

Union Calendar No. 149

104TH CONGRESS
1ST SESSION

H. R. 117

[Report No. 104-281]

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.

OCTOBER 18, 1995

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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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

OCTOBER 18, 1995

Additional sponsors: Mr. SOLOMON, Mrs. FOWLER, Mr. CONDIT, Mr. KNOLLENBERG, Mr. CASTLE, Mr. BONO, Mr. SENSENBRENNER, Mr. ANDREWS, Mr. MILLER of Florida, Mr. FIELDS of Texas, Mr. HEINEMAN, Mr. WELLER, Mr. TORKILDSSEN, Mr. FLANAGAN, Mr. HOKE, Mr. WATTS of Oklahoma, Mr. LAHOOD, Mrs. ROUKEMA, Mr. TATE, Mr. WAMP, and Mr. LATOURETTE

OCTOBER 18, 1995

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on January 4, 1995]

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 Housing*
5 *Safety and Economic Relief Act of 1995”.*

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

9 *Section 16 of the United States Housing Act of 1937*
10 *(42 U.S.C. 1437n) is amended—*

11 *(1) in the section heading by striking “INCOME”;*
12 *and*

13 *(2) by adding at the end the following new sub-*
14 *section:*

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

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

1 *hibit admission to such units and assistance under*
2 *such section by any individual—*

3 *“(A) who currently illegally uses a con-*
4 *trolled substance; or*

5 *“(B) whose history of illegal use of a con-*
6 *trolled substance or use of alcohol, or current use*
7 *of alcohol, provides reasonable cause for the agen-*
8 *cy to believe that the occupancy by such individ-*
9 *ual may interfere with the health, safety, or right*
10 *to peaceful enjoyment of the premises by other*
11 *residents.*

12 *“(2) CONSIDERATION OF REHABILITATION.—In*
13 *determining whether, pursuant to paragraph (1), to*
14 *deny admission or assistance to any elderly person*
15 *based on a history of use of a controlled substance or*
16 *alcohol, a public housing agency may consider wheth-*
17 *er such elderly person—*

18 *“(A) has successfully completed a supervised*
19 *drug or alcohol rehabilitation program (as ap-*
20 *plicable) and is no longer engaging in the illegal*
21 *use of a controlled substance or use of alcohol (as*
22 *applicable);*

23 *“(B) has otherwise been rehabilitated suc-*
24 *cessfully and is no longer engaging in the illegal*

use of a controlled substance or use of alcohol (as applicable); or

“(C) is participating in a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or use of alcohol (as applicable).”.

SEC. 3. DESIGNATED HOUSING FOR ELDERLY AND DISABLED FAMILIES.

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

“DESIGNATED HOUSING FOR ELDERLY AND DISABLED
FAMILIES

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

“(1) IN GENERAL.—Subject only to provisions of this section and notwithstanding any other provision of law, a public housing agency for which a plan under subsection (d) is in effect may provide public housing projects (or portions of projects) designated for occupancy by (A) only elderly families, (B) only disabled families, or (C) elderly and disabled families.

“(2) *PRIORITY FOR OCCUPANCY.*—In determining priority for admission to public housing projects (or portions of projects) that are designated for occu-

1 *pancy as provided in paragraph (1), the public hous-*
2 *ing agency may make units in such projects (or por-*
3 *tions) available only to the types of families for whom*
4 *the project is designated.*

5 *“(3) ELIGIBILITY OF NEAR-ELDERLY FAMI-*
6 *LIES.—If a public housing agency determines that*
7 *there are insufficient numbers of elderly families to*
8 *fill all the units in a project (or portion of a project)*
9 *designated under paragraph (1) for occupancy by*
10 *only elderly families, the agency may provide that*
11 *near-elderly families may occupy dwelling units in*
12 *the project (or portion).*

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

15 *“(A) IN GENERAL.—Subject only to the pro-*
16 *visions of subsection (b) and notwithstanding*
17 *any other provision of law, a dwelling unit in*
18 *a project (or portion of a project) that is des-*
19 *ignated under paragraph (1) for occupancy by*
20 *only elderly families or by only elderly and dis-*
21 *abled families shall not be occupied by any indi-*
22 *vidual who is not an elderly person and—*

23 *“(i) who currently illegally uses a con-*
24 *trolled substance; or*

1 “(ii) whose history of illegal use of a
 2 controlled substance or use of alcohol, or
 3 current use of alcohol, provides reasonable
 4 cause for the agency to believe that the occu-
 5 pancy by such individual may interfere
 6 with the health, safety, or right to peaceful
 7 enjoyment of the premises by other tenants.

8 “(B) CONSIDERATION OF REHABILITA-
 9 TION.—In determining whether, pursuant to sub-
 10 paragraph (A), to deny occupancy to any indi-
 11 vidual based on a history of use of a controlled
 12 substance or alcohol, a public housing agency
 13 may consider the factors under section 16(e)(2).

