

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

(a) ACQUISITION OF HOUSING WITH SPECIAL FEATURES.—(1) Subject to paragraphs (3) and (4), 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) A veteran is described in this paragraph if the veteran—

(i) is entitled to compensation under chapter 11 of this title for a permanent and total service-connected disability that meets any of the criteria described in subparagraph (B); or

(ii) served in the Armed Forces on or after September 11, 2001, and is entitled to compensation under chapter 11 of this title for a permanent service-connected disability that meets the criterion described in subparagraph (C).

(B) The criteria described in this subparagraph are as follows:

(i) 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.

(ii) The disability is due to—  
(I) blindness in both eyes, having only light perception, plus (ii)<sup>1</sup> loss or loss of use of one lower extremity.

(iii) 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.

(iv) 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.

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

(C) The criterion described in this subparagraph is that the disability—

(i) was incurred on or after September 11, 2001; and

(ii) is due to the loss or loss of use of one or more lower extremities which so affects the functions of balance or propulsion as to preclude ambulating without the aid of braces, crutches, canes, or a wheelchair.

(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.

(4)(A) Except as provided in subparagraph (B), the Secretary's authority to furnish assistance under paragraph (1) to a disabled veteran described in paragraph (2)(A)(ii) shall apply only with respect to applications for such assistance approved by the Secretary on or before September 30, 2015.

(B) In each of fiscal years 2014 and 2015, the Secretary may not approve more than 30 applications for assistance under paragraph (1) for disabled veterans described in paragraph (2)(A)(ii).

(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 service-connected disability that meets any of the following criteria:

(A) The disability is due to blindness in both eyes, having central visual acuity of 20/200 or less in the better eye with the use of a standard correcting lens. For the purposes of this subparagraph, an eye with a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered as having a central visual acuity of 20/200 or less.

(B) A permanent and total disability that includes the anatomical loss or loss of use of both hands.

(C) A permanent and total disability that 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),

<sup>1</sup> So in original. Probably should be a separate subcl. and be designated "(II)".

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; Pub. L. 112-154, title II, §§ 202(a), (c), 203(a), Aug. 6, 2012, 126 Stat. 1176, 1177; Pub. L. 113-37, § 2(g), Sept. 30, 2013, 127 Stat. 524; Pub. L. 113-175, title IV, § 405, Sept. 26, 2014, 128 Stat. 1905.)

#### 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

2014—Subsec. (a)(4)(A). Pub. L. 113-175, § 405(1), substituted “September 30, 2015” for “September 30, 2014”.

Subsec. (a)(4)(B). Pub. L. 113-175, § 405(2), substituted “each of fiscal years 2014 and 2015” for “fiscal year 2014”.

2013—Subsec. (a)(4). Pub. L. 113-37 designated existing provisions as subpar. (A), substituted “Except as provided in subparagraph (B), the Secretary’s” for “The Secretary’s” and “September 30, 2014” for “September 30, 2013”, and added subpar. (B).

2012—Subsec. (a)(1). Pub. L. 112-154, § 202(c)(1), substituted “to paragraphs (3) and (4)” for “to paragraph (3)”.

Subsec. (a)(2). Pub. L. 112-154, § 202(a), amended par. (2) generally. Prior to amendment, par. (2) provided description of disabled veteran whom Secretary may assist in acquiring suitable housing.

Subsec. (a)(4). Pub. L. 112-154, § 202(c)(2), added par. (4).

Subsec. (b)(2). Pub. L. 112-154, § 203(a), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “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).”

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 2013 AMENDMENT

Amendment by Pub. L. 113-37 effective Oct. 1, 2013, see section 4(a) of Pub. L. 113-37, set out as a note under section 322 of this title.

#### EFFECTIVE DATE OF 2012 AMENDMENT

Pub. L. 112-154, title II, § 202(b), Aug. 6, 2012, 126 Stat. 1177, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on October 1, 2012.”

Pub. L. 112-154, title II, § 203(b), Aug. 6, 2012, 126 Stat. 1177, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on October 1, 2012.”

#### 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.

## PILOT PROGRAM TO REHABILITATE AND MODIFY HOMES OF DISABLED AND LOW-INCOME VETERANS

Pub. L. 113-291, div. A, title X, § 1079, Dec. 19, 2014, 128 Stat. 3521, provided that:

“(a) DEFINITIONS.—In this section:

“(1) DISABLED.—The term ‘disabled’ means an individual with a disability, as defined by section 12102 of title 42, United States Code.

