

117TH CONGRESS
2D SESSION

H. R. 9587

To promote the establishment of resident organizations and provide additional amounts for tenant organizations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 15, 2022

Mr. LEVIN of Michigan introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To promote the establishment of resident organizations and provide additional amounts for tenant organizations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

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

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

2 It is the sense of the Congress that tenants receiving
3 tenant-based rental assistance have the right to “decent,
4 safe, stable and sanitary housing”.

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

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

10 “(22) RIGHT TO ORGANIZE.—

11 “(A) IN GENERAL.—Tenants receiving ten-
12 ant-based rental assistance have the right to es-
13 tablish, operate, and participate in a resident
14 organization for the purpose of addressing
15 issues related to their living environment, which
16 includes the terms and conditions of their ten-
17 ancy as well as activities related to housing and
18 community development and may not be retali-
19 ated against for asserting these rights.

20 “(B) REQUIRED ENGAGEMENT.—

21 “(i) PUBLIC HOUSING AGENCIES.—

22 Each public housing agency shall—

23 “(I) recognize legitimate resident
24 organizations;

1 “(II) solicit comments from all
2 resident organizations not less than
3 once each year; and

4 “(III) not later than 60 days
5 after receiving a comment from a resi-
6 dent organization, meaningfully re-
7 spond in writing to such comment.

8 “(ii) OWNERS OF UNITS.—Each
9 owner—

10 “(I) shall recognize legitimate
11 resident organizations; and

12 “(II) may not retaliate with re-
13 spect to any tenant because of their
14 association with a legitimate resident
15 organization.

16 “(C) PROTECTIONS.—

17 “(i) IN GENERAL.—Each public hous-
18 ing agency and each owner may not inter-
19 fere with the right of tenants to establish
20 and operate a tenant organization.

21 “(ii) PROTECTED ACTIVITIES.—Each
22 public housing agency and each owner
23 shall allow tenants and tenant organizers
24 to conduct the following activities related

1 to the establishment or operation of a ten-
2 ant organization:

3 “(I) Distributing leaflets in lobby
4 areas.

5 “(II) Placing leaflets at or under
6 tenants’ doors.

7 “(III) Distributing leaflets in
8 common areas.

9 “(IV) Initiating contact with ten-
10 ants.

11 “(V) Conducting door-to-door
12 surveys of tenants to ascertain inter-
13 est in establishing a tenant organiza-
14 tion and to offer information about
15 tenant organizations.

16 “(VI) Posting information on
17 bulletin boards.

18 “(VII) Assisting tenants to par-
19 ticipate in tenant organization activi-
20 ties.

21 “(VIII) Convening regularly
22 scheduled tenant organization meet-
23 ings in a space on site and accessible
24 to tenants, in a manner that is fully
25 independent of management rep-

1 representatives. In order to preserve the
2 independence of tenant organizations,
3 management representatives may not
4 attend such meetings unless invited by
5 the tenant organization to specific
6 meetings to discuss a specific issue or
7 issues.

8 “(iii) PERMISSION.—A public housing
9 agency or owner may not require tenants
10 or tenant organizers to obtain prior per-
11 mission before engaging in the activities
12 permitted under this paragraph.

13 “(iv) PRESUMPTION.—If a public
14 housing agency or owner takes an adverse
15 action against a tenant that is a member
16 of a tenant organization there shall be a
17 rebuttable presumption that such adverse
18 action is an act of retaliation relating to
19 the participation of the tenant in the ten-
20 ant organization.

21 “(D) ENFORCEMENT PROTOCOL.—

22 “(i) IN GENERAL.—The Secretary
23 shall, not later than 1 year after the date
24 of the enactment of this paragraph, estab-

lish a protocol for the enforcement of this paragraph and such protocol shall—

“(I) include an independent investigation of tenant and advocate allegations of abuse and retaliation;

“(II) provide a mechanism for administrative complaints to be made and cataloged;

“(III) keep tenants informed about the progression of any complaint;

“(IV) prohibit the withholding of tenant-based rental assistance from any tenant that makes a complaint, until such complaint is closed; and

“(V) provide confidentiality where necessary, including in cases where alleged abuse is extreme and targeted.

