

119TH CONGRESS
2D SESSION

S. _____

To amend titles 23 and 49, United States Code, to modify the rules relating to eligible projects under the TIFIA program and the railroad rehabilitation and financing program, to establish a transit-oriented development financing program for projects of a certain size, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. BLUNT ROCHESTER (for herself and Mr. CURTIS) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To amend titles 23 and 49, United States Code, to modify the rules relating to eligible projects under the TIFIA program and the railroad rehabilitation and financing program, to establish a transit-oriented development financing program for projects of a certain size, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Build Housing, Unlock
5 Benefits and Services Act” or the “Build HUBS Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the United States is facing a housing avail-
4 ability and affordability crisis, marked by an inabil-
5 ity of many citizens to find homes in their desired
6 communities at a price affordable to them;

7 (2) transit-oriented development benefits com-
8 munities, transit agencies, and the people of the
9 United States by improving access to transit, jobs,
10 and services, spurring revitalization of neighbor-
11 hoods and economic development, and boosting tran-
12 sit ridership;

13 (3) the transportation infrastructure finance
14 and innovation program under chapter 6 of title 23,
15 United States Code (referred to in this section as
16 the “TIFIA program”), and the railroad rehabilita-
17 tion and improvement financing program under
18 chapter 224 of title 49, United States Code (referred
19 to in this section as the “RRIF program”), can help
20 respond to the urgent need for additional housing by
21 financing transit-oriented development projects with
22 mixed use or housing components and have already
23 been authorized to do so under the FAST Act (Pub-
24 lic Law 114–94; 129 Stat. 1312);

25 (4) if made more efficient, the transit-oriented
26 development provisions of the TIFIA program and

1 the RRIF program would offer attractive financing
2 strategies that could be used to forge public-private
3 partnerships to deliver accelerated housing produc-
4 tion and improved economic development and com-
5 munity vitality near transit nodes nationwide;

6 (5) improving the information available about
7 the application process, shortening the underwriting
8 timeline, improving internal deliberation processes
9 and government efficiency, and executing the adjust-
10 ments required to make transit-oriented development
11 projects easier to finance through the program
12 would benefit communities across the country, espe-
13 cially in smaller communities with less robust devel-
14 opment environments; and

15 (6) while significant administrative reforms
16 have improved the programs, the Department of
17 Transportation has been limited in its ability to fa-
18 cilitate such development under the constraints of
19 the current law governing the TIFIA program and
20 the RRIF program.

21 **SEC. 3. EXTENSION OF AND IMPROVEMENTS TO THE TIFIA**
22 **PROGRAM.**

23 (a) EXTENSION.—Section 11101(a)(2) of the Infra-
24 structure Investment and Jobs Act (Public Law 117–58;
25 135 Stat. 443) is amended by striking “fiscal years 2022

1 through 2026” and inserting “fiscal years 2027 through
2 2031”.

3 (b) DEFINITIONS.—Section 601(a) of title 23, United
4 States Code, is amended—

5 (1) in the matter preceding paragraph (1), by
6 inserting “and section 612” after “609”;

7 (2) by redesignating paragraphs (1) through
8 (22) as paragraphs (2), (3), (4), (6), (7), (8), (9),
9 (10), (11), (12), (13), (14), (15), (16), (17), (18),
10 (19), (20), (21), (22), (23), and (24), respectively;

11 (3) by inserting before paragraph (2) (as so re-
12 designated) the following:

13 “(1) ATTAINABLE HOUSING PROJECT.—The
14 term ‘attainable housing project’ means a transit-
15 oriented development project—

16 “(A) that serves households with an in-
17 come that is not more than 120 percent of the
18 area median income; and

19 “(B) in which the majority of the housing
20 units in the project are affordable to households
21 with an income that is not more than 80 per-
22 cent of the area median income.”;

23 (4) by inserting after paragraph (4) (as so re-
24 designated) the following:

1 “(5) INVESTMENT-CREDITWORTHINESS ASSESS-
2 MENT ALTERNATIVE.—The term ‘investment-credit-
3 worthiness assessment alternative’ means, with re-
4 spect to project obligations for a transit-oriented de-
5 velopment project, a sufficient demonstration of fis-
6 cal soundness and low risk of credit default that is
7 not an investment-grade rating, such as—

