

1987, 101 Stat. 482, as amended. Title II of the Act is classified generally to subchapter II (§11311 et seq.) of chapter 119 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 11301 of Title 42 and Tables.

#### AMENDMENTS

2006—Subsec. (a)(3)(E) to (G). Pub. L. 109-461, §709(a), added subpars. (E) to (G).

Subsec. (d). Pub. L. 109-461, §1006(b), provided that as of the enactment of Pub. L. 109-461, the amendments made by Pub. L. 109-444 were deemed for all purposes not to have taken effect and that Pub. L. 109-444 ceased to be in effect. See Amendment notes below and section 1006(b) of Pub. L. 109-461, set out as a Coordination of Provisions With Pub. L. 109-444 note under section 101 of this title.

Pub. L. 109-461, §709(b), substituted “December 30, 2011” for “December 31, 2006”.

Pub. L. 109-444, which substituted “December 31, 2007” for “December 31, 2006”, was terminated by Pub. L. 109-461, §1006(b). See Amendment notes above.

#### CHANGE OF NAME

Interagency Council on the Homeless changed to United States Interagency Council on Homelessness by Pub. L. 108-199, div. G, title II, §216, Jan. 23, 2004, 118 Stat. 394.

### CHAPTER 21—SPECIALLY ADAPTED HOUSING FOR DISABLED VETERANS

#### Sec.

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#### AMENDMENTS

2006—Pub. L. 109-233, title I, §101(d), June 15, 2006, 120 Stat. 399, added items 2102A and 2107.

1992—Pub. L. 102-568, title II, §204(b), Oct. 29, 1992, 106 Stat. 4325, substituted “Veterans'” for “Veteran's” in item 2106.

1991—Pub. L. 102-83, §5(b)(1), Aug. 6, 1991, 105 Stat. 406, renumbered items 801 to 806 as 2101 to 2106, respectively.

1988—Pub. L. 100-322, title III, §333(a)(2), May 20, 1988, 102 Stat. 539, substituted “Veteran's mortgage life insurance” for “Mortgage Protection Life Insurance” in item 806.

1971—Pub. L. 92-95, §2, Aug. 11, 1971, 85 Stat. 322, added item 806.

#### § 2101. Veterans eligible for assistance

(a) ACQUISITION OF HOUSING WITH SPECIAL FEATURES.—(1) Subject to paragraph (3), the Secretary may assist a disabled veteran described in paragraph (2) in acquiring a suitable housing unit with special fixtures or movable facilities made necessary by the nature of the veteran's disability, and necessary land therefor.

(2) A veteran is described in this paragraph if the veteran is entitled to compensation under chapter 11 of this title for a permanent and total service-connected disability that meets any of the following criteria:

(A) The disability is due to the loss, or loss of use, of both lower extremities such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair.

(B) The disