INCREASED MORTGAGE CEILINGS FOR MORTGAGE INSURANCE PROGRAMS

12 USC 1715l. Sec. 325. (a) Section 221(d)(3)(ii) of the National Housing Act is amended—
(1) by striking out "$16,600", "$18,648", "$22,356", "$28,192", and "$31,884" and inserting in lieu thereof "$21,563", "$24,662", "$29,984", "$33,379", and "$42,756", respectively; and
(b) Section 221(d)(4)(ii) of such Act is amended by striking out "$18,450", "$20,625", "$24,830", "$29,640", and "$34,846" in the matter preceding the first semicolon and inserting in lieu thereof "$19,406", "$22,025", "$26,625", "$33,430", and "$37,870", respectively.

FHA-INSURED MORTGAGE REFINANCING OF HOSPITALS

12 USC 1715n. Sec. 326. Section 223(f) of the National Housing Act is amended by—
(1) inserting before the period at the end of the first sentence thereof the following: "or the refinancing of existing debt of an existing hospital;"
(2) striking out "property" in the second sentence and inserting in lieu thereof "multifamily housing project;" and
(3) adding at the end thereof the following new sentence:
"In the case of refinancing of an existing hospital the Secretary shall prescribe such terms and conditions as the Secretary deems necessary to assure that—"
"(A) the refinancing is employed to lower the monthly debt service costs (taking into account any fees or charges connected with such refinancing) of such existing hospital;"
"(B) the proceeds of any refinancing will be employed to retire the existing indebtedness and pay the necessary cost of refinancing on such existing hospital;"
"(C) such existing hospital is economically viable; and"
"(D) such existing hospital has received such certifications from a State agency designated in accordance with section 604(a) (1) or section 1521 of the Public Health Service Act for the State in which the hospital is located as the Secretary deems necessary and appropriate and comparable to the certification required for hospitals insured under section 242 of this Act and that such State agency additionally certify that the services being provided by such existing hospital at the time of refinancing are appropriate as determined pursuant to section 1523(a)(6) of the Public Health Service Act.".

TITLE IV—CONGREGATE SERVICES

SHORT TITLE

42 USC 8001 note.

Sec. 401. This title may be cited as the "Congregate Housing Services Act of 1878".

FINDINGS

42 USC 8001.

Sec. 402. The Congress finds that—
(1) congregate housing, coordinated with the delivery of supportive services, offers an innovative, proven, and cost-effective means of enabling temporarily disabled or handicapped indi-

viduals to maintain a lifestyle that is as independent and as self-sufficient as possible.
(2) a large number of residents of private institutions confined to institutionalized care in the elderly have a demonstrated need for supportive services, and the availability of such services requires cooperation among residents of such institutions, the elderly, families, other institutionalized care, and their caregivers.
(3) supplementary to the provisions of this title is the continuing basic health, mental health, and social services components of the congregate services programs.

Sec. 403. For the purpose of carrying out such title, the term "living arrangement" means any living arrangement whereby individuals are provided a single room or a group of rooms or Suites, within a congregate living facility, in which, as of February 28, 1974, institutionalized care was available for some reason, and where some of the residents are persons--
(A) low-rent rental assistance provided to persons who are eligible for such assistance as low-rent housing, and
(B) low-rent rental assistance provided to persons who are eligible for such assistance as low-rent housing, and
(C) low-rent rental assistance provided to persons who are eligible for institutionalized care.
(4) the term "congregate living facility" means any living arrangement which is part of a congregate living facility within the meaning of this title.
(5) the term "housing services" means services which are provided to residents of congregate living facilities and which include at least the following:
(A) living arrangements for at least the following:
(B) the term "living arrangement" means any living arrangement whereby individuals are provided a single room or a group of rooms or Suites, within a congregate living facility, in which, as of February 28, 1974, institutionalized care was available for some reason, and where some of the residents are persons--
(C) low-rent rental assistance provided to persons who are eligible for institutionalized care.
(D) the term "congregate living facility" means any living arrangement which is part of a congregate living facility within the meaning of this title.
(6) the term "housing services" means services which are provided to residents of congregate living facilities and which include at least the following:
(A) living arrangements for at least the following:
(B) the term "living arrangement" means any living arrangement whereby individuals are provided a single room or a group of rooms or Suites, within a congregate living facility, in which, as of February 28, 1974, institutionalized care was available for some reason, and where some of the residents are persons--
(C) low-rent rental assistance provided to persons who are eligible for institutionalized care.
(D) the term "congregate living facility" means any living arrangement which is part of a congregate living facility within the meaning of this title.
individuals to maintain their dignity and independence and to avoid costly and unnecessary institutionalization;
(2) a large and growing number of elderly and handicapped residents of public housing projects and of nonprofit projects for the elderly and handicapped face premature and unnecessary institutionalization because of the absence of or deficiencies in the availability, adequacy, coordination, or delivery of the supportive services required for the successful development of adequate numbers of congregate housing projects; and
(3) supplemental supportive services, available on a secure and continuing basis, are essential to a successful congregate housing program.

DEFINITIONS

Sec. 403. For the purpose of this title—
(1) the term "congregate housing" means (A) low-rent housing which, as of January 1, 1979, was built or under construction, with which there is connected a central dining facility where wholesome and economical meals can be served to such occupants; or
(B) low-rent housing constructed after, but not under construction prior to, January 1, 1979, connected with which there is a central dining facility to provide wholesome and economical meals for such occupants;
(2) the term "congregate services program" means programs to be undertaken by a public housing agency or a nonprofit corporation to provide assistance, including personal assistance and nutritional meals, to eligible project residents who, with such assistance, can remain independent and avoid unnecessary institutionalization;
(3) the term "elderly" means sixty-two years of age or over;
(4) the term "eligible project resident" means elderly handicapped individuals, nonelderly handicapped individuals, or temporarily disabled individuals, who are residents of congregate housing projects administered by a public housing agency or by a nonprofit corporation;
(5) the term "handicapped" means having an impairment which (A) is expected to be of long-continued and indefinite duration, and (B) substantially impedes an individual's ability to live independently unless the individual receives supportive congregate services; such impairment may include a functional disability or frailty which is a normal consequence of the human aging process;
(6) the term "personal assistance" means service provided under this title which may include, but is not limited to, aid given to eligible project residents in grooming, dressing, and other activities which maintain personal appearance and hygiene;
(7) the term "professional assessment committee" means a group of at least three persons appointed by a local public housing agency or a nonprofit corporation and shall include qualified medical professionals and other persons professionally competent to appraise the functional abilities of elderly or permanently disabled adult persons, or both, in relation to the performance of the normal tasks of daily living;
(8) the term "temporarily disabled" means an impairment which (A) is expected to be of no more than six months' duration, and (B) substantially impedes an individual's ability to live independently unless the individual receives supportive congregate services; and
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(9) the term “nonprofit corporation” means any corporation responsible for a housing project assisted under section 202 of the Housing Act of 1959.

12 USC 1701q.

AUTHORIZATION TO ENTER INTO CONTRACTS

42 USC 8003.

Sec. 404. The Secretary of Housing and Urban Development (hereinafter referred to as the “Secretary”) is authorized to enter into contracts with local public housing agencies under the United States Housing Act of 1937 (hereinafter referred to as “public housing agencies”) and with nonprofit corporations, utilizing sums appropriated under this title, to provide congregate services programs for eligible project residents in order to promote and encourage maximum independence within a home environment for such residents capable of self-care with appropriate supportive congregate services. Each contract between the Secretary and a public housing agency or nonprofit corporation shall be for a term of not less than three years or more than five years and shall be renewable at the expiration of such term. Each public housing agency or nonprofit corporation entering into such a contract shall be reserved a sum equal to its total approved contract amount from the moneys authorized and appropriated for the fiscal year in which the notification date of funding approval falls.

CONGREGATE SERVICES PROGRAM

42 USC 8004.

Sec. 405. (a) Congregate services programs assisted under this title must include full meal service adequate to meet nutritional needs, and may also include housekeeping aid, personal assistance, and other services essential for maintaining independent living.

(b) No services funded under this title may duplicate services which are already affordable, accessible, and sufficiently available on a long-term basis to eligible project residents under programs administered by or receiving appropriations through any department, agency, or instrumentality of the Federal Government or any other public or private department, agency, or organization.

(c) A public housing agency or nonprofit corporation applying for assistance shall consult with the Area Agency on Aging (or, where no Area Agency on Aging exists, with the appropriate State agency under the Older Americans Act of 1965) in determining the means of providing services under this title and in identifying alternative available sources of funding for such services.

(d) Prior to the submission of a final application for either new or renewed funding under this title, a public housing agency and a nonprofit corporation shall present a copy of a proposed application to the Area Agency on Aging (or, where no Area Agency on Aging exists to the appropriate State agency under the Older Americans Act of 1965) for review and comment. Such agency and nonprofit corporation shall consider such review and comment in the development of any final application for either new or renewed funding under this title.

(e) (1) When nonelderly handicapped individuals are included among the eligible project residents, the public housing agency and nonprofit corporation shall consult with the appropriate local agency, if any, designated by applicable State law as having responsibility for the development, provision, or identification of social services to permanently disabled adults, for the purpose of determining the means of providing services under this title and of identifying alternative available sources of funding for such services.

SEC. 406. (a) The Secretary may participate in a congregate services program under this section after the designation of the Secretary as being eligible to participate in such a program. Such designation shall be based on a determination by the Secretary that the program is likely to be successful in promoting the goals of this section.

(b) Each program assisted under this title shall include a provision for the provision of services to eligible project residents who are disabled, and the Secretary shall consult with the Area Agency on Aging (or, where no Area Agency on Aging exists, with the appropriate State agency under the Older Americans Act of 1965) in determining the means of providing services to such residents and in identifying alternative available sources of funding for such services.

(c) Any public housing agency or nonprofit corporation assisted under this title shall consider the membership of the Area Agency on Aging (or, where no Area Agency on Aging exists, the membership of the appropriate State agency under the Older Americans Act of 1965) when determining the means of providing services to eligible project residents who are disabled and in identifying alternative available sources of funding for such services.
(2) Such public housing agency and nonprofit corporation shall also, prior to the submission of a final application for either new or renewed funding under this title, present a copy of the proposed application to such appropriate local agency for review and comment. The public housing agency and nonprofit corporation shall consider such review and comment in the development of any final application for either new or renewed funding under this title.

(f) Any nonprofit corporation or public housing agency receiving assistance under this title may provide congregate services directly to eligible project residents or may, by contract or lease, provide such services through other appropriate agencies or providers.

(g) Nonprofit corporations and public housing agencies receiving assistance for congregate services programs under this title shall be required to maintain the same dollar amount of annual contribution which they were making, if any, in support of the provision of services eligible for assistance under this title before the date of the submission of the application for such assistance unless the Secretary determines that the waiver of this requirement is necessary for the maintenance of adequate levels of services to eligible project residents. If any contract or lease entered into by a public housing agency or nonprofit corporation pursuant to subsection (f) of this section provides for adjustments in payments for services to reflect changes in the cost of living, then the amount of annual contribution required to be maintained by such public agency or nonprofit corporation under the preceding sentence shall be readjusted in the same manner.

(h) Each nonprofit corporation and public housing agency shall establish fees for meal service and other appropriate services provided to eligible project residents. These fees shall be reasonable, may not exceed the cost of providing the service, and shall be calculated on a sliding scale related to income which permits the provision of services to such residents who cannot afford meal and service fees. When meal services are provided to other project residents, fees shall be reasonable and may not exceed the cost of providing the meal service.

(i) The Secretary shall establish standards for the provision of services under this title, and, in developing such service standards, the Secretary shall consult with the Secretary of the Department of Health, Education, and Welfare and with appropriate organizations representing the elderly and handicapped, as determined by the Secretary.

ELIGIBILITY FOR SERVICES

Sect. 406. (a) The identification of project residents eligible to participate in a congregate services program assisted under this title, and the designation of the services appropriate to their individual functional abilities and needs, shall be made by a professional assessment committee. Such committee shall utilize procedures which insure that the process of determining eligibility of individuals for services under this title shall accord such individuals fair treatment and due process and a right of appeal of such determination of eligibility, and shall also assure the confidentiality of personal and medical records.

(b) Other residents may participate in a congregate meal service program assisted under this title if the local public housing agency or nonprofit corporation determines that the participation of these individuals will not adversely affect the cost-effectiveness or operation of the program.

(c) Any public housing agency or nonprofit corporation receiving assistance under this title shall notify the Secretary of any change in the membership of the professional assessment committee within thirty
days of such change. Such notification shall list the names and professional qualifications of new members of the committee.

(d) Procedures shall be established to insure that changes in the membership of the professional assessment committee are consistent with the requirements of section 408(7) of this title.

**APPLICATION PROCEDURES**

**42 USC 8006.**

Sec. 407. (a) An application for assistance under this title shall include—

1. a plan specifying the types and priorities of the basic services the public housing agency or nonprofit corporation proposes to provide during the term of the contract; such plan must be related to the needs and characteristics of the eligible project residents and, to the maximum extent practicable, provide for the changing needs and characteristics of all project residents; such plan shall be determined after consultation with eligible project residents and with the professional assessment committee;

2. a list of names and professional qualifications of the members of the professional assessment committee;

3. the fee schedule established pursuant to section 405(h)

of this title;

4. any comment received in connection with any review of a proposed application pursuant to section 405(d) or 405(e)(2); and

5. a statement affirming (A) that the nonprofit corporation or public housing agency has followed the consultation procedures required in subsections (c), (d), and (e) of section 405, and (B) that such application complies with subsection (b) of such section.

(b) The Secretary shall establish appropriate deadlines for each fiscal year for the submission of applications for funding under this title and shall notify any public housing agency and nonprofit corporation applying for assistance under this title of acceptance or rejection of its application within ninety days of such submission.

(c) Within twelve months prior to the submission of an application for renewed funding under this title, each nonprofit corporation and public housing agency shall review the performance, appropriateness, and fee schedules of their congregate services program with eligible project residents and with the professional assessment committee. The results of such review shall be included in any application for renewal and shall be considered in the development of the application for renewal by the nonprofit corporation or public housing agency and in its evaluation by the Secretary.

**EVALUATION OF APPLICATION AND PROGRAMS**

**42 USC 8007.**

Sec. 408. (a) In evaluating applications for assistance under this title, the Secretary shall consider—

1. the types and priorities of the basic services proposed to be provided, and the relationship of such proposal to the needs and characteristics of the eligible residents of the projects where the services are to be provided;

2. how quickly services will be established following approval of the application;

3. the degree to which local social services are adequate for the purpose of assisting eligible project residents to maintain independent living and avoid unnecessary institutionalization;
(4) the professional qualifications of the members of the professional assessment committee; and
(5) the reasonableness of fee schedules established for each congregate service.

(b) In evaluating programs receiving assistance under this title, the Secretary shall—

(1) establish procedures for the review and evaluation of the performance of nonprofit corporations and public housing agencies receiving assistance under this title, including provisions for the submission of an annual report, by each such nonprofit corporation and public housing agency, which evaluates the impact and effectiveness of its congregate services program; and

(2) publish annually and submit to the Congress, a report on and evaluation of the impact and effectiveness of congregate services programs assisted under this title. Such report and evaluation shall be based, in part, on the evaluations required to be submitted pursuant to paragraph (1).

