

Housing for Handicapped and Non-handicapped Senior Citizens

April 14, 1988

Honorable Dean A. Gallo
House of Representatives
Washington, DC 20515

Dear Mr. Gallo:

Thank you for your letter dated January 27, 1988, addressed to former Assistant Secretary Steven May, regarding the Senior Citizen Housing Project in the Township of Livingston, New Jersey. We understand that as part of this housing project the Township has plans to provide housing units for both handicapped and non-handicapped senior citizens, but not for non-senior handicapped persons.

Since this activity is receiving assistance from the U.S. Department of Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) program, the legislation that is relevant here is section 109 of the Housing and Community Development Act of 1974 (42 U.S.C. §5309). Section 109 requires that entities receiving CDBG funds comply with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794, which prohibits discrimination against otherwise qualified individuals with handicaps (see enclosure). In this case, it appears that the Township will be in compliance with section 504 and section 109 since housing units will be provided both to handicapped and non-handicapped senior citizens.

Neither section 109 nor section 504 requires the Township to provide housing for handicapped persons who are not senior citizens. We know of no other statutory or regulatory impediment that would prohibit the township from proceeding with the project as described, that is, constructing senior citizen housing exclusively for senior citizens.

I hope that this information is helpful to you.

Very sincerely yours,

(signed)

Audrey E. Scott
Deputy Assistant Secretary
Enclosure