

(1) the term “assisted living facility” has the meaning given such term in section 1715w(b) of this title;

(2) the term “service-enriched housing” means housing that—

(A) makes available through licensed or certified third party service providers supportive services to assist the residents in carrying out activities of daily living, such as bathing, dressing, eating, getting in and out of bed or chairs, walking, going outdoors, using the toilet, laundry, home management, preparing meals, shopping for personal items, obtaining and taking medication, managing money, using the telephone, or performing light or heavy housework, and which may make available to residents home health care services, such as nursing and therapy;

(B) includes the position of service coordinator, which may be funded as an operating expense of the property;

(C) provides separate dwelling units for residents, each of which contains a full kitchen and bathroom and which includes common rooms and other facilities appropriate for the provision of supportive services to the residents of the housing; and

(D) provides residents with control over health care and supportive services decisions, including the right to accept, decline, or choose such services, and to have the choice of provider; and

(3) the definitions in section 1701(q)(k)<sup>2</sup> of this title shall apply.

#### (h) Authorization of appropriations

There is authorized to be appropriated for providing grants under this section such sums as may be necessary for fiscal year 2000.

(Pub. L. 86-372, title II, §202b, as added and amended Pub. L. 106-74, title V, §§522, 523(b), Oct. 20, 1999, 113 Stat. 1103, 1105; Pub. L. 111-372, title III, §301, Jan. 4, 2011, 124 Stat. 4082.)

#### REFERENCES IN TEXT

Section 1701(q)(k) of this title, referred to in subsec. (g)(3), probably should be a reference to section 202(k) of this Act, which is classified to section 1701q(k) of this title.

#### CODIFICATION

Section was enacted as part of the Housing Act of 1959, and not as part of the National Housing Act which comprises this chapter.

#### AMENDMENTS

2011—Pub. L. 111-372, §301(a), inserted “and other purposes” after “assisted living facilities” in section catchline.

Subsec. (a)(2). Pub. L. 111-372, §301(b), designated existing provisions as subpar. (A), inserted heading, and added subpar. (B).

Subsec. (c)(1). Pub. L. 111-372, §301(c), inserted “for either an assisted living facility or service-enriched housing” after “activities”.

Subsec. (d). Pub. L. 111-372, §301(d), amended subsec. (d) generally. Prior to amendment, text read as follows: “The Secretary may not make a grant under this section for conversion activities unless the application contains sufficient evidence, in the determination of

the Secretary, of firm commitments for the funding of services to be provided in the assisted living facility, which may be provided by third parties.”

Subsec. (e)(2). Pub. L. 111-372, §301(e)(1), inserted “or service-enriched housing” after “facilities” and “service-enriched housing” after “facility”.

Subsec. (e)(5). Pub. L. 111-372, §301(e)(2), inserted “or service-enriched housing” after “facility”.

Subsec. (e)(6). Pub. L. 111-372, §301(e)(3), inserted “or service-enriched housing” after “facility”.

Subsec. (f)(1). Pub. L. 111-372, §301(f)(1), inserted “or service-enriched housing” after “facilities” in two places.

Subsec. (f)(2). Pub. L. 111-372, §301(f)(2), inserted “or service-enriched housing” after “facility”.

Subsec. (g). Pub. L. 111-372, §301(g), amended subsec. (g) generally. Prior to amendment, subsec. (g) related to definitions for purposes of this section.

1999—Subsecs. (f) to (h). Pub. L. 106-74 added subsec. (f) and redesignated former subsecs. (f) and (g) as (g) and (h), respectively.

#### § 1701q-3. Funds for housing for elderly and persons with disabilities available for cost of maintenance and disposal of such properties

Notwithstanding any other provision of law, for this fiscal year and every fiscal year thereafter, funds appropriated for housing for the elderly, as authorized by section 1701q of this title, as amended, and for supportive housing for persons with disabilities, as authorized by section 8013 of title 42, shall be available for the cost of maintaining and disposing of such properties that are acquired or otherwise become the responsibility of the Department.

(Pub. L. 109-115, div. A, title III, §313, Nov. 30, 2005, 119 Stat. 2463.)

#### CODIFICATION

Section was enacted as part of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006, and also as part of the Transportation, Treasury, Housing and Urban Development, the Judiciary, and Independent Agencies Appropriations Act, 2006, and the Department of Housing and Urban Development Appropriations Act, 2006, and not as part of the National Housing Act which comprises this chapter.

#### PRIOR PROVISIONS

Provisions similar to this section were contained in the following prior appropriations acts:

Pub. L. 108-447, div. I, title II, §213, Dec. 8, 2004, 118 Stat. 3318.

Pub. L. 108-199, div. G, title II, §221, Jan. 23, 2004, 118 Stat. 398.

#### § 1701r. Congressional findings respecting housing for senior citizens

The Congress finds that there is a large and growing need for suitable housing for older people both in urban and rural areas. Our older citizens face special problems in meeting their housing needs because of the prevalence of modest and limited incomes among the elderly, their difficulty in obtaining liberal long-term home mortgage credit, and their need for housing planned and designed to include features necessary to the safety and convenience of the occupants in a suitable neighborhood environment. The Congress further finds that the present programs for housing the elderly under the Department of Housing and Urban Develop-

<sup>2</sup> See References in Text note below.

ment have proven the value of Federal credit assistance in this field and at the same time demonstrated the urgent need for an expanded and more comprehensive effort to meet our responsibilities to our senior citizens.

