

117TH CONGRESS
2D SESSION

H. R. 9375

To establish a grant program to address the crises in accessing affordable housing and child care through the co-location of housing and child care, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 1, 2022

Ms. BONAMICI (for herself, Ms. JACOBS of California, Ms. TITUS, Ms. NORTON, Ms. ESCOBAR, Mr. EVANS, Ms. NEWMAN, Ms. CASTOR of Florida, Mr. VARGAS, Mr. BOWMAN, Ms. JAYAPAL, Mr. KILMER, and Ms. ROSS) 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 establish a grant program to address the crises in accessing affordable housing and child care through the co-location of housing and child care, 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 “Build Housing with
5 Care Act of 2022”.

1 **SEC. 2. PURPOSE.**

2 The purpose of this Act is to expand access to afford-
3 able housing and child care through the establishment of
4 a grant program to promote the co-location of housing and
5 child care providers.

6 **SEC. 3. HOUSING AND CHILD CARE PROVIDER CO-LOCA-**
7 **TION GRANT PROGRAM.**

8 (a) ESTABLISHMENT.—The Secretary of Housing
9 and Urban Development shall establish a program (here-
10 after in this section referred to as “the Program”) to
11 award grants, on a competitive basis, to eligible entities
12 to facilitate the design, planning, construction, conversion,
13 retrofitting, preservation, or renovation of a co-location fa-
14 cility.

15 (b) CONSULTATION.—In developing the Program, the
16 Secretary shall consult with—

17 (1) the Secretary of Health and Human Serv-
18 ices, acting through the Assistant Secretary of the
19 Administration for Children and Families;

20 (2) the Secretary of the Treasury, acting
21 through the Director of the Community Develop-
22 ment Financial Institutions Fund; and

23 (3) the Secretary of Agriculture, acting through
24 the Under Secretary for Rural Development.

25 (c) APPLICATION.—To be eligible to receive a grant
26 under the Program, an eligible entity shall submit to the

1 Secretary an application at such time, in such manner,
2 and containing such information as the Secretary deter-
3 mines appropriate, including the following:

4 (1) A certification that the eligible child care
5 provider associated with such application is eligible
6 to receive vouchers or assistance under the Child
7 Care and Development Block Grant Act of 1990 (42
8 U.S.C. 9857 et seq.), or in the case of an application
9 to construct a new facility, or an application when
10 the eligible entity intends to subgrant or capitalize
11 amounts provided, a commitment to—

12 (A) establish a partnership with an eligible
13 child care provider not later than 1 year after
14 the date on which funding is received; and

15 (B) submit to the Secretary a certification
16 of such eligibility of said provider to receive
17 vouchers or assistance under the Child Care
18 and Development Block Grant Act of 1990 (42
19 U.S.C. 9857 et seq.).

20 (2) A certification that activities funded by
21 grant amounts will not result in the eviction of resi-
22 dents of the housing facility associated with such ap-
23 plication.

1 (3) A description of a plan to inform residents
2 of the housing facility associated with such applica-
3 tion about the proposed use of grant amounts.

4 (4) A certification of compliance with required
5 Federal, State, and local environmental laws and
6 State and local land use policies, unless the eligible
7 entity—

8 (A) intends to use grant amounts to facili-
9 tate the planning or design required for permit
10 approval; or

11 (B) demonstrates that the construction,
12 preservation, conversion, retrofitting, or renova-
13 tion of an existing facility does not require envi-
14 ronmental review.

15 (5) A business plan for the eligible child care
16 provider associated with such application, submitted
17 at the time of application or not later than 1 year
18 after the date on which the application is submitted,
19 including—

20 (A) a budget or, in the case of a new eligi-
21 ble child care provider, a proposed budget;

22 (B) appropriate State and local licensing
23 or, in the case of a new eligible child care pro-
24 vider, a copy of the application of such provider
25 for appropriate State and local licensing; and

1 (C) copies of contracts between such pro-
2 vider and a local, county, regional, State, or
3 Federal governmental entity, to facilitate—

4 (i) the business operations of such
5 provider; or

6 (ii) the enrollment of children from
7 low-income families with such provider.

8 (d) AWARDING OF GRANTS.—

9 (1) PRIORITY.—In awarding grants under the
10 Program, the Secretary shall give priority to each el-
11 igible entity that demonstrates that the eligible child
12 care provider associated with the application of such
13 entity will—

14 (A) operate in a child care desert, in a low-
15 income community, or a rural area as deter-
16 mined by the Secretary;

17 (B) certify designation as a Head Start
18 provider, Early Head Start Provider, Migrant
19 and Seasonal Head Start Provider, American
20 Indian and Alaska Native Head Start Provider,
21 or enroll at least 10 percent of children from
22 very-low income families; or

23 (C) demonstrate a partnership with a com-
24 munity development financial institution, in-

1 cluding through the provision of financial or
2 technical assistance.

3 (2) GRANT AMOUNTS.—An eligible entity may
4 be awarded not more than \$10,000,000 under this
5 Act.

