

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2493

To improve senior citizen housing safety.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 3 (legislative day, SEPTEMBER 12), 1994

Mr. GREGG introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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## A BILL

To improve senior citizen housing safety.

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 “Senior Citizen Housing  
5       Safety Act”.

6       **SEC. 2. SENIOR CITIZEN HOUSING SAFETY.**

7       (a) LIMITATION ON OCCUPANCY IN PUBLIC HOUSING  
8       DESIGNATED FOR ELDERLY FAMILIES.—

9               (1) IN GENERAL.—Section 7(a) of the United  
10       States Housing Act of 1937 (42 U.S.C. 1437e(a)) is  
11       amended—

1 (A) in paragraph (1), by striking “Not-  
2 withstanding any other provision of law” and  
3 inserting “Subject only to the provisions of this  
4 subsection”;

5 (B) in paragraph (4), by inserting “, ex-  
6 cept as provided in paragraph (5)” before the  
7 period at the end; and

8 (C) by adding at the end the following new  
9 paragraph:

10 “(5) LIMITATION ON OCCUPANCY IN PROJECTS  
11 FOR ELDERLY FAMILIES.—

12 “(A) OCCUPANCY LIMITATION.—Notwith-  
13 standing any other provision of law, a dwelling  
14 unit in a project (or portion of a project) that  
15 is designated under paragraph (1) for occu-  
16 pancy by only elderly families or by only elderly  
17 and disabled families shall not be occupied by—

18 “(i) any person with disabilities who  
19 is not an elderly person and whose history  
20 of use of alcohol or drugs constitutes a dis-  
21 ability; or

22 “(ii) any person who is not an elderly  
23 person and whose history of use of alcohol  
24 or drugs provides reasonable cause for the  
25 public housing agency to believe that the

1 occupancy by such person may interfere  
2 with the health, safety, or right to peaceful  
3 enjoyment of the premises by other  
4 tenants.

5 “(B) REQUIRED STATEMENT.—A public  
6 housing agency may not make a dwelling unit  
7 in such a project available for occupancy to any  
8 person or family who is not an elderly family,  
9 unless the agency acquires from the person or  
10 family a signed statement that no person who  
11 will be occupying the unit—

12 “(i) uses (or has a history of use of)  
13 alcohol; or

14 “(ii) uses (or has a history of use of)  
15 drugs;

16 that would interfere with the health, safety, or  
17 right to peaceful enjoyment of the premises by  
18 other tenants.”.

19 (2) LEASE PROVISIONS.—Section 6(l) of the  
20 United States Housing Act of 1937 (42 U.S.C.  
21 1437d(l)) is amended—

22 (A) in paragraph (5), by striking “and” at  
23 the end;

24 (B) by redesignating paragraph (6) as  
25 paragraph (7); and

1 (C) by inserting after paragraph (5) fol-  
2 lowing new paragraph:

3 “(6) provide that any occupancy in violation of  
4 the provisions of section 7(a)(5)(A) or the furnishing  
5 of any false or misleading information pursuant to  
6 section 7(a)(5)(B) shall be cause for termination of  
7 tenancy; and”.

8 (b) EVICTION OF NONELDERLY TENANTS HAVING  
9 DRUG OR ALCOHOL USE PROBLEMS FROM PUBLIC  
10 HOUSING DESIGNATED FOR ELDERLY FAMILIES.—Sec-  
11 tion 7(c) of the United States Housing Act of 1937 (42  
12 U.S.C. 1437e(c)) is amended to read as follows:

13 “(c) STANDARDS REGARDING EVICTIONS.—

14 “(1) LIMITATION.—Any tenant who is lawfully  
15 residing in a dwelling unit in a public housing  
16 project may not be evicted or otherwise required to  
17 vacate such unit because of the designation of the  
18 project (or a portion of the project) pursuant to this  
19 section or because of any action taken by the Sec-  
20 retary or any public housing agency pursuant to this  
21 section.

22 “(2) REQUIREMENT TO EVICT NONELDERLY  
23 TENANTS FOR 3 INSTANCES OF PROHIBITED ACTIV-  
24 ITY INVOLVING DRUGS OR ALCOHOL.—With respect  
25 to a project (or portion of a project) described in

1 subsection (a)(5)(A), the public housing agency ad-  
2 ministering the project shall evict any person who is  
3 not an elderly person and who, during occupancy in  
4 the project (or portion thereof), engages on 3 sepa-  
5 rate occasions (occurring after the date of the enact-  
6 ment of the Housing and Community Development  
7 Act of 1994) in any activity that threatens the  
8 health, safety, or right to peaceful enjoyment of the  
9 premises by other tenants and involves the use of al-  
10 cohol or drugs.

11 “(3) RULE OF CONSTRUCTION.—The provisions  
12 of paragraph (2) requiring eviction of a person may  
13 not be construed to require a public housing agency  
14 to evict any other persons who occupy the same  
15 dwelling unit as the person required to be evicted.”.

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