

AMENDMENT NO. _____ Calendar No. _____

Substitute
for
S. 1619

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—111th Cong., 2d Sess.

S. 1619

To establish the Office of Sustainable Housing and Communities, to establish the Interagency Council on Sustainable Communities, to establish a comprehensive planning grant program, to establish a sustainability challenge grant program, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT In the Nature of a Substitute intended to be proposed by Mr. DODD

Viz:

1 Strike all after the enacting clause and insert the following:
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Livable Communities
5 Act of 2010".

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Demographic trends support the need for
9 cooperation in land use planning and the develop-
10 ment of housing and transportation. The population

1 of the United States will grow from approximately
2 307,000,000 people to approximately 439,000,000
3 people during the period between 2010 and 2050, an
4 increase of more than 40 percent.

5 (2) By 2025, nearly 1 in every 5 people in the
6 United States will be 65 years of age or older.

7 (3) During the period between 1980 and 2000,
8 the growth of the 99 largest metropolitan areas in
9 the continental United States consumed 16,000,000
10 acres of rural land, or about 1 acre for every new
11 household.

12 (4) In 2007, traffic congestion caused people in
13 large and small metropolitan areas of the United
14 States to waste 4,200,000,000 hours in traffic and
15 to purchase an extra 2,800,000,000 gallons of fuel,
16 for a congestion cost of \$87,200,000,000. This rep-
17 represents a 5-fold increase in wasted time and cost
18 since 1982.

19 (5) The Energy Information Administration of
20 the Department of Energy forecasts that driving will
21 increase 59 percent between 2005 and 2030, far
22 outpacing the projected 23-percent increase in popu-
23 lation.

24 (6) According to the United States Census Bu-
25 reau, only 54 percent of households in the United

1 States have access to public transportation, limiting
2 their transportation options.

3 (7) In 2008, voters throughout the United
4 States approved State and local ballot initiatives
5 that supported public transportation 79 percent of
6 the time, even when it meant local taxes would be
7 raised or continued.

8 (8) Demographers estimate that as much as 30
9 percent of current demand for housing is for housing
10 in dense, walkable, mixed-use communities, and that
11 less than 2 percent of new housing is in this cat-
12 egory.

13 (9) The average household spends 19 percent of
14 its household budget on transportation, and some
15 very low-income households spend as much as 55
16 percent of the household budget on transportation.
17 Households with good access to public transpor-
18 tation spend only 9 percent of the household budget
19 on transportation, which increases the portion of the
20 household budget available for other critical house-
21 hold needs.

22 (10) The need for safe and affordable housing
23 is great. Fifty-four percent of renters spend more
24 than 30 percent of their income on housing costs,
25 and 29 percent of renters pay more than 50 percent

1 of their income for housing. In 2007, there was a
2 shortage of 2,800,000 units of affordable housing
3 for extremely low-income renter households. An esti-
4 mated 6,000,000 households live with moderate or
5 severe housing conditions, including heating, plumb-
6 ing, and electrical problems, and 24,000,000 house-
7 holds face significant lead-based paint hazards.

8 (11) People who live in areas of compact devel-
9 opment (where housing, shopping, jobs, and public
10 transportation are in close proximity) drive 20 to 40
11 percent less than people who live in average develop-
12 ment patterns in the United States.

13 (12) When the effects of emissions savings from
14 passengers taking transit instead of driving and the
15 reduction in vehicle miles traveled due to the impact
16 of transit on land use are taken into account, public
17 transportation in the United States reduces carbon
18 dioxide emissions by nearly 37,000,000 metric tons
19 each year.

20 (13) Transportation accounts for 70 percent of
21 the oil consumed in the United States and nearly $\frac{1}{3}$
22 of carbon emissions in the United States come from
23 the transportation sector. Reducing the growth of
24 the number of miles driven and providing transpor-
25 tation alternatives through good planning and sus-

1 tainable development is a necessary part of the en-
2 ergy independence and climate change strategies of
3 the United States.

4 (14) A number of studies, reports, and articles
5 by organizations including the Environmental Pro-
6 tection Agency, the National Association of Realtors,
7 and the Transit Cooperative Research Project have
8 found that one of the keys to revitalizing and main-
9 taining the character of town centers and preserving
10 surrounding agricultural land in small and rural
11 communities is to prevent commercial and residen-
12 tial development on the outskirts of town, by pro-
13 moting integrated housing, economic, and transpor-
14 tation development in town centers.

15 (15) More than 1,600,000 rural households do
16 not have access to cars.

17 (16) The burden of transportation costs is espe-
18 cially heavy for low-income rural residents, because
19 residents of rural areas drive approximately 17 per-
20 cent more than residents of urban areas.

21 (17) Demand for public transportation in rural
22 and small town communities is growing. Between
23 2002 and 2005, ridership on small urban and rural
24 public transportation systems increased 20 percent.

1 (18) Poorly planned development in rural areas
2 can fragment agricultural and forest lands, pollute
3 waterways with surface water runoff, cause unneces-
4 sary environmental impacts, strain the capacity of
5 rural roads, and sap economic vitality from existing
6 “main street” commercial areas.

7 (19) Funding for integrated housing, transpor-
8 tation, energy, environmental, and economic develop-
9 ment and other land use planning efforts at the local
10 and regional levels is necessary to provide for sus-
11 tainable development and smart growth.

12 (20) Responsibilities related to health hazards
13 in housing are not clearly delineated among Federal
14 agencies. Categorical housing, health, energy assist-
15 ance, and environmental programs are narrowly de-
16 fined and often miss opportunities to address mul-
17 tiple hazards in the same dwelling simultaneously.
18 Enabling Federal programs to embrace a com-
19 prehensive healthy housing approach will require re-
20 moving unnecessary Federal statutory and regu-
21 latory barriers, and creating incentives to advance
22 the complementary goals of environmental health,
23 energy conservation, and housing availability in rel-
24 evant programs.

1 **SEC. 3. PURPOSES.**

2 The purposes of this Act are—

3 (1) to facilitate and improve the coordination of
4 housing, community development, transportation,
5 energy, and environmental policy in the United
6 States;

7 (2) to coordinate Federal policies and invest-
8 ments to promote sustainable development;

9 (3) to encourage regional planning for livable
10 communities and the adoption of sustainable devel-
11 opment techniques, including transit-oriented devel-
12 opment;

13 (4) to provide a variety of safe, reliable trans-
14 portation choices, with special emphasis on public
15 transportation and complete streets, in order to re-
16 duce traffic congestion, greenhouse gas emissions,
17 and dependence on foreign oil;

18 (5) to provide long-term affordable, accessible,
19 energy-efficient, and location-efficient housing
20 choices for people of all ages, incomes, races, and
21 ethnicities, and to make the combined costs of hous-
22 ing and transportation more affordable to families;

23 (6) to support, revitalize, and encourage growth
24 in existing communities, in order to maximize the
25 cost effectiveness of existing infrastructure and pre-
26 serve undeveloped lands;

1 (7) to promote economic development and com-
2 petitiveness by connecting the housing and employ-
3 ment locations of workers, reducing traffic conges-
4 tion, and providing families with access to essential
5 services;

6 (8) to preserve the environment and natural re-
7 sources, including agricultural and rural land and
8 green spaces; and

9 (9) to support public health and improve the
10 quality of life for the residents of, and workers in,
11 communities by promoting healthy, walkable neigh-
12 borhoods, access to green space, and the mobility to
13 pursue greater opportunities.

14 **SEC. 4. DEFINITIONS.**

15 In this Act, the following definitions shall apply:

16 (1) **AFFORDABLE HOUSING.**—The term “afford-
17 able housing” means housing, the cost of which does
18 not exceed 30 percent of the income of a family.

19 (2) **CENSUS TRACT.**—The term “census tract”
20 means a small, relatively permanent statistical sub-
21 division of a county, delineated by a local committee
22 of census data users for the purpose of presenting
23 data.

1 (3) CHAIRPERSON.—The term “Chairperson”
2 means the Chairperson of the Interagency Council
3 on Sustainable Communities.

4 (4) COMPLETE STREET.—The term “complete
5 street” means a street that enables all travelers,
6 particularly public transit users, bicyclists, pedes-
7 trians (including individuals of all ages and individ-
8 uals with disabilities), and motorists, to use the
9 street safely and efficiently.

10 (5) COMPREHENSIVE REGIONAL PLAN.—The
11 term “comprehensive regional plan” means a plan
12 that—

13 (A) identifies land use, transportation,
14 community development, housing, economic de-
15 velopment, environmental, energy, public health,
16 and infrastructure needs and goals in a region;

17 (B) provides strategies for meeting the
18 needs and goals described in subparagraph (A),
19 including strategies for—

20 (i) providing long-term affordable, ac-
21 cessible, energy-efficient, and location-effi-
22 cient housing choices for people of all ages,
23 incomes, races, and ethnicities;

24 (ii) reducing growth in vehicle miles
25 traveled, in order to reduce traffic conges-

1 tion, oil consumption, and regional green-
2 house gas emissions from transportation;

3 (iii) encouraging economic competi-
4 tiveness and economic development;

5 (iv) increasing the connectivity of the
6 region by increasing public transportation
7 ridership, improving access to transpor-
8 tation alternatives, and effectively imple-
9 menting a coordinated human services
10 transportation plan; and

11 (v) preserving the environment and
12 natural resources; and

13 (C) prioritizes projects for funding and im-
14 plementation.