6 (e) USE OF AMOUNTS.—

7 (1) An eligible entity may only use grant
8 amounts provided under the Program to facilitate
9 the design, planning, construction, acquisition, pres-
10 ervation, conversion, retrofitting, long-term leasing,
11 or renovation of a new or existing co-location facil-
12 ity.

13 (2) An eligible entity receiving a grant under
14 this section may distribute grant amounts to a gov-
15 ernment entity, a nonprofit organization that devel-
16 ops housing, a public housing agency, a Tribally des-
17 ignated housing entity, or other appropriate entity
18 as determined by the Secretary, to carry out activi-
19 ties in accordance with this section.

20 (3) A community development financial institu-
21 tion receiving a grant under this section may cap-
22 italize amount received to create financial products,
23 including loans, to carry out activities in accordance
24 with this section.

25 (4) An eligible entity may use—

1 (A) not more than 10 percent of amounts
2 awarded to facilitate the pre-development phase
3 of a new facility, including planning and design;
4 and

5 (B) not more than 10 percent of amounts
6 awarded to partner with a community develop-
7 ment financial institution that provides tech-
8 nical assistance and capacity building to help
9 the eligible entity to submit applications to the
10 Program, support an eligible child care provider
11 that is home-based with meeting relevant State
12 and local licensing and quality standards, and
13 conduct pre-development activities.

14 (f) ASSISTANCE.—The Secretary shall provide tech-
15 nical assistance and publish best practices online to facili-
16 tate the operation of co-location facilities.

17 (g) REPORT TO CONGRESS.—Not later than 1 year
18 after the date of the enactment of this Act, and annually
19 thereafter for the duration of the Program, the Secretary
20 shall submit a report to the Committees on Financial
21 Services and Education and Labor of the House of Rep-
22 resentatives and the Committees on Banking, Housing,
23 and Urban Affairs and Health, Education, Labor, and
24 Pensions of the Senate regarding the implementation of
25 the Program, including—

1 (1) the number of grants awarded;

2 (2) a description of the activities funded;

3 (3) the number of child care slots created, in-
4 cluding the number of child care slots serving chil-
5 dren from low-income families;

6 (4) the number of child care slots preserved
7 that were at risk of elimination due to a child care
8 center closing or proposed price increases;

9 (5) the number of residents in a co-location fa-
10 cility that use the associated child care program;

11 (6) the number of staff employed by the child
12 care provider;

13 (7) demographic data of residents of housing
14 facilities associated with the Program;

15 (8) the number and type of projects facilitated
16 through eligible uses of amounts described in sub-
17 sections (e)(2) and (e)(3); and

18 (9) the number of early childhood providers
19 supported with funds from the program.

20 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated to carry out this section
22 \$100,000,000 for each of fiscal years 2022 through 2027.

23 (i) DEFINITIONS.—In this section:

24 (1) CAREGIVER.—The term “caregiver” has the
25 meaning given such term in section 658P of the

1 Child Care and Development Block Grant Act of
2 1990 (42 U.S.C. 9858n).

3 (2) ELIGIBLE CHILD CARE PROVIDER.—The
4 term “eligible child care provider” has the meaning
5 given that term under section 658P of the Child
6 Care and Development Block Grant Act of 1990 (42
7 U.S.C. 9858n).

8 (3) CHILD CARE DESERT.—The term “child
9 care desert” means a census tract that contains not
10 less than 3 times more children than the licensed
11 child care providers in such census tract have the ca-
12 pacity to care for, or a census tract where there are
13 no licensed child care providers.

14 (4) CO-LOCATION FACILITY.—The term “co-lo-
15 cation facility” means a housing facility that con-
16 tains an eligible child care provider within, on the
17 premises of such facility or nearby such facility,
18 where such provider serves the residents of such
19 housing facility.

20 (5) COMMUNITY DEVELOPMENT FINANCIAL IN-
21 STITUTION.—The term “community development fi-
22 nancial institution” has the meaning given such
23 term in section 103 of the Community Development
24 Banking and Financial Institutions Act of 1994 (12
25 U.S.C. 4702).

1 (6) COMMUNITY DEVELOPMENT CORPORA-
2 TION.—The term “community development corpora-
3 tion” has the same meaning as when used in the
4 Cranston-Gonzalez National Affordable Housing
5 Act.

6 (7) COMMUNITY HOUSING DEVELOPMENT OR-
7 GANIZATION.—The term “community housing devel-
8 opment organization” has the meaning given in the
9 Cranston-Gonzalez National Affordable Housing Act
10 of 1990.

11 (8) ELIGIBLE ENTITY.—The term “eligible enti-
12 ty” means—

13 (A) a community development financial in-
14 stitution;

15 (B) an eligible child care provider;

16 (C) a public housing authority;

17 (D) a government entity including a public
18 housing agency;

19 (E) an Indian Tribe or a Tribal organiza-
20 tion;

21 (F) a community development corporation;

22 (G) a housing developer using—

23 (i) low income housing tax credits; or

24 (ii) new market tax credits;

1 (H) a nonprofit organization that develops
2 housing;

3 (I) community housing development orga-
4 nization;

5 (J) a consortia of 2 or more entities under
6 this paragraph; or

7 (K) another entity identified as appro-
8 priate by the Secretary.

