

104TH CONGRESS
1ST SESSION

H. R. 117

IN THE SENATE OF THE UNITED STATES

OCTOBER 25, 1995

Received; read twice and referred to the Committee on Banking, Housing, and
Urban Affairs

AN ACT

To amend the United States Housing Act of 1937 to prevent persons having drug or alcohol use problems from occupying dwelling units in public housing projects designated for occupancy by elderly families, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Senior Citizens Hous-
3 ing Safety and Economic Relief Act of 1995”.

4 **SEC. 2. AUTHORITY FOR PUBLIC HOUSING AGENCIES TO**
5 **PROHIBIT ADMISSION OF DRUG OR ALCOHOL**
6 **ABUSERS TO ASSISTED HOUSING.**

7 Section 16 of the United States Housing Act of 1937
8 (42 U.S.C. 1437n) is amended—

9 (1) in the section heading by striking “IN-
10 COME”; and

11 (2) by adding at the end the following new sub-
12 section:

13 “(e) **AUTHORITY TO LIMIT ADMISSION OF DRUG OR**
14 **ALCOHOL ABUSERS.**—

15 “(1) **IN GENERAL.**—Notwithstanding any other
16 provision of law, a public housing agency may estab-
17 lish standards for occupancy in public housing dwell-
18 ing units and assistance under section 8, that pro-
19 hibit admission to such units and assistance under
20 such section by any individual—

21 “(A) who currently illegally uses a con-
22 trolled substance; or

23 “(B) whose history of illegal use of a con-
24 trolled substance or use of alcohol, or current
25 use of alcohol, provides reasonable cause for the
26 agency to believe that the occupancy by such in-

1 dividual may interfere with the health, safety,
2 or right to peaceful enjoyment of the premises
3 by other residents.

4 “(2) CONSIDERATION OF REHABILITATION.—In
5 determining whether, pursuant to paragraph (1), to
6 deny admission or assistance to any elderly person
7 based on a history of use of a controlled substance
8 or alcohol, a public housing agency may consider
9 whether such elderly person—

10 “(A) has successfully completed a super-
11 vised drug or alcohol rehabilitation program (as
12 applicable) and is no longer engaging in the ille-
13 gal use of a controlled substance or use of alco-
14 hol (as applicable);

15 “(B) has otherwise been rehabilitated suc-
16 cessfully and is no longer engaging in the illegal
17 use of a controlled substance or use of alcohol
18 (as applicable); or

19 “(C) is participating in a supervised drug
20 or alcohol rehabilitation program (as applicable)
21 and is no longer engaging in the illegal use of
22 a controlled substance or use of alcohol (as ap-
23 plicable).”.

1 **SEC. 3. DESIGNATED HOUSING FOR ELDERLY AND DIS-**
2 **ABLED FAMILIES.**

3 (a) IN GENERAL.—Section 7 of the United States
4 Housing Act of 1937 (42 U.S.C. 1437e) is amended to
5 read as follows:

6 “DESIGNATED HOUSING FOR ELDERLY AND DISABLED
7 FAMILIES

8 “SEC. 7. (a) AUTHORITY TO PROVIDE DESIGNATED
9 HOUSING.—

10 “(1) IN GENERAL.—Subject only to provisions
11 of this section and notwithstanding any other provi-
12 sion of law, a public housing agency for which a plan
13 under subsection (d) is in effect may provide public
14 housing projects (or portions of projects) designated
15 for occupancy by (A) only elderly families, (B) only
16 disabled families, or (C) elderly and disabled fami-
17 lies.

18 “(2) PRIORITY FOR OCCUPANCY.—In determin-
19 ing priority for admission to public housing projects
20 (or portions of projects) that are designated for oc-
21 cupancy as provided in paragraph (1), the public
22 housing agency may make units in such projects (or
23 portions) available only to the types of families for
24 whom the project is designated.

25 “(3) ELIGIBILITY OF NEAR-ELDERLY FAMI-
26 LIES.—If a public housing agency determines that

1 there are insufficient numbers of elderly families to
2 fill all the units in a project (or portion of a project)
3 designated under paragraph (1) for occupancy by
4 only elderly families, the agency may provide that
5 near-elderly families may occupy dwelling units in
6 the project (or portion).

