

104TH CONGRESS
1ST SESSION

H.R. 117

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.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mr. BLUTE (for himself, Mr. BACHUS, Mr. BEREUTER, Mr. CANADY, Mr. FRANKS of Connecticut, Mr. HANCOCK, Mr. HERGER, Mr. HUTCHINSON, Mrs. JOHNSON of Connecticut, Mr. JOHNSTON of Florida, Mr. KLUG, Mr. LIVINGSTON, Mr. MARTINEZ, Mr. MCHUGH, Mr. PETRI, Mr. QUINN, and Mr. ROYCE) introduced the following bill; which was referred to the Committee on Banking and Financial Services

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Senior Citizens
5 Housing Safety Act of 1995”.

1 **SEC. 2. LIMITATION ON OCCUPANCY IN PUBLIC HOUSING**
2 **DESIGNATED FOR ELDERLY FAMILIES.**

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

5 (1) in paragraph (1), by striking “Notwith-
6 standing any other provision of law” and inserting
7 “Subject only to the provisions of this subsection”;

8 (2) in paragraph (4), by inserting “, except as
9 provided in paragraph (5)” before the period at the
10 end; and

11 (3) by adding at the end the following new
12 paragraph:

13 “(5) LIMITATION ON OCCUPANCY IN PROJECTS
14 FOR ELDERLY FAMILIES.—

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

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

25 “(ii) any person who is not an elderly
26 person and whose history of use of alcohol

1 or drugs provides reasonable cause for the
2 agency to believe that the occupancy by
3 such person may interfere with the health,
4 safety, or right to peaceful enjoyment of
5 the premises by other tenants.

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

13 “(i) uses (or has a history of use of)
14 alcohol, or

15 “(ii) uses (or has a history of use of)
16 drugs,

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

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

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

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

3 (3) by inserting after paragraph (5) the follow-
4 ing new paragraph:

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

10 **SEC. 3. EVICTION OF NONELDERLY TENANTS HAVING**
11 **DRUG OR ALCOHOL USE PROBLEMS FROM**
12 **PUBLIC HOUSING DESIGNATED FOR ELDER-**
13 **LY FAMILIES.**

14 Section 7(c) of the United States Housing Act of
15 1937 is amended to read as follows:

16 “(c) STANDARDS REGARDING EVICTIONS.—

17 “(1) LIMITATION.—Except as provided in para-
18 graph (2), any tenant who is lawfully residing in a
19 dwelling unit in a public housing project may not be
20 evicted or otherwise required to vacate such unit be-
21 cause of the designation of the project (or a portion
22 of the project) pursuant to this section or because
23 of any action taken by the Secretary of Housing and
24 Urban Development or any public housing agency
25 pursuant to this section.

1 “(2) REQUIREMENT TO EVICT NONELDERLY
2 TENANTS HAVING DRUG OR ALCOHOL USE PROB-
3 LEMS IN HOUSING DESIGNATED FOR ELDERLY FAMI-
4 LIES.—The public housing agency administering a
5 project (or portion of a project) described in sub-
6 section (a)(5)(A) shall evict any person whose occu-
7 pancy in the project (or portion of the project) vio-
8 lates subsection (a)(5)(A).

9 “(3) REQUIREMENT TO EVICT NONELDERLY
10 TENANTS FOR 3 INSTANCES OF PROHIBITED ACTIV-
11 ITY INVOLVING DRUGS OR ALCOHOL.—With respect
12 to a project (or portion of a project) described in
13 subsection (a)(5)(A), the public housing agency ad-
14 ministering the project shall evict any person who is
15 not an elderly person and who, during occupancy in
16 the project (or portion thereof), engages on 3 sepa-
17 rate occasions (occurring after the date of the enact-
18 ment of the Senior Citizens Housing Safety Act) in
19 any activity that threatens the health, safety, or
20 right to peaceful enjoyment of the premises by other
21 tenants and involves the use of alcohol or drugs.

22 “(4) RULE OF CONSTRUCTION.—The provisions
23 of paragraphs (2) and (3) requiring eviction of a
24 person may not be construed to require a public
25 housing agency to evict any other persons who oc-

1 copy the same dwelling unit as the person required
2 to be evicted.”.

3 **SEC. 4. STANDARDS FOR LEASE TERMINATION AND EXPE-**
4 **DITED GRIEVANCE PROCEDURE.**

5 Section 6 of the United States Housing Act of 1937
6 (42 U.S.C. 1437d) is amended—

7 (1) in subsection (k), in the first sentence of
8 the matter following paragraph (6), by striking
9 “criminal” the first place it appears; and

10 (2) in subsection (l)(5), by striking “criminal”
11 the first place it appears.

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