15 (6) CONSORTIUM OF UNITS OF GENERAL LOCAL
16 GOVERNMENTS.—The term “consortium of units of
17 general local governments” means a consortium of
18 geographically contiguous units of general local gov-
19 ernment that the Secretary determines—

20 (A) represents all or part of a metropolitan
21 statistical area, a micropolitan statistical area,
22 or a noncore area;

23 (B) has the authority under State, tribal,
24 or local law to carry out planning activities, in-
25 cluding surveys, land use studies, environmental

1 or public health analyses, and development of
2 urban revitalization plans; and

3 (C) has provided documentation to the
4 Secretary sufficient to demonstrate that the
5 purpose of the consortium is to carry out a
6 project using a grant awarded under this Act.

7 (7) COORDINATED HUMAN SERVICES TRANS-
8 PORTATION.—The term “coordinated human services
9 transportation” means transportation services con-
10 sistent with the coordinated public transportation-
11 human services transportation plans required under
12 chapter 53 of title 49, United States Code.

13 (8) COUNCIL.—The term “Council” means the
14 Interagency Council on Sustainable Communities es-
15 tablished under section 6.

16 (9) DEPARTMENT.—The term “Department”
17 means the Department of Housing and Urban De-
18 velopment.

19 (10) DIRECTOR.—The term “Director” means
20 the Director of the Office of Sustainable Housing
21 and Communities established under section 5.

22 (11) EXTREMELY LOW-INCOME FAMILY.—The
23 term “extremely low-income family” means a family
24 that has an income that does not exceed—

1 (A) 30 percent of the median income in
2 the area where the family lives, as determined
3 by the Secretary, with appropriate adjustments
4 for the size of the family; or

5 (B) a percentage of the median income in
6 the area where the family lives, as determined
7 by the Secretary upon a finding by the Sec-
8 retary that such percentage is necessary due to
9 unusually high or low family incomes in the
10 area where the family lives.

11 (12) HEALTHY HOUSING.—The term “healthy
12 housing” means housing that is designed, con-
13 structed, rehabilitated, and maintained in a manner
14 that supports the health of the occupants of the
15 housing.

16 (13) HIGH-POVERTY AREA.—The term “high-
17 poverty area” means a census tract, or a group of
18 contiguous census tracts, that has a poverty rate of
19 20 percent or more.

20 (14) HOUSING-RELATED HEALTH HAZARD.—
21 The term “housing-related health hazard” means
22 any biological, physical, or chemical source of expo-
23 sure or condition in, or immediately adjacent to,
24 housing that could adversely affect human health.

1 (15) INDIAN TRIBE.—The term “Indian tribe”
2 has the same meaning as in section 4 of the Native
3 American Housing Assistance and Self-Determina-
4 tion Act of 1996 (25 U.S.C. 4103).

5 (16) LIVABLE COMMUNITY.—The term “livable
6 community” means a metropolitan, urban, suburban,
7 or rural community that—

8 (A) provides safe, reliable, and accessible
9 transportation choices;

10 (B) provides long-term affordable, acces-
11 sible, energy-efficient, and location-efficient
12 housing choices for people of all ages, incomes,
13 races, and ethnicities;

14 (C) supports, revitalizes, and encourages
15 the growth of existing communities and maxi-
16 mizes the cost effectiveness of existing infra-
17 structure;

18 (D) promotes economic development and
19 economic competitiveness;

20 (E) preserves the environment and natural
21 resources;

22 (F) protects agricultural land, rural land,
23 and green spaces; and

1 (G) supports public health and improves
2 the quality of life for residents of, and workers
3 in, the community.

4 (17) LOCATION-EFFICIENT.—The term “loca-
5 tion-efficient” characterizes mixed-use development
6 or neighborhoods that integrate housing, commercial
7 development, and facilities and amenities including
8 employment, healthcare and human services, edu-
9 cational facilities, and transportation—

10 (A) to enhance mobility;

11 (B) to encourage transit-oriented develop-
12 ment;

13 (C) to encourage infill development and
14 maximize the use of existing infrastructure; and

15 (D) to reduce growth in vehicle miles trav-
16 eled and the transportation costs and energy re-
17 quirements associated with ownership or rental
18 of a home.

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

23 (19) METROPOLITAN PLANNING ORGANIZA-
24 TION.—The term “metropolitan planning organiza-
25 tion” means—

1 (A) a metropolitan planning organization
2 described in section 134(b) of title 23, United
3 States Code; or

4 (B) a metropolitan planning organization
5 described in section 5303(b) of title 49, United
6 States Code.

7 (20) METROPOLITAN STATISTICAL AREA.—The
8 term “metropolitan statistical area” means a county
9 or group of counties that—

10 (A) is designated by the Office of Manage-
11 ment and Budget as a metropolitan statistical
12 area; and

13 (B) has 1 or more large population centers
14 with a population of not less than 50,000 and
15 adjacent territory with a high level of integra-
16 tion with the core.

17 (21) MICROPOLITAN STATISTICAL AREA.—The
18 term “micropolitan statistical area” means a county
19 or group of counties that—

20 (A) is designated by the Office of Manage-
21 ment and Budget as a micropolitan statistical
22 area; and

23 (B) has 1 or more large urban clusters
24 with a population of not less than 10,000 and
25 not more than 50,000.

1 (22) NONCORE AREA.—The term “noncore
2 area” means a county or group of counties that are
3 not designated by the Office of Management and
4 Budget as a micropolitan statistical area or metro-
5 politan statistical area.

6 (23) OLDER ADULT.—The term “older adult”
7 means an elderly person, as defined in section 3(b)
8 of the United States Housing Act of 1937 (42
9 U.S.C. 1437a(b)).

10 (24) OFFICE.—The term “Office” means the
11 Office of Sustainable Housing and Communities es-
12 tablished under section 5.

13 (25) REGIONAL COUNCIL.—The term “regional
14 council” means a multi-service regional organization
15 with State and locally defined boundaries that is—

16 (A) accountable to units of general local
17 government;

18 (B) delivers a variety of Federal, State,
19 and local programs; and

20 (C) performs planning functions and pro-
21 vides professional and technical assistance.

22 (26) RURAL PLANNING ORGANIZATION.—The
23 term “rural planning organization” means a vol-
24 untary regional organization of local elected officials

1 and representatives of local transportation systems
2 that—

3 (A) works in cooperation with the depart-
4 ment of transportation (or equivalent entity) of
5 a State to plan transportation networks and ad-
6 vise officials of the State on transportation
7 planning; and

8 (B) is located in a rural area—

9 (i) with a population of not less than
10 5,000; and

11 (ii) that is not located in an area rep-
12 resented by a metropolitan planning orga-
13 nization.

14 (27) SECRETARY.—The term “Secretary”
15 means the Secretary of Housing and Urban Develop-
16 ment.

17 (28) STATE.—The term “State” has the mean-
18 ing given that term by the Secretary, by rule.

19 (29) SUSTAINABLE DEVELOPMENT.—The term
20 “sustainable development” means a pattern of re-
21 source use designed to create livable communities
22 by—

23 (A) providing a variety of safe, reliable,
24 and accessible transportation choices, with spe-
25 cial emphasis on public transportation and com-

1 plete streets, in order to reduce traffic conges-
2 tion, greenhouse gas emissions, and oil con-
3 sumption;

4 (B) providing long-term affordable, acces-
5 sible, energy-efficient, and location-efficient
6 housing choices for people of all income levels,
7 ages, races, and ethnicities;

8 (C) supporting, revitalizing, and encour-
9 aging the growth of communities and maxi-
10 mizing the cost effectiveness of existing infra-
11 structure;

12 (D) promoting economic development and
13 economic competitiveness;

14 (E) preserving the environment and nat-
15 ural resources;

16 (F) protecting agricultural land, rural
17 land, and green spaces; and

18 (G) supporting public health and improv-
19 ing the quality of life for residents of, and
20 workers in, a community.

21 (30) TRANSIT-ORIENTED DEVELOPMENT.—The
22 term “transit-oriented development” means high-
23 density, walkable, location-efficient, mixed-use devel-
24 opment, including commercial development, afford-
25 able housing, and market-rate housing, that is with-

1 in walking distance of and accessible to 1 or more
2 public transportation facilities.

3 (31) UNIT OF GENERAL LOCAL GOVERN-
4 MENT.—The term “unit of general local govern-
5 ment” means—

6 (A) a city, county, town, township, parish,
7 village, or other general purpose political sub-
8 division of a State; or

9 (B) a combination of general purpose polit-
10 ical subdivisions, as determined by the Sec-
11 retary.

12 (32) UNIT OF SPECIAL PURPOSE LOCAL GOV-
13 ERNMENT.—The term “unit of special purpose local
14 government”—

15 (A) means a division of a unit of general
16 purpose government that serves a special pur-
17 pose and does not provide a broad array of
18 services; and

19 (B) includes an entity such as a school dis-
20 trict, a housing agency, a transit agency, and a
21 parks and recreation district.

22 (33) VERY LOW-INCOME FAMILY.—The term
23 “very low-income family” has the same meaning as
24 in section 3(b) of the United States Housing Act of
25 1937 (42 U.S.C. 1437a(b)).

1 (34) **WORKFORCE HOUSING.**—The term “work-
2 force housing” means housing, the cost of which
3 does not exceed 30 percent of—

4 (A) 120 percent of the median income in
5 the area where the family lives, as determined
6 by the Secretary, with appropriate adjustments
7 for the size of the family; or

8 (B) a percentage, as determined by the
9 Secretary, of the median income in the area
10 where the family lives, upon a finding by the
11 Secretary that such percentage is necessary due
12 to unusually high or low family incomes in the
13 area where the family lives.

