

105TH CONGRESS  
2D SESSION

# H. R. 4543

To amend section 16 of the United States Housing Act of 1937 to require owners of federally assisted housing to establish standards to prohibit occupancy in such housing by drug and alcohol abusers in the same manner that public housing agencies are required to establish such standards for public housing.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 10, 1998

Mr. KENNEDY of Rhode Island introduced the following bill; which was referred to the Committee on Banking and Financial Services

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## A BILL

To amend section 16 of the United States Housing Act of 1937 to require owners of federally assisted housing to establish standards to prohibit occupancy in such housing by drug and alcohol abusers in the same manner that public housing agencies are required to establish such standards for public housing.

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. ESTABLISHMENT OF OCCUPANCY STANDARDS**  
4                       **AND AUTHORITY TO TERMINATE TENANCY.**

5       Section 16(e) of the United States Housing Act of  
6       1937 (42 U.S.C. 1437n(e)) is amended—

1           (1) in paragraph (1), by striking “IN GEN-  
2           ERAL” and inserting “PUBLIC HOUSING AND PHA-  
3           ADMINISTERED SECTION 8 ASSISTANCE”;

4           (2) in paragraph (2), in the matter preceding  
5           subparagraph (A)—

6                   (A) by inserting “or (2)” after “paragraph  
7           (1)”; and

8                   (B) by inserting “or an owner of federally  
9           assisted housing” after “public housing agen-  
10          cy”;

11          (3) by redesignating paragraph (2), as so  
12          amended, as paragraph (3); and

13          (4) by inserting after paragraph (1) the follow-  
14          ing new paragraph:

15                “(2) FEDERALLY ASSISTED HOUSING.—Not-  
16          withstanding any other provision of law, an owner of  
17          federally assisted housing shall establish standards  
18          for occupancy in units in such housing—

19                   “(A) that prohibit occupancy in any such  
20          dwelling unit by any person—

21                           “(i) who the owner determines is ille-  
22                           gally using a controlled substance; or

23                           “(ii) if the owner determines that the  
24                           owner has reasonable cause to believe that  
25                           such person’s illegal use (or pattern of ille-

gal use) of a controlled substance, or abuse  
(or pattern of abuse) of alcohol, may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents of the project; and

“(B) that allow the owner to terminate the tenancy in any dwelling unit in the federally assisted housing of any person—

“(i) who the owner determines is illegally using a controlled substance; or

“(ii) whose illegal use of a controlled substance, or whose abuse of alcohol, is determined by the owner to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents of the project.”.

**SEC. 2. DEFINITIONS.**

Section 16(e) of the United States Housing Act of 1937 (42 U.S.C. 1437n(e)), as amended by section 2 of this Act, is further amended by adding at the end the following new paragraph:

“(4) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

1 “(A) FEDERALLY ASSISTED HOUSING.—

2 The term ‘federally assisted housing’ means  
3 housing that is—

4 “(i) provided project-based assistance  
5 under section 8 of the United States Hous-  
6 ing Act of 1937, including new construc-  
7 tion and substantial rehabilitation projects;

8 “(ii) assisted under section 202 of the  
9 Housing Act of 1959 (as amended by sec-  
10 tion 801 of the Cranston-Gonzalez Na-  
11 tional Affordable Housing Act);

12 “(iii) assisted under section 202 of  
13 the Housing Act of 1959, as such section  
14 existed before the enactment of the Cran-  
15 ston-Gonzalez National Affordable Housing  
16 Act;

17 “(iv) assisted under section 811 of the  
18 Cranston-Gonzalez National Affordable  
19 Housing Act;

20 “(v) financed by a loan or mortgage  
21 insured under section 221(d)(3) of the Na-  
22 tional Housing Act that bears interest at a  
23 rate determined under the proviso of sec-  
24 tion 221(d)(5) of such Act;

1                   “(vi) insured, assisted, or held by the  
2                   Secretary or a State or State agency under  
3                   section 236 of the National Housing Act;  
4                   or

5                   “(vii) assisted under section 515 of  
6                   the Housing Act of 1949.

7                   “(B) OWNER.—The term ‘owner’ means,  
8                   with respect to federally assisted housing, the  
9                   entity or private person (including a cooperative  
10                  or public housing agency) that has the legal  
11                  right to lease or sublease dwelling units in such  
12                  housing.”.

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