

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 616 Session of 2023

INTRODUCED BY HUGHES, SAVAL, CAPPELLETTI, KANE, HAYWOOD,  
TARTAGLIONE, FONTANA, BREWSTER, COMMITTA, DILLON, COSTA,  
KEARNEY, MILLER, SCHWANK AND COLLETT, APRIL 24, 2023

REFERRED TO URBAN AFFAIRS AND HOUSING, APRIL 24, 2023

AN ACT

1 Amending the act of December 3, 1959 (P.L.1688, No.621),  
2 entitled "An act to promote the health, safety and welfare of  
3 the people of the Commonwealth by broadening the market for  
4 housing for persons and families of low and moderate income  
5 and alleviating shortages thereof, and by assisting in the  
6 provision of housing for elderly persons through the creation  
7 of the Pennsylvania Housing Finance Agency as a public  
8 corporation and government instrumentality; providing for the  
9 organization, membership and administration of the agency,  
10 prescribing its general powers and duties and the manner in  
11 which its funds are kept and audited, empowering the agency  
12 to make housing loans to qualified mortgagors upon the  
13 security of insured and uninsured mortgages, defining  
14 qualified mortgagors and providing for priorities among  
15 tenants in certain instances, prescribing interest rates and  
16 other terms of housing loans, permitting the agency to  
17 acquire real or personal property, permitting the agency to  
18 make agreements with financial institutions and Federal  
19 agencies, providing for the purchase by persons of low and  
20 moderate income of housing units, and approving the sale of  
21 housing units, permitting the agency to sell housing loans,  
22 providing for the promulgation of regulations and forms by  
23 the agency, prescribing penalties for furnishing false  
24 information, empowering the agency to borrow money upon its  
25 own credit by the issuance and sale of bonds and notes and by  
26 giving security therefor, permitting the refunding,  
27 redemption and purchase of such obligations by the agency,  
28 prescribing remedies of holders of such bonds and notes,  
29 exempting bonds and notes of the agency, the income  
30 therefrom, and the income and revenues of the agency from  
31 taxation, except transfer, death and gift taxes; making such  
32 bonds and notes legal investments for certain purposes; and  
33 indicating how the act shall become effective," in the

1 agency, providing for tracking system for publicly financed  
2 housing.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. The act of December 3, 1959 (P.L.1688, No.621),  
6 known as the Housing Finance Agency Law, is amended by adding a  
7 section to read:

8 Section 209. Tracking System for Publicly Financed  
9 Housing.--(a) Within one year of the effective date of this  
10 section, the agency shall establish a system for tracking  
11 publicly financed housing in this Commonwealth. The tracking  
12 system shall include a methodology for:

13 (1) tracking the anticipated termination dates of  
14 affordability restrictions affecting all publicly financed  
15 properties in this Commonwealth; and

16 (2) to the extent permitted by Federal law or regulation,  
17 disclosing the anticipated termination dates, along with any  
18 other information required under subsection (b), in a database  
19 posted to the agency's publicly accessible Internet website and  
20 in reports required under subsection (d).

21 (b) No later than the first day of the month following the  
22 month in which the tracking system required under subsection (a)  
23 is implemented, the agency shall post to its publicly accessible  
24 Internet website a searchable database of all publicly financed  
25 housing in this Commonwealth. The database shall include all of  
26 the following:

27 (1) The address of the property.

28 (2) The name and business address of the owner of the  
29 property.

30 (3) The anticipated date on which the affordability  
31 restrictions affecting the property may terminate. In the event

that a property is subject to multiple affordability restrictions under one or more public-assistance programs, the anticipated termination date for each affordability restriction shall be included.

(4) To the extent available, information as to whether the public-assistance program or programs affecting the property allow the owner to elect to keep the property in the program or programs after the anticipated termination date of affordability restrictions relating to the program or programs.

(5) Information regarding whether the property has been granted an extension or modification of the affordability restrictions affecting the property and the new anticipated termination date of the affordability restrictions resulting from the extension or modification.

(6) Any other information the agency deems relevant.

(c) The agency shall maintain the database required under subsection (b) and update the contents, including any updates provided by a local housing agency under subsection (e), no later than the last day of each March, June, September and December.

(d) By December 31 in each year following the implementation of the tracking system established under subsection (a), the agency shall submit the following reports:

(1) To the Governor, a report containing the following:

(i) For each publicly financed housing property that has or shall terminate in or before the end of the calendar year in which the report is due, all of the information required under subsection (b) and the aggregate number of the terminated or terminating properties in this Commonwealth.

(ii) For each publicly financed housing property that is

anticipated to terminate in or before the end of the first  
calendar year commencing after the due date of the report, all  
of the information required under subsection (b) and the  
aggregate number of terminating properties in this Commonwealth.

(iii) For each publicly financed housing property that is  
anticipated to terminate in or before the end of the second  
calendar year commencing after the due date of the report, all  
of the information required under subsection (b) and the  
aggregate number of the terminating properties in this  
Commonwealth.