14 **SEC. 5. OFFICE OF SUSTAINABLE HOUSING AND COMMU-**
15 **NITIES.**

16 (a) **OFFICE ESTABLISHED.**—There is established in
17 the Department an Office of Sustainable Housing and
18 Communities, which shall—

19 (1) coordinate Federal policies and initiatives
20 that foster livable communities—

21 (A) to encourage sustainable development
22 at the State, regional, and local levels;

23 (B) to encourage the development of com-
24 prehensive regional plans;

1 (C) to foster energy-efficient communities
2 and housing;

3 (D) to provide long-term affordable, acces-
4 sible, energy-efficient, healthy, location-efficient
5 housing choices for people of all ages, incomes,
6 races, and ethnicities, particularly for low-, very
7 low-, and extremely low-income families; and

8 (E) to achieve other goals consistent with
9 the purposes of this Act;

10 (2) review Federal programs and policies to de-
11 termine barriers to sustainable communities and
12 make recommendations to promote sustainability in
13 the Department and throughout the Federal Govern-
14 ment;

15 (3) conduct research and advise the Secretary
16 on the research agenda of the Department relating
17 to sustainable development, in coordination with the
18 Office of Policy Development and Research of the
19 Department;

20 (4) provide support for participation by the Sec-
21 retary in the activities of the Council;

22 (5) implement and oversee the grant programs
23 established under this Act by—

24 (A) developing grant applications for each
25 grant program;

1 (B) promulgating regulations relating to
2 each grant program;

3 (C) selecting recipients of grants under
4 each grant program;

5 (D) creating performance measures for re-
6 cipients of grants under each grant program;

7 (E) developing technical assistance and
8 other guidance to assist recipients of grants and
9 potential applicants for grants under each grant
10 program;

11 (F) monitoring and evaluating the per-
12 formance of recipients of grants under each
13 grant program; and

14 (G) carrying out such other activities relat-
15 ing to the administration of the grant programs
16 under this Act as the Secretary determines are
17 necessary;

18 (6) provide guidance, information on best prac-
19 tices, and technical assistance to communities seek-
20 ing to adopt sustainable development policies and
21 practices;

22 (7) administer initiatives of the Department re-
23 lating to the policies described in paragraph (1), as
24 determined by the Secretary;

1 (8) work with the Federal Transit Administra-
2 tion of the Department of Transportation—

3 (A) to encourage transit-oriented develop-
4 ment; and

5 (B) to coordinate Federal housing, commu-
6 nity development, and transportation policies,
7 including the policies described in paragraph
8 (1); and

9 (9) coordinate with and conduct outreach to
10 Federal agencies, including the Federal Transit Ad-
11 ministration of the Department of Transportation
12 and the Office of Smart Growth of the Environ-
13 mental Protection Agency, on sustainability issues.

14 (b) DIRECTOR.—The head of the Office shall be the
15 Director of the Office of Sustainable Housing and Com-
16 munities.

17 (c) DUTIES RELATING TO GRANT PROGRAMS.—

18 (1) IN GENERAL.—The Director, in coordina-
19 tion with the Council or a working group established
20 by the Council under section 6(b)(6), shall carry out
21 the grant programs established under this Act.

22 (2) SMALL AND RURAL COMMUNITIES GRANTS
23 PROGRAM.—The Director shall coordinate with the
24 Council, or a working group established by the
25 Council under section 6(b)(6), and the Secretary of

1 Agriculture to make grants to small and rural com-
2 munities under section 7(c)(1)(A) and section
3 8(e)(1)(A).

4 (3) INTERIM WORKING GROUP.—During the pe-
5 riod between the date of enactment of this Act and
6 the date on which a memorandum of understanding
7 is signed under section 6(a)(7), in carrying out the
8 grant programs under this Act, the Secretary shall
9 consult with an interim working group that includes
10 the Secretary of Transportation, the Administrator
11 of the Environmental Protection Agency (or the des-
12 ignee of such Secretary or Administrator), and rep-
13 resentatives from such other Federal agencies, de-
14 partments, or offices, as the President may deter-
15 mine.

16 (4) TECHNICAL ASSISTANCE FOR GRANT RE-
17 CIPIENTS AND APPLICANTS.—

18 (A) IN GENERAL.—The Director may—

19 (i) coordinate with the members of the
20 Council to establish interagency and multi-
21 disciplinary teams to provide technical as-
22 sistance to recipients of, and prospective
23 applicants for, grants under this Act;

24 (ii) by Federal interagency agreement,
25 transfer funds to another Federal agency

1 to facilitate and support technical assist-
2 ance; and

3 (iii) make contracts with third parties
4 to provide technical assistance to grant re-
5 cipients and prospective applicants for
6 grants.

7 (B) RURAL AND SMALL COMMUNITIES
8 TECHNICAL ASSISTANCE.—In consultation with
9 the Council, the Director shall develop coopera-
10 tive arrangements with the Secretary of Agri-
11 culture, the Administrator of the Environmental
12 Protection Agency, and the Secretary of Trans-
13 portation to provide technical assistance to
14 small and rural communities applying for
15 grants under section 7(c)(1)(A) or section
16 8(c)(1)(A).

17 (d) REPORT ON HOUSING LOCATION AFFORDABILITY
18 INDEX.—

19 (1) STUDY.—The Director shall conduct a
20 study on—

21 (A) the development of a housing location
22 affordability index that includes both housing
23 and transportation costs; and

24 (B) ways in which the affordability index
25 described in subparagraph (A) could be made

1 available to the public to inform consumers of
2 the combined costs of housing and transpor-
3 tation.

4 (2) REPORT.—Not later than 1 year after the
5 date of enactment of this Act, the Director shall
6 submit to the Committee on Banking, Housing, and
7 Urban Affairs of the Senate and the Committee on
8 Financial Services of the House of Representatives
9 a report on the study under paragraph (1).

10 (e) REPORT ON INCENTIVES FOR ENERGY-EFFI-
11 CIENT MORTGAGES AND LOCATION-EFFICIENT MORT-
12 GAGES.—

13 (1) DEFINITIONS.—In this subsection—

14 (A) the term “energy-efficient mortgage”
15 means a mortgage loan under which the income
16 of the borrower, for purposes of qualification
17 for such loan, is considered to be increased by
18 not less than \$1 for each \$1 of savings pro-
19 jected to be realized by the borrower as a result
20 of cost-effective energy-saving design, construc-
21 tion, or improvements (including use of renew-
22 able energy sources, such as solar, geothermal,
23 biomass, and wind, super-insulation, energy-
24 saving windows, insulating glass and film, and

1 radiant barrier) for the home for which the loan
2 is made; and

3 (B) the term "location-efficient mortgage"
4 means a mortgage loan under which—

5 (i) the income of the borrower, for
6 purposes of qualification for such loan, is
7 considered to be increased by not less than
8 \$1 for each \$1 of savings projected to be
9 realized by the borrower because the loca-
10 tion of the home for which the loan is
11 made will result in decreased transpor-
12 tation costs for the household of the bor-
13 rower; or

14 (ii) the sum of the principal, interest,
15 taxes, and insurance due under the mort-
16 gage loan is decreased by not less than \$1
17 for each \$1 of savings projected to be real-
18 ized by the borrower because the location
19 of the home for which the loan is made will
20 result in decreased transportation costs for
21 the household of the borrower.

22 (2) STUDY.—

23 (A) IN GENERAL.—The Director shall con-
24 duct a study on incentives for encouraging lend-
25 ers to make, and homebuyers and homeowners

1 to participate in, energy-efficient mortgages and
2 location-efficient mortgages, including—

- 3 (i) fee reductions;
4 (ii) fee waivers;
5 (iii) interest rate reductions; and
6 (iv) adjustment of mortgage qualifica-
7 tions.

8 (B) CONSIDERATIONS.—In studying the
9 incentives under subparagraph (A), the Sec-
10 retary shall consider—

11 (i) the potential for lower risk of de-
12 fault on energy-efficient mortgages and lo-
13 cation-efficient mortgages in comparison to
14 mortgages that are not energy-efficient or
15 location-efficient; and

16 (ii) any other factors affecting the
17 feasibility, affordability, and sustainability
18 of energy-efficient mortgages and location-
19 efficient mortgages.

20 (3) REPORT.—Not later than 1 year after the
21 date of enactment of this Act, the Director shall
22 submit to the Committee on Banking, Housing, and
23 Urban Affairs of the Senate and the Committee on
24 Financial Services of the House of Representatives
25 a report on the study under paragraph (2).

1 (f) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to the Secretary such
3 sums as may be necessary to carry out this section.

4 **SEC. 6. INTERAGENCY COUNCIL ON SUSTAINABLE COMMU-**
5 **NITIES.**

6 (a) ESTABLISHMENT OF COUNCIL.—

7 (1) ESTABLISHMENT.—There is established in
8 the executive branch an independent entity to be
9 known as the Interagency Council on Sustainable
10 Communities.

11 (2) MEMBERS.—

12 (A) IN GENERAL.—The members of the
13 Council shall be—

14 (i) the Secretary, the Secretary of
15 Transportation, and the Administrator of
16 the Environmental Protection Agency; and

17 (ii) such representatives from other
18 Federal agencies, departments, or offices
19 in the executive branch as the President
20 may prescribe.

21 (B) DESIGNEES.—

22 (i) IN GENERAL.—The head of a Fed-
23 eral agency described in subparagraph (A)
24 may select a designee to serve in the place

1 of the head of the Federal agency on the
2 Council.

3 (ii) QUALIFICATIONS.—The head of a
4 Federal agency that selects a designee
5 under clause (i) shall ensure that the des-
6 ignee has the appropriate experience and
7 authority to serve on the Council.

8 (C) PAY.—The members of the Council
9 shall serve with no additional pay.

10 (3) CHAIRPERSON.—

11 (A) CHAIRPERSON.—The Chairperson of
12 the Council shall be, in successive terms—

13 (i) the Secretary;

14 (ii) the Secretary of Transportation;

15 and

16 (iii) the Administrator of the Environ-
17 mental Protection Agency.

