

117TH CONGRESS
1ST SESSION

S. 598

To authorize additional monies to the Public Housing Capital Fund of the Department of Housing and Urban Development, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 4, 2021

Ms. WARREN (for herself, Mr. SANDERS, Mr. DURBIN, Mr. BLUMENTHAL, Mrs. GILLIBRAND, Mrs. MURRAY, Mr. BOOKER, and Ms. SMITH) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To authorize additional monies to the Public Housing Capital Fund of the Department of Housing and Urban Development, 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 “Public Housing Emer-
5 gency Response Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1 (1) Housing is a foundational determinant of
2 health and has been recognized as such since the
3 early days of public health.

4 (2) Poor housing conditions contribute to a
5 broad range of infectious diseases, chronic diseases,
6 injuries, childhood development complications, nutri-
7 tion issues, and mental health challenges.

8 (3) The United States Housing Act of 1937 (42
9 U.S.C. 1437 et seq.) charges the Department of
10 Housing and Urban Development (referred to in this
11 section as “HUD”) with providing individuals with
12 a decent, safe, and affordable place to live, including
13 individuals who live in public housing.

14 (4) While public housing is a federally created
15 program overseen by HUD, the properties are owned
16 and managed at the local level by quasi-govern-
17 mental public housing authorities under contract
18 with the Federal Government.

19 (5) Thus, the public housing program is gov-
20 erned in part by Federal rules and regulations and
21 in part by policies enacted at the local level.

22 (6) In enacting the United States Housing Act
23 of 1937 (42 U.S.C. 1437 et seq.), Congress sought
24 to address the needs of low-income individuals
25 through public housing. At the time of enactment of

1 that Act, the housing stock of the United States was
2 of very poor quality. Public housing was a signifi-
3 cant improvement for individuals who had access to
4 it.

5 (7) However, over the years the living condi-
6 tions in public housing began to deteriorate as the
7 operational needs of the units and costs necessary to
8 remedy major capital deficiencies began to outpace
9 the level of funding provided by the Federal Govern-
10 ment and the rent contributions of residents.

11 (8) By 1990, no significant investment in hous-
12 ing affordable to the lowest-income individuals had
13 been made by the Federal Government in more than
14 30 years.

15 (9) In 1998, the enactment of the Quality
16 Housing and Work Responsibility Act of 1998 (title
17 V of Public Law 105–276; 112 Stat. 2518) prohib-
18 ited public housing authorities from using any Fed-
19 eral capital funding or operating funding to develop
20 net new housing.

21 (10) More than a decade after the enactment of
22 the Quality Housing and Work Responsibility Act of
23 1998 (title V of Public Law 105–276; 112 Stat.
24 2518), the number of public housing units in the

1 United States began to steadily decline, as more
2 units were torn down than rebuilt.

3 (11) With the exception of an infusion of fund-
4 ing from the economic stimulus legislation in 2009—
5 the American Recovery and Reinvestment Act (Pub-
6 lic Law 111–5; 123 Stat. 115)—Federal capital
7 funding has remained relatively level for more than
8 a decade, despite an increasing backlog in unmet
9 capital needs.

10 (12) Today, there are approximately 1,200,000
11 units of public housing across the United States re-
12 ceiving Federal funding. The largest public housing
13 authority in the United States, the New York City
14 Housing Authority, houses approximately 362,000
15 residents in 302 developments across New York
16 City.

17 (13) The Public Housing Capital Fund of the
18 Department of Housing and Urban Development re-
19 mains the primary source of funding public housing
20 authorities rely on to address necessary infrastruc-
21 ture upgrades and repairs.

22 (14) As of October 2019, the national public
23 housing capital repairs backlog was estimated to
24 stand at more than \$70,000,000,000.

1 (15) Federal disinvestment in public housing
2 has forced many residents to live in accelerating sub-
3 standard living conditions. For example, the New
4 York City Housing Authority has a capital repair
5 backlog currently estimated at more than
6 \$40,000,000,000. New York City Housing Authority
7 residents suffer from a consistent lack of hot water,
8 insufficient heat during the winter months, rodent
9 and insect infestations, broken elevators, and wide-
10 spread and recurring lead and mold problems.

11 (16) Substandard housing conditions, such as
12 poor ventilation, pest infestations, and water leaks,
13 are directly associated with the development and ex-
14 acerbation of respiratory diseases like asthma.

15 (17) The Centers for Disease Control and Pre-
16 vention has made clear that no level of lead poi-
17 soning is safe. Lead poisoning can result in irrevers-
18 ible brain damage and affects every major bodily
19 system. At high levels, lead poisoning can cause ane-
20 mia, multi-organ damage, seizures, coma, and death
21 in children. Even with the lowest levels of lead expo-
22 sure, children experience physical, cognitive, and
23 neurobehavioral impairment, as well as lower IQ lev-
24 els, lower class standing in high school, greater ab-
25 senteeism, lower vocabulary and grammatical-rea-

1 soning scores, and poorer hand-eye coordination rel-
2 ative to other children.

3 (18) Exposure to cold indoor temperatures is
4 associated with increased risk of cardiovascular dis-
5 ease.

6 (19) Due to its aging infrastructure, the living
7 conditions in public housing are causing severe
8 health consequences for public housing residents
9 throughout the United States, including asthma, res-
10 piratory illness, and elevated blood lead levels.

11 (20) For example, one leading study found that
12 children living in public housing have higher odds of
13 asthma than children living in all types of private
14 housing, even after adjusting for individual risk fac-
15 tors, including ethnicity and race, living in a low-in-
16 come household, and living in a low-income commu-
17 nity.

18 (21) The rise of the COVID–19 pandemic has
19 introduced a new level of risk into society in the
20 United States.

21 (22) Poor housing conditions have been linked
22 with worse health outcomes and infectious disease
23 spread. One leading study found that counties with
24 a higher percentage of households with poor housing
25 had a higher incidence of, and mortality associated

with, COVID–19 and recommended targeted health policies to support individuals living in poor housing conditions in order to mitigate adverse outcomes associated with COVID–19.

(23) This is a fixable public health crisis. Federal disinvestment in public housing has consequences, and aging infrastructure is, in many cases, the root cause of many of the health issues described in this section for residents.

(24) Therefore, it is necessary to reinvest in public housing, provide the money needed to fulfill outstanding capital needs, and to again ensure that all people of the United States have a decent home and suitable living environment, as is the charge of HUD.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for assistance from the Public Housing Capital Fund under section 9(d) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d)) \$70,000,000,000, which—

- (1) shall remain available until expended; and
- (2) notwithstanding subsections (c)(1) and (d)(2) of such section 9, shall be allocated to public housing agencies based on the extent of the capital needs of those public housing agencies, as deter-

1 mined according to the most recent physical needs
2 assessment required under section 905.300(a) of
3 title 24, Code of Federal Regulations, of each public
4 housing agency.

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