each of fiscal years 2022
4 through 2023;

5 (2) \$203,700,000 for fiscal year 2024;

6 (3) \$233,100,000 for fiscal year 2025; and

7 (4) \$262,500,000 for fiscal year 2026.

8 **SEC. 8. CREDIT FACILITY TO SUPPORT TRANSIT-ORIENTED**
9 **DEVELOPMENT.**

10 (a) DEFINITIONS.—In this section, the following defi-
11 nitions shall apply:

12 (1) ELIGIBLE APPLICANT.—The term “eligible
13 applicant” means a State or local governmental au-
14 thority.

15 (2) ELIGIBLE AREA.—The term “eligible area”
16 means the area within ½ mile of an existing or
17 planned major public transportation facility.

18 (3) ELIGIBLE BORROWER.—The term “eligible
19 borrower” means—

20 (A) a governmental entity, authority, agen-
21 cy, or instrumentality;

22 (B) a corporation, partnership, joint ven-
23 ture, or trust on behalf of which an eligible ap-
24 plicant has submitted an application under sub-
25 section (c); or

1 (C) any other legal entity undertaking an
2 infrastructure development project on behalf of
3 which an eligible applicant has submitted an
4 application under subsection (c).

5 (4) MAJOR PUBLIC TRANSPORTATION FACIL-
6 ITY.—The term “major public transportation facil-
7 ity” means—

8 (A) a fixed-guideway public transportation
9 station;

10 (B) a high speed rail or intercity rail sta-
11 tion connecting to public transportation;

12 (C) an intermodal facility connecting mul-
13 tiple public transportation lines; or

14 (D) a public transportation center located
15 in an area other than an urbanized area.

16 (5) PLANNED MAJOR PUBLIC TRANSPORTATION
17 FACILITY.—The term “planned major public trans-
18 portation facility” means a major public transpor-
19 tation facility for which—

20 (A) appropriate environmental reviews
21 have been initiated or have been completed; and

22 (B) funding for construction can be rea-
23 sonably anticipated.

24 (6) PROJECT.—The term “project” means an
25 infrastructure project that is used to support a tran-

1 sit-oriented development in an eligible area, includ-
2 ing—

3 (A) property enhancement, including con-
4 ducting environmental remediation, park devel-
5 opment, and open space acquisition;

6 (B) improvement of physical mobility, in-
7 cluding rehabilitating, or providing for addi-
8 tional, streets, public transportation stations,
9 structured parking, walkways, and bikeways;

10 (C) improve accommodations for individ-
11 uals with disabilities;

12 (D) utility development, including rehabili-
13 tating or relocating existing, or providing for
14 new drinking water, wastewater, electric, and
15 gas utilities; or

16 (E) community service facilities, such as
17 child care centers.

18 (7) PUBLIC TRANSPORTATION.—The term
19 “public transportation” has the meaning given that
20 term in section 5302 of title 49, United States Code.

21 (b) LOAN PROGRAM ESTABLISHED.—The Secretary,
22 in consultation with the Secretary of Transportation, may
23 make or guarantee loans under this section to eligible bor-
24 rowers for projects.

25 (c) APPLICATION.—

1 (ii) homeowners with incomes at or
2 below 100 percent of the area median in-
3 come.

4 (2) CONSIDERATIONS.—The Secretary, in con-
5 sultation with the Secretary of Transportation, shall
6 select the recipients of loans and loan guarantees
7 under this section based on the extent to which—

8 (A) the transit-oriented development sup-
9 ported by the project will encourage increased
10 use of transit;

11 (B) the transit-oriented development sup-
12 ported by the project will create or preserve
13 long-term affordable housing units in addition
14 to the housing units required to be made avail-
15 able under paragraph (1)(C) or will provide
16 deeper affordability than required under para-
17 graph (1)(C);

18 (C) the project will facilitate and encour-
19 age additional development or redevelopment in
20 the overall public transportation station area;

21 (D) the local government has adopted poli-
22 cies that—

23 (i) promote long-term affordable hous-
24 ing; and

1 (ii) allow high-density, mixed-use de-
2 velopment near public transportation sta-
3 tions;

4 (E) the transit-oriented development sup-
5 ported by the project is part of a comprehensive
6 regional plan;

7 (F) the eligible borrower has established a
8 reliable, dedicated revenue source to repay the
9 loan; and

10 (G) a loan or loan guarantee under this
11 section would be used in conjunction with non-
12 Federal resources to fund the project.

13 (e) ELIGIBLE SOURCES OF REPAYMENT.—A loan
14 made or guaranteed under this section shall be repayable,
15 in whole or in part, from dedicated revenue sources, which
16 may include—

17 (1) user fees;

18 (2) property tax revenues;

19 (3) sales tax revenues;

20 (4) other revenue sources dedicated to the
21 project by property owners and businesses; and

22 (5) a bond or other indebtedness backed by one
23 of the revenue sources listed in this paragraph.

24 (f) INTEREST RATE.—The Secretary shall establish
25 an interest rate for loans made or guaranteed under this

1 section with reference to a benchmark interest rate (com-
2 monly known as a “yield”) on marketable Treasury securi-
3 ties with a maturity that is similar to the loans made or
4 guaranteed under this section.

5 (g) MAXIMUM MATURITY.—The maturity of a loan
6 made or guaranteed under this section may not exceed the
7 lesser of—

8 (1) 35 years; or

9 (2) 100 percent of the useful life of any project
10 to be financed by the loan, as determined by the
11 Secretary.