18 (B) DUTIES.—The Chairperson shall—

19 (i) set the time, date, and location of
20 each meeting of the Council; and

21 (ii) in consultation with the members
22 of the Council, set the agenda for each
23 meeting of the Council.

24 (C) TERM.—The Chairperson shall serve
25 for a term of 1 year.

1 (D) FIRST CHAIRPERSON.—The Secretary
2 shall be the first individual to serve as Chair-
3 person after the date of enactment of this Act.

4 (4) EXECUTIVE DIRECTOR AND STAFF.—

5 (A) EXECUTIVE DIRECTOR.—

6 (i) APPOINTMENT AND COMPENSA-
7 TION.—The Council shall appoint an Exec-
8 utive Director, who shall be compensated
9 at a rate not to exceed the rate of basic
10 pay for level V of the Executive Schedule
11 under section 5316 of title 5, United
12 States Code.

13 (ii) SENSE OF CONGRESS.—It is the
14 sense of Congress that the Council should
15 appoint an Executive Director not later
16 than 90 days after the date of enactment
17 of this Act.

18 (B) ADDITIONAL PERSONNEL.—With the
19 approval of the Council, the Executive Director
20 of the Council may appoint and fix the com-
21 pensation of such additional personnel as the
22 Executive Director determines are necessary to
23 carry out the duties of the Council.

24 (C) DETAILEES FROM OTHER AGENCIES.—
25 Upon request of the Council, the head of any

1 Federal agency may detail any of the personnel
2 of such agency to the Council to assist the
3 Council in carrying out its duties under this
4 section.

5 (D) EXPERTS AND CONSULTANTS.—With
6 the approval of the Council, the Executive Di-
7 rector of the Council may procure temporary
8 and intermittent services pursuant to section
9 3109(b) of title 5, United States Code.

10 (5) CONSULTATION WITH ADDITIONAL SECRE-
11 TARIES AND ADMINISTRATORS.—

12 (A) CONSULTATION.—In carrying out its
13 duties under this section, the Council may con-
14 sult with the heads of departments, agencies,
15 and offices in the executive branch, including
16 the Secretary of Energy, the Secretary of Edu-
17 cation, the Secretary of Agriculture, the Sec-
18 retary of Health and Human Services, the Sec-
19 retary of Commerce, the Secretary of the Inte-
20 rior, the Chairman of the Council on Environ-
21 mental Quality, and the Director of the White
22 House Office of Urban Affairs.

23 (B) PARTICIPATION IN MEETINGS OF
24 COUNCIL.—The head of a department, agency,
25 or office with whom the Council consults under

1 subparagraph (A) may participate in a meeting
2 of the Council.

3 (C) INFORMATION SHARING.—The head of
4 each Federal agency shall make available to the
5 Council such information as may be necessary
6 for the Council to carry out its duties under
7 this section.

8 (6) MEETINGS.—The Council shall meet—

9 (A) not later than 90 days after the date
10 of enactment of this Act; and

11 (B) not less frequently than 3 times each
12 year.

13 (7) GOVERNANCE.—Not later than 120 days
14 after the date of enactment of this Act, the members
15 of the Council shall develop and sign a memorandum
16 of understanding that establishes rules relating to
17 the governance of the Council, including rules relat-
18 ing to the process by which decisions of the Council
19 are made.

20 (8) INCORPORATION OF WORK OF INTERIM
21 WORKING GROUP.—Any activities carried out by an
22 interim working group pursuant to section 5(c)(2)
23 shall be incorporated into the activities of the Coun-
24 cil, effective on the date on which the memorandum
25 of understanding under paragraph (7) is signed.

1 (b) DUTIES OF THE COUNCIL.—The Council shall—

2 (1) ensure interagency coordination of Federal
3 policy on sustainable development;

4 (2) conduct outreach to nonprofit and for-profit
5 organizations and State and local governments to
6 build partnerships and knowledge relating to sus-
7 tainable development;

8 (3) ensure that the research agendas of depart-
9 ments and agencies of the Federal Government on
10 sustainable development are coordinated;

11 (4) establish a clearinghouse for guidance, best
12 practices, and other information for communities un-
13 dertaking activities relating to sustainable develop-
14 ment;

15 (5) coordinate an assessment by departments
16 and agencies of the Federal Government of impedi-
17 ments to sustainable development, including impedi-
18 ments created by Federal programs, and the devel-
19 opment of recommendations for methods for over-
20 coming such impediments;

21 (6) coordinate with the Director on activities re-
22 lating to the grant programs established under this
23 Act, as described in section 5(a)(4), or establish a
24 working group to coordinate with the Director on
25 such activities; and

1 (7) lead the Federal initiative to support
2 healthy housing and eradicate housing-related health
3 hazards by—

4 (A) reviewing, monitoring, and evaluating
5 Federal housing, health, energy, and environ-
6 mental programs and identifying areas of over-
7 lap and duplication that could be improved;

8 (B) identifying best practices and model
9 programs, including practices and programs
10 that link services for low-income families and
11 services for health hazards;

12 (C) identifying best practices for finance
13 products, building codes, and regulatory prac-
14 tices;

15 (D) promoting collaboration among Fed-
16 eral, State, local, and tribal agencies and non-
17 governmental organizations; and

18 (E) coordinating with all relevant Federal
19 agencies.

20 (c) REPORTS.—

21 (1) ANNUAL REPORT.—Not later than 1 year
22 after the date of enactment of this Act, and annually
23 thereafter, the Council shall submit to the Com-
24 mittee on Banking, Housing, and Urban Affairs of
25 the Senate and the Committee on Financial Services

1 of the House of Representatives a report that con-
2 tains—

3 (A) a description of the activities and ac-
4 complishments of the Council; and

5 (B) recommendations, if any, for legisla-
6 tion or other action necessary to eradicate hous-
7 ing-related health hazards.

8 (2) RECOMMENDATIONS.—Not later than 1
9 year after the date of enactment of this Act, the
10 Council shall submit to the Committee on Banking,
11 Housing, and Urban Affairs of the Senate and the
12 Committee on Financial Services of the House of
13 Representatives a report that contains—

14 (A) an analysis of impediments to sustain-
15 able development; and

16 (B) recommendations for action by the
17 Federal Government on issues relating to sus-
18 tainable development.

19 (d) STUDIES AND REPORTS.—

20 (1) GAO STUDY OF FEDERAL ACTIONS AND RE-
21 PORT.—Not later than 3 years after the date of en-
22 actment of this Act, the Comptroller General shall
23 submit to the Committee on Banking, Housing, and
24 Urban Affairs of the Senate and the Committee on

1 Financial Services of the House of Representatives
2 a report that contains—

3 (A) an updated analysis of impediments to
4 sustainable development, as described in sub-
5 section (c)(2)(A); and

6 (B) a description of actions taken by the
7 Federal Government to implement the rec-
8 ommendations made by the Council in the re-
9 port under subsection (c)(2)(B).

10 (2) COUNCIL STUDY ON SUSTAINABLE BUILD-
11 ING FEATURES AND INDOOR ENVIRONMENTAL QUAL-
12 ITY IN HOUSING.—

13 (A) IN GENERAL.—The Council, in con-
14 sultation with Secretary of Energy, the Direc-
15 tors of the National Institute of Standards and
16 Technology, the Director of the Centers for
17 Disease Control and Prevention, the National
18 Institute of Environmental Health Sciences,
19 and any other Federal agency the Director de-
20 termines is appropriate, shall conduct a detailed
21 study of how sustainable building features, such
22 as energy efficiency, in housing affect the qual-
23 ity of the indoor environment, the prevalence of
24 housing-related health hazards, and the health
25 of occupants.

1 (B) CONTENTS OF STUDY.—The study
2 under subparagraph (A) shall—

3 (i) investigate the effect of sustainable
4 building features on the quality of the in-
5 door environment and the prevalence of
6 housing-related health hazards;

7 (ii) investigate how sustainable build-
8 ing features, such as energy efficiency, in-
9 fluence the health of occupants; and

10 (iii) comprehensively evaluate the ef-
11 fects on indoor environmental quality.

12 (C) REPORT.—Not later than 3 years after
13 the date of enactment of this Act, the Council
14 shall submit to the Committee on Banking,
15 Housing, and Urban Affairs of the Senate and
16 the Committee on Financial Services of the
17 House of Representatives a report on the re-
18 sults of the study under subparagraph (A).

19 (e) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated such sums as may be
21 necessary to carry out this section.

22 **SEC. 7. COMPREHENSIVE PLANNING GRANT PROGRAM.**

23 (a) DEFINITIONS.—In this section—

24 (1) the term “eligible entity” means—

1 (A) a partnership between a consortium of
2 units of general local government and an eligi-
3 ble partner; or

4 (B) an Indian tribe, if—

5 (i) the Indian tribe has—

6 (I) a tribal entity that performs
7 housing and land use planning func-
8 tions; and

9 (II) a tribal entity that performs
10 transportation and transportation
11 planning functions; and

12 (ii) the Secretary determines that the
13 isolated location and land expanse of the
14 Indian tribe require the Secretary to treat
15 the tribe as an eligible entity for purposes
16 of carrying out activities using a grant
17 under this section;

18 (2) the term “eligible partner” means—

19 (A) a metropolitan planning organization,
20 a rural planning organization, or a regional
21 council;

22 (B) a metropolitan planning organization,
23 a rural planning organization, or a regional
24 council, and—

25 (i) a State;

1 (ii) an Indian tribe; or

2 (iii) a State and an Indian tribe; and

3 (3) the term "grant program" means the com-
4 prehensive planning grant program established
5 under subsection (b).