7 “(4) LIMITATION ON OCCUPANCY IN PROJECTS
8 FOR ELDERLY FAMILIES.—

9 “(A) IN GENERAL.—Subject only to the
10 provisions of subsection (b) and notwithstand-
11 ing any other provision of law, a dwelling unit
12 in a project (or portion of a project) that is des-
13 ignated under paragraph (1) for occupancy by
14 only elderly families or by only elderly and dis-
15 abled families shall not be occupied by any indi-
16 vidual who is not an elderly person and—

17 “(i) who currently illegally uses a con-
18 trolled substance; or

19 “(ii) whose history of illegal use of a
20 controlled substance or use of alcohol, or
21 current use of alcohol, provides reasonable
22 cause for the agency to believe that the oc-
23 cupancy by such individual may interfere
24 with the health, safety, or right to peaceful

1 enjoyment of the premises by other ten-
2 ants.

3 “(B) CONSIDERATION OF REHABILITA-
4 TION.—In determining whether, pursuant to
5 subparagraph (A), to deny occupancy to any in-
6 dividual based on a history of use of a con-
7 trolled substance or alcohol, a public housing
8 agency may consider the factors under section
9 16(e)(2).

10 “(b) STANDARDS REGARDING EVICTIONS.—

11 “(1) LIMITATION.—Except as provided in para-
12 graph (2), any tenant who is lawfully residing in a
13 dwelling unit in a public housing project may not be
14 evicted or otherwise required to vacate such unit be-
15 cause of the designation of the project (or portion of
16 a project) pursuant to this section or because of any
17 action taken by the Secretary or any public housing
18 agency pursuant to this section.

19 “(2) REQUIREMENT TO EVICT NONELDERLY
20 TENANTS IN HOUSING DESIGNATED FOR ELDERLY
21 FAMILIES WHO HAVE CURRENT DRUG OR ALCOHOL
22 ABUSE PROBLEMS.—The public housing agency ad-
23 ministering a project (or portion of a project) de-
24 scribed in subsection (a)(4)(A) shall evict any indi-
25 vidual who occupies a dwelling unit in such a project

1 and who currently illegally uses a controlled sub-
2 stance or whose current use of alcohol provides a
3 reasonable cause for the agency to believe that the
4 occupancy by such individual may interfere with the
5 health, safety, or right to peaceful enjoyment of the
6 premises by other residents. This paragraph may not
7 be construed to require a public housing agency to
8 evict any other individual who occupies the same
9 dwelling unit as the individual required to be evicted.

10 “(c) RELOCATION ASSISTANCE.—A public housing
11 agency that designates any existing project or building,
12 or portion thereof, for occupancy as provided under sub-
13 section (a) shall provide, to each person and family relo-
14 cated in connection with such designation—

15 “(1) notice of the designation and relocation, as
16 soon as is practicable for the agency and the person
17 or family;

18 “(2) comparable housing (including appropriate
19 services and design features), which may include
20 tenant-based rental assistance under section 8, at a
21 rental rate that is comparable to that applicable to
22 the unit from which the person or family has va-
23 cated; and

24 “(3) payment of actual, reasonable moving ex-
25 penses.

1 “(d) REQUIRED PLAN.—A plan under this subsection
2 for designating a project (or portion of a project) for occu-
3 pancy under subsection (a)(1) is a plan, prepared by the
4 public housing agency for the project and submitted to the
5 Secretary, that—

6 “(1) establishes that the designation of the
7 project is necessary—

8 “(A) to achieve the housing goals for the
9 jurisdiction under the comprehensive housing
10 affordability strategy under section 105 of the
11 Cranston-Gonzalez National Affordable Hous-
12 ing Act; and

13 “(B) to meet the housing needs of the low-
14 income population of the jurisdiction; and

15 “(2) includes a description of—

16 “(A) the project (or portion of a project)
17 to be designated;

18 “(B) the types of tenants for which the
19 project is to be designated;

20 “(C) any supportive services to be provided
21 to tenants of the designated project (or por-
22 tion);

23 “(D) how the agency will secure any addi-
24 tional resources or housing assistance that is
25 necessary to provide assistance to nonelderly

1 disabled families that would have been housed
2 if occupancy in project were not restricted pur-
3 suant to this section; and

4 “(E) how the design and related facilities
5 (as such term is defined in section 202(d)(8) of
6 the Housing Act of 1959) of the project accom-
7 modate the special environmental needs of the
8 intended occupants.