9 (9) INDIAN TRIBE; TRIBAL ORGANIZATION.—

10 The terms “Indian Tribe” and “Tribal organiza-
11 tion” have the meanings given such terms in section
12 4 of the Indian Self-Determination and Education
13 Assistance Act (25 U.S.C. 5304) and shall include
14 tribally designated housing entities (as such term is
15 defined in section 4 of the Native American Housing
16 Assistance and Self-Determination Act of 1996 (25
17 U.S.C. 4103)) and entities that serve Native Hawai-
18 ians (as such term is defined in section 338K(c) of
19 the Public Health Service Act (42 U.S.C. 254s(c))).

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

24 (11) PUBLIC HOUSING AGENCY.—The term
25 “public housing agency” has the meaning given such

1 term in section 3(b)(6) of the United States Hous-
 2 ing Act of 1937 (42 U.S.C. 1437a(b)(6)).

3 (12) VERY LOW-INCOME FAMILY.—The term
 4 “very low-income family” has the meaning given
 5 such term in section 3(b) of the United States Hous-
 6 ing Act of 1937 (42 U.S.C. 1437a(b)).

7 **SEC. 4. GAO STUDY AND REPORT REGARDING CHILD CARE**
 8 **ACCESS FOR RESIDENTS OF PUBLIC HOUS-**
 9 **ING.**

10 (a) STUDY.—The Comptroller General of the United
 11 States shall conduct a study regarding the availability and
 12 affordability of child care for residents of public housing
 13 dwelling units, that shall include—

14 (1) a description of how amounts from the fol-
 15 lowing programs have been used by eligible child
 16 care providers to establish, renovate, or improve fa-
 17 cilities—

18 (A) Community Development Block Grant
 19 funds;

20 (B) New Market Tax Credits;

21 (C) Community Development Financial In-
 22 stitution Program funds;

23 (D) Low Income Housing Tax Credits;

24 (E) Capital Management Fund funds; or

1 (F) HOME Investment Partnerships Pro-
2 gram funds;

3 (2) an evaluation of the effects of housing and
4 child care costs on the economic outlook of residents
5 of public housing dwelling units;

6 (3) an evaluation of what percentage of resi-
7 dents of public housing dwelling units are both—

8 (A) cost-burdened, as defined by the Sec-
9 retary of Housing and Urban Development; and

10 (B) part of a household where not less
11 than 7 percent of the income of such household
12 is spent on child care;

13 (4) identification and analysis of State or local
14 laws that are barriers to building or maintaining a
15 facility for use by eligible child care providers within
16 or near a public housing dwelling unit;

17 (5) an assessment of how housing assistance
18 provided under the program for rental assistance
19 under section 8 of the United States Housing Act of
20 1937 (42 U.S.C. 1437f) affects the ability of resi-
21 dents of public housing dwelling units to afford child
22 care and other essential expenses, including—

23 (A) food;

24 (B) telecommunications services and equip-
25 ment such as internet and cellular phones; and

1 (C) means of transportation such as auto-
2 mobiles, bicycles, or public transportation;

3 (6) an evaluation of the efficacy of the Child
4 and Dependent Care Tax Credit, Earned Income
5 Tax Credit, Child Tax Credit, and Dependent Care
6 Flexible Spending Account for residents of public
7 housing dwelling units, including—

8 (A) the degree of public knowledge about
9 such programs;

10 (B) the degree of success of outreach or
11 public education programs regarding such pro-
12 grams; and

13 (C) an assessment of the sufficiency of
14 each program to cover the costs of child care;

15 (7) an evaluation of the extent that residents of
16 public housing dwelling units receive information re-
17 garding child care resources from Federal agencies
18 or public housing agencies; and

19 (8) recommendations to improve access to child
20 care within and near public housing dwelling units
21 and to improve awareness of the availability of Fed-
22 eral programs to assist with the costs of housing and
23 child care.

24 (b) REPORT.—Not later than 12 months after the
25 date of the enactment of this Act, the Comptroller General

1 shall submit a report to the Committees on Financial
2 Services and Education and Labor of the House of Rep-
3 resentatives and the Committees on Banking, Housing,
4 and Urban Affairs and Health, Education, Labor, and
5 Pensions of the Senate, describing the results and conclu-
6 sions of the study required in subsection (a).

7 (c) DEFINITIONS.—In this section:

8 (1) ELIGIBLE CHILD CARE PROVIDER.—The
9 term “eligible child care provider” has the meaning
10 given such term in section 658P of the Child Care
11 and Development Block Grant Act of 1990 (42
12 U.S.C. 9858n).

13 (2) PUBLIC HOUSING DWELLING UNIT.—The
14 term “public housing dwelling unit” means a dwell-
15 ing unit assisted under the public housing program
16 under the United States Housing Act of 1937 (42
17 U.S.C. 1437 et seq.).

18 (3) PUBLIC HOUSING AGENCY.—The term
19 “public housing agency” has the meaning given such
20 term in section 3(b)(6) of the United States Hous-
21 ing Act of 1937 (42 U.S.C. 1437a(b)(6)).

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