

Editorial Notes

AMENDMENTS

2021—Subsec. (a)(1), Pub. L. 116-283 substituted “air, or space service” for “or air service”.

2018—Subsecs. (c), (d), Pub. L. 115-177 added subsec. (c) and redesignated former subsec. (c) as (d).

§ 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 of the cost to the individual of such remodeling; plus the smaller of the following sums: (i) 50 percent of the cost to the individual of such dwelling and the necessary land upon which it is situated, or (ii) the full amount of the unpaid balance, if any, of the cost to the individual of such dwelling and the necessary land upon which it is situated; and

(4) where the individual has acquired a suitable housing unit, the Secretary shall pay not to exceed the smaller of the following sums: (A) 50 percent of the cost to the individual of such housing unit and the necessary land upon which it is situated, or (B) the full amount of the unpaid balance, if any, of the cost to the individual of such housing unit and the necessary land upon which it is situated.

(b) Except as provided in section 2104(b) of this title, the assistance authorized by section 2101(b) of this title shall be limited to the lesser of—

(1) the actual cost, or, in the case of an individual acquiring a residence already adapted with special features, the fair market value, of the adaptations determined by the Secretary under such section 2101(b) to be reasonably necessary, or

(2) \$19,733.

(c) The amount of assistance afforded under subsection (a) for an individual authorized assistance by section 2101(a) of this title shall not be reduced by reason that title to the housing

unit, which is vested in the individual, is also vested in any other person, if the individual resides in the housing unit.

(d)(1) The aggregate amount of assistance available to an individual under section 2101(a) of this title shall be limited to \$98,492.

(2) The aggregate amount of assistance available to an individual under section 2101(b) of this title shall be limited to \$19,733.

(3) Subject to subsection (f), no veteran may receive more than six grants of assistance under this chapter.

(e)(1) Effective on October 1 of each year (beginning in 2009), the Secretary shall increase the amounts described in subsection (b)(2) and paragraphs (1) and (2) of subsection (d) in accordance with this subsection.

(2) The increase in amounts under paragraph (1) to take effect on October 1 of a year shall be by an amount of such amounts equal to the percentage by which—

(A) the residential home cost-of-construction index for the preceding calendar year, exceeds

(B) the residential home cost-of-construction index for the year preceding the year described in subparagraph (A).

(3) The Secretary shall establish a residential home cost-of-construction index for the purposes of this subsection. The index shall reflect a uniform, national average change in the cost of residential home construction, determined on a calendar year basis. The Secretary may use an index developed in the private sector that the Secretary determines is appropriate for purposes of this subsection.

(f)(1) Beginning October 1, 2030, notwithstanding the aggregate amounts specified in subsection (d), a covered veteran may apply for and receive an additional amount of assistance under subsection (a) or (b) of section 2101 of this title in an amount that does not exceed half of the amount specified in subsection (d).

(2) In this subsection, a covered veteran is a veteran who—

(A) is described in subsection (a)(2) or (b)(2) of section 2101 of this title;

(B) as of the date of the veteran's application for assistance under paragraph (1), most recently received assistance under this chapter more than 10 years before such date; and

(C) lives in a home that the Secretary determines does not have adaptations that are reasonably necessary because of the veteran's disability.

(g)(1) Whenever the Secretary finds that an overpayment has been made to, or on behalf of, a person described in paragraph (2), the Secretary shall determine—

(A) the amounts to recover, if any; and

(B) who is liable to the United States for such overpayment.

(2) A person described in this paragraph is any of the following:

(A) An individual who applied for assistance—

(i) under this chapter; or

(ii) under chapter 31 of this title who is pursuing a rehabilitation program under such chapter in acquiring adaptations to a residence.

(B) An owner or seller of real estate used, or intended to be used, in connection with assistance under this chapter.

(C) A builder, contractor, supplier, tradesperson, corporation, trust, partnership, or other person, who provided services or goods relating to assistance under this chapter.

(D) An attorney, escrow agent, or financial institution, that receives, or holds in escrow, funds relating to assistance under this chapter.

(E) A surviving spouse, heir, assignee, or successor in interest of or to, any person described in this paragraph.

(3)(A) Any overpayment referred to in this subsection may be recovered in the same manner as any other debt due the United States.

(B) In recovering the overpayment, the Secretary may charge administrative costs, fees, and interest, as appropriate, in a manner similar to the authority under section 5315 of this title.

(4)(A) The recovery of any overpayment referred to in this subsection may be waived by the Secretary.

