

Sec.

## AMENDMENTS

2010—Pub. L. 111-275, title II, §203(b), Oct. 13, 2010, 124 Stat. 2874, added item 2108.

2008—Pub. L. 110-289, div. B, title VI, §2602(b)(8), July 30, 2008, 122 Stat. 2860, substituted "Acquisition and adaptation of housing: eligible veterans" for "Veterans eligible for assistance" in item 2101, added item 2101A, and substituted "individuals" for "veterans" in item 2102A.

2006—Pub. L. 109-233, title I, §101(d), June 15, 2006, 120 Stat. 399, added items 2102A and 2107.

1992—Pub. L. 102-568, title II, §204(b), Oct. 29, 1992, 106 Stat. 4325, substituted "Veterans'" for "Veteran's" in item 2106.

1991—Pub. L. 102-83, §5(b)(1), Aug. 6, 1991, 105 Stat. 406, renumbered items 801 to 806 as 2101 to 2106, respectively.

1988—Pub. L. 100-322, title III, §333(a)(2), May 20, 1988, 102 Stat. 539, substituted "Veteran's mortgage life insurance" for "Mortgage Protection Life Insurance" in item 806.

1971—Pub. L. 92-95, §2, Aug. 11, 1971, 85 Stat. 322, added item 806.

**§ 2101. Acquisition and adaptation of housing: eligible veterans**

(a) ACQUISITION OF HOUSING WITH SPECIAL FEATURES.—(1) Subject to paragraph (3), the Secretary may assist a disabled veteran described in paragraph (2) in acquiring a suitable housing unit with special fixtures or movable facilities made necessary by the nature of the veteran's disability, and necessary land therefor.

(2) A veteran is described in this paragraph if the veteran is entitled to compensation under chapter 11 of this title for a permanent and total service-connected disability that meets any of the following criteria:

(A) The disability is due to the loss, or loss of use, of both lower extremities such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair.

(B) The disability is due to—

(i) blindness in both eyes, having only light perception, plus

(ii) loss or loss of use of one lower extremity.

(C) The disability is due to the loss or loss of use of one lower extremity together with—

(i) residuals of organic disease or injury; or

(ii) the loss or loss of use of one upper extremity,

which so affect the functions of balance or propulsion as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair.

(D) The disability is due to the loss, or loss of use, of both upper extremities such as to preclude use of the arms at or above the elbows.

(E) The disability is due to a severe burn injury (as determined pursuant to regulations prescribed by the Secretary).

(3) The regulations prescribed under subsection (d) shall require that assistance under paragraph (1) may be provided to a veteran only if the Secretary finds that—

(A) it is medically feasible for the veteran to reside in the proposed housing unit and in the proposed locality;

(B) the proposed housing unit bears a proper relation to the veteran's present and anticipated income and expenses; and

(C) the nature and condition of the proposed housing unit are such as to be suitable to the veteran's needs for dwelling purposes.

(b) ADAPTATIONS TO RESIDENCE OF VETERAN.—

(1) Subject to paragraph (3), the Secretary shall assist any disabled veteran described in paragraph (2) (other than a veteran who is eligible for assistance under subsection (a))—

(A) in acquiring such adaptations to such veteran's residence as are determined by the Secretary to be reasonably necessary because of such disability; or

(B) in acquiring a residence already adapted with special features determined by the Secretary to be reasonably necessary for the veteran because of such disability.

(2) A veteran is described in this paragraph if the veteran is entitled to compensation under chapter 11 of this title for a permanent and total service-connected disability that meets any of the following criteria:

(A) The disability is due to blindness in both eyes with 5/200 visual acuity or less.

(B) The disability includes the anatomical loss or loss of use of both hands.

(C) The disability is due to a severe burn injury (as so determined).

(3) Assistance under paragraph (1) may be provided only to a veteran who the Secretary determines—

(A) is residing in and reasonably intends to continue residing in a residence owned by such veteran or by a member of such veteran's family; or

(B) if the veteran's residence is to be constructed or purchased, will be residing in and reasonably intends to continue residing in a residence owned by such veteran or by a member of such veteran's family.

(c) REGULATIONS.—Assistance under this section shall be provided in accordance with such regulations as the Secretary may prescribe.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1168, §801; Pub. L. 86-239, Sept. 8, 1959, 73 Stat. 472; Pub. L. 88-401, Aug. 4, 1964, 78 Stat. 380; Pub. L. 91-22, §1, June 6, 1969, 83 Stat. 32; Pub. L. 95-117, title IV, §401, Oct. 3, 1977, 91 Stat. 1065; Pub. L. 96-385, title III, §301(a), Oct. 7, 1980, 94 Stat. 1531; Pub. L. 99-576, title IV, §401(a), title VII, §§701(48), 702(7), Oct. 28, 1986, 100 Stat. 3280, 3295, 3302; renumbered §2101 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 108-183, title IV, §401, Dec. 16, 2003, 117 Stat. 2664; Pub. L. 108-454, title IV, §401, Dec. 10, 2004, 118 Stat. 3614; Pub. L. 109-233, title I, §105(a), June 15, 2006, 120 Stat. 402; Pub. L. 110-289, div. B, title VI, §§2602(b)(1), (7)(A), 2603, July 30, 2008, 122 Stat. 2859, 2860.)

## PRIOR PROVISIONS

Prior section 2101, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1222, related to eligibility for mustering-out payments, prior to repeal by Pub. L. 89-50, §1(a), June 24, 1965, 79 Stat. 173, effective July 1, 1966.

## AMENDMENTS

2008—Pub. L. 110-289, §2602(b)(7)(A), amended section catchline generally. Prior to amendment, catchline read as follows: "Veterans eligible for assistance".

Subsec. (a)(2)(E). Pub. L. 110-289, §2603(1), added subpar. (E).

Subsec. (b)(2). Pub. L. 110-289, § 2603(2)(A), substituted “any” for “either” in introductory provisions.

Subsec. (b)(2)(C). Pub. L. 110-289, § 2603(2)(B), added subpar. (C).

Subsecs. (c), (d). Pub. L. 110-289, § 2602(b)(1), redesignated subsec. (d) as (c) and struck out former subsec. (c) which related to provision of specially adapted housing to a member of the Armed Forces serving on active duty and suffering from a disability whose disability was the result of an injury incurred or disease contracted in or aggravated in the line of duty. See section 2101A of this title.

2006—Subsec. (a)(3). Pub. L. 109-233, § 105(a)(3), substituted “subsection (d)” for “subsection (c)” in introductory provisions.

Subsec. (c). Pub. L. 109-233, § 105(a)(2), added subsec. (c) consisting of the text of subsec. (c) of this section as in effect immediately before the enactment of Pub. L. 108-454, as modified by amendments to pars. (1) and (2) below. See 2004 Amendment note below. Former subsec. (c) redesignated (d).

Subsec. (c)(1). Pub. L. 109-233, § 105(a)(2)(A), substituted “subparagraph (A), (B), (C), or (D) of paragraph (2)” for “paragraph (1), (2), or (3)” and “paragraph (3)” for “the second sentence”.

Subsec. (c)(2). Pub. L. 109-233, § 105(a)(2)(B), substituted “paragraph (2)” for “paragraph (1)” in first sentence and “paragraph (3)” for “paragraph (2)” in second sentence.

Subsec. (d). Pub. L. 109-233, § 105(a)(1), redesignated subsec. (c) as (d).

2004—Pub. L. 108-454 amended text of section generally. Prior to amendment, section consisted of subsecs. (a) and (b) authorizing the Secretary to assist veterans entitled to compensation under chapter 11 of this title for permanent and total service-connected disability due to loss or loss of use of lower extremities, blindness, or loss or loss of use of both hands and subsec. (c) authorizing similar assistance to members of the Armed Forces serving on active duty.

2003—Subsec. (c). Pub. L. 108-183 added subsec. (c).

1991—Pub. L. 102-83 renumbered section 801 of this title as this section and substituted “Secretary” for “Administrator” wherever appearing.

