

TO EXEMPT PERSONS WITH DISABILITIES FROM THE
 PROHIBITION AGAINST PROVIDING SECTION 8 RENTAL
 ASSISTANCE TO COLLEGE STUDENTS

JUNE 13, 2006.—Committed to the Committee of the Whole House on the State of
 the Union and ordered to be printed

Mr. OXLEY, from the Committee on Financial Services,
 submitted the following

R E P O R T

[To accompany H.R. 5117]

The Committee on Financial Services, to whom was referred the bill (H.R. 5117) to exempt persons with disabilities from the prohibition against providing section 8 rental assistance to college students, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 5117, to exempt persons with disabilities from the prohibition against providing HUD section 8 rental assistance to college students, will allow college students with disabilities to receive section 8 rental assistance. Currently, only college students who are

veterans, married, or who have a dependent child are exempted from the general prohibition against college students receiving section 8 rental assistance. H.R. 5117 will add a new subsection to section 327(a) of Public Law 109–115 so that college students with disabilities (as defined by the Housing Act of 1937) will also be exempted from this prohibition.

BACKGROUND AND NEED FOR LEGISLATION

The section 8 Housing Choice Voucher program is the largest federal program designed to provide affordable housing to low-income families. Administered by the U.S. Department of Housing and Urban Development (HUD), the program serves over 2 million households and includes both tenant-based and project-based subsidies for low-income families to use in the private market to lower their rental costs to 30 percent of their incomes. The program has grown to replace public housing as the primary tool for subsidizing the housing costs of low-income families.

Through this program, HUD provides subsidies to individuals (tenant-based) who seek rental housing from qualified and approved owners. HUD also provides subsidies to private property owners who set aside some or all of their units for low-income families (project-based).

H.R. 5117 would allow college students with disabilities continued access to the HUD section 8 rental assistance program by exempting them from the prohibition enacted by P.L. 109–115 against providing section 8 rental assistance to college students. Section 327 of the FY06 Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act (P.L. 109–115) included language intended to close a loop-hole in the section 8 program, which allowed student athletes and other non-needy students access to section 8 housing. However, the Final Rule issued by HUD, in response to P.L. 109–115, has the potential to disqualify from section 8 eligibility severely disabled individuals, under the age of 24, who are enrolled in an institution of higher education.

H.R. 5117 adds persons with disabilities to the list of exempt individuals under P.L. 109–115, which currently includes veterans, married individuals, and those with dependent children, so that these students may continue to receive section 8 rental assistance. The Final Rule issued by HUD prohibits granting section 8 assistance to non-exempt students unless both the student and the student's parents are income-eligible for the section 8 program.

HEARINGS

No hearings were held on H.R. 5117 by the Committee on Financial Services.

COMMITTEE CONSIDERATION

The Committee on Financial Services met in open session on May 24, 2006, and ordered H.R. 5117 reported to the House by a voice vote.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report legislation and amendments thereto. No record votes were taken in conjunction with the consideration of this legislation. A motion by Mr. Oxley to report the bill to the House with a favorable recommendation was agreed to by a voice vote. No amendments were considered.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee held hearings and made findings that are reflected in the descriptive portions of this report.

PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee establishes the following performance related goals and objectives for this legislation:

The objective of H.R. 5117 is to add persons with disabilities to the list of exempt individuals under existing law, which currently includes veterans, married individuals, and those with dependent children, so that these students may continue to receive section 8 rental assistance.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act, when received.

COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974, when received. Because of the potential cost of the bill as reported by the Committee, the version of the bill considered by the House will include an amendment to lower the costs. The Committee hopes to receive a revised CBO cost estimate based on the amended version of the bill.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional Authority of Congress to enact this legislation is provided by Article 1, section 8, clause 1 (relating to the general welfare of the United States) and clause 3 (relating to the power to regulate interstate commerce).

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Exemption of persons with disabilities from section 8 rental assistance prohibition

This section adds persons with disabilities to the list of exempt individuals, under P.L. 109–115, who may receive section 8 rental assistance while college students, despite the general prohibition. This section also includes conforming changes.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 327 OF PUBLIC LAW 109–115

SEC. 327. (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) * * *

* * * * *

(5) does not have a dependent child; **[and]**

(6) is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)); and

[(6)] (7) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

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