(B) Waiver of any such overpayment as to a person described in paragraph (2) shall in no way release any other person described in such paragraph from liability.

(5) The Secretary shall waive recovery under this subsection of any overpayment to a person described in paragraph (2)(A), or a dependent or survivor of such person, that arises from administrative error described in paragraph (7)(A).

(6) Nothing in this subsection shall be construed as precluding the imposition of any civil or criminal liability under this title or any other law.

(7) The Secretary shall prescribe in regulations what constitutes an overpayment for the purposes of this subsection, which, at a minimum, shall include—

(A) administrative error that results in an individual receiving assistance to which that individual is not entitled;

(B) the failure of any person described in paragraph (2) to—

(i) perform or allow to be performed any act relating to assistance under this chapter; or

(ii) compensate any party performing services or supplying goods relating to assistance under this chapter; and

(C) any disbursement of funds relating to assistance under this chapter, that, in the sole discretion of the Secretary, constitutes a misuse of such assistance.

(8) Prior to collecting an overpayment under this subsection, the Secretary shall provide to the person whom the Secretary has determined liable for such overpayment—

(A) notice of the finding by the Secretary of such overpayment;

(B) a reasonable opportunity for such person to remedy the circumstances that effectuated the overpayment; and

(C) a reasonable opportunity for such person to present evidence to the Secretary that an overpayment was not made.

(9) For the purposes of section 511 of this title, a decision to collect an overpayment from a per-

son other than a person described in paragraph (2)(A), or a dependent or survivor of such person, may not be treated as a decision that affects the provision of benefits.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1168, §802; Pub. L. 91-22, §2, June 6, 1969, 83 Stat. 32; Pub. L. 91-506, §6, Oct. 23, 1970, 84 Stat. 1113; Pub. L. 92-341, July 10, 1972, 86 Stat. 432; Pub. L. 93-569, §9, Dec. 31, 1974, 88 Stat. 1867; Pub. L. 95-476, title I, §101, Oct. 18, 1978, 92 Stat. 1497; Pub. L. 96-385, title III, §301(b), Oct. 7, 1980, 94 Stat. 1531; Pub. L. 97-66, title V, §502, Oct. 17, 1981, 95 Stat. 1032; Pub. L. 97-295, §4(33), Oct. 12, 1982, 96 Stat. 1307; Pub. L. 98-543, title III, §304(a), Oct. 24, 1984, 98 Stat. 2748; Pub. L. 99-576, title IV, §401(b), Oct. 28, 1986, 100 Stat. 3280; Pub. L. 100-322, title III, §301, May 20, 1988, 102 Stat. 534; renumbered §2102 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 105-178, title VIII, §204(a), June 9, 1998, 112 Stat. 494; Pub. L. 106-419, title III, §321, Nov. 1, 2000, 114 Stat. 1855; Pub. L. 107-103, title IV, §404, Dec. 27, 2001, 115 Stat. 993; Pub. L. 108-183, title IV, §402(a), Dec. 16, 2003, 117 Stat. 2664; Pub. L. 109-233, title I, §101(b), June 15, 2006, 120 Stat. 398; Pub. L. 110-289, div. B, title VI, §§2602(b)(2), 2605(a), July 30, 2008, 122 Stat. 2859, 2861; Pub. L. 112-154, title II, §204(a), Aug. 6, 2012, 126 Stat. 1177; Pub. L. 116-154, §§3(a), (c)-(e), 4, Aug. 8, 2020, 134 Stat. 690, 691; Pub. L. 116-315, title II, §2104, Jan. 5, 2021, 134 Stat. 4982.)

Editorial Notes

PRIOR PROVISIONS

Prior section 2102, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1223, related to determination of amount of mustering-out payments, prior to repeal by Pub. L. 89-50, §1(a), June 24, 1965, 79 Stat. 173, effective July 1, 1966.

AMENDMENTS

2021—Subsec. (g). Pub. L. 116-315 added subsec. (g).

2020—Subsec. (b)(2). Pub. L. 116-154, §3(c), substituted “\$19,733” for “\$12,000”.

Subsec. (d)(1). Pub. L. 116-154, §3(d), substituted “\$98,492” for “\$63,780”.

Subsec. (d)(2). Pub. L. 116-154, §3(e), substituted “\$19,733” for “\$12,756”.

Subsec. (d)(3). Pub. L. 116-154, §3(a), substituted “Subject to subsection (f), no veteran” for “No veteran” and “six” for “three”.

Subsec. (f). Pub. L. 116-154, §4, added subsec. (f).