(Pub. L. 87-723, §2, Sept. 28, 1962, 76 Stat. 670; Pub. L. 90-19, §19, May 25, 1967, 81 Stat. 25.)

#### CODIFICATION

Section was enacted as part of the Senior Citizens Housing Act of 1962, and not as part of the National Housing Act which comprises this chapter.

#### AMENDMENTS

1967—Pub. L. 90-19 substituted “Department of Housing and Urban Development” for “Housing and Home Finance Agency” in second sentence.

### § 1701r-1. Pet ownership in assisted rental housing for the elderly or handicapped

#### (a) Restrictions on ownership

No owner or manager of any federally assisted rental housing for the elderly or handicapped may—

(1) as a condition of tenancy or otherwise, prohibit or prevent any tenant in such housing from owning common household pets or having common household pets living in the dwelling accommodations of such tenant in such housing; or

(2) restrict or discriminate against any person in connection with admission to, or continued occupancy of, such housing by reason of the ownership of such pets by, or the presence of such pets in the dwelling accommodations of, such person.

#### (b) Rules and regulations

(1) Not later than the expiration of the twelve-month period following November 30, 1983, the Secretary of Housing and Urban Development and the Secretary of Agriculture shall each issue such regulations as may be necessary to ensure (A) compliance with the provisions of subsection (a) of this section with respect to any program of assistance referred to in subsection (d) of this section that is administered by such Secretary; and (B) attaining the goal of providing decent, safe, and sanitary housing for the elderly or handicapped.

(2) Such regulations shall establish guidelines under which the owner or manager of any federally assisted rental housing for the elderly or handicapped (A) may prescribe reasonable rules for the keeping of pets by tenants in such housing; and (B) shall consult with the tenants of such housing in prescribing such rules. Such rules may consider factors such as density of tenants, pet size, types of pets, potential financial obligations of tenants, and standards of pet care.

#### (c) Removal of pets constituting a nuisance

Nothing in this section may be construed to prohibit any owner or manager of federally assisted rental housing for the elderly or handicapped, or any local housing authority or other appropriate authority of the community where such housing is located, from requiring the removal from any such housing of any pet whose conduct or condition is duly determined to con-

stitute a nuisance or a threat to the health or safety of the other occupants of such housing or of other persons in the community where such housing is located.

#### (d) “Federally assisted rental housing for the elderly or handicapped” defined

For purposes of this section, the term “federally assisted rental housing for the elderly or handicapped” means any rental housing project that—

(1) is assisted under section 1701q of this title; or

(2) is assisted under the United States Housing Act of 1937 [42 U.S.C. 1437 et seq.], the National Housing Act [12 U.S.C. 1701 et seq.], or title V of the Housing Act of 1949 [42 U.S.C. 1471 et seq.], and is designated for occupancy by elderly or handicapped families, as such term is defined in section 1701q(d)(4)<sup>1</sup> of this title.

(Pub. L. 98-181, title I [title II, §227], Nov. 30, 1983, 97 Stat. 1195.)

#### REFERENCES IN TEXT

The United States Housing Act of 1937, referred to in subsec. (d)(2), is act Sept. 1, 1937, ch. 896, as revised generally by Pub. L. 93-383, title II, Aug. 22, 1974, 88 Stat. 653, which is classified generally to chapter 8 (§1437 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1437 of Title 42 and Tables.

The National Housing Act, referred to in subsec. (d)(2), is act June 27, 1934, ch. 847, 48 Stat. 1246, as amended, which is classified principally to this chapter (§1701 et seq.). For complete classification of this Act to the Code, see section 1701 of this title and Tables.

The Housing Act of 1949, referred to in subsec. (d)(2), is act July 15, 1949, ch. 338, 63 Stat. 413, as amended. Title V of the Housing Act of 1949 is classified generally to subchapter III (§1471 et seq.) of chapter 8A of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1441 of Title 42 and Tables.

Section 1701q of this title, referred to in subsec. (d)(2), was amended generally by Pub. L. 101-625, title VIII, §801(a), Nov. 28, 1990, 104 Stat. 4297, and, as so amended, no longer contains a subsec. (d)(4) or a definition of the term “elderly or handicapped families”.

#### CODIFICATION

Section was enacted as part of the Housing and Urban-Rural Recovery Act of 1983 and also as part of the Domestic Housing and International Recovery and Financial Stability Act, and not as part of the National Housing Act which comprises this chapter.

### § 1701s. Rent supplement payments for qualified lower income families

#### (a) Authorization; maximum term; maximum aggregate amount

The Secretary of Housing and Urban Development (hereinafter referred to as the “Secretary”) is authorized to make, and contract to make, annual payments to a “housing owner” on behalf of “qualified tenants”, as those terms are defined herein, in such amounts and under such circumstances as are prescribed in or pursuant to this section. In no case shall a contract provide for such payments with respect to any

<sup>1</sup> See References in Text note below.