9 For purposes of this subsection, the term ‘supportive serv-
10 ices’ means services designed to meet the special needs of
11 residents.

12 “(e) REVIEW OF PLANS.—

13 “(1) REVIEW AND NOTIFICATION.—The Sec-
14 retary shall conduct a limited review of each plan
15 under subsection (d) that is submitted to the Sec-
16 retary to ensure that the plan is complete and com-
17 plies with the requirements of subsection (d). The
18 Secretary shall notify each public housing agency
19 submitting a plan whether the plan complies with
20 such requirements not later than 60 days after re-
21 ceiving the plan. If the Secretary does not notify the
22 public housing agency, as required under this para-
23 graph or paragraph (2), the plan shall be considered,
24 for purposes of this section, to comply with the re-
25 quirements under subsection (d) and the Secretary

1 shall be considered to have notified the agency of
2 such compliance upon the expiration of such 60-day
3 period.

4 “(2) NOTICE OF REASONS FOR DETERMINATION
5 OF NONCOMPLIANCE.—If the Secretary determines
6 that a plan, as submitted, does not comply with the
7 requirements under subsection (d), the Secretary
8 shall specify in the notice under paragraph (1) the
9 reasons for the noncompliance and any modifications
10 necessary for the plan to meet such requirements.

11 “(3) STANDARDS FOR DETERMINATION OF
12 NONCOMPLIANCE.—The Secretary may determine
13 that a plan does not comply with the requirements
14 under subsection (d) only if—

15 “(A) the plan is incomplete in significant
16 matters required under such subsection; or

17 “(B) there is evidence available to the Sec-
18 retary that challenges, in a substantial manner,
19 any information provided in the plan.

20 “(4) TREATMENT OF EXISTING PLANS.—Not-
21 withstanding any other provision of this section, a
22 public housing agency shall be considered to have
23 submitted a plan under this subsection if the agency
24 has submitted to the Secretary an application and
25 allocation plan under this section (as in effect before

1 the date of the enactment of the Senior Citizens
2 Housing Safety and Economic Relief Act of 1995)
3 that have not been approved or disapproved before
4 such date of enactment.

5 “(f) EFFECTIVENESS.—

6 “(1) 5-YEAR EFFECTIVENESS OF PLAN.—A
7 plan under subsection (d) shall be in effect for pur-
8 poses of this section only during the 5-year period
9 that begins upon notification under subsection (e)(1)
10 of the public housing agency that the plan complies
11 with the requirements under subsection (d). An
12 agency may extend the effectiveness of the designa-
13 tion and plan for an additional 2-year period begin-
14 ning upon the expiration of such period (or the expi-
15 ration of any previous extension period under this
16 sentence) by submitting to the Secretary any infor-
17 mation needed to update such plan.

18 “(2) SAVINGS PROVISION.—Any application and
19 allocation plan approved under this section (as in ef-
20 fect before the date of the enactment of the Senior
21 Citizens Housing Safety and Economic Relief Act of
22 1995) before such date of enactment shall be consid-
23 ered to be a plan under subsection (d) that is in ef-
24 fect for purposes of this section for the 5-year period
25 beginning upon such approval.

1 “(g) INAPPLICABILITY OF UNIFORM RELOCATION
2 ASSISTANCE AND REAL PROPERTY ACQUISITIONS POLICY
3 ACT OF 1970.—No tenant of a public housing project
4 shall be considered to be displaced for purposes of the Uni-
5 form Relocation Assistance and Real Property Acquisi-
6 tions Policy Act of 1970 because of the designation of any
7 existing project or building, or portion thereof, for occu-
8 pancy as provided under subsection (a) of this section.

9 “(h) INAPPLICABILITY TO INDIAN HOUSING.—The
10 provisions of this section shall not apply with respect to
11 low-income housing developed or operated pursuant to a
12 contract between the Secretary and an Indian housing au-
13 thority.”.