8 “(A) a joint liability agreement or equiva-
9 lent between the project lead and a State or
10 unit of local government with a sufficient credit
11 rating;

12 “(B) an alternative rating sufficient to ac-
13 count for the risk assumed by the Department
14 of Transportation for a project in which the
15 Federal credit instrument is \$150,000,000 or
16 less, as determined by the Secretary; or

17 “(C) a certification that a project is
18 deemed creditworthy by an approved originator-
19 servicer under section 612.”;

20 (5) in paragraph (12) (as so redesignated), in
21 subparagraph (D)(ii)—

22 (A) by striking “investment grade rating”
23 and inserting “investment-grade rating”; and

1 (B) by inserting “or an investment-credit-
2 worthiness assessment alternative” after “rat-
3 ing agency”;

4 (6) in paragraph (14) (as so redesignated), by
5 striking subparagraph (E) and inserting the fol-
6 lowing:

7 “(E) a transit-oriented development
8 project;” and

9 (7) by adding at the end the following:

10 “(25) TRANSIT-ORIENTED DEVELOPMENT
11 PROJECT.—The term ‘transit-oriented development
12 project’ means a project located within ½ mile walk-
13 ing distance of a fixed guideway transit facility, bus
14 rapid transit facility, passenger rail station, or
15 multimodal facility, including a transportation, pub-
16 lic utility, or capital project described in section
17 5302(4)(G)(vi) of title 49, and related infrastruc-
18 ture—

19 “(A) that consists entirely of, or includes,
20 residential, commercial, public infrastructure,
21 or mixed-used development or other related in-
22 frastructure, including public or community
23 space;

24 “(B) that incorporates private investment;
25 and

1 “(C) for which the project sponsor dem-
2 onstrates the ability to generate new revenue
3 for the relevant station, facility, or service by
4 increasing ridership, increasing tenant lease
5 payments, or carrying out other activities that
6 generate revenue exceeding costs.”.

7 (c) DETERMINATION OF ELIGIBILITY AND PROJECT
8 SELECTION.—Section 602 of title 23, United States Code,
9 is amended—

10 (1) in subsection (a)—

11 (A) in paragraph (2)—

12 (i) in subparagraph (A)—

13 (I) in clause (iii)—

14 (aa) by striking “investment
15 grade rating” and inserting “in-
16 vestment-grade rating”; and

17 (bb) by inserting “or an in-
18 vestment-creditworthiness assess-
19 ment alternative” after “credit
20 instrument”; and

21 (II) in clause (iv), by inserting “,
22 or an investment-creditworthiness as-
23 sessment alternative” after “suffi-
24 cient”; and

25 (ii) in subparagraph (B)—

1 (I) by striking “investment grade
2 rating” and inserting “investment-
3 grade rating”; and

4 (II) by inserting “, or an invest-
5 ment-creditworthiness assessment al-
6 ternative” after “sufficient”;

7 (B) in paragraph (3)—

8 (i) by striking “A project” and insert-
9 ing the following:

10 “(A) IN GENERAL.—Except as provided in
11 subparagraph (B), a project”; and

12 (ii) by adding at the end the fol-
13 lowing:

14 “(B) TRANSIT-ORIENTED DEVELOPMENT
15 PROJECTS.—

16 “(i) COMPATIBILITY WITH PLAN-
17 NING.—In the case of a transit-oriented
18 development project, the project sponsor
19 shall be required—

20 “(I) to provide evidence of a sig-
21 nificant nexus with a project included
22 in the transportation improvement
23 program developed by the applicable
24 metropolitan planning organization
25 under section 134(j) and the state-

1 wide transportation improvement pro-
2 gram developed by the applicable
3 State under section 135(g); or

4 “(II) to demonstrate compat-
5 ibility with the long-range transpor-
6 tation plan developed by the applica-
7 ble metropolitan planning organiza-
8 tion under section 134(i).

9 “(ii) COORDINATION.—In the case of
10 a transit-oriented development project that
11 is located within a metropolitan planning
12 area, the project sponsor shall coordinate
13 with the applicable metropolitan planning
14 organization, including by providing timely
15 notification to the metropolitan planning
16 organization during the planning and enti-
17 tlement process, and by sharing informa-
18 tion on project details, transportation im-
19 pacts, and mitigation measures.”;

20 (C) in paragraph (5)(B)(ii), by striking
21 “project described in section 601(a)(12)(E)”
22 and inserting “transit-oriented development
23 project”; and

24 (D) by adding at the end the following:

1 “(12) REQUIREMENT FOR ATTAINABLE HOUS-
2 ING PROJECTS.—In the case of an attainable hous-
3 ing project, not less than 75 percent of the total fi-
4 nancial assistance provided for the project under the
5 TIFIA program shall be used for residential compo-
6 nents of the project.”;

7 (2) in subsection (b)(3), in the matter pre-
8 ceding subparagraph (A), by striking “The Sec-
9 retary” and inserting “Except in a case in which a
10 project intends to use an investment-creditworthi-
11 ness assessment alternative, the Secretary”;

12 (3) in subsection (c)(2)—

13 (A) by striking “No funding” and inserting
14 the following:

15 “(A) IN GENERAL.—No funding”; and

16 (B) by adding at the end the following:

17 “(B) TRANSIT-ORIENTED DEVELOP-
18 MENT.—

19 “(i) PRE-AWARD ACQUISITION EXEMP-
20 TION.—The National Environmental Policy
21 Act of 1969 (42 U.S.C. 4321 et seq.) shall
22 not apply to land acquisition activities
23 prior to an application for assistance under
24 the TIFIA program with respect to a tran-
25 sit-oriented development project, except for

1 components of the project located within
2 the geographic boundaries of the parcel of
3 land acquired that will be owned, in full or
4 in part, by a public entity for the majority
5 of the loan term.

6 “(ii) CATEGORICAL EXCLUSIONS.—

7 “(I) IN GENERAL.—A transit-ori-
8 ented development project that in-
9 volves an activity described in sub-
10 clause (II) shall be categorically ex-
11 cluded from the requirements of the
12 National Environmental Policy Act of
13 1969 (42 U.S.C. 4321 et seq.).

14 “(II) ACTIVITIES DESCRIBED.—

15 An activity referred to in subclause
16 (I) is any of the following:

17 “(aa) Rehabilitation or con-
18 version of an existing office
19 building to residential or mixed
20 use within substantially the same
21 footprint.

22 “(bb) Reconstruction or con-
23 struction of a new commercial
24 building primarily using land dis-
25 turbed for transportation use as

1 described in section
2 771.118(c)(9) of title 23, Code of
3 Federal Regulations (or successor
4 regulations), or disturbed land
5 adjacent to land disturbed for
6 transportation use.”;

7 (4) in subsection (d)(1)—

8 (A) by striking “and to the maximum ex-
9 tent practicable”; and

10 (B) by striking “, to the maximum extent
11 practicable,”;

12 (5) in subsection (e), by striking “section
13 601(a)(2)(A)” and inserting “section 601(a)(3)(A)”;
14 and

15 (6) by adding at the end the following:

16 “(f) OTHER REQUIREMENTS.—Transit-oriented de-
17 velopment projects and attainable housing projects as-
18 sisted under the TIFIA program, shall be subject to the
19 standards of section 5333(a) of title 49, U.S. Code.”.

20 (d) SECURED LOANS.—Section 603 of title 23,
21 United States Code, is amended—

22 (1) in subsection (a)(3), by inserting “or an in-
23 vestment-creditworthiness assessment alternative, as
24 applicable” after “602(b)(3)(B)”;

25 (2) in subsection (b)—

1 (A) in paragraph (2)—

2 (i) in subparagraph (A)—

3 (I) by striking “subparagraph
4 (B)” and inserting “subparagraphs
5 (B) and (C)”; and

6 (II) by striking “investment
7 grade rating” and inserting “invest-
8 ment-grade rating or an investment-
9 creditworthiness assessment alter-
10 native”; and

11 (ii) by adding at the end the fol-
12 lowing:

13 “(C) TRANSIT-ORIENTED DEVELOPMENT
14 PROJECTS.—The amount of a secured loan
15 under this section for a transit-oriented devel-
16 opment project that contains a significant gen-
17 eral housing or attainable housing component
18 (as determined by the Secretary) or involves a
19 partnership with a transit agency, State, local
20 government partner, or nonprofit financing en-
21 tity shall not exceed 75 percent of the reason-
22 ably anticipated eligible project costs.”;

