

104TH CONGRESS
1ST SESSION

S. 247

To improve senior citizen housing safety.

IN THE SENATE OF THE UNITED STATES

JANUARY 19 (legislative day, JANUARY 10), 1995

Mr. GREGG introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To improve senior citizen housing safety.

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 Citizen Housing
5 Safety Act”.

6 **SEC. 2. SENIOR CITIZEN HOUSING SAFETY.**

7 (a) LIMITATION ON OCCUPANCY IN PUBLIC HOUSING
8 DESIGNATED FOR ELDERLY FAMILIES.—

9 (1) IN GENERAL.—Section 7(a) of the United
10 States Housing Act of 1937 (42 U.S.C. 1437e(a)) is
11 amended—

1 (A) in paragraph (1), by striking “Not-
2 withstanding any other provision of law” and
3 inserting “Subject only to the provisions of this
4 subsection”;

5 (B) in paragraph (4), by inserting “, ex-
6 cept as provided in paragraph (5)” before the
7 period at the end; and

8 (C) by adding at the end the following new
9 paragraph:

10 “(5) LIMITATION ON OCCUPANCY IN PROJECTS
11 FOR ELDERLY FAMILIES.—

12 “(A) OCCUPANCY LIMITATION.—Notwith-
13 standing any other provision of law, a dwelling
14 unit in a project (or portion of a project) that
15 is designated under paragraph (1) for occu-
16 pancy by only elderly families or by only elderly
17 and disabled families shall not be occupied by—

18 “(i) any person with disabilities who
19 is not an elderly person and whose history
20 of use of alcohol or drugs constitutes a dis-
21 ability; or

22 “(ii) any person who is not an elderly
23 person and whose history of use of alcohol
24 or drugs provides reasonable cause for the
25 public housing agency to believe that the

1 occupancy by such person may interfere
2 with the health, safety, or right to peaceful
3 enjoyment of the premises by other ten-
4 ants.

5 “(B) REQUIRED STATEMENT.—A public
6 housing agency may not make a dwelling unit
7 in such a project available for occupancy to any
8 person or family who is not an elderly family,
9 unless the agency acquires from the person or
10 family a signed statement that no person who
11 will be occupying the unit—

12 “(i) uses (or has a history of use of)
13 alcohol; or

14 “(ii) uses (or has a history of use of)
15 drugs;

16 that would interfere with the health, safety, or
17 right to peaceful enjoyment of the premises by
18 other tenants.”.

19 (2) LEASE PROVISIONS.—Section 6(l) of the
20 United States Housing Act of 1937 (42 U.S.C.
21 1437d(l)) is amended—

22 (A) in paragraph (5), by striking “and” at
23 the end;

24 (B) by redesignating paragraph (6) as
25 paragraph (7); and

1 (C) by inserting after paragraph (5) fol-
2 lowing new paragraph:

3 “(6) provide that any occupancy in violation of
4 the provisions of section 7(a)(5)(A) or the furnishing
5 of any false or misleading information pursuant to
6 section 7(a)(5)(B) shall be cause for termination of
7 tenancy; and”.

8 (b) EVICTION OF NONELDERLY TENANTS HAVING
9 DRUG OR ALCOHOL USE PROBLEMS FROM PUBLIC
10 HOUSING DESIGNATED FOR ELDERLY FAMILIES.—Sec-
11 tion 7(c) of the United States Housing Act of 1937 (42
12 U.S.C. 1437e(c)) is amended to read as follows:

13 “(c) STANDARDS REGARDING EVICTIONS.—

14 “(1) LIMITATION.—Any tenant who is lawfully
15 residing in a dwelling unit in a public housing
16 project may not be evicted or otherwise required to
17 vacate such unit because of the designation of the
18 project (or a portion of the project) pursuant to this
19 section or because of any action taken by the Sec-
20 retary or any public housing agency pursuant to this
21 section.

22 “(2) REQUIREMENT TO EVICT NONELDERLY
23 TENANTS FOR 3 INSTANCES OF PROHIBITED ACTIV-
24 ITY INVOLVING DRUGS OR ALCOHOL.—With respect
25 to a project (or portion of a project) described in

1 subsection (a)(5)(A), the public housing agency ad-
2 ministering the project shall evict any person who is
3 not an elderly person and who, during occupancy in
4 the project (or portion thereof), engages on 3 sepa-
5 rate occasions (occurring after the date of the enact-
6 ment of this Act) in any activity that threatens the
7 health, safety, or right to peaceful enjoyment of the
8 premises by other tenants and involves the use of al-
9 cohol or drugs.

10 “(3) RULE OF CONSTRUCTION.—The provisions
11 of paragraph (2) requiring eviction of a person may
12 not be construed to require a public housing agency
13 to evict any other persons who occupy the same
14 dwelling unit as the person required to be evicted.”.

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