2012—Subsec. (d). Pub. L. 112-154 amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows:

“(d)(1) The aggregate amount of assistance available to an individual under sections 2101(a) and 2102A of this title shall be limited to \$60,000.

“(2) The aggregate amount of assistance available to an individual under sections 2101(b) and 2102A of this title shall be limited to \$12,000.

“(3) No veteran may receive more than three grants of assistance under this chapter.”

2008—Subsec. (a). Pub. L. 110-289, §2602(b)(2)(A)(i), substituted “individual” for “veteran” wherever appearing.

Subsec. (a)(3). Pub. L. 110-289, §2602(b)(2)(A)(ii), substituted “individual’s” for “veteran’s”.

Subsec. (b)(1). Pub. L. 110-289, §2602(b)(2)(B), substituted “an individual” for “a veteran”.

Subsec. (b)(2). Pub. L. 110-289, §2605(a)(1), substituted “\$12,000” for “\$10,000”.

Subsec. (c). Pub. L. 110-289, §2602(b)(2)(C), substituted “an individual” for “a veteran” and substituted “the individual” for “the veteran” in two places.

Subsec. (d). Pub. L. 110-289, § 2602(b)(2)(D), substituted "an individual" for "a veteran" in two places.

Subsec. (d)(1). Pub. L. 110-289, § 2605(a)(2)(A), substituted "\$60,000" for "\$50,000".

Subsec. (d)(2). Pub. L. 110-289, § 2605(a)(2)(B), substituted "\$12,000" for "\$10,000".

Subsec. (e). Pub. L. 110-289, § 2605(a)(3), added subsec. (e).

2006—Subsec. (a). Pub. L. 109-233, § 101(b)(1), in introductory provisions, struck out "shall be limited in the case of any veteran to one housing unit, and necessary land therefor, and" before "shall be afforded" and substituted "veteran—" for "veteran but shall not exceed \$50,000 in any one case—".

Subsec. (d). Pub. L. 109-233, § 101(b)(2), added subsec. (d).

2003—Subsec. (a). Pub. L. 108-183, § 402(a)(1), substituted "\$50,000" for "\$48,000" in introductory provisions.

Subsec. (b)(2). Pub. L. 108-183, § 402(a)(2), substituted "\$10,000" for "\$9,250".

2001—Subsec. (a). Pub. L. 107-103, § 404(1), substituted "\$48,000" for "\$43,000" in introductory provisions.

Subsec. (b)(2). Pub. L. 107-103, § 404(2), substituted "\$9,250" for "\$8,250".

2000—Subsec. (c). Pub. L. 106-419 added subsec. (c).

1998—Subsec. (a). Pub. L. 105-178, § 8204(a)(1), substituted "\$43,000" for "\$38,000" in introductory provisions.

Subsec. (b)(2). Pub. L. 105-178, § 8204(a)(2), substituted "\$8,250" for "\$6,500".

1991—Pub. L. 102-83, § 5(a), renumbered section 802 of this title as this section.

Subsec. (a). Pub. L. 102-83, § 5(c)(1), substituted "2101(a)" for "801(a)" in introductory provisions.

Pub. L. 102-83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator" wherever appearing.

Subsec. (b). Pub. L. 102-83, § 5(c)(1), substituted "2104(b)" for "804(b)" and substituted "2101(b)" for "801(b)" in two places.

Pub. L. 102-83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in par. (1).

1988—Subsec. (a). Pub. L. 100-322, § 301(1), substituted "\$38,000" for "\$35,500".

Subsec. (b)(2). Pub. L. 100-322, § 301(2), substituted "\$6,500" for "\$6,000".

1986—Subsec. (b)(1). Pub. L. 99-576 substituted "cost, or, in the case of a veteran acquiring a residence already adapted with special features, the fair market value," for "cost".

1984—Subsec. (a). Pub. L. 98-543, § 304(a)(1), substituted "\$35,500" for "\$32,500" in provisions before par. (1).

Subsec. (b)(2). Pub. L. 98-543, § 304(a)(2), substituted "\$6,000" for "\$5,000".

1982—Subsec. (a). Pub. L. 97-295 substituted "percent" for "per centum" wherever appearing.

1981—Subsec. (a). Pub. L. 97-66, § 502(1), substituted "\$32,500" for "\$30,000" in provisions preceding par. (1), "such veteran" for "him" in pars. (1), (2), and (3), and "such veteran's" for "his" in par. (3).

Subsec. (b). Pub. L. 97-66, § 502(2), substituted "section 804(b)" for "section 804(b)(2)".