23 (B) in paragraph (4)—

1 (i) in subparagraph (A), by striking
2 “subparagraphs (B) and (C)” and insert-
3 ing “subparagraphs (B), (C), and (D); and
4 (ii) by adding at the end the fol-
5 lowing:

6 “(D) ATTAINABLE HOUSING PROJECTS.—
7 The interest rate of a loan offered to an attain-
8 able housing project under the TIFIA program
9 shall be at ½ of the Treasury Rate in effect on
10 the date of execution of the loan agreement.”;
11 and

12 (C) in paragraph (7)—

13 (i) by striking “The Secretary” and
14 inserting the following:

15 “(A) IN GENERAL.—The Secretary”; and

16 (ii) by adding at the end the fol-
17 lowing:

18 “(B) DISCLOSURE OF FEES.—The Sec-
19 retary shall develop and make publicly available
20 a straightforward, scalable, and reasonable fee
21 structure with respect to fees that may apply
22 under this section.

23 “(C) GUIDANCE ON PROJECT REQUIRE-
24 MENTS.—The Secretary shall develop and make
25 publicly available guidance on eligibility require-

1 ments for transit-oriented development projects,
2 including guidance relating to—

3 “(i) minimum debt service coverage
4 ratios by project type;

5 “(ii) maximum loan-to-cost and loan-
6 to-value thresholds; and

7 “(iii) distribution covenants.”.

8 (e) LINES OF CREDIT.—Section 604(a)(4) of title 23,
9 United States Code, is amended by inserting “or securing
10 an investment-creditworthiness assessment alternative”
11 after “rating agencies”.

12 (f) FUNDING.—Section 608(a) of title 23, United
13 States Code, is amended—

14 (1) in paragraph (4)—

15 (A) by striking the paragraph designation
16 and heading and all that follows through “de-
17 scribed in section 601(a)(12)(G)” in subpara-
18 graph (B), in the matter preceding clause (i),
19 and inserting the following:

20 “(4) LIMITATION FOR AIRPORT-RELATED
21 PROJECTS.—The Secretary may use to carry out
22 projects described in section 601(a)(14)(G)”;

23 (B) by redesignating clauses (i) and (ii) as
24 subparagraphs (A) and (B), respectively, and
25 indenting appropriately; and

1 (2) in paragraph (6), by striking “fiscal years
2 2022 through 2026” and inserting “fiscal years
3 2027 through 2031”.

4 (g) DELEGATED ORIGATION AND UNDERWRITING
5 PROGRAM FOR TOD PROJECTS.—

6 (1) IN GENERAL.—Chapter 6 of title 23, United
7 States Code, is amended by adding at the end the
8 following:

9 **“§ 612. Delegated origination and underwriting pro-**
10 **gram for TOD projects**

11 “(a) IN GENERAL.—In carrying out the TIFIA pro-
12 gram, the Secretary shall establish a delegated origination
13 and underwriting program for the purpose of providing
14 credit assistance under the TIFIA program for transit-
15 oriented development projects under which a qualified
16 originator-servicer, acting on behalf of and under the over-
17 sight of the Secretary, carries out the origination, under-
18 writing, and servicing of loans and loan guarantees and
19 lines of credit provided under the TIFIA program, includ-
20 ing assessments of creditworthiness for applicants and
21 projects.

22 “(b) STRUCTURE.—The program under subsection
23 (a) shall be based on the lender approval, quality control,
24 and baseline creditworthiness standards established under

1 the Multifamily Accelerated Processing system established
2 by the Department of Housing and Urban Development.

3 “(c) CREDITWORTHINESS.—Notwithstanding any
4 other provision of law, a project that receives assistance
5 under the program under subsection (a) shall not be re-
6 quired to have an investment-grade rating.

