

# **American Housing and Infrastructure Act of 2019**

## **AN ACT**

**To strengthen fair housing rules, to provide Federal aid for affordable housing programs, to promote use of public transit, and to amend certain Federal laws pertaining to community development, housing, infrastructure, and related programs, and for other purposes.**

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

### **SEC. 1. SHORT TITLE AND TABLE OF CONTENTS**

- (a) This Act may be cited as the “American Housing and Infrastructure Act of 2019”.
- (b) The table of contents of this Act is as follows:

**Sec. 1. Short title and table of contents.**

**Sec. 2. Declaration of policy, etc.**

### **TITLE I — HOUSING AFFORDABILITY**

**Sec. 1001. Requirement for upzoning.**

**Sec. 1002. Increasing economic mobility in public housing programs.**

**Sec. 1003. Increasing investment in public housing.**

**Sec. 1004. Housing Trust Fund.**

**Sec. 1005. Federal Housing Development Fund.**

**Sec. 1006. DC height restrictions.**

### **TITLE II — FAIR HOUSING**

**Sec. 2001. Strengthening offenses.**

**Sec. 2002. Prohibition on racial steering.**

**Sec. 2003. Expanding standing.**

**Sec. 2004. Requirement to affirmatively advance fair housing.**

**Sec. 2005. Extension of Community Reinvestment Act.**

### **TITLE III — TRANSPORTATION ASSISTANCE ACT**

**Sec. 3001. Short title.**

**Sec. 3002. Highway Trust Fund and gasoline tax.**

**Sec. 3003. Equipment affordability.**

**Sec. 3004. Congestion charges.**

**Sec. 3005. Mass Transit Account.**

**Sec. 3006. Excess demand.**

**Sec. 3007. Provision for mass transit.**

**Sec. 3008. Cycling policy.**

## **SEC. 2. DECLARATION OF POLICY, ETC.**

The Congress hereby reaffirms the Declaration of National Housing Policy enacted within the Housing Act of 1949 and declares that decent, affordable housing in a safe neighborhood is a right of all Americans. The Congress further declares that it is the responsibility and objective of the Federal government to achieve this promise and to assist all Americans in securing the conditions necessary to achieve financial independence, economic prosperity and upward social mobility.

The Congress further finds that—

- (1) discrimination in the housing market on basis of sexual orientation or gender identity remains a real and present issue in American society and must be tackled as any other type of housing discrimination;
- (2) the Fair Housing Act of 1968 has been unable to meet its objectives due to lax enforcement and vague guidelines for prosecution, and must be strengthened to realize its promise to all Americans;
- (3) affordable housing has been allowed to slip from the national agenda since the 1970s, despite a growing number of Americans struggling to buy or rent homes across the Nation;
- (4) redlining has a lasting influence on the urban form and realities of the United States and action must be taken to reverse its segregatory effects.

## **TITLE I – HOUSING AFFORDABILITY**

### **SEC. 1001. REQUIREMENT FOR UPZONING**

The Housing and Community Development Act of 1974 is hereby amended by—

- (a) adding “and” at the end of section 104(a)(6)(c); and
- (b) adding at the end of section 104(a) the following:
  - (7) provides satisfactory assurances that the program will ensure a higher-density commercial, residential and recreational use of space than previously existed on the land being targeted for development by the program.

### **SEC. 1002. INCREASING ECONOMIC MOBILITY IN PUBLIC HOUSING PROGRAMS**

The Housing and Community Development Act of 1974 is hereby amended by—

- (a) adding “including but not limited to reliable and frequent public transit” after “assuring the availability of public facilities and services adequate to serve proposed housing projects”;

- (b) adding “and” at the end of section 104(a)(4)(C); and
- (c) adding at the end of section 104(a)(4) the following:

(D) provides for a mixed-income orientation and the comprehensive integration of higher-income persons in and around the project.

### **SEC. 1003. INCREASING INVESTMENT IN AFFORDABLE HOUSING**

The Housing and Community Development Act of 1992 is hereby amended by—

- (a) substituting in section 1335 “orienting their portfolios to predominantly support practices to” for “take affirmative steps to”;
- (b) adding at the end of section 1335 the following:

- (5) cease participating in the financing of single-family homes by corporate investors and divest from existing financing schemes with all deliberate haste; and
- (6) affirmatively advance the growth of multifamily rental housing developments that substantially contribute towards housing affordability through below-market rates or inclusionary zoning practices.

- (c) substituting for section 1336(1) the following:

- (1) The Secretary shall monitor and enforce compliance with the housing goals established under sections 1332, 1333, 1334 and 1335, as provided in this section.

### **SEC. 1004. HOUSING TRUST FUND**

There is authorized to be appropriated to the Housing Trust Fund established by section 1338(a) of the Safety and Soundness Act of 1992 \$15,000,000,000 for all fiscal years 2019 through 2029.

### **SEC. 1005. FEDERAL HOUSING DEVELOPMENT FUND**

- (a) For the purposes of this section—

- (1) SECRETARY—Secretary means the Cabinet Secretary responsible for the Department of Housing and Urban Development.
- (2) FUND—Fund means the Federal Housing Development Fund.
- (3) FISCAL VIABILITY—Fiscal viability means ability to remain solvent through independent revenue, or otherwise through guarantee of additional funding or bond issue from a Legislature or public authority.
- (4) PUBLIC HOUSING—Residential real estate owned and operated by governments or public authorities for the benefit of low-income or vulnerable residents.

- (5) LEGISLATURE—Legislature means the Congress, a State Legislature, a municipal government or any other entity with authority to appropriate funds or issue bonds.
- (b) The Secretary shall establish a program to be known as the Federal Housing Redevelopment Fund to provide Federal assistance to the States for the construction of public housing.
- (c) The Fund shall be dispensed to States and municipalities for the purpose of building public housing on a competitive basis following an objective evaluation by the Secretary based on the criteria of—
- (1) cost-effectiveness, fiscal viability, realism and feasibility, effectiveness in reducing homelessness and poverty and adherence to all applicable norms and good practices for public housing;
  - (2) effectiveness in reversing the historical effects of spatial and racial segregation;
  - (3) affirmatively furthering fair housing;
  - (4) integration into a mixed-income neighborhood and avoidance of excessive concentration of public housing or racial segregation;
  - (5) ensuring that developments are safe and convenient for non-motorists and accessible by effective public transit;
  - (6) respect for the Americans with Disabilities Act of 1990 and sustainability principles;
  - (7) respect for the principles of transit-oriented development.
- (d) No State, including all municipalities and public authorities therein, shall receive less than 0.1 percent or more than 20 percent of the total program spending within each fiscal year.
- (e) The Secretary shall have the authority to make necessary rules for the enforcement and execution of this section.
- (f) No unit of public housing built with funding from the Fund may be sold or transferred to a private individual, organization or corporation until 30 years have elapsed from the date of first occupancy or written exemption granted by the Secretary.
- (g) There is authorized to be appropriated for the purposes of this section \$40,000,000,000 for all fiscal years 2019 through 2029.

#### **SEC. 1006. DC HEIGHT RESTRICTIONS**

- (a) Effective as of the enactment of the Height of Buildings Act of 1910, such Act is repealed.
- (b) The District of Columbia Home Rule Act of 1973 is amended by striking section 602(a)(6).

### **TITLE II - FAIR HOUSING**

### **SEC. 2001. STRENGTHENING OFFENSES**

Section 901 of the Fair Housing Act of 1968 is amended by—

- (a) substituting “shall be fined not more than \$500,000” for “shall be fined not more than \$10,000” in subsection (c); and
- (b) substituting “shall be fined not more than \$25,000” for “shall be fined not more than \$1,000” in subsection (c).

### **SEC. 2002. PROHIBITION ON RACIAL STEERING**

Section 804 of the Fair Housing Act of 1968 is amended by—

- (a) substituting “sex, gender identity, sexual orientation,” for “sex,” wherever the term appears;
- (b) adding “to the transaction” after “therewith”; and
- (c) adding “or to discourage or impede the former activities with intent to mislead, make unavailable or deny,” after “or to refuse to negotiate for the sale or rental of,”.

### **SEC. 2003. EXPANDING STANDING**

Section 802(i) of the Fair Housing Act of 1968 is amended to read as follows:

- (i) "Aggrieved person" includes any person who—
  - (1) claims to have been injured by a discriminatory housing practice;
  - (2) believes that such person will be injured by a discriminatory housing practice that is about to occur; or
  - (3) resides within the same housing unit who is injured by a discriminatory housing practice.

### **SEC. 2004. REQUIREMENT TO AFFIRMATIVE ADVANCE FAIR HOUSING**

(h) For the purposes of this section—

- (1) SECRETARY—Secretary means the Cabinet Secretary responsible for the Department of Housing and Urban Development.
- (2) BLOCK GRANT—Block grant means any Federal grant made pursuant to section 103 of the Housing and Community Development Act of 1974.
- (i) The Secretary shall undertake a review of whether recipients of block grants are affirmatively promoting the purposes of the Fair Housing Act of 1968.
- (j) The Secretary shall withdraw block grants from recipients who fail to affirmative promote the purposes of the Fair Housing Act of 1968, wherever such a decision is permitted by law and taken for the purpose of enforcement.

### **SEC. 2005. EXTENSION OF COMMUNITY REINVESTMENT ACT**

The Community Reinvestment Act of 1977 is amended by—

- (a) is adding at the end of section 803(1) the following:
  - (E) the National Credit Union Administration with respect to credit unions.

(b) substituting for section 803(2) the following:

(2) the term "regulated financial institution" means an insured bank as defined in section 3 of the Federal Deposit Insurance Act, an insured institution as defined in section 401 of the National Housing Act or a Federal credit union as defined in section 101 of the Federal Credit Union Act; and

(c) substituting for section 803(3) the following:

(3) the term "application for a deposit facility" means an application to the appropriate Federal financial supervisory agency otherwise required under Federal law or regulations thereunder for—

(A) a charter for a national bank or Federal savings and loan association or an organizational certificate for a Federal credit union;

(B) deposit insurance in connection with a newly chartered State bank, savings bank, savings and loan association, Federal credit union or similar institution;

(C) the establishment of a domestic branch or other facility with the ability to accept deposits of a regulated financial institution;

(D) the relocation of the home office or a branch office of a regulated financial institution;

(E) the merger or consolidation with, or the acquisition of the assets, or the assumption of the liabilities of a regulated financial institution requiring approval under section 18(c) of the Federal Deposit Insurance Act, section 120 of the Federal Credit Union Act, or under regulation issued under the authority of title IV of the National Housing Act; or

(F) the acquisition of shares in, or the assets of, a regulated financial institution requiring approval under section 3 of the Bank Holding Company Act of 1956 or section 408 of the National Housing Act; and

(d) adding at the end of section 803 the following:

(4) the term "urban areas" means metropolitan and micropolitan statistical areas.

(e) adding "and the ten largest urban areas in which it engages in Federally-regulated lending" after "its entire community" in section 804(1).

### **TITLE III - TRANSPORTATION ASSISTANCE ACT**

### **SEC. 3001. SHORT TITLE**

This title may be cited as the “Transportation Assistance Act of 2019”.

### **SEC. 3002. HIGHWAY TRUST FUND AND GASOLINE TAX**

The Internal Revenue Code of 1954 is amended by—

(a) substituting for section 4081(2)(A) the following:

(A) **In general** The rate of the tax imposed by this section is—

- (i) in the case of gasoline other than aviation gasoline, 18.3 cents per gallon in fiscal year 2019, and increasing by 1 cent every fiscal year afterward until the rate reaches 28.3 cents in 2029,
- (ii) in the case of aviation gasoline, 19.3 cents per gallon, and
- (iii) in the case of diesel fuel or kerosene, 24.3 cents per gallon in fiscal year 2019, and increasing by 0.75 cents every fiscal year afterward until the rate reaches 31.8 cents in 2029.

(b) adding at the end of section 4081 the following:

(f)

- (1) From fiscal year 2030 onwards, the Secretary of the Treasury shall prescribe rates which shall apply in lieu of the rates specified in subsection (a).
- (2) The prescribed rate shall be an alteration equal to the amount by which the Chained Consumer Price Index for All Urban Consumers changed for the preceding calendar year.

(c) adding “until fiscal year 2021, after which, 5.72 cents per gallon” after “except as otherwise provided in this sentence, 2.86 cents per gallon” in section 9503.

### **SEC. 3003. EQUIPMENT AFFORDABILITY**

(a) The Surface Transportation Assistance Act of 1982 is amended by striking section 165.

(b) The Urban Mass Transportation Act of 1964 is amended by striking section 9(c).

### **SEC. 3004. CONGESTION CHARGES**

Section 129(a)(1) of title 23, United States Code, is amended by—

(a) adding at the end the following:

- (J) imposition of a congestion charge scheme for the purpose of congestion relief in metropolitan areas.

(b) adding at the end of subsection (H) “and”.

### **SEC. 3005. MASS TRANSIT ACCOUNT**

(a) For the purposes of this section—

(1) SECRETARY—Secretary means the Cabinet Secretary responsible for the Department of Transportation.

(2) FISCAL VIABILITY—Fiscal viability has the same meaning as in section 1005 of this Act.

(3) HIGHWAY TRUST FUND—Highway Trust Fund means the fund defined in the Urban Mass Transportation Act of 1964 and the Federal Aid Highway Act of 1956.

(b) Notwithstanding provisions to the contrary, the Secretary may make available funding deposited into the Highway Trust Fund for projects otherwise exclusively eligible for the Mass Transit Account if such a decision does not undermine the fiscal viability of the Highway Trust Fund.

(c) The Secretary shall report annually to Congress on the financial state of the Mass Transit Account and on the net impact of projects partially or entirely funded with grants from the Account in question.

### **SEC. 3006. EXCESS DEMAND**

Section 109(a) of title 23, United States Code is amended by adding “and will not generate excess demand on metropolitan road networks” after “economy of maintenance”.

### **SEC. 3007. PROVISION FOR MASS TRANSIT**

Section 109(c) of title 23, United States Code is amended by adding “, especially mass transit systems along highway medians” after “access for other modes of transportation”.

### **SEC. 3008. CYCLING POLICY**

(a) For the purposes of this section, Secretary means the Cabinet Secretary responsible for the Department of Transportation.

(b) The Secretary is directed to issue a report at latest by December 31, 2020, on the state of the United States’ cycling infrastructure, identify issues and recommend improvements.