6 (b) COMPREHENSIVE PLANNING GRANT PROGRAM
7 ESTABLISHED.—The Director shall establish a com-
8 prehensive planning grant program to make grants to eli-
9 gible entities to carry out a project—

10 (1) to coordinate land use, housing, transpor-
11 tation, including coordinated human services trans-
12 portation, infrastructure, and environmental plan-
13 ning processes, across jurisdictions and agencies;

14 (2) to identify potential regional partnerships
15 for developing and implementing a comprehensive
16 regional plan;

17 (3) to conduct or update housing, infrastruc-
18 ture, transportation, energy, and environmental as-
19 sessments to determine regional needs and promote
20 sustainable development;

21 (4) to develop or update—

22 (A) a comprehensive regional plan; or

23 (B) goals and strategies to implement an
24 existing comprehensive regional plan; and

1 (5) to implement local zoning and other code
2 changes necessary to implement a comprehensive re-
3 gional plan and promote sustainable development.

4 (c) GRANTS.—

5 (1) DIVERSITY OF GRANTEEES.—The Director
6 shall ensure geographic diversity among and ade-
7 quate representation from each of the following cat-
8 egories:

9 (A) SMALL AND RURAL COMMUNITIES.—
10 Eligible entities that represent all or part of a
11 noncore area, a micropolitan area, or a small
12 metropolitan statistical area with a population
13 of not more than 200,000.

14 (B) MID-SIZED METROPOLITAN COMMU-
15 NITIES.—Eligible entities that represent all or
16 part of a metropolitan statistical area with a
17 population of more than 200,000 and not more
18 than 500,000.

19 (C) LARGE METROPOLITAN COMMU-
20 NITIES.—Eligible entities that represent all or
21 part of a metropolitan statistical area with a
22 population of more than 500,000.

23 (2) AWARD OF FUNDS TO SMALL AND RURAL
24 COMMUNITIES.—

1 (A) IN GENERAL.—The Director shall
2 award not less than 15 percent of the funds
3 under the grant program to eligible entities de-
4 scribed in paragraph (1)(A).

5 (B) INSUFFICIENT APPLICATIONS.—If the
6 Director determines that insufficient approvable
7 applications have been submitted by eligible en-
8 tities described in paragraph (1)(A), the Direc-
9 tor may award less than 15 percent of the
10 funds under the grant program to eligible enti-
11 ties described in paragraph (1)(A).

12 (3) FEDERAL SHARE.—

13 (A) IN GENERAL.—Except as provided in
14 subparagraph (B), the Federal share of the cost
15 of a project carried out using a grant under the
16 grant program may not exceed 80 percent.

17 (B) INDIAN TRIBES.—In the case of an eli-
18 gible entity that is an Indian tribe, the Federal
19 share of the cost of a project carried out using
20 a grant under the grant program may be 100
21 percent.

22 (C) IN-KIND CONTRIBUTIONS.—For the
23 purposes of this section, in-kind contributions
24 may be used for all or part of the non-Federal

1 share of the cost of a project carried out using
2 a grant under the grant program.

3 (4) AVAILABILITY OF FUNDS.—

4 (A) IN GENERAL.—An eligible entity that
5 receives a grant under the grant program
6 shall—

7 (i) obligate any funds received under
8 the grant program not later than 2 years
9 after the date on which the grant agree-
10 ment under subsection (g) is made; and

11 (ii) expend any funds received under
12 the grant program not later than 4 years
13 after the date on which the grant agree-
14 ment under subsection (g) is made.

15 (B) UNOBLIGATED AMOUNTS.—After the
16 date described in subparagraph (A)(i), the Sec-
17 retary may award to another eligible entity, to
18 carry out activities under this section, any
19 amounts that an eligible entity has not obli-
20 gated under subparagraph (A)(i).

21 (d) APPLICATION.—

22 (1) IN GENERAL.—An eligible entity that de-
23 sires a grant under this section shall submit to the
24 Director an application, at such time and in such

1 manner as the Director shall prescribe, that con-
2 tains—

3 (A) a description of the project proposed to
4 be carried out by the eligible entity;

5 (B) a budget for the project that includes
6 the anticipated Federal share of the cost of the
7 project and a description of the source of the
8 non-Federal share;

9 (C) the designation of a lead agency or or-
10 ganization, which may be the eligible entity, to
11 receive and manage any funds received by the
12 eligible entity under the grant program;

13 (D) a signed copy of a memorandum of
14 understanding among local jurisdictions, includ-
15 ing, as appropriate, a State, a tribe, units of
16 general purpose local government, units of spe-
17 cial purpose local government, metropolitan
18 planning organizations, rural planning organi-
19 zations, and regional councils that dem-
20 onstrates—

21 (i) the creation of an eligible entity;

22 (ii) a description of the nature and ex-
23 tent of planned collaboration between the
24 eligible entity and any partners of the eligi-
25 ble entity;

1 (iii) a commitment to develop a com-
2 prehensive regional plan; and

3 (iv) a commitment to implement the
4 plan after the plan is developed;

5 (E) a certification that the eligible entity
6 has—

7 (i) secured the participation, or made
8 a good-faith effort to secure the participa-
9 tion, of the public transportation agencies
10 and public housing agencies within the
11 area affected by the comprehensive re-
12 gional plan and the entities described in
13 clause (ii); and

14 (ii) created, or will create not later
15 than 1 year after the date of the grant
16 award, a regional advisory board to provide
17 input and feedback on the development of
18 the comprehensive regional plan that in-
19 cludes, as appropriate, representatives of a
20 State, the metropolitan planning organiza-
21 tion, the rural planning organization, the
22 regional council, public transportation
23 agencies, public housing agencies, economic
24 development authorities, Indian tribes,
25 other local governments, environmental

1 agencies, public health agencies, human
2 services agencies, area agencies on aging,
3 the nonprofit community, the private sec-
4 tor, community-based organizations, citizen
5 groups, neighborhood groups, and mem-
6 bers of the public, including representa-
7 tives of older adults, persons with disabil-
8 ities, and low-income families;

9 (F) a certification that the eligible entity
10 has solicited public comment on the contents of
11 the project description under subparagraph (A)
12 that includes—

13 (i) a description of the process for re-
14 ceiving public comment relating to the pro-
15 posal; and

16 (ii) such other information as the Di-
17 rector may require;

18 (G) a description of how the eligible entity
19 will carry out the activities under subsection (f);
20 and

21 (H) such additional information as the Di-
22 rector may require.

23 (2) INDIAN TRIBES.—An eligible entity that is
24 an Indian tribe is not required to submit the certifi-
25 cation under paragraph (1)(E).

1 (e) SELECTION.—In evaluating an application for a
2 grant under the grant program, the Director shall con-
3 sider the extent to which the application—

4 (1) furthers the creation of livable communities;

5 (2) demonstrates the technical capacity of the
6 eligible entity to carry out the project;

7 (3) demonstrates the extent to which the con-
8 sortium has developed partnerships throughout an
9 entire region, including, as appropriate, partnerships
10 with the entities described in subsection (d)(1)(D);

11 (4) demonstrates a commitment to—

12 (A) sustainable development and location-
13 efficient development;

14 (B) transit-oriented development, where
15 appropriate;

16 (C) developing new capacity for public
17 transportation and increasing ridership on pub-
18 lic transportation;

19 (D) providing long-term affordable, acces-
20 sible, energy-efficient, and location-efficient
21 housing choices for families of all ages, in-
22 comes, races, and ethnicities;

23 (E) creating and preserving long-term af-
24 fordable, energy-efficient, and location-efficient
25 housing for low-, very low-, and extremely low-

1 income families, particularly in mixed-income
2 neighborhoods;

3 (F) revitalizing communities, neighbor-
4 hoods and commercial centers supported by ex-
5 isting infrastructure;

6 (G) monitoring and improving environ-
7 mental quality, including air and water quality,
8 energy use, greenhouse gas emissions, and the
9 redevelopment of brownfields;

10 (H) coordinating the provision of transpor-
11 tation services and information about such serv-
12 ices to older adults, persons with disabilities,
13 and low-income families; and

14 (I) enacting and implementing complete
15 street policies;

16 (5) demonstrates a plan for implementing a
17 comprehensive regional plan through regional infra-
18 structure investment plans and local land use plans;

19 (6) promotes diversity among the geographic re-
20 gions and the size of the population of the commu-
21 nities served by recipients of grants under this sec-
22 tion;

23 (7) promotes economic benefits;

24 (8) demonstrates a commitment to seeking sub-
25 stantial public input during the planning process

1 and public participation in the development of the
2 comprehensive regional plan;

3 (9) demonstrates that a Federal grant is nec-
4 essary to accomplish the project proposed to be car-
5 ried out;

6 (10) minimizes the Federal share necessary to
7 carry out the project and leverages State, local, or
8 private resources;

9 (11) has a high quality overall; and

10 (12) demonstrates such other qualities as the
11 Director may determine.

12 (f) ELIGIBLE ACTIVITIES.—An eligible entity that re-
13 ceives a grant under this section shall carry out a project
14 that includes 1 or more of the following activities:

15 (1) Planning and coordinating across jurisdic-
16 tions in the region to develop a comprehensive re-
17 gional plan.