12 (h) MAXIMUM LOAN GUARANTEE RATE.—

13 (1) IN GENERAL.—The guarantee rate on a
14 loan guaranteed under this section may not exceed
15 75 percent of the amount of the loan.

16 (2) LOWER GUARANTEE RATE FOR LOW-RISK
17 BORROWERS.—The Secretary shall establish a guar-
18 antee rate for loans to eligible borrowers that the
19 Secretary determines pose a lower risk of default
20 that is lower than the guarantee rate for loans to
21 other eligible borrowers.

22 (i) FEES.—The Secretary shall establish fees for
23 loans made or guaranteed under this section at a level that
24 is sufficient to cover all or part of the costs to the Federal

1 Government of making or guaranteeing a loan under this
2 section.

3 (j) NONSUBORDINATION.—A loan made or guaran-
4 teed under this section may not be subordinated to the
5 claims of any holder of an obligation relating to the project
6 in the event of bankruptcy, insolvency, or liquidation.

7 (k) COMMENCEMENT OF REPAYMENT.—The sched-
8 uled repayment of principal or interest on a loan made
9 or guaranteed under this section shall commence not later
10 than 5 years after the date of substantial completion of
11 a project.

12 (l) REPAYMENT DEFERRAL FOR LOANS.—

13 (1) IN GENERAL.—If, at any time after the
14 date of substantial completion of a project, the Sec-
15 retary determines that dedicated revenue sources of
16 an eligible borrower are insufficient to make the
17 scheduled loan repayments of principal and interest
18 on a loan made or guaranteed under this section, the
19 Secretary may, subject to criteria established by the
20 Secretary, allow the eligible borrower to add unpaid
21 principal and interest to the outstanding balance of
22 the loan.

23 (2) TREATMENT OF DEFERRED PAYMENTS.—

24 Any payment deferred under this section shall—

1 (A) continue to accrue interest until fully
2 repaid; and

3 (B) be scheduled to be amortized over the
4 remaining term of the loan.

5 (m) SANCTIONS FOR PERFORMANCE DEFICIENCIES.—If the Director determines that a recipient of
6 a loan made or guaranteed under this section has performance deficiencies in the use of the loan funds under this
7 section or is otherwise in violation of the loan or loan guarantee agreement, the Director may impose sanctions and
8 undertake other remedies for noncompliance in accordance
9 with section 111 of the Housing and Community Development Act of 1974 (42 U.S.C. 5311) and the implementing
10 regulations of the Department.

11 (n) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated for the cost of loans and
13 loan guarantees under this section \$110,000,000 for each
14 of fiscal years 2022 through 2026.

15 **SEC. 9. HEALTHY HOMES.**

16 (a) FEDERAL INITIATIVE TO SUPPORT HEALTHY
17 HOUSING AND SUBSTANTIALLY REDUCE HOUSING-RELATED HEALTH HAZARDS.—The Secretary, acting
18 through the Director of the Office of Lead Hazard Control
19 and Healthy Homes and in consultation with the Secretary of Energy, the Administrator of the Environmental

1 Protection Agency, the Secretary of Agriculture, the Sec-
2 retary of the Treasury, the Director of the National Insti-
3 tute of Standards and Technology, the Director of the Na-
4 tional Institute of Environmental Health Sciences, and the
5 Director of the Centers for Disease Control, shall lead the
6 Federal initiative to support healthy housing and substan-
7 tially reduce the prevalence and severity of housing-related
8 health hazards by—

9 (1) identifying best practices and model pro-
10 grams, including practices and programs that link
11 services for low-income families and services for
12 health hazards;

13 (2) identifying best practices for finance prod-
14 ucts, building codes, and regulatory practices;

15 (3) researching training programs and work
16 practices that can accurately assess housing-related
17 health hazards;

18 (4) promoting collaboration among Federal,
19 State, local, and tribal agencies and non-govern-
20 mental organizations; and

21 (5) coordinating with all relevant Federal agen-
22 cies.

23 (b) ASSESSMENT.—The Secretary shall conduct a
24 collaborative, interagency assessment of best practices
25 for—

1 (1) coordinating activities relating to healthy
2 housing; and

3 (2) creating incentives in programs of the Fed-
4 eral Government to advance the complementary
5 goals of improving environmental health, energy con-
6 servation, decarbonization, and the availability of
7 housing.

8 (c) STUDY AND REPORT ON SUSTAINABLE BUILDING
9 FEATURES AND INDOOR ENVIRONMENTAL QUALITY IN
10 HOUSING.—

11 (1) STUDY.—The Secretary, in consultation
12 with the Secretary of Energy, the Director of the
13 National Institute of Standards and Technology, the
14 Director of the National Institute of Environmental
15 Health Sciences, the Director of the Centers for Dis-
16 ease Control and Prevention, the Secretary of the
17 Treasury, the Secretary of Agriculture, and any
18 other Federal agency that the Secretary determines
19 is appropriate, shall conduct a detailed study of how
20 sustainable building features in housing, such as en-
21 ergy efficiency, affect—

22 (A) the quality of the indoor environment;

23 (B) the prevalence of housing-related
24 health hazards; and

25 (C) the health of occupants of the housing.

1 (2) REPORT.—Not later than 3 years after the
2 date of enactment of this Act, the Secretary shall
3 submit to the Committee on Banking, Housing, and
4 Urban Affairs and the Committee on Appropriations
5 of the Senate and the Committee on Financial Serv-
6 ices and the Committee on Appropriations of the
7 House of Representatives a report containing the re-
8 sults of the study under paragraph (1).

9 (d) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated such sums as may be
11 necessary to carry out this section.