“(ii) REPORT.—The Secretary shall, each quarter submit to Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs, a report

1 with respect to the enforcement of this
2 paragraph that—

3 “(I) provides all data at both the
4 property-level and jurisdiction-level;
5 and

6 “(II) includes information with
7 respect to—

8 “(aa) the volume of out-
9 standing complaints;

10 “(bb) the average response
11 time for initial complaint; and

12 “(cc) the average time it
13 takes to close a complaint.

14 “(iii) AUTHORIZATION OF APPROPRIA-
15 TIONS.—There are authorized to be appro-
16 priated, to the Secretary, such sums as are
17 necessary to carry out this paragraph.

18 “(E) NOTICE OF RIGHT TO ORGANIZE.—

19 “(i) IN GENERAL.—Each public hous-
20 ing agency shall notify each tenant receiv-
21 ing tenant-based rental assistance of the
22 right to organize described in subpara-
23 graph (A) annually during the recertifi-
24 cation process.

1 “(ii) TENANCY ADDENDUM.—The
2 Secretary shall update the most recent
3 Tenancy Addendum for the Section 8 Ten-
4 ant-Based Assistance Housing Choice
5 Voucher Program to describe the right to
6 organize provided for in this subsection.

7 “(F) DEFINITIONS.—In this paragraph:

8 “(i) TENANT ORGANIZER.—The term
9 ‘tenant organizer’ means a tenant or non-
10 tenant who assists tenants in establishing
11 and operating a tenant organization, and
12 who is not an employee or representative of
13 current or prospective owners, managers,
14 or their agents.

15 “(ii) LEGITIMATE TENANT ORGANIZA-
16 TION.—The term ‘legitimate tenant organi-
17 zation’ means an organization of 3 more
18 tenants receiving tenant-based rental as-
19 sistance that has been established for the
20 purpose described in subparagraph (A).

21 “(iii) OWNER.—The term owner
22 means a person who owns a dwelling unit
23 occupied by a tenant that receives rental
24 assistance.”.

1 **SEC. 4. LIHTC TENANT ORGANIZATIONS.**

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

5 “(10) LIHTC TENANT ORGANIZATIONS.—

6 “(A) RIGHTS OF TENANTS.—Tenants of
7 rent-restricted units in any qualified low-income
8 housing project shall have the same right as
9 tenants described in section 8(o)(22)(A) of the
10 United States Housing Act of 1937.

11 “(B) RESPONSIBILITIES OF OWNERS AND
12 STATE HOUSING CREDIT AGENCIES.—A project
13 shall not be treated as a qualified low-income
14 housing project for purposes of this section un-
15 less—

16 “(i) each owner of such project meets
17 requirements which are the same as the re-
18 quirements of subparagraphs (B)(ii) and
19 (C) of section 8(o)(22) of the United
20 States Housing Act of 1937, and

21 “(ii) each State housing credit agency
22 meets requirements which are the same as
23 the requirements of subparagraph (B)(i)
24 and (C) of such section.

1 “(C) ENFORCEMENT PROTOCOL.—The
2 Secretary, after consultation with the Secretary
3 of Housing and Urban Development, shall—

4 “(i) establish a protocol for the en-
5 forcement of this paragraph which is the
6 same as the protocol established under sec-
7 tion 8(o)(22)(D)(i) of the United States
8 Housing Act of 1937, except that, for pur-
9 poses of this subparagraph, the reference
10 in such section to ‘tenant-based rental as-
11 sistance’ shall be treated as a reference to
12 the right of the tenant to occupy a rent-re-
13 stricted unit and to any other right or
14 privilege required to be provided to such
15 tenant as a condition of the project being
16 treated as a qualified low-income housing
17 project, and

18 “(ii) submit each quarter to the Com-
19 mittee on Ways and Means of the House
20 of Representatives and the Committee on
21 Finance of the Senate a report containing
22 the information described in section
23 8(o)(22)(D)(ii) of the United States Hous-
24 ing Act of 1937 with respect to the en-

1 enforcement of this paragraph with respect
2 to qualified low-income housing projects.