18 (2) Developing achievable goals and strategies
19 for carrying out the comprehensive regional plan, in-
20 cluding—

21 (A) land use, zoning, and other code re-
22 form, including reform of conservation zoning
23 in agricultural and other natural resource
24 areas;

1 (B) promoting efficient land use, mixed-
2 use development, and the preservation of agri-
3 cultural, green, and open space;

4 (C) increasing access to and ridership on
5 public transportation, including safe, accessible
6 routes to public transportation;

7 (D) the creation and preservation of work-
8 force housing and affordable housing for low-,
9 very low-, and extremely low-income families,
10 including housing with access to jobs, public
11 transportation, and community services and
12 amenities and housing in mixed-income neigh-
13 borhoods;

14 (E) promoting economic development and
15 transit-oriented development, including co-loca-
16 tion of healthcare and human services;

17 (F) revitalizing communities;

18 (G) promoting environmental protection,
19 public health, and healthy housing, and reduc-
20 ing greenhouse gas emissions; and

21 (H) increasing connectivity to healthcare
22 centers for people of all ages and abilities, with
23 particular focus on older adults, persons with
24 disabilities, and veterans.

1 (3) Developing a plan that outlines feasible
2 steps for implementing the comprehensive regional
3 plan, including making interjurisdictional agree-
4 ments that provide for cooperative and coordinated
5 approaches to achieving the goals of the plan.

6 (4) Developing a plan that adapts to changes in
7 population and demographics, including the adoption
8 of location-efficient land use plans and the adaptive
9 re-use of vacant and abandoned properties and un-
10 derutilized properties.

11 (5) Assessing projected regional population
12 growth or loss and demographic changes.

13 (6) Assessing how the regional population
14 growth or loss and demographic changes will impact
15 the need for housing, community development, and
16 transportation, including public transportation in the
17 region.

18 (7) Assessing the accessibility of job centers
19 within the region to public transportation facilities
20 and housing.

21 (8) Assessing transportation options in the re-
22 gion, including—

23 (A) public transportation options;

24 (B) options for creating integrated active
25 transportation networks to increase trips made

1 by bicycle and walking, including complete
2 street policies and procedures;

3 (C) options for people with low incomes,
4 people living in high-poverty areas, older adults,
5 and persons with disabilities;

6 (D) the effectiveness of coordinated human
7 services transportation in the region; and

8 (E) any obstacles to providing access to lo-
9 cations that offer employment opportunities.

10 (9) Assessing the daily vehicle miles traveled in
11 the region and opportunities for reducing the growth
12 in daily vehicle miles traveled and traffic congestion.

13 (10) Assessing housing needs, including the
14 need for workforce housing and long-term affordable
15 housing for low-, very low-, and extremely low-in-
16 come families, and the availability of housing in the
17 region to meet such needs.

18 (11) Assessing the need to create, preserve, and
19 improve long-term affordable housing for low-, very
20 low-, and extremely low-income families and families
21 that utilize workforce housing in areas that—

22 (A) are undergoing redevelopment or car-
23 rying out transit-oriented development;

24 (B) have access to transportation (particu-
25 larly public transportation), jobs, educational

1 facilities, neighborhood commercial centers, and
2 medical services; and

3 (C) are in mixed-income neighborhoods.

4 (12) Assessing methods for lowering the com-
5 bined cost of housing and transportation for families
6 in the region, particularly for families that utilize
7 workforce housing and for low-, very low-, and ex-
8 tremely low-income families.

9 (13) Assessing existing water and sewer infra-
10 structure in the region, including projected water
11 and sewer needs and sources, the need for sewer in-
12 frastructure, and the existence of flood plains.

13 (14) Assessing local land use and zoning poli-
14 cies and opportunities for revising or expanding such
15 policies to implement a comprehensive regional plan.

16 (15) Assessing the opportunity to revitalize ex-
17 isting communities, including infill development.

18 (16) Assessing environmental and public health
19 needs in the region and potential strategies for re-
20 ducing greenhouse gas emissions, improving air and
21 water quality, and remediating brownfield sites.

22 (17) Assessing the impact of infrastructure on
23 quality of life and wellness, including access to rec-
24 reational facilities and active transportation opportu-

1 nities, such as trails, and the availability of nutri-
2 tious food.

3 (18) Assessing projected loss of agricultural
4 and rural land and other green space in the region
5 to development, and methods to minimize such loss.

6 (19) Developing techniques to inform decision-
7 makers on how changes in population and demo-
8 graphics and employment, development patterns,
9 and investments in transportation infrastructure are
10 likely to affect travel, congestion, air quality, and
11 quality of life.

12 (20) Implementing land use, zoning, and other
13 code reforms to promote location efficiency and sus-
14 tainable development.

15 (21) Assessing school siting policies and school
16 locations for opportunities to increase the proximity
17 of students to schools and increase the rate of walk-
18 ing and bicycling to school.

19 (22) Other activities consistent with the pur-
20 poses of this Act, as determined by the Director.

21 (g) GRANT AGREEMENT.—Each eligible entity that
22 receives a grant under this section shall agree to establish,
23 in coordination with the Director, performance measures,
24 reporting requirements, and any other requirements that
25 the Director determines are necessary, that must be met

1 at the end of each year in which the eligible entity receives
2 funds under the grant program.

3 (h) PUBLIC OUTREACH.—

4 (1) OUTREACH REQUIRED.—Each eligible entity
5 that receives a grant under the grant program shall
6 perform substantial outreach activities—

7 (A) to engage a broad cross-section of
8 community stakeholders in the process of devel-
9 oping a comprehensive regional plan, including
10 low-income families, minorities, older adults,
11 and economically disadvantaged community
12 members; and

13 (B) to create an effective means for stake-
14 holders to participate in the development and
15 implementation of a comprehensive regional
16 plan.

17 (2) FINALIZATION OF COMPREHENSIVE RE-
18 GIONAL PLAN.—

19 (A) IN GENERAL.—An eligible entity that
20 receives a grant under the grant program may
21 not finalize a comprehensive regional plan be-
22 fore the eligible entity holds a public hearing to
23 obtain the views of citizens, public agencies, and
24 other interested parties.

1 (2) terminate the grant agreement.

2 (j) REPORTS REQUIRED.—

3 (1) FIRST ANNUAL REPORT.—Not later than 60
4 days after the end of the first year after the grant
5 agreement is made under subsection (g), and each
6 year thereafter, an eligible entity that receives a
7 grant under this section shall submit to the Director
8 a progress report that contains—

9 (A) a description of any progress made to-
10 ward meeting the performance measures estab-
11 lished under subsection (g), including—

12 (i) a description of any partnership
13 created across policy and governmental ju-
14 risdictions and a description of any task
15 force or multiagency group established by
16 the eligible entity at the regional level; and

17 (ii) a description of—

18 (I) housing, land use, transpor-
19 tation, public transportation, energy,
20 infrastructure, and environmental
21 needs in the region; or

22 (II) the obstacles encountered
23 that prevented the eligible entity from
24 completing a comprehensive evalua-
25 tion of housing, land use, transpor-

1 tation, public transportation, energy,
2 infrastructure, and environmental
3 needs, and a date by which the eligible
4 entity expects to complete the evalua-
5 tion;

6 (B) a description of any planning goals for
7 the region that address housing, transportation,
8 public transportation, energy, infrastructure,
9 and environmental needs;

10 (C) a description of—

11 (i) a strategy for meeting the goals
12 described in subparagraph (B), including a
13 discussion of potential transportation,
14 housing, transit-oriented development, en-
15 ergy, infrastructure, or environmental ac-
16 tivities; or

17 (ii) the obstacles encountered that
18 prevented the eligible entity from com-
19 pleting a strategy for meeting the goals
20 identified under clause (i) and a date by
21 which the eligible entity expects to com-
22 plete the strategy;

23 (D) a description of the process for solici-
24 ting public participation, and a description of

1 the efforts to reach affected populations and
2 stakeholders; and

3 (E) any other information the Director
4 may require.

5 (2) SUBSEQUENT ANNUAL REPORTS.—Except
6 for the first report required under paragraph (1), a
7 report submitted under paragraph (1) may be sub-
8 mitted in the form of an update, at the discretion
9 of the Director.

10 (3) FINAL REPORT.—Not later than 90 days
11 after the date on which the grant agreement under
12 subsection (g) expires, an eligible entity that receives
13 a grant under this section shall submit to the Direc-
14 tor a final report that contains—

15 (A) a description of a comprehensive re-
16 gional plan that includes specific projects that
17 will help meet housing, transportation, energy,
18 infrastructure, and environmental goals for the
19 region;

20 (B) a detailed description of how the plan
21 under subparagraph (A) meets the performance
22 measures established under subsection (g);

23 (C) a plan for the next steps to be taken
24 by the eligible entity, including whether the eli-

1 (I) a tribal entity that performs
2 housing and land use planning func-
3 tions; and

4 (II) a tribal entity that performs
5 transportation and transportation
6 planning functions; and

7 (ii) the Secretary determines that the
8 isolated location and land expanse of the
9 Indian tribe require the Secretary to treat
10 the tribe as an eligible entity for purposes
11 of carrying out activities using a grant
12 under the grant program;

13 (2) the term "eligible partner" means—

14 (A) a metropolitan planning organization,
15 a rural planning organization, or a regional
16 council;

17 (B) a metropolitan planning organization,
18 a rural planning organization, or a regional
19 council, and—

20 (i) a State;

21 (ii) an Indian tribe; or

22 (iii) a State and an Indian tribe; and

23 (3) the term "grant program" means the sus-
24 tainability challenge grant program established
25 under subsection (b).

1 (b) SUSTAINABILITY CHALLENGE GRANT PROGRAM
2 ESTABLISHED.—The Director shall establish a sustain-
3 ability challenge grant program to make grants to eligible
4 entities to—

5 (1) promote integrated transportation, housing,
6 energy, infrastructure, environmental, and economic
7 development activities carried out across policy and
8 governmental jurisdictions;

9 (2) promote sustainable development and loca-
10 tion-efficient development; and

11 (3) implement projects identified in a com-
12 prehensive regional plan.