14 “(b) STANDARDS REGARDING EVICTIONS.—

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

23 “(2) REQUIREMENT TO EVICT NONELDERLY TEN-
 24 ANTS IN HOUSING DESIGNATED FOR ELDERLY FAMI-
 25 LIES WHO HAVE CURRENT DRUG OR ALCOHOL ABUSE

1 *PROBLEMS.—The public housing agency administer-*
2 *ing a project (or portion of a project) described in*
3 *subsection (a)(4)(A) shall evict any individual who*
4 *occupies a dwelling unit in such a project and who*
5 *currently illegally uses a controlled substance or*
6 *whose current use of alcohol provides a reasonable*
7 *cause for the agency to believe that the occupancy by*
8 *such individual may interfere with the health, safety,*
9 *or right to peaceful enjoyment of the premises by*
10 *other residents. This paragraph may not be construed*
11 *to require a public housing agency to evict any other*
12 *individual who occupies the same dwelling unit as the*
13 *individual required to be evicted.*

14 “(c) *RELOCATION ASSISTANCE.—A public housing*
15 *agency that designates any existing project or building, or*
16 *portion thereof, for occupancy as provided under subsection*
17 *(a) shall provide, to each person and family relocated in*
18 *connection with such designation—*

19 “(1) *notice of the designation and relocation, as*
20 *soon as is practicable for the agency and the person*
21 *or family;*

22 “(2) *comparable housing (including appropriate*
23 *services and design features), which may include ten-*
24 *ant-based rental assistance under section 8, at a rent-*
25 *al rate that is comparable to that applicable to the*

1 unit from which the person or family has vacated;
2 and

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

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

10 “(1) establishes that the designation of the
11 project is necessary—

12 “(A) to achieve the housing goals for the ju-
13 risdiction under the comprehensive housing af-
14 fordability strategy under section 105 of the
15 Cranston-Gonzalez National Affordable Housing
16 Act; and

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

19 “(2) includes a description of—

20 “(A) the project (or portion of a project) to
21 be designated;

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

24 “(C) any supportive services to be provided
25 to tenants of the designated project (or portion);

1 “(D) how the agency will secure any addi-
2 tional resources or housing assistance that is nec-
3 essary to provide assistance to nonelderly dis-
4 abled families that would have been housed if oc-
5 cupancy in project were not restricted pursuant
6 to this section; and

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

12 For purposes of this subsection, the term ‘supportive serv-
13 ices’ means services designed to meet the special needs of
14 residents.

15 “(e) REVIEW OF PLANS.—

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

1 *plan shall be considered, for purposes of this section,*
2 *to comply with the requirements under subsection (d)*
3 *and the Secretary shall be considered to have notified*
4 *the agency of such compliance upon the expiration of*
5 *such 60-day period.*

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

13 “(3) STANDARDS FOR DETERMINATION OF NON-
14 COMPLIANCE.—*The Secretary may determine that a*
15 *plan does not comply with the requirements under*
16 *subsection (d) only if—*

17 “(A) *the plan is incomplete in significant*
18 *matters required under such subsection; or*

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

22 “(4) TREATMENT OF EXISTING PLANS.—*Notwith-*
23 *standing any other provision of this section, a public*
24 *housing agency shall be considered to have submitted*
25 *a plan under this subsection if the agency has submit-*

1 *ted to the Secretary an application and allocation*
2 *plan under this section (as in effect before the date of*
3 *the enactment of the Senior Citizens Housing Safety*
4 *and Economic Relief Act of 1995) that have not been*
5 *approved or disapproved before such date of enact-*
6 *ment.*

7 “(f) *EFFECTIVENESS.*—

8 “(1) *5-YEAR EFFECTIVENESS OF PLAN.*—A plan
9 *under subsection (d) shall be in effect for purposes of*
10 *this section only during the 5-year period that begins*
11 *upon notification under subsection (e)(1) of the public*
12 *housing agency that the plan complies with the re-*
13 *quirements under subsection (d). An agency may ex-*
14 *tend the effectiveness of the designation and plan for*
15 *an additional 2-year period beginning upon the expi-*
16 *ration of such period (or the expiration of any pre-*
17 *vious extension period under this sentence) by submit-*
18 *ting to the Secretary any information needed to up-*
19 *date such plan.*

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

1 for purposes of this section for the 5-year period be-
2 ginning upon such approval.

3 “(g) *INAPPLICABILITY OF UNIFORM RELOCATION AS-*
4 *SISTANCE AND REAL PROPERTY ACQUISITIONS POLICY ACT*
5 *OF 1970.*—No tenant of a public housing project shall be
6 considered to be displaced for purposes of the Uniform Relo-
7 cation Assistance and Real Property Acquisitions Policy
8 Act of 1970 because of the designation of any existing
9 project or building, or portion thereof, for occupancy as pro-
10 vided under subsection (a) of this section.

11 “(h) *INAPPLICABILITY TO INDIAN HOUSING.*—The pro-
12 visions of this section shall not apply with respect to low-
13 income housing developed or operated pursuant to a con-
14 tract between the Secretary and an Indian housing author-
15 ity.”.

16 (b) *LEASE PROVISIONS.*—Section 6(l) of the United
17 States Housing Act of 1937 (42 U.S.C. 1437d(l)) is amend-
18 ed—

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

21 (2) by inserting after paragraph (5) the follow-
22 ing new paragraph:

23 “(6) provide that any occupancy in violation of
24 the provisions of section 7(a)(4) shall be cause for ter-
25 mination 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 of
6 1937 (42 U.S.C. 1437d(k)) is amended, in the first sentence
7 of the matter following paragraph (6), by striking “crimi-
8 nal” the first place it appears and all that follows through
9 “such premises” and inserting “activity described in sub-
10 section (l)(5) of this section or section 8(d)(1)(B)(iii)”.

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

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

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

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

1 *other residents or employees of the public housing*
2 *agency or other manager of the housing;*

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

7 *“(C) is criminal activity (including drug-*
8 *related criminal activity);”.*

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

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

17 *“(iii) the owner may terminate the tenancy of*
18 *the tenant of a unit for any activity, engaged in by*
19 *the tenant, any member of the tenant’s household, or*
20 *any guest or other person under the tenant’s control,*
21 *that—*

22 *“(I) threatens the health or safety of, or*
23 *right to peaceful enjoyment of the premises by,*
24 *other tenants or employees of the owner or man-*
25 *ager of the housing;*

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

5 “(III) is criminal activity (including drug-
 6 related criminal activity); and”.

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

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

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

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

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