“(2) ELIGIBLE VETERAN.—The term ‘eligible veteran’ means a disabled or low-income veteran.

“(3) ENERGY EFFICIENT FEATURES OR EQUIPMENT.—The term ‘energy efficient features or equipment’ means features of, or equipment in, a primary residence that help reduce the amount of electricity used to heat, cool, or ventilate such residence, including insulation, weatherstripping, air sealing, heating system repairs, duct sealing, or other measures.

“(4) LOW-INCOME VETERAN.—The term ‘low-income veteran’ means a veteran whose income does not exceed 80 percent of the median income for an area, as determined by the Secretary.

“(5) NONPROFIT ORGANIZATION.—The term ‘nonprofit organization’ means an organization that is—

“(A) described in section 501(c)(3) or 501(c)(19) of the Internal Revenue Code of 1986 [26 U.S.C. 501(c)(3), (19)]; and

“(B) exempt from tax under section 501(a) of such Code [26 U.S.C. 501(a)].

“(6) PRIMARY RESIDENCE.—

“(A) IN GENERAL.—The term ‘primary residence’ means a single family house, a duplex, or a unit within a multiple-dwelling structure that is the principal dwelling of an eligible veteran and is owned by such veteran or a family member of such veteran.

“(B) FAMILY MEMBER DEFINED.—For purposes of this paragraph, the term ‘family member’ includes—

“(1) a spouse, child, grandchild, parent, or sibling;

“(ii) a spouse of such a child, grandchild, parent, or sibling; or

“(iii) any individual related by blood or affinity whose close association with a veteran is the equivalent of a family relationship.

“(7) QUALIFIED ORGANIZATION.—The term ‘qualified organization’ means a nonprofit organization that provides nationwide or statewide programs that primarily serve veterans or low-income individuals.

“(8) SECRETARY.—The term ‘Secretary’ means the Secretary of Housing and Urban Development.

“(9) VETERAN.—The term ‘veteran’ has the meaning given the term in section 101 of title 38, United States Code.

“(10) VETERANS SERVICE ORGANIZATION.—The term ‘veterans service organization’ means any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

“(b) ESTABLISHMENT OF A PILOT PROGRAM.—

“(1) GRANT.—

“(A) IN GENERAL.—The Secretary shall establish a pilot program to award grants to qualified organizations to rehabilitate and modify the primary residence of eligible veterans.

“(B) COORDINATION.—The Secretary shall work in conjunction with the Secretary of Veterans Affairs to establish and oversee the pilot program and to ensure that such program meets the needs of eligible veterans.

“(C) MAXIMUM GRANT.—A grant award under the pilot program to any one qualified organization shall not exceed \$1,000,000 in any one fiscal year, and such an award shall remain available until expended by such organization.

“(2) APPLICATION.—

“(A) IN GENERAL.—Each qualified organization that desires a grant under the pilot program shall submit an application to the Secretary at such time, in such manner, and, in addition to the information required under subparagraph (B), accompanied by such information as the Secretary may reasonably require.

“(B) CONTENTS.—Each application submitted under subparagraph (A) shall include—

“(i) a plan of action detailing outreach initiatives;

“(ii) the approximate number of veterans the qualified organization intends to serve using grant funds;

“(iii) a description of the type of work that will be conducted, such as interior home modifications, energy efficiency improvements, and other similar categories of work; and

“(iv) a plan for working with the Department of Veterans Affairs and veterans service organizations to identify veterans who are not eligible for programs under chapter 21 of title 38, United States Code, and meet their needs.