7 “(d) REGULATIONS.—Not later than 180 days after
8 the date of enactment of this section, the Secretary shall
9 promulgate regulations to carry out this section, includ-
10 ing—

11 “(1) requirements for qualified originators-
12 servicers to assume responsibilities of the Secretary
13 under the TIFIA program with respect to origina-
14 tion, underwriting, and servicing, including require-
15 ments that a qualified originator-servicer shall—

16 “(A) originate, underwrite, and service a
17 loan under the TIFIA program for the life of
18 the loan;

19 “(B) be in good standing with, and not
20 have been assessed any fine related to lending
21 activity by the Department of Housing and
22 Urban Development during the previous 5
23 years; and

24 “(C) demonstrate expertise in providing fi-
25 nancing for a variety of project types that align

1 with projects described in subsection (a), such
2 as commercial and mixed use projects;

3 “(2) procedures for qualified originators-
4 servicers to assess creditworthiness;

5 “(3) oversight procedures; and

6 “(4) other provisions necessary for the imple-
7 mentation of this section.

8 “(e) INTERAGENCY AGREEMENT.—In carrying out
9 this section, the Secretary shall enter into an interagency
10 agreement with the Secretary of Housing and Urban De-
11 velopment—

12 “(1) to assist the Secretary in leveraging lend-
13 ers and lender approval processes used in the Multi-
14 family Accelerated Processing system established by
15 the Department of Housing and Urban Develop-
16 ment, including by helping to develop an expedited
17 path to approval as a qualified originator-servicer
18 under this section for lenders operating under that
19 section; and

20 “(2) to provide guidance and assistance to the
21 Secretary on ways, through the use of this section—

22 “(A) to reduce the overall processing time
23 and administrative burden required to deliver
24 credit assistance under the TIFIA program;
25 and

1 “(B) to preserve the ability of the Sec-
2 retary to maintain thorough oversight of origi-
3 nating, underwriting, and servicing loans pro-
4 vided under the TIFIA program.”.

5 (2) CLERICAL AMENDMENT.—The analysis for
6 chapter 6 of title 23, United States Code, is amend-
7 ed by adding at the end the following:

“612. Delegated origination and underwriting program for TOD projects.”.

8 **SEC. 4. EXTENSION OF AND ADJUSTMENTS TO RAILROAD**
9 **REHABILITATION AND IMPROVEMENT FI-**
10 **NANCING PROGRAM.**

11 (a) TRANSPORTATION-ORIENTED DEVELOPMENT
12 PROJECT.—Section 22401 of title 49, United States Code,
13 is amended by adding after paragraph (15) the following:

14 “(16) TRANSPORTATION-ORIENTED DEVELOP-
15 MENT PROJECT.—The term ‘transportation-oriented
16 development project’ means a project located within
17 ½ mile walking distance of a fixed guideway transit
18 facility, bus rapid transit facility, passenger rail sta-
19 tion, or multimodal facility, including a transpor-
20 tation, public utility, or capital project described in
21 section 5302(4)(G)(v) of title 49, and related infra-
22 structure—

23 “(A) that is serviced by a railroad;

24 “(B) that consists entirely of or includes
25 residential, commercial, public infrastructure,

1 or mixed-use development or other related in-
2 frastructure, including public or community
3 space;

4 “(C) that incorporates private investment;

5 “(D) for which the project sponsor dem-
6 onstrates the ability to generate new revenue
7 for the relevant passenger rail station, facility,
8 or service by increasing ridership, increasing
9 tenant lease payments, or carrying out other ac-
10 tivities that generate revenue exceeding costs;
11 and

12 “(E) based on the application for which,
13 the Secretary determines that an appropriate
14 value of the project will be reinvested in the rel-
15 evant passenger rail station or service.”.

16 (b) DIRECT LOANS, GUARANTEES, AND CREDIT-
17 WORTHINESS.—

18 (1) IN GENERAL.—Section 22402 of title 49,
19 United States Code, is amended—

20 (A) in subsection (b)(1)(E), by striking
21 “subparagraph (A), (B), or (C)” and inserting
22 “subparagraph (A), (B), (C), or (F)”;

23 (B) in subsection (e)(1)—

24 (i) by striking “The interest rate” and
25 inserting the following:

1 “(A) The interest rate”; and

2 (ii) by inserting after subparagraph
3 (A), as added by subparagraph (A), the
4 following:

5 “(B) Subparagraph (A) shall not apply to
6 eligible projects under this section that meet
7 the definition of an Attainable Housing Project,
8 for which the rate shall be at $\frac{1}{2}$ of the Treas-
9 ury Rate in effect on the date of execution of
10 the loan agreement.”;

