

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

24 CFR Part 100

[Docket No. R-95-1706; FR-3502-C-07]

**Housing for Older Persons; Defining
Significant Facilities and Services;
Proposed Amendments; Correction**

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Proposed rule; Correction.

SUMMARY: On March 14, 1995 (60 FR 13840), HUD published a rule which proposed to implement section 919 of the Housing and Community Development Act of 1992. Section 919 requires the Secretary of HUD to issue "rules defining what are 'significant facilities and services especially designed to meet the physical or social needs of older persons' required under section 807(b)(2) of the Fair Housing Act to meet the definition of the term 'housing for older persons' in such section." The purpose of this document is to make a correction to the section of the proposed rule which sets forth the standards by which to ascertain whether a facility or service is "significant" or "especially designed to meet the physical or social needs of older persons."

FOR FURTHER INFORMATION CONTACT: Sara K. Pratt, Office of Investigations, Office of Fair Housing and Equal Opportunity, Room 5204, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410-0500, telephone (202) 708-0836. Hearing or speech-impaired individuals may call HUD's TDD number (202) 708-0113, or 1-800-877-8399 (Federal Relay Service TDD). (Other than the "800" number, these are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: The Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. 3601-19) (the Act) exempts "housing for older persons" from the prohibitions against discrimination because of familial status. Specifically, section 807(b)(2)(C) of the Act exempts housing intended and operated for occupancy by at least one person 55 years of age or older per unit that satisfies certain criteria. HUD has implemented the housing for older persons exemption at 24 CFR part 100, subpart E.

Section 919 of the Housing and Community Development Act of 1992 (Pub. L. 102-550, approved October 28, 1992) requires the Secretary of HUD to issue a rule further defining what are "significant facilities and services especially designed to meet the physical or social needs of older persons" required under section 807(b)(2) of the Fair Housing Act to meet the definition of the term "housing for older persons."

On March 14, 1995 (60 FR 13840) HUD published a rule which proposed to implement the requirements of section 919 of the Housing and Community Development Act of 1992. This document makes a correction to proposed § 100.306, which sets forth the standards by which to ascertain whether a facility or service is "significant" or "especially designed to meet the physical or social needs of older persons."

Proposed § 100.306 sets forth a diverse "menu" of facilities and services which a community may choose to provide. The facilities and services are listed under twelve broad categories (e.g. Social Needs, Leisure Needs, Educational Needs). The preamble to the March 14, 1995 proposed rule discusses § 100.306 on page 13841, column one, paragraph four. The preamble states that "[i]n order to

qualify as 55-or-over housing, the community must provide at least two facilities or services from five of the categories, for a total of at least ten facilities or services."

However, paragraph (c) of proposed § 100.306 reads: "A housing provider provides significant facilities and services if it makes available, directly or indirectly, at least 2 facilities or services of the facilities described in paragraph (d)(10) of this section (category 10) or in paragraph (d)(11) of this section (category 11)." The phrase "in at least 5 categories described in paragraph (d) of this section, including at least two" should have followed the phrase "at least 2 facilities or services." This document inserts the missing phrase.

Accordingly, FR Doc. 95-1706, Housing for Older Persons; Defining Significant Facilities and Services; Proposed Amendments, published in the **Federal Register** on March 14, 1995 (60 FR 13840) is corrected as follows:

1. On page 13843, in column 2, paragraph (c) of § 100.306 is corrected to read as follows:

§ 100.306 Significant facilities and services specifically designed for older persons.

* * * * *

(c) A housing provider provides significant facilities and services if it makes available, directly or indirectly, at least 2 facilities or services in at least five categories described in paragraph (d) of this section, including at least 2 of the facilities described in paragraph (d)(10) of this section (category 10) or in paragraph (d)(11) of this section (category 11).

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Dated: March 15, 1995.

Roberta Achtenberg,

Assistant Secretary for Fair Housing and Equal Opportunity.

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