“(3) USE OF FUNDS.—A grant award under the pilot program shall be used—

“(A) to modify and rehabilitate the primary residence of an eligible veteran, and may include—

“(i) installing wheelchair ramps, widening exterior and interior doors, reconfiguring and re-equipping bathrooms (which includes installing new fixtures and grab bars), removing doorway thresholds, installing special lighting, adding additional electrical outlets and electrical service, and installing appropriate floor coverings to—

“(I) accommodate the functional limitations that result from having a disability; or

“(II) if such residence does not have modifications necessary to reduce the chances that an elderly, but not disabled person, will fall in their home, reduce the risks of such an elderly person from falling;

“(ii) rehabilitating such residence that is in a state of interior or exterior disrepair; and

“(iii) installing energy efficient features or equipment if—

“(I) an eligible veteran’s monthly utility costs for such residence is more than 5 percent of such veteran’s monthly income; and

“(II) an energy audit of such residence indicates that the installation of energy efficient features or equipment will reduce such costs by 10 percent or more; and

“(B) in connection with modification and rehabilitation services provided under the pilot program, to provide technical, administrative, and training support to an affiliate of a qualified organization receiving a grant under such pilot program.

“(4) LIMITATION ON USE OF FUNDS.—Funds may be expended under the pilot program only for the benefit of an eligible veteran who the Secretary determines is residing in and reasonably intends to continue residing in a primary residence owned by such veteran or by a member of such veteran’s family. The Secretary shall make this determination on the basis of a certification by the veteran or a member of the veteran’s family that the veteran intends to continue residing in the primary residence for a sufficient period of time to be determined by the Secretary.

“(5) OVERSIGHT.—The Secretary shall direct the oversight of the grant funds for the pilot program so that such funds are used efficiently until expended to fulfill the purpose of addressing the adaptive housing needs of eligible veterans.

“(6) MATCHING FUNDS.—

“(A) IN GENERAL.—A qualified organization receiving a grant under the pilot program shall contribute towards the housing modification and rehabilitation services provided to eligible veterans an

amount equal to not less than 50 percent of the grant award received by such organization.

“(B) IN-KIND CONTRIBUTIONS.—In order to meet the requirement under subparagraph (A), such organization may arrange for in-kind contributions.

“(7) LIMITATION COST TO THE VETERANS.—A qualified organization receiving a grant under the pilot program shall modify or rehabilitate the primary residence of an eligible veteran at no cost to such veteran (including application fees) or at a cost such that such veteran pays no more than 30 percent of his or her income in housing costs during any month.

“(8) REPORTS.—

“(A) ANNUAL REPORT.—The Secretary shall submit to Congress, on an annual basis, a report that provides, with respect to the year for which such report is written—

“(i) the number of eligible veterans provided assistance under the pilot program;

“(ii) the socioeconomic characteristics of such veterans, including their gender, age, race, and ethnicity;

“(iii) the total number, types, and locations of entities contracted under such program to administer the grant funding;

“(iv) the amount of matching funds and in-kind contributions raised with each grant;

“(v) a description of the housing rehabilitation and modification services provided, costs saved, and actions taken under such program;

“(vi) a description of the outreach initiatives implemented by the Secretary to educate the general public and eligible entities about such program;

“(vii) a description of the outreach initiatives instituted by grant recipients to engage eligible veterans and veteran service organizations in projects utilizing grant funds under such program;

“(viii) a description of the outreach initiatives instituted by grant recipients to identify eligible veterans and their families; and

“(ix) any other information that the Secretary considers relevant in assessing such program.

“(B) FINAL REPORT.—Not later than 6 months after the completion of the pilot program, the Secretary shall submit to Congress a report that provides such information that the Secretary considers relevant in assessing the pilot program.

“(C) INSPECTOR GENERAL REPORT.—Not later than March 31, 2019, the Inspector General of the Department of Housing and Urban Development shall submit to the Chairmen and Ranking Members of the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report containing a review of—

“(i) the use of appropriated funds by the Secretary and by grantees under the pilot program; and

“(ii) oversight and accountability of grantees under the pilot program.

“(9) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Department of Housing and Urban Development for carrying out this section \$4,000,000 for each of fiscal years 2015 through 2019.”

**§ 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;

(2) where the individual elects to construct a housing unit on land acquired by such individual prior to application for assistance under this chapter, the Secretary shall pay not to exceed the smaller of the following sums: (A) 50 percent of the total cost to the individual of the housing unit and the land necessary for such housing unit, or (B) 50 percent of the cost to the individual of the housing unit plus the full amount of the unpaid balance, if any, of the cost to the individual of the land necessary for such housing unit;

(3) where the individual elects to remodel a dwelling which is not adapted to the requirements of such individual's disability, acquired by such individual prior to application for assistance under this chapter, the Secretary shall pay not to exceed (A) the cost to the individual of such remodeling; or (B) 50 percent