1980—Subsec. (a). Pub. L. 96-385, § 301(b)(1), (2), designated existing provisions as subsec. (a) and substituted "section 801(a)" for "section 801".

Subsec. (b). Pub. L. 96-385, § 301(b)(3), added subsec. (b).

1978—Pub. L. 95-476 substituted "\$30,000" for "\$25,000".

1974—Pub. L. 93-569 substituted "\$25,000" for "\$17,500".

1972—Pub. L. 92-341 substituted "\$17,500" for "\$12,500".

1970—Par. (3). Pub. L. 91-506 inserted provision authorizing Administrator in the case of assistance to disabled veterans for specially adapted housing, where the veteran elects to remodel a dwelling not adapted to his disability, to pay the cost of remodeling as an alternative to the present provisions still set out in this par.

which authorize the Administrator to pay the total of 50 percent of the remodeling cost plus 50 percent of the dwelling's cost or the full amount of the unpaid balance of the cost of such dwelling, whichever sum is smaller. 1969—Pub. L. 91-22 substituted "\$12,500" for "\$10,000".

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2020 AMENDMENT

Amendment by Pub. L. 116-154 effective Oct. 1, 2020, see section 3(f) of Pub. L. 116-154, set out as a note under section 2101 of this title.

EFFECTIVE DATE OF 2012 AMENDMENT

Pub. L. 112-154, title II, § 204(b), Aug. 6, 2012, 126 Stat. 1177, provided that: "The amendments made by subsection (a) [amending this section] shall take effect on the date that is one year after the date of the enactment of this Act [Aug. 6, 2012] and shall apply with respect to assistance provided under sections 2101(a), 2101(b), and 2102A of title 38, United States Code, after such date."

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-289, div. B, title VI, § 2605(b), July 30, 2008, 122 Stat. 2861, provided that: "The amendments made by this section [amending this section] shall take effect on July 1, 2008, and shall apply with respect to payments made in accordance with section 2102 of title 38, United States Code, on or after that date."

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-183, title IV, § 402(c), Dec. 16, 2003, 117 Stat. 2664, provided that: "The amendments made by subsections (a) and (b) [amending this section and section 3902 of this title] shall apply with respect to assistance furnished on or after the date of the enactment of this Act [Dec. 16, 2003]."

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-178, title VIII, § 8204(b), June 9, 1998, 112 Stat. 494, provided that: "The amendments made by subsection (a) [amending this section] shall apply with respect to limitations under section 2102 of such title on assistance furnished to a veteran under section 2101 of such title on or after October 1, 1998."

EFFECTIVE DATE OF 1988 AMENDMENT

Pub. L. 100-322, title III, § 304, May 20, 1988, 102 Stat. 534, provided that: "The amendments made by sections 301, 302, and 303 [amending this section and sections 907 and 1902 [now 2307 and 3902] of this title] shall take effect on April 1, 1988."

EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98-543, title III, § 304(b), Oct. 24, 1984, 98 Stat. 2748, provided that: "The amendments made by subsection (a) [amending this section] shall take effect on January 1, 1985."

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-66 effective Oct. 17, 1981, see section 701(b)(1) of Pub. L. 97-66, set out as a note under section 1114 of this title.

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 1978 AMENDMENT

Amendment by Pub. L. 95-476 effective Oct. 1, 1978, see section 108(a) of Pub. L. 95-476, set out as a note under section 3702 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-569 effective Dec. 31, 1974, see section 10 of Pub. L. 93-569, set out as a note under section 3702 of this title.

MAINTENANCE OF HIGHER RATES

Pub. L. 112-154, title II, §204(c), Aug. 6, 2012, 126 Stat. 1177, provided that: "The amendment made by subsection (a) [amending this section] shall not be construed to decrease the aggregate amount of assistance available to an individual under the sections described in subsection (b) [set out as an Effective Date of 2012 Amendment note above], as most recently increased by the Secretary pursuant to section 2102(e) of such title [38 U.S.C. 2102(e)]."

§ 2102A. Assistance for individuals residing temporarily in housing owned by a family member

(a) PROVISION OF ASSISTANCE.—In the case of a disabled individual who is described in subsection (a)(2) or (b)(2) of section 2101 of this title and who is residing, but does not intend to permanently reside, in a residence owned by a member of such individual's family, the Secretary may assist the individual in acquiring such adaptations to such residence as are determined by the Secretary to be reasonably necessary because of the individual's disability.