(2) To each member of the General Assembly, a report  
containing the following:

(i) For each publicly financed housing property located  
within the member's electoral district that has or shall  
terminate in or before the end of the calendar year in which the  
report is due, all of the information required under subsection  
(b) and the aggregate number of the terminated or terminating  
properties located within the district.

(ii) For each publicly financed housing property located  
within the member's electoral district that is anticipated to  
terminate in or before the end of the first calendar year  
commencing after the due date of the report, all of the  
information required under subsection (b) and the aggregate  
number of terminating properties located within the district.

(iii) For each publicly financed housing property located  
within the member's electoral district that is anticipated to  
terminate in or before the end of the second calendar year  
commencing after the due date of the report, all of the  
information required under subsection (b) and the aggregate  
number of terminating properties located within the district.

1 (e) Within six months of the effective date of this section,  
2 a local housing agency shall deliver to the agency all of the  
3 information required under subsection (b) with respect to each  
4 property owned or operated by the local housing agency.

5 Following the implementation of the tracking system under  
6 subsection (a), the local housing agency shall deliver to the  
7 agency any updates with respect to the information required  
8 under this subsection no later than the last day of every  
9 February, May, August and November. The agency shall incorporate  
10 all information delivered under this subsection in the publicly  
11 accessible database required under subsection (b) and in all  
12 reports required under subsection (d).

13 (f) The General Assembly shall appropriate sufficient funds  
14 to the agency for the development and maintenance of the  
15 database required under this section.

16 (g) As used in this section, the following words and phrases  
17 shall have the meanings given to them in this subsection unless  
18 the context clearly indicates otherwise:

19 "Affordability restriction." A limit on rent that an owner  
20 may charge for occupancy of a rental unit in a publicly financed  
21 housing development or a limit on tenant income for persons or  
22 families seeking to qualify for admission to a publicly financed  
23 housing development.

24 "Local housing agency." An entity created and organized for  
25 the purpose of owning, operating, financing or administering one  
26 or more publicly financed housing projects.

27 "Owner." A natural person, firm, partnership, corporation,  
28 trust, organization, limited liability company or other entity,  
29 or its successors or assigns, that holds title to publicly  
30 financed housing.

1     "Publicly financed housing." A housing unit or development  
2 that receives government assistance under any of the following  
3 programs:

4     (1) 42 U.S.C. Ch. 8 Subch. I (relating to general program of  
5 assisted housing), as it applies to new construction,  
6 substantial rehabilitation, moderate rehabilitation, property  
7 disposition and loan management set-aside programs or any other  
8 program providing project-based rental assistance.

9     (2) The Federal Low Income Housing Tax Credit Program  
10 provided under 26 U.S.C. § 42 (relating to low-income housing  
11 credit).

12     (3) 12 U.S.C. § 1701s (relating to rent supplement payments  
13 for qualified lower income families), as it applies to programs  
14 for rent supplement assistance thereunder.

15     (4) 12 U.S.C. Ch. 13 (relating to national housing).

16     (5) The below-market interest rate program under 12 U.S.C.  
17 § 1715l(d)(3) (relating to housing for moderate income and  
18 displaced families).

19     (6) 12 U.S.C. § 1715l(d)(4), to the extent the project's  
20 rents are restricted under a government agreement.

21     (7) 12 U.S.C. § 1715z-1 (relating to rental and cooperative  
22 housing for lower income families).

23     (8) 42 U.S.C. § 1441 et seq. (Housing Act of 1949).

24     (9) 42 U.S.C. § 1490a (relating to loans to provide occupant  
25 owned, rental, and cooperative housing for low and moderate  
26 income, elderly or handicapped persons or families).

27     (10) The Urban Development Action Grant provided under 42  
28 U.S.C. § 5318 (relating to urban development action grants), to  
29 the extent that the affordability of dwelling units subject to  
30 the program are restricted under a government agreement.

1     (11) The Housing Development Action grant provided under 42  
2     U.S.C. Ch. 8 Subch. I, to the extent the project's rents are  
3     restricted under a government agreement.

4     (12) The Pennsylvania Housing Tax Credit provided under  
5     Article XIX-G of the act of March 4, 1971 (P.L.6, No.2), known  
6     as the "Tax Reform Code of 1971."

7     (13) Any other housing unit or development that receives  
8     government assistance under Federal or State programs similar to  
9     the other programs listed in this subsection.

10    "Tenant." A person entitled to possession or occupancy of a  
11    rental unit in publicly financed housing, including a subtenant,  
12    lessee or sublessee.

13    "Termination." The cessation, discharge or removal of an  
14    affordability restriction affecting publicly financed housing in  
15    the absence of a simultaneous replacement of that restriction  
16    with an equivalent affordability restriction, including:

17    (1) Nonrenewal or termination, in whole or in part, of a  
18    government program contract.

19    (2) The expiration, in whole or in part, of an affordability  
20    restriction under a government program or the requirement to  
21    renew the restriction.

22    (3) Payment in full of a government program mortgage loan.

23    (4) Prepayment of a government program mortgage loan.

24    Section 2. This act shall take effect immediately.