3 “(D) NOTICE OF RIGHT TO ORGANIZE.—
4 Each State housing credit agency shall annually
5 notify each owner and tenant of a rent-re-
6 stricted unit of a qualified low-income housing
7 project of the right to organize referred to in
8 subparagraph (A).”.

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

12 **SEC. 5. FUNDING FOR TENANT AND OTHER PARTICIPATION**
13 **AND CAPACITY BUILDING.**

14 Paragraph (3) of section 514(f) of the Multifamily
15 Assisted Housing Reform and Affordability Act of 1997
16 (42 U.S.C. 1437f note) is amended—

17 (1) in subparagraph (A)—

18 (A) in the first sentence—

19 (i) by striking “not more than” and
20 inserting “not less than”;

21 (ii) by striking “of low-income housing
22 for which project-based rental assistance is
23 provided at below market rent levels and
24 may not be renewed, (including transfer of
25 developments to tenant groups, nonprofit

1 organizations, and public entities), for ten-
2 ant services” and inserting the following:
3 “and improvement of low-income housing
4 for which project-based rental assistance,
5 public housing subsidies, low-income hous-
6 ing tax credits, Federal or State subsidized
7 loans, enhanced vouchers under section
8 8(t), or project-based vouchers under sec-
9 tion 8(o) are provided or proposed”; and

10 (iii) in the second parenthetical
11 clause, by inserting before the closing pa-
12 renthesis the following: “, and
13 predevelopment assistance to enable such
14 transfers”; and

15 (B) by inserting after the period at the end
16 the following: “For outreach and training of
17 tenants and technical assistance, the Secretary
18 shall implement a grant program utilizing per-
19 formance-based outcome measures for eligible
20 costs incurred. Recipients providing capacity
21 building or technical assistance services to ten-
22 ant groups shall be qualified nonprofit State-
23 wide, countywide, area-wide, or city-wide orga-
24 nizations with demonstrated experience includ-
25 ing at least a two-year recent track record of

1 organizing and providing assistance to tenants,
2 and independence from the owner, a prospective
3 purchaser, or their managing agents. The Sec-
4 retary may provide assistance and training to
5 grantees in administrative and fiscal manage-
6 ment to ensure compliance with applicable Fed-
7 eral requirements. The Secretary shall expedite
8 the provision of funding for the fiscal year in
9 which the date of the enactment of this Act oc-
10 curs and by entering into an interagency agree-
11 ment for not less than \$1,000,000 with the
12 Corporation for National and Community Serv-
13 ice to conduct a tenant outreach and training
14 program to eligible housing under this sub-
15 section. The Secretary shall also make available
16 flexible grants to qualified nonprofit organiza-
17 tions that do not own eligible multifamily prop-
18 erties, for tenant outreach in underserved areas,
19 and to experienced national or regional non-
20 profit organizations to provide specialized train-
21 ing or support to grantees assisted under this
22 section. Notwithstanding any other provision of
23 law, funds authorized under this paragraph for
24 any fiscal year shall be available for obligation
25 in subsequent fiscal years. The Secretary shall

1 require each recipient of amounts made avail-
2 able pursuant to this subparagraph to submit
3 to the Secretary reports, on a quarterly basis,
4 detailing the use of such funds and including
5 such information as the Secretary shall re-
6 quire.”.

7 **SEC. 6. CLARIFICATION OF TENANT PARTICIPATION IN**
8 **MULTI-FAMILY PROJECTS.**

9 Section 202(a) of the Housing and Community De-
10 velopment Amendments of 1978 (12 U.S.C. 1715z–1b(a))
11 is amended by striking “under 147f of title 42” and in-
12 serting “under section 147f of title 42, including a project
13 assisted under section 8(o)(13) of the Housing Act of
14 1937”.

15 **SEC. 7. RULEMAKING.**

16 The Secretary of Housing and Urban Development
17 shall, not later than 1 year after the date of the enactment
18 of this section, issue a rule revising section 964.150 of
19 title 24, Code of Federal Regulations, to permit housing
20 agencies to fund \$25 per unit per year for units rep-
21 resented by duly elected resident councils for resident serv-
22 ices.

○