11 (C) in subsection (f)(3), by adding at the
12 end the following:

13 “(E) For a transportation-oriented devel-
14 opment project, an alternative demonstration of
15 equivalent fiscal soundness and low risk of cred-
16 it default, such as—

17 “(i) a joint liability agreement or
18 equivalent between the project lead and a
19 division of a State or local organization
20 with a sufficient credit rating;

21 “(ii) an alternative rating sufficient to
22 account for the risk assumed by the De-
23 partment for a project in which the Fed-
24 eral credit instrument is \$150,000,000 or

1 less, subject to the Secretary's discretion;

2 or

3 “(iii) a certification that the project is

4 deemed credit worthy by an approved origi-

5 nator-servicer acting on behalf of the Sec-

6 retary under the delegated lending pro-

7 gram developed under subsection (o).”;

8 and

9 (D) by adding at the end the following:

10 “(o) DELEGATED ORIGINATION AND UNDERWRITING

11 PROGRAM FOR TRANSPORTATION-ORIENTED DEVELOP-

12 MENT PROJECTS.—

13 “(1) IN GENERAL.—For the purposes of grant-

14 ing assistance under this section, the Secretary shall

15 establish a delegated origination and underwriting

16 program for transportation-oriented development

17 projects that is modeled from the Multifamily Accel-

18 erated Processing system established by the Depart-

19 ment of Housing and Urban Development, under

20 which an approved originator-servicer, acting on be-

21 half of and under the oversight of the Secretary, car-

22 ries out the origination, underwriting, and servicing

23 of loans and loan guarantees and lines of credit pro-

24 vided under this section, including assessments of

25 creditworthiness for applicants and projects.

1 “(2) REQUIREMENTS FOR ORIGINATOR-
2 SERVICERS.—To be approved as a originator-servicer
3 under the program established under paragraph (1),
4 the person must—

5 “(A) agree to originate, underwrite, and
6 service the loan for the life of the loan;

7 “(B) demonstrate good standing with the
8 Department of Housing and Urban Develop-
9 ment and have not been fined for any lending
10 related activity for the past five years; and

11 “(C) demonstrate evidence of expertise in
12 providing financing for a variety of project
13 types that align with transportation-oriented
14 development projects, such as commercial and
15 mixed use projects.

16 “(3) REGULATIONS.—The Secretary shall pro-
17 mulgate regulations to carry out this subsection, in-
18 cluding—

19 “(A) requirements for qualified originator-
20 servicers;

21 “(B) procedures for qualified originator-
22 servicers to assess creditworthiness, which shall
23 not include any requirement that a transpor-
24 tation-oriented development project demonstrate
25 an investment-grade rating;

1 “(C) oversight procedures; and

2 “(D) other provisions necessary for the im-
3 plementation of this section.

4 “(4) INTERAGENCY AGREEMENT.—In carrying
5 out this subsection, the Secretary shall enter into an
6 interagency agreement with the Secretary of Hous-
7 ing and Urban Development—

8 “(A) to assist the Secretary in leveraging
9 lenders and lender approval processes used in
10 carrying out the Multifamily Accelerated Proc-
11 essing system established by the Department of
12 Housing and Urban Development, including by
13 helping to develop an expedited path to ap-
14 proval as an originator-servicer under this sec-
15 tion for lenders operating under that section;
16 and

17 “(B) to provide guidance and assistance to
18 the Secretary on ways, through the use of this
19 subsection—

20 “(i) to reduce the overall processing
21 time and administrative burden required to
22 deliver assistance under this section; and

23 “(ii) to preserve the ability of the Sec-
24 retary to maintain thorough oversight of

1 originating, underwriting, and servicing ac-
2 tivities provided under this section.”.

3 (2) MODIFICATION TO DEFINITIONS.—Section
4 22401 of title 49, United States Code, is amended—

5 (A) by redesignating paragraphs (5)
6 through (15) as paragraphs (6) through (16),
7 respectively; and

8 (B) by inserting after paragraph (4) the
9 following:

10 “(5) ATTAINABLE HOUSING PROJECT.—The
11 term ‘attainable housing project’ means a transpor-
12 tation-oriented development project—

13 “(A) that serves households with an in-
14 come of not more than 120 percent of the area
15 median income; and

16 “(B) in which the majority of the housing
17 units in the project are affordable to households
18 with an income that is not more than 80 per-
19 cent of the area median income.”.

20 (c) ADMINISTRATION OF DIRECT LOANS AND GUAR-
21 ANTEES.—Section 22403 of title 49, United States Code,
22 is amended by striking subsection (m) and adding at the
23 end the following:

24 “(m) FEES AND CHARGES.—

1 “(1) IN GENERAL.—Except as provided in this
2 chapter, the Secretary may not assess any fees, in-
3 cluding user fees, or charges in connection with a di-
4 rect loan or loan guarantee provided under section
5 22402.

6 “(2) DISCLOSURE.—The Secretary shall develop
7 and make publicly available a straightforward, scal-
8 able, and reasonable fee structure with respect to
9 any fees that may apply under this section.

10 “(n) GUIDANCE ON ELIGIBILITY REQUIREMENTS.—
11 The Secretary, and any approved originator-servicer under
12 section 22402(o), shall develop and make publicly avail-
13 able guidance on requirements for a transportation-ori-
14 ented development project to be eligible for assistance
15 under section 22402, including guidance relating to the
16 following:

17 “(1) The minimum debt service coverage ratio
18 by project type.

19 “(2) The minimum loan-to-cost and loan-to-
20 value thresholds for a project.

21 “(3) Distribution covenants.

22 “(o) COMPATIBILITY WITH LOCAL PLANS AND CO-
23 ORDINATION WITH METROPOLITAN PLANNING ORGANI-
24 ZATIONS.—To be eligible for assistance under section

1 22402, an applicant for a transportation-oriented develop-
2 ment project shall—

3 “(1) coordinate with the relevant metropolitan
4 planning organization, including by—

5 “(A) providing timely notification to the
6 metropolitan planning organization during the
7 planning or entitlement process; and

8 “(B) sharing information on project de-
9 tails, transportation impacts, and mitigation
10 measures; and

11 “(2)(A) provide evidence of a significant nexus
12 with a project on the applicable transportation im-
13 provement program developed by a metropolitan
14 planning organization under section 134(j) of title
15 23 or section 5303(j) of this title, and the applicable
16 statewide transportation improvement program de-
17 veloped by a State under section 135(g) of title 23
18 or section 5304(g) of this title; or

19 “(B) demonstrate compatibility with the long-
20 range transportation plan developed by the applica-
21 ble metropolitan planning organization under section
22 134(i) of title 23 or section 5303(i) of this title.

23 “(p) APPLICATION OF THE NATIONAL ENVIRON-
24 MENTAL POLICY ACT OF 1969.—

1 “(1) IN GENERAL.—The National Environ-
2 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
3 shall not apply to land acquisition activities with re-
4 spect to a transportation-oriented development
5 project, except for components of the project located
6 within the geographic boundaries of the parcel of
7 land acquired that will be owned, in full or in part,
8 by a public entity for the majority of the loan term.

9 “(2) CATEGORICAL EXCLUSIONS.—

10 “(A) IN GENERAL.—A transportation-ori-
11 ented development project that involves an ac-
12 tivity described in subparagraph (B) shall be
13 categorically excluded from the requirements of
14 the National Environmental Policy Act of 1969
15 (42 U.S.C. 4321 et seq.).

16 “(B) ACTIVITIES DESCRIBED.—An activity
17 described in this subparagraph is any of the fol-
18 lowing:

19 “(i) Rehabilitation or conversion of an
20 existing office building to residential or
21 mixed use within substantially the same
22 footprint.

23 “(ii) Reconstruction or construction of
24 a new commercial building primarily using
25 land disturbed for transportation use as

1 described in section 771.118(c)(9) of title
2 23, Code of Federal Regulations (or suc-
3 cessor regulations) or disturbed land adja-
4 cent to land disturbed for transportation
5 use.”.

6 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
7 22406(a)(1) of title 49, United States Code, is amended
8 by striking “2022 through 2026” and inserting “2027
9 through 2031”.

10 **SEC. 5. SAVINGS PROVISION.**

11 Nothing in this Act, or an amendment made by this
12 Act, alters, supersedes, or preempts any State or local zon-
13 ing or land use law.