1986—Subsec. (a). Pub. L. 99-576, §§ 701(48), 702(7), substituted “the Administrator” for “he” and “veteran who” for “veteran, who”, and struck out “, based on service after April 20, 1898,” after “chapter 11 of this title”.

Subsec. (b)(1). Pub. L. 99-576, § 401(a), inserted at end “or in acquiring a residence already adapted with special features determined by the Administrator to be reasonably necessary for the veteran because of such disability”.

1980—Pub. L. 96-385 designated existing provisions as subsec. (a) and added subsec. (b).

1978—Pub. L. 95-117 in cl. (3) inserted reference to loss or loss of use of one upper extremity and reference to braces, crutches, and canes.

1969—Pub. L. 91-22 added cl. (3) which authorized the Administrator to provide housing assistance to veterans whose permanent and total disability consists of loss or loss of use of one lower extremity when such loss precludes locomotion without a wheelchair.

1964—Pub. L. 88-401 struck out provisions from cl. (2)(B) which required such permanent and total disability to be such as to preclude locomotion without the aid of a wheelchair.

1959—Pub. L. 86-239 designated existing provisions of first sentence as cl. (1), struck out “by reason of amputation, ankylosis, progressive muscular dystrophies, or paralysis” after “loss of use”, and added cl. (2).

#### EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-233, title I, § 105(b), June 15, 2006, 120 Stat. 402, provided that: “The amendments made by subsection (a) [amending this section] shall take effect as of December 10, 2004, as if enacted immediately after the enactment of the Veterans Benefits Improvement Act of 2004 [Pub. L. 108-454] on that date.”

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-385 effective Oct. 1, 1980, see section 601(b) of Pub. L. 96-385, set out as a note under section 1114 of this title.

#### EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-117 effective Oct. 1, 1977, see section 501 of Pub. L. 95-117, set out as a note under section 1114 of this title.

### § 2101A. Eligibility for benefits and assistance: members of the Armed Forces with service-connected disabilities; individuals residing outside the United States

(a) MEMBERS WITH SERVICE-CONNECTED DISABILITIES.—(1) The Secretary may provide assistance under this chapter to a member of the Armed Forces serving on active duty who is suffering from a disability that meets applicable criteria for benefits under this chapter if the disability is incurred or aggravated in line of duty in the active military, naval, or air service. Such assistance shall be provided to the same extent as assistance is provided under this chapter to veterans eligible for assistance under this chapter and subject to the same requirements as veterans under this chapter.

(2) For purposes of this chapter, any reference to a veteran or eligible individual shall be treated as a reference to a member of the Armed Forces described in subsection (a) who is similarly situated to the veteran or other eligible individual so referred to.

(b) BENEFITS AND ASSISTANCE FOR INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.—(1) Subject to paragraph (2), the Secretary may, at the Secretary’s discretion, provide benefits and assistance under this chapter (other than benefits under section 2106 of this title) to any individual otherwise eligible for such benefits and assistance who resides outside the United States.

(2) The Secretary may provide benefits and assistance to an individual under paragraph (1) only if—

(A) the country or political subdivision in which the housing or residence involved is or will be located permits the individual to have or acquire a beneficial property interest (as determined by the Secretary) in such housing or residence; and

(B) the individual has or will acquire a beneficial property interest (as so determined) in such housing or residence.

(c) REGULATIONS.—Benefits and assistance under this chapter by reason of this section shall be provided in accordance with such regulations as the Secretary may prescribe.

(Added Pub. L. 110-289, div. B, title VI, § 2602(a), July 30, 2008, 122 Stat. 2858.)

### § 2102. Limitations on assistance furnished

(a) The assistance authorized by section 2101(a) of this title shall be afforded under one of the following plans, at the option of the individual—

(1) where the individual elects to construct a housing unit on land to be acquired by such individual, the Secretary shall pay not to exceed 50 percent of the total cost to the individual of (A) the housing unit and (B) the necessary land upon which it is to be situated;