13 (c) GRANTS.—

14 (1) DIVERSITY OF GRANTEEES.—The Director
15 shall ensure geographic diversity among and ade-
16 quate representation from each of the following cat-
17 egories:

18 (A) SMALL AND RURAL COMMUNITIES.—
19 Eligible entities that represent all or part of a
20 noncore area, a micropolitan area, or a small
21 metropolitan statistical area with a population
22 of not more than 200,000.

23 (B) MID-SIZED METROPOLITAN COMMU-
24 NITIES.—Eligible entities that represent all or
25 part of a metropolitan statistical area with a

1 population of more than 200,000 and not more
2 than 500,000.

3 (C) LARGE METROPOLITAN COMMU-
4 NITIES.—Eligible entities that represent all or
5 part of a metropolitan statistical area with a
6 population of more than 500,000.

7 (2) AWARD OF FUNDS TO SMALL AND RURAL
8 COMMUNITIES.—

9 (A) IN GENERAL.—The Director shall
10 award not less than 15 percent of the funds
11 under the grant program to eligible entities de-
12 scribed in paragraph (1)(A).

13 (B) INSUFFICIENT APPLICATIONS.—If the
14 Director determines that insufficient approvable
15 applications have been submitted by eligible en-
16 tities described in paragraph (1)(A), the Direc-
17 tor may award less than 15 percent of the
18 funds under the grant program to eligible enti-
19 ties described in paragraph (1)(A).

20 (3) FEDERAL SHARE.—

21 (A) IN GENERAL.—Except as provided in
22 subparagraph (B), the Federal share of the cost
23 of a project carried out using a grant under the
24 grant program may not exceed 80 percent.

1 (B) INDIAN TRIBES.—In the case of an eli-
2 gible entity that is an Indian tribe, the Federal
3 share of the cost of a project carried out using
4 a grant under the grant program may be 100
5 percent.

6 (4) AVAILABILITY OF FUNDS.—

7 (A) IN GENERAL.—An eligible entity that
8 receives a grant under the grant program
9 shall—

10 (i) obligate any funds received under
11 the grant program not later than 2 years
12 after the date on which the grant agree-
13 ment under subsection (g) is made; and

14 (ii) expend any funds received under
15 the grant program not later than 5 years
16 after the date on which the grant agree-
17 ment under subsection (g) is made.

18 (B) UNOBLIGATED AMOUNTS.—After the
19 date described in subparagraph (A)(i), the Sec-
20 retary may award to another eligible entity, to
21 carry out activities under the grant program,
22 any amounts that an eligible entity has not obli-
23 gated under subparagraph (A)(i).

24 (d) APPLICATION.—

1 (1) CONTENTS.—An eligible entity that desires
2 a grant under the grant program shall submit to the
3 Director an application, at such time and in such
4 manner as the Director shall prescribe, that con-
5 tains—

6 (A) a copy of the comprehensive regional
7 plan, whether developed as part of the com-
8 prehensive planning grant program under sec-
9 tion 7 or developed independently;

10 (B) a description of the project or projects
11 proposed to be carried out using a grant under
12 the grant program;

13 (C) a description of any preliminary ac-
14 tions that have been or must be taken at the
15 local or regional level to implement the project
16 or projects under subparagraph (B), including
17 the revision of land use or zoning policies;

18 (D) a signed copy of a memorandum of
19 understanding among local jurisdictions, includ-
20 ing, as appropriate, a State, units of general
21 purpose local government, units of special pur-
22 pose local government, metropolitan planning
23 organizations, rural planning organizations, and
24 regional councils that demonstrates—

1 (i) the creation of a consortium of
2 units of general local government; and

3 (ii) a commitment to implement the
4 activities described in the comprehensive
5 regional plan;

6 (E) a certification that the eligible entity
7 has solicited public comment on the contents of
8 the project or projects described in subpara-
9 graph (B) that includes—

10 (i) a certification that the eligible en-
11 tity made information about the project or
12 projects available and afforded citizens,
13 public agencies, and other interested par-
14 ties a reasonable opportunity to examine
15 the content of the project or projects and
16 to submit comments;

17 (ii) a description of the process for re-
18 ceiving public comment, and a description
19 of the outreach efforts to affected popu-
20 lations and stakeholders;

21 (iii) a certification that the eligible en-
22 tity—

23 (I) held a public hearing to ob-
24 tain the views of citizens, public agen-
25 cies, and other interested parties;

1 (II) made the proposed project
2 and all information relevant to the
3 hearing available for inspection by the
4 public during normal business hours
5 not less than 30 days before the hear-
6 ing under subclause (I); and

7 (III) published a notice informing
8 the public of the hearing under sub-
9 clause (I) and the availability of the
10 information described in subclause
11 (II); and

12 (iv) a summary of any comments re-
13 ceived, including an explanation of why
14 any such comments were or were not in-
15 cluded in the final application;

16 (F) a budget for the project that includes
17 the Federal share of the cost of the project or
18 projects requested and a description of the
19 source of the non-Federal share; and

20 (G) such additional information as the Di-
21 rector may require.

22 (2) INDIAN TRIBES.—An eligible entity that is
23 an Indian tribe is not required to submit a memo-
24 randum of understanding under paragraph (1)(D).

1 (e) SELECTION.—In evaluating an application for a
2 grant under the grant program, the Director shall con-
3 sider the extent to which the application—

4 (1) furthers the creation of livable communities;

5 (2) promotes sustainable development and loca-
6 tion-efficient development;

7 (3) demonstrates the technical capacity of the
8 eligible entity to carry out the project;

9 (4) demonstrates the extent to which the eligi-
10 ble entity has developed partnerships throughout an
11 entire region, including partnerships with units of
12 special purpose local government and public trans-
13 portation agencies;

14 (5) demonstrates clear and meaningful inter-
15 jurisdictional cooperation and coordination of hous-
16 ing, transportation, and environmental policies and
17 plans;

18 (6) demonstrates a commitment to imple-
19 menting a comprehensive regional plan and docu-
20 ments action taken or planned to implement the
21 plan, including—

22 (A) rezoning or other changes to land use
23 controls to enable mixed-use, mixed-income de-
24 velopment;

1 (B) planned or proposed public transpor-
2 tation investments, including—

3 (i) financial contributions for capital
4 and operating costs of public transpor-
5 tation;

6 (ii) improvements for bicycle riders
7 and pedestrians, including complete street
8 policies and procedures and integrated ac-
9 tive transportation networks;

10 (iii) action taken to increase the num-
11 ber of trips made using public transpor-
12 tation and bicycles and by walking;

13 (iv) special efforts to address and plan
14 for the needs of older adults, persons with
15 disabilities, and low-income families, and to
16 address issues of rural isolation and acces-
17 sibility to community support and services
18 among such populations; and

19 (v) efforts to fully engage in a locally
20 developed, coordinated public transit and
21 human services transportation planning
22 process under chapter 53 of title 49,
23 United States Code;

24 (C) actions taken to promote the sustain-
25 ability and viability of smaller cities, small

1 towns and rural areas, focusing on the historic
2 and unique downtown or main street areas of
3 such cities, towns, and areas, as applicable;

4 (D) investment in and actions relating to
5 plans or proposals for incentives, subsidies, or
6 requirements for developers to create and pre-
7 serve affordable housing, including—

8 (i) workforce housing and affordable
9 housing for low-income families, particu-
10 larly housing in mixed-income, location-ef-
11 ficient neighborhoods with transit-oriented
12 development and access to public transpor-
13 tation, employment, and commercial and
14 other services; and

15 (ii) affordable housing for very low-
16 and extremely low-income families, particu-
17 larly housing in mixed-income, location-ef-
18 ficient neighborhoods with transit-oriented
19 development;

20 (E) actions taken to promote transit-ori-
21 ented development, including plans or proposals
22 for zoning, or for incentives, subsidies, or re-
23 quirements for developers; and

24 (F) planned or proposed incentives, sub-
25 sidies, or requirements designed to preserve ag-

1 ricultural and rural land and other green space,
2 including planned or proposed programs for the
3 purchase of development rights;

4 (7) minimizes the Federal share necessary to
5 carry out the project and leverages a significant
6 amount of State, local, or private resources;

7 (8) identifies original and innovative ideas to
8 overcoming regional problems, including local land
9 use and zoning (or other code) obstacles to carrying
10 out the comprehensive regional plan;

11 (9) promotes diversity among the geographic re-
12 gions and the size of the population of the commu-
13 nities served by recipients of grants under the grant
14 program;

15 (10) demonstrates a commitment to substantial
16 public input throughout the implementation process;

17 (11) demonstrates that a Federal grant is nec-
18 essary to accomplish the project or projects proposed
19 to be carried out;

20 (12) has a high quality overall; and

21 (13) demonstrates such other qualities as the
22 Director may determine.

23 (f) GRANT ACTIVITIES.—

24 (1) PLANNING ACTIVITIES.—An eligible entity
25 that receives a grant under the grant program may

1 use not more than 10 percent of the grant for plan-
2 ning activities.