(b) AMOUNT OF ASSISTANCE.—(1) The assistance authorized under subsection (a) may not exceed—

(A) \$28,000, in the case of an individual described in section 2101(a)(2) of this title; or

(B) \$5,000, in the case of an individual described in section 2101(b)(2) of this title.

(2) Effective on October 1 of each year (beginning in 2012), the Secretary shall use the same percentage calculated pursuant to section 2102(e) of this title to increase the amounts described in paragraph (1) of this subsection.

(c) LIMITATION.—The assistance authorized by subsection (a) shall be limited in the case of any individual to one residence.

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

(e) TERMINATION.—No assistance may be provided under this section after December 31, 2022.

(Added Pub. L. 109-233, title I, §101(a), June 15, 2006, 120 Stat. 398; amended Pub. L. 110-289, div. B, title VI, §§2602(b)(3), (7)(B), 2604, July 30, 2008, 122 Stat. 2859-2861; Pub. L. 112-37, §14, Oct. 5, 2011, 125 Stat. 397; Pub. L. 112-154, title II, §205(a)-(c), Aug. 6, 2012, 126 Stat. 1178.)

Editorial Notes

AMENDMENTS

2012—Subsec. (b). Pub. L. 112-154, §205(b), redesignated existing provisions as par. (1), redesignated former pars. (1) and (2) as subpars. (A) and (B) of par. (1), and added par. (2).

Subsec. (b)(1). Pub. L. 112-154, §205(a)(1), substituted "\$28,000" for "\$14,000".

Subsec. (b)(2). Pub. L. 112-154, §205(a)(2), substituted "\$5,000" for "\$2,000".

Subsec. (e). Pub. L. 112-154, §205(c), substituted "December 31, 2022" for "December 31, 2012".

2011—Subsec. (e). Pub. L. 112-37 substituted "2012" for "2011".

2008—Pub. L. 110-289, §2602(b)(7)(B), amended section catchline generally. Prior to amendment, catchline read as follows: "Assistance for veterans residing temporarily in housing owned by a family member".

Subsec. (a). Pub. L. 110-289, §2602(b)(3)(A), (B), substituted "individual" for "veteran" and "individual's" for "veteran's" in two places each.

Subsec. (b). Pub. L. 110-289, §2602(b)(3)(C), substituted "an individual" for "a veteran" in two places.

Subsec. (c). Pub. L. 110-289, §2602(b)(3)(A), substituted "individual" for "veteran".

Subsec. (e). Pub. L. 110-289, §2604, substituted "after December 31, 2011" for "after the end of the five-year period that begins on the date of the enactment of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006".

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2012 AMENDMENT

Pub. L. 112-154, title II, §205(d), Aug. 6, 2012, 126 Stat. 1178, provided that: "The amendments made by this section [amending this section] shall take effect on the date of the enactment of this Act [Aug. 6, 2012] and shall apply with respect to assistance furnished in accordance with section 2102A of title 38, United States Code, on or after that date."

§ 2102B. Adaptations to residences of veterans in rehabilitation programs

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary may assist a veteran who is entitled to services and assistance under chapter 31 of this title and is pursuing a rehabilitation program under such chapter in acquiring such adaptations to such veteran's residence as are determined necessary by the Secretary to accomplish the purposes of such rehabilitation program.

(b) AMOUNT.—(1) The aggregate amount of assistance available to a veteran under subsection (a) may not exceed \$77,307. The Secretary may waive this limitation for a veteran if the Secretary determines a waiver is necessary for the rehabilitation program of the veteran.

(2) Effective on October 1 of each year (beginning in 2017), the Secretary shall increase the amount described in paragraph (1) by the percentage calculated under section 2102(e)(2) of this title.

(3) Beginning on October 1, 2019, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a biennial report on the use of the waiver authority under paragraph (1).

(c) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this section.

(d) REHABILITATION PROGRAM DEFINED.—In this section, the term "rehabilitation program" has the meaning given such term in section 3101 of this title.

(Added Pub. L. 115-177, §1(a), June 1, 2018, 132 Stat. 1376.)

Statutory Notes and Related Subsidiaries

REGULATIONS

Pub. L. 115-177, §1(b), June 1, 2018, 132 Stat. 1376, provided that: "The Secretary may provide assistance under section 2102B of such title [meaning title 38, United States Code], as added by subsection (a), in advance of regulations by issuing notice specifying the criteria for the application, approval, and oversight processes relating to the provision of assistance under such section."

§ 2103. Furnishing of plans and specifications

(a) PLANS AND SPECIFICATIONS.—The Secretary is authorized to furnish to individuals eligible