

114TH CONGRESS  
2D SESSION

# H. R. 4707

To provide housing opportunities for individuals living with HIV or AIDS,  
and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2016

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

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## A BILL

To provide housing opportunities for individuals living with  
HIV or AIDS, 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 “Housing Opportunities  
5 for Persons With AIDS Modernization Act of 2016”.

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

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

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

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

11 “(1) ALLOCATION OF RESOURCES.—

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

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

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

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

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

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

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

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

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

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

6           “ (ii) differences in poverty rates  
7           among States and metropolitan statistical  
8           areas based on area poverty indexes or an-  
9           other methodology established through a  
10          notice published by the Secretary in the  
11          Federal Register.

12          “(2) MAINTAINING GRANTS.—

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

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

20                         “(ii) approval under section 105 by  
21                         the Secretary of the most recent com-  
22                         prehensive housing affordability strategy  
23                         for the grantee; and

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

1           “(B) ADJUSTMENTS.—Allocations to  
2 grantees described in subparagraph (A) shall be  
3 adjusted annually based on sections 203 (except  
4 subsection (d)) and 209 of division C of the  
5 Consolidated and Further Continuing Appro-  
6 priations Act, 2012 (Public Law 112–55; 125  
7 Stat. 693, 694), except that in lieu of the num-  
8 ber of cases of AIDS, such sections shall be ad-  
9 justed, through a notice published by the Sec-  
10 retary in the Federal Register, to reflect the  
11 number of individuals living with HIV or AIDS,  
12 and the allocation factors under paragraph  
13 (1)(C) of this subsection.

14           “(C) REDETERMINATION OF CONTINUED  
15 ELIGIBILITY.—The Secretary shall redetermine  
16 the continued eligibility of a grantee that re-  
17 ceived an allocation in fiscal year 2016 at least  
18 once during the 10-year period following fiscal  
19 year 2016.

20           “(D) ADJUSTMENT TO GRANTS.—For each  
21 of fiscal years 2017, 2018, 2019, 2020, and  
22 2021, the Secretary shall ensure that a grantee  
23 that received an allocation in the prior fiscal  
24 year does not receive an allocation that is 5 per-  
25 cent less than or 10 percent greater than the

1 share of total available formula funds allocated  
2 to such grantee in the preceding fiscal year.

3 “(3) ALTERNATIVE GRANTEES.—

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

8 “(i) the grantee submits to the Sec-  
9 retary a written agreement between the  
10 grantee and the alternative grantee that  
11 describes how the alternative grantee will  
12 take actions consistent with the applicable  
13 comprehensive housing affordability strat-  
14 egy for the grantee approved under section  
15 105 of this Act;

16 “(ii) the Secretary approves the writ-  
17 ten agreement described in clause (i) and  
18 agrees to award funds to the alternative  
19 grantee; and

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

22 “(B) RENEWAL.—An agreement approved  
23 pursuant to subparagraph (A) may be renewed  
24 by the parties with the approval of the Sec-  
25 retary.

1           “(C) DEFINITION.—In this paragraph, the  
2           term ‘alternative grantee’ means a public hous-  
3           ing agency (as defined in section 3(b) of the  
4           United States Housing Act of 1937 (42 U.S.C.  
5           1437a(b))), a unified funding agency (as de-  
6           fined in section 401 of the McKinney-Vento  
7           Homeless Assistance Act (42 U.S.C. 11360)), a  
8           State, a unit of general local government, or an  
9           instrumentality of State or local government.

10           “(4) REALLOCATIONS.—If a State or the city  
11           that is the most populous unit of general local gov-  
12           ernment in a metropolitan statistical area declines  
13           an allocation under paragraph (1)(A), or the Sec-  
14           retary determines, in accordance with criteria speci-  
15           fied in regulation, that a State or the city that is the  
16           most populous unit of general local government in a  
17           metropolitan statistical area that is eligible for an  
18           allocation under paragraph (1)(A) is unable to prop-  
19           erly administer such allocation, the Secretary shall  
20           reallocate any funds reserved for such State or met-  
21           ropolitan statistical area as follows:

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

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

25                           or

1           “(ii) if there is no eligible metropoli-  
2           tan statistical areas within a State, to met-  
3           ropolitan cities and urban counties within  
4           the State that are eligible for grant under  
5           section 106 of the Housing and Commu-  
6           nity Development Act of 1974 (42 U.S.C.  
7           5306), on a pro rata basis.

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

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

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

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

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

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



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

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

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

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