FUNDING PROCEDURES

Sec. 409. (a) The Secretary shall establish procedures—

(1) to assure timely payments to nonprofit corporations and public housing agencies for approved assisted congregate services programs with provision made for advance funding sufficient to meet necessary startup costs;

(2) to permit reallocation of funds approved for the establishment of congregate services in existing public housing projects and projects assisted under section 202 of the Housing Act of 1959 if the services are not established within six months of the notification date of funding approval;

(3) to assure that where such funding has been approved for the establishment of congregate services for public housing projects and projects assisted under section 202 of the Housing Act of 1959 under construction or approved for construction, these services shall be in place at the start of the project’s occupancy by tenants requiring such services for maintaining independent living;

(4) to establish accounting and other standards in order to prevent any fraudulent or inappropriate use of funds under this title; and

(5) to assure that no more than 1 per centum of the funds appropriated under this title for any fiscal year may be used by public housing agencies and nonprofit corporations for evaluative purposes as required by section 408(b) (1).

(b) The Secretary shall establish a reserve fund, not to exceed 10 per centum of the funds appropriated in each fiscal year for the provision of services under this title, in order to supplement grants awarded to public housing agencies and nonprofit corporations under this title when, in the determination of the Secretary, such supplemental adjustments are required to maintain adequate levels of services to eligible project residents.

MISCELLANEOUS PROVISIONS

Sec. 410. (a) Each public housing agency and nonprofit corporation shall, to the maximum extent practicable, utilize elderly and permanently disabled adult persons who are residents of public housing projects or projects assisted under section 202 of the Housing Act of 1959, but who are not eligible project residents, to participate in pro-
viding the services assisted under this title. Such persons shall be paid wages which shall not be lower than whichever is the highest of—

(1) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the resident and if he or she were not exempt under section 13 thereof;

(2) the State or local minimum wage for the most nearly comparable covered employment; or

(3) the prevailing rates of pay for persons employed in similar public occupations by the same employer.

(b) No service provided to a public housing resident or to a resident of a housing project assisted under section 202 of the Housing Act of 1959 under this title, except for wages paid under subsection (a) of this section, may be treated as income for the purpose of any other program or provision of State or Federal law.

(c) Individuals receiving services assisted under this title shall be deemed to be residents of their own households, and not to be residents of a public institution, for the purpose of any other program or provision of State or Federal law.

(d) The Secretary may issue regulations to carry out the provisions of this title.

AUTHORIZED AMOUNT OF APPROPRIATIONS

42 USC 8010.

Sec. 411. (a) To carry out the provisions of this title, there are authorized to be appropriated—

(1) for fiscal year 1979, not to exceed $20,000,000;

(2) for fiscal year 1980, not to exceed $25,000,000;

(3) for fiscal year 1981, not to exceed $35,000,000; and

(4) for fiscal year 1982, not to exceed $40,000,000.

(b) Funds appropriated pursuant to this section shall remain available until expended.

AMENDMENT TO THE UNITED STATES HOUSING ACT OF 1937

“Congregate housing.”

42 USC 1437e.

Sec. 412. The Secretary of Housing and Urban Development may use any funds available to him for the purpose of carrying out the provisions of the United States Housing Act of 1937, as amended by this Act, for the purpose of carrying out the provisions of such Act, and in lieu thereof for the purpose for which such funds were provided for the construction and maintenance of public housing units, and for the purpose of carrying out the provisions of such Act, and in lieu thereof the following: “As used in this section, the term ‘congregate housing’ means (1) a low-rent housing which, as of January 1, 1979, was built or under construction, with which there is connected a central dining facility where wholesome and economical meals can be served to such occupants; or (2) low-rent housing constructed after, but not under construction prior to, January 1, 1979, connected with which there is a central dining facility to provide wholesome and economical meals for such occupants. Such occupants of congregate housing may also be provided with other supportive services appropriate to their needs under title IV of the Housing and Community Development Amendments of 1978.”

Anio, p. 2104.

TITLE V—RURAL HOUSING

AUTHORIZATIONS

42 USC 1483.

Sec. 501. (a) Section 513(b) of the Housing Act of 1949 is amended by inserting after “October 31, 1978” the following: “, and not to exceed $38,000,000 for the fiscal year ending September 30, 1979.”

(b) Section 513(c) of such Act is amended by inserting before the semicolon at the end thereof the following: “, and not to exceed $38,000,000 for the fiscal year ending September 30, 1979.”