

117TH CONGRESS
2D SESSION

H. R. 7739

To increase the supply of, and lower rents for, affordable housing and to assess calculations of area median income for purposes of Federal low-income housing assistance, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 2022

Ms. CLARKE of New York (for herself, Mr. JOHNSON of Georgia, Ms. LEE of California, Ms. OCASIO-CORTEZ, Ms. NORTON, Mr. BOWMAN, Mr. TORRES of New York, Mrs. WATSON COLEMAN, Mr. EVANS, Mr. BROWN of Maryland, Mr. JEFFRIES, Mr. NADLER, Mr. RUSH, Mr. LIEU, Mr. JONES, Ms. MENG, Ms. TITUS, Mr. CARSON, Mr. GRIJALVA, Mrs. CHERFILUS-McCORMICK, Ms. PRESSLEY, Ms. SCHAKOWSKY, Mr. VEASEY, Mr. ESPAILLAT, Mr. CARTER of Louisiana, Ms. KELLY of Illinois, Mr. MEEKS, Mrs. CAROLYN B. MALONEY of New York, Ms. VELÁZQUEZ, Mr. BUTTERFIELD, Mrs. BEATTY, Mrs. LAWRENCE, Mr. DANNY K. DAVIS of Illinois, Ms. BASS, Mr. GARCÍA of Illinois, and Mr. PERLMUTTER) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To increase the supply of, and lower rents for, affordable housing and to assess calculations of area median income for purposes of Federal low-income housing assistance, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Affordable Housing
3 and Area Median Income Fairness Act of 2022”.

4 **SEC. 2. URGENT SUPPORT FOR AFFORDABLE HOUSING IN-**
5 **FRASTRUCTURE.**

6 (a) HOME INVESTMENT PARTNERSHIPS PROGRAM.—

7 (1) AUTHORIZATION OF APPROPRIATIONS.—

8 There is authorized to be appropriated to carry out
9 title II of the Cranston-Gonzalez National Afford-
10 able Housing Act (42 U.S.C. 1721 et seq.)
11 \$5,000,000,000 for each of fiscal years 2023
12 through 2032.

13 (2) LIMITATION.—Any amounts appropriated
14 pursuant to paragraph (1) shall be used only for as-
15 sistance for any area within a jurisdiction for which
16 the Secretary has applied a high housing cost ad-
17 justment.

18 (b) COMMUNITY DEVELOPMENT BLOCK GRANTS.—

19 (1) AUTHORIZATION OF APPROPRIATIONS.—

20 There is authorized to be appropriated for commu-
21 nity development block grant assistance under sec-
22 tion 106 of the Housing and Community Develop-
23 ment Act of 1974 (42 U.S.C. 5306) \$5,000,000,000
24 for each of fiscal years 2023 through 2032.

25 (2) LIMITATION.—Any amounts appropriated
26 pursuant to paragraph (1) shall be used only for as-

1 sistance for any area within a jurisdiction for which
 2 the Secretary has applied a high housing cost ad-
 3 justment.

4 (c) HOUSING TRUST FUND.—

5 (1) AUTHORIZATION OF APPROPRIATIONS.—

6 There is authorized to be appropriated to the Hous-
 7 ing Trust Fund established under section 1338(a) of
 8 the Federal Housing Enterprises Financial Safety
 9 and Soundness Act of 1992 (12 U.S.C. 4568(a))
 10 \$5,000,000,000 for each of fiscal years 2023
 11 through 2032.

12 (2) LIMITATION.—Any amounts appropriated
 13 pursuant to paragraph (1) shall be used only for as-
 14 sistance for any area within a jurisdiction for which
 15 the Secretary has applied a high housing cost ad-
 16 justment.

17 **SEC. 3. ASSESSMENT REGARDING OPTIMIZING USE OF**
 18 **AREA MEDIAN INCOME TO SUPPORT AFFORD-**
 19 **ABLE HOUSING IN URBAN AREAS.**

20 (a) ASSESSMENT OF ALTERNATIVE CALCULATION
 21 METHODS.—Not later than 180 days after the date of the
 22 enactment of this Act, the Secretary shall commence an
 23 assessment of alternative methods for calculating area me-
 24 dian income, and the use of alternative metrics, for pro-
 25 grams administered by the Secretary that would make

1 housing more affordable for low-income families residing
2 in urban areas nationwide, which shall include analysis of
3 the topics identified in subsection (b).

4 (b) REPORT.—Not later than two years after the date
5 of the enactment of this Act, the Secretary shall submit
6 to the Committee on Financial Services of the House of
7 Representatives and the Committee on Banking, Housing,
8 and Urban Affairs of the Senate, and make publicly avail-
9 able, a report setting forth the results of the assessment
10 conducted pursuant to subsection (a), which shall in-
11 clude—

12 (1) a review and summarization of significant
13 findings and recommendations from any related pre-
14 vious reports regarding area median income;

15 (2) an assessment of the extent and impacts of
16 the affordable housing crisis in urban areas nation-
17 wide, particularly within jurisdictions for which the
18 Secretary has applied a high housing cost adjust-
19 ment, including a comparison of rent burdens for
20 very low-income households in jurisdictions with and
21 without high housing cost adjustments;

22 (3) an analysis and assessment of the effects
23 that high housing cost adjustments have had on in-
24 come limits and rent prices in jurisdictions for which
25 the Secretary has applied such an adjustment, in-

1 including any effects on maximum rents allowed under
2 sections 42 and 142 of the Internal Revenue Code
3 of 1986 for tax-subsidized units;

4 (4) an updated assessment of the potential im-
5 pacts to affordable housing, particularly on income
6 limits and rent prices, of calculating area median in-
7 come on a ZIP Code level basis and using other lo-
8 calized methodologies;

9 (5) a process through which State housing au-
10 thorities may designate area median income jurisdic-
11 tions within that State;

12 (6) an assessment of alternative metrics to area
13 median income for the purposes of setting income
14 levels and related thresholds for affordable housing
15 programs administered by the Secretary;

16 (7) recommendations for how the Secretary
17 could reform or eliminate use of area median income
18 for the purposes of making housing more affordable
19 for low-income and middle class families in urban
20 areas;

21 (8) any further recommendations for how the
22 Secretary could use existing authorities to make
23 housing more affordable for low-income and middle
24 class families in urban areas, particularly for such

1 families for which the Secretary has applied a high
2 housing cost adjustment; and

3 (9) an assessment of the impacts that West-
4 chester and Rockland Counties in New York State
5 have on the City of New York’s area median income,
6 related metrics, and affordable housing supply, in-
7 cluding on income limits and maximum rent prices
8 for affordable housing units within the jurisdiction
9 of the City of New York.

10 (c) METHODOLOGY.—Not later than 45 days after
11 the date of the enactment of this Act, the Secretary shall
12 submit a report to the Committee on Financial Services
13 of the House of Representatives and the Committee on
14 Banking, Housing, and Urban Affairs of the Senate de-
15 scribing the methodology that will be used to conduct the
16 assessment under this section.

17 **SEC. 4. DEFINITIONS.**

18 For purposes of this Act, the following definitions
19 shall apply:

20 (1) AREA MEDIAN INCOME.—The term “area
21 median income” means median income for an area,
22 as such term is used in section 3(b) of the United
23 States Housing Act of 1937 (42 U.S.C. 1437a(b)),
24 median family income, and any other substantively
25 similar metric that the Secretary uses to refer to the

1 median income level for a given area or jurisdiction
2 for purposes of any program administered by the
3 Secretary.

4 (2) HIGH HOUSING COST ADJUSTMENT.—The
5 term “high housing cost adjustment” means an ad-
6 justment for high housing costs or high construction
7 costs, or any substantively similar adjustment that
8 the Secretary may use to increase income limits for
9 areas where the cost of housing is abnormally high
10 compared to the median income for such area, for
11 purposes of any program administered by the Sec-
12 retary.

13 (3) SECRETARY.—The term “Secretary” means
14 the Secretary of Housing and Urban Development.

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