14 (b) LEASE PROVISIONS.—Section 6(l) of the United
15 States Housing Act of 1937 (42 U.S.C. 1437d(l)) is
16 amended—

17 (1) by redesignating paragraph (6) as para-
18 graph (7); and

19 (2) by inserting after paragraph (5) the follow-
20 ing new paragraph:

21 “(6) provide that any occupancy in violation of
22 the provisions of section 7(a)(4) shall be cause for
23 termination of tenancy; and”.

1 **SEC. 4. STANDARDS FOR ASSISTED HOUSING LEASE TERMI-**
2 **NATION AND EXPEDITED GRIEVANCE PROCE-**
3 **DURE.**

4 (a) PUBLIC HOUSING AGENCY GRIEVANCE PROCE-
5 DURE.—Section 6(k) of the United States Housing Act
6 of 1937 (42 U.S.C. 1437d(k)) is amended, in the first sen-
7 tence of the matter following paragraph (6), by striking
8 “criminal” the first place it appears and all that follows
9 through “such premises” and inserting “activity described
10 in subsection (l)(5) of this section or section
11 8(d)(1)(B)(iii)”.

12 (b) PUBLIC HOUSING LEASES.—Section 6(l) of the
13 United States Housing Act of 1937 (42 U.S.C. 1437d(l))
14 is amended by striking paragraphs (4) and (5) and insert-
15 ing the following new paragraphs:

16 “(4) require that the public housing agency
17 may not terminate the tenancy except for violation
18 of the terms or conditions of the lease, violation of
19 applicable Federal, State, or local law, or for other
20 good cause;

21 “(5) provide that the public housing agency
22 may terminate the tenancy of a public housing resi-
23 dent for any activity, engaged in by the resident, any
24 member of the resident’s household, or any guest or
25 other person under the resident’s control, that—

1 “(A) threatens the health or safety of, or
2 right to peaceful enjoyment of the premises by,
3 other residents or employees of the public hous-
4 ing agency or other manager of the housing;

5 “(B) threatens the health or safety of, or
6 right to peaceful enjoyment of their premises
7 by, persons residing in the immediate vicinity of
8 the premises; or

9 “(C) is criminal activity (including drug-re-
10 lated criminal activity);”.

11 (c) SECTION 8 HOUSING LEASES.—Section
12 8(d)(1)(B) of the United States Housing Act of 1937 (42
13 U.S.C. 1437f(d)(1)(B)) is amended by striking clauses (ii)
14 and (iii) and inserting the following new clauses:

15 “(ii) the owner shall not terminate the tenancy
16 except for violation of the terms and conditions of
17 the lease, violation of applicable Federal, State, or
18 local law, or other good cause;

19 “(iii) the owner may terminate the tenancy of
20 the tenant of a unit for any activity, engaged in by
21 the tenant, any member of the tenant’s household,
22 or any guest or other person under the tenant’s con-
23 trol, that—

24 “(I) threatens the health or safety of, or
25 right to peaceful enjoyment of the premises by,

1 other tenants or employees of the owner or
2 manager of the housing;

3 “(II) threatens the health or safety of, or
4 right to peaceful enjoyment of their residences
5 by, persons residing in the immediate vicinity of
6 the premises; or

7 “(III) is criminal activity (including drug-
8 related criminal activity); and”.

9 **SEC. 5. EXTENSION OF FHA MORTGAGE INSURANCE PRO-**
10 **GRAM FOR HOME EQUITY CONVERSION**
11 **MORTGAGES.**

12 (a) EXTENSION OF PROGRAM.—The first sentence of
13 section 255(g) of the National Housing Act (12 U.S.C.
14 1715z-20(g)) is amended by striking “September 30,
15 1995” and inserting “September 30, 2000”.

16 (b) LIMITATION ON NUMBER OF MORTGAGES.—The
17 second sentence of section 255(g) of the National Housing
18 Act (12 U.S.C. 1715z-20(g)) is amended by striking
19 “25,000” and inserting “50,000”.

20 (c) ELIGIBLE MORTGAGES.—Section 255(d)(3) of the
21 National Housing Act (12 U.S.C. 1715z-20(d)(3)) is
22 amended to read as follows:

1 “(3) be secured by a dwelling that is designed
2 principally for a 1- to 4-family residence in which
3 the mortgagor occupies 1 of the units;”.

 Passed the House of Representatives October 24,
1995.

Attest:

ROBIN H. CARLE,

Clerk.