3 (2) PROJECTS AND INVESTMENTS.—An eligible
4 entity that receives a grant under the grant program
5 shall carry out 1 or more projects that—

6 (A) are designed to achieve the goals iden-
7 tified in a comprehensive regional plan; and

8 (B) promote livable communities through
9 investment in—

10 (i) transit-oriented development;

11 (ii) transportation infrastructure and
12 facilities projects (including public trans-
13 portation projects) that improve access to
14 public transportation, intermodal transit
15 facilities that enhance regional mobility by
16 bringing together as many modes of trans-
17 port as possible, structured parking near
18 public transportation, and complete street
19 projects;

20 (iii) short-term operating funds to ini-
21 tiate a demonstration of new public trans-
22 portation services;

23 (iv) promotion of employer-based com-
24 muter benefit programs to increase public
25 transportation ridership;

- 1 (v) promotion of trip reduction pro-
2 grams and the use of transportation alter-
3 natives;
- 4 (vi) creating or preserving affordable,
5 energy-efficient, and healthy housing for
6 low-, very low-, and extremely low-income
7 families in mixed-income, mixed-use neigh-
8 borhoods with access to public transpor-
9 tation;
- 10 (vii) adapting to changes in popu-
11 lation and demographics, including by
12 adopting location-efficient land use plans
13 and re-using vacant and abandoned prop-
14 erties and underutilized properties;
- 15 (viii) brownfield redevelopment, or
16 other redevelopment of communities and
17 commercial areas, including the main
18 streets of small towns;
- 19 (ix) infrastructure maintenance and
20 improvement initiatives that support re-
21 gionally integrated planning and smart
22 growth;
- 23 (x) energy efficiency retrofit projects;
- 24 (xi) land banking for transit-oriented
25 development;

1 (xii) infrastructure maintenance, im-
2 provement and development that im-
3 prove—

4 (I) quality of life and wellness,
5 including access to recreational facili-
6 ties and active transportation oppor-
7 tunities, such as trails; and

8 (II) the availability of nutritious
9 food;

10 (xiii) implementing land use, zoning,
11 and other code reforms to promote loca-
12 tion-efficient development and sustainable
13 development;

14 (xiv) other economic development that
15 is part of the comprehensive regional plan;
16 or

17 (xv) other activities consistent with
18 the purposes of this Act, as determined by
19 the Director.

20 (g) GRANT AGREEMENT.—Each eligible entity that
21 receives a grant under the grant program shall agree to
22 establish, in coordination with the Director, performance
23 measures, reporting requirements, and any other require-
24 ments that the Director determines are necessary, that

1 must be met at the end of each year in which the eligible
2 entity receives funds under the grant program.

3 (h) VIOLATION OF GRANT AGREEMENT.—If the Di-
4 rector determines that an eligible entity has not met the
5 performance measures established under subsection (g), is
6 not making reasonable progress toward meeting such
7 measures, or is otherwise in violation of the grant agree-
8 ment, the Director may—

9 (1) withhold financial assistance until the re-
10 quirements under the grant agreement are met; or

11 (2) terminate the grant agreement.

12 (i) REPORT ON THE SUSTAINABILITY CHALLENGE
13 GRANT.—

14 (1) IN GENERAL.—Not later than 90 days after
15 the date on which the grant agreement under sub-
16 section (g) expires, an eligible entity that receives a
17 grant under the grant program shall submit a final
18 report on the project to the Council.

19 (2) CONTENTS OF REPORT.—The report shall
20 include—

21 (A) a detailed explanation of the activities
22 undertaken using the grant, including an expla-
23 nation of the completed project and how it
24 achieves specific transit-oriented, transpor-

1 tation, housing, or sustainable community goals
2 within the region;

3 (B) a discussion of any obstacles encoun-
4 tered in the planning and implementation proc-
5 ess and how the eligible entity overcame the ob-
6 stacles;

7 (C) an evaluation of the success of the
8 project using the performance standards and
9 measures established under subsection (g), in-
10 cluding an evaluation of the planning and im-
11 plementation process and how the project con-
12 tributes to carrying out the comprehensive re-
13 gional plan; and

14 (D) any other information the Director
15 may require.

16 (3) INTERIM REPORT.—The Director may re-
17 quire an eligible entity to submit an interim report,
18 before the date on which the project for which the
19 grant is awarded is completed.

20 (j) COMMUNITY ZONING AND LAND USE PLANNING
21 GRANT AND BUILDING CODE ENFORCEMENT GRANT
22 PROGRAM.—

23 (1) DEFINITION OF THE TERM “BUILDING
24 CODE ENFORCEMENT”.—In this subsection, the term
25 “building code enforcement”—

1 (A) means the enforcement of any code
2 adopted by a State or local government that
3 regulates the construction or maintenance of
4 buildings and related facilities; and

5 (B) includes the enforcement of building
6 codes, electrical codes, energy codes, fire codes,
7 fuel gas codes, mechanical codes, plumbing
8 codes, zoning codes, property maintenance
9 codes, and wildland-urban interface codes.

10 (2) GRANT PROGRAM ESTABLISHED.—The Di-
11 rector may award competitive grants under this sub-
12 section—

13 (A) to States, units of general local govern-
14 ment, and tribal authorities to fund local land
15 use, zoning, and building code updates to pro-
16 mote livable communities and sustainable devel-
17 opment; and

18 (B) to units of general local government
19 and tribal authorities, to fund building code en-
20 forcement.

21 (3) USE OF FUNDS.—

22 (A) IN GENERAL.—A State, unit of general
23 local government, or tribal authority may use a
24 grant under paragraph (2)(A) for updating zon-
25 ing and building codes to support sustainable

1 communities and energy efficiency, including
2 through—

3 (i) the adoption of location-efficient
4 land use plans, development of master
5 plans or comprehensive plans that promote
6 affordable housing co-located or well-con-
7 nected with retail and business develop-
8 ment;

9 (ii) the development and implementa-
10 tion of local, corridor, or district plans and
11 strategies that promote livability;

12 (iii) revisions to zoning codes, ordi-
13 nances, building standards, or other laws
14 to remove barriers to sustainable develop-
15 ment and promote sustainable development
16 and mixed-use, mixed-income development;

17 (iv) revisions to building codes to pro-
18 mote energy-efficient rehabilitation and
19 new construction to create affordable hous-
20 ing and healthy housing;

21 (v) strategies for creating or pre-
22 serving affordable housing along existing
23 or planned transit corridors; and

24 (vi) strategies to bring affordable
25 housing to areas that have few affordable

1 housing opportunities and are close to sub-
2 urban employment centers.

3 (B) USE OF FUNDS FOR BUILDING CODE
4 ENFORCEMENT.—

5 (i) IN GENERAL.—A unit of general
6 local government or tribal authority may
7 use a grant under paragraph (2)(B) for
8 the enforcement of residential, energy, fire,
9 and other building-related codes.

10 (ii) USE AS SUPPLEMENTAL FUND-
11 ING.—A grant under paragraph (2)(B)
12 may be used to supplement State or local
13 funding for the administration of building
14 code enforcement. A grant described in
15 this subparagraph may be used to increase
16 staffing, provide staff training, increase
17 staff competence and professional quali-
18 fications, or support individual certification
19 or departmental accreditation, or for cap-
20 ital expenditures specifically dedicated to
21 the administration of building-related
22 codes.

23 (4) SELECTION CRITERIA FOR BUILDING CODE
24 ENFORCEMENT GRANTS.—

1 (A) IN GENERAL.—In selecting applicants
2 for grants under paragraph (2)(B), the Director
3 shall consider—

4 (i) the plan of the applicant to con-
5 tinue any services provided using a grant
6 under this subsection with fees or other
7 revenue, after grant funds are expended,
8 as appropriate;

9 (ii) the financial need of the building
10 code enforcement jurisdiction in which the
11 applicant is located; and

12 (iii) the ability of the building code
13 enforcement department of the applicant to
14 work cooperatively with planning officials,
15 health departments, and other agencies to
16 improve community safety.

17 (B) BUILDING CODE ENFORCEMENT AU-
18 THORITY.—The Director may award a grant to
19 an applicant under paragraph (2)(B) only if the
20 Director determines that the applicant has the
21 authority to enforce building codes and regula-
22 tions and to collect fees for permits and inspec-
23 tions with respect to such codes and regula-
24 tions.

1 (5) MAXIMUM AMOUNT OF GRANTS.—The
2 amount of a grant awarded under this subsection
3 may not exceed—

4 (A) \$3,000,000 for a grant under para-
5 graph (2)(A); or

6 (B) \$1,000,000 for a grant under para-
7 graph (2)(B).

8 (6) FEDERAL SHARE.—

9 (A) IN GENERAL.—Except as provided in
10 subparagraph (C), the Federal share of the cost
11 of a project carried out using a grant under
12 this subsection may not exceed 80 percent.

13 (B) IN-KIND CONTRIBUTIONS.—In-kind
14 contributions may be used for the non-Federal
15 share of the cost of a project carried out using
16 a grant under this subsection.

17 (C) WAIVER.—The Director may award a
18 grant under this subsection for which the Fed-
19 eral share of the cost of the project carried out
20 using the grant exceeds 80 percent, based upon
21 the level of economic distress of the jurisdiction
22 seeking the grant.

23 (k) AUTHORIZATION OF APPROPRIATIONS.—

24 (1) AUTHORIZATION.—There are authorized to
25 be appropriated to the Secretary for the award of

1 grants under this section, to remain available until
2 expended—

3 (A) \$100,000,000 for fiscal year 2011;

4 (B) \$500,000,000 for fiscal year 2012;

5 (C) \$700,000,000 for fiscal year 2013; and

6 (D) \$900,000,000 for fiscal year 2014.

7 (2) TECHNICAL ASSISTANCE.—Of amounts
8 made available under this subsection for a fiscal
9 year, the Director may use for technical assistance
10 under section 5(c)(3) an amount that does not ex-
11 ceed the lesser of—

12 (A) 0.5 percent of the amounts made avail-
13 able under this subsection for the fiscal year; or

14 (B) \$2,000,000.

15 (3) COMMUNITY ZONING AND LAND USE PLAN-
16 NING GRANT AND BUILDING CODE ENFORCEMENT
17 GRANT PROGRAM.—Of amounts made available
18 under this subsection for a fiscal year, the Director
19 may use not more than \$50,000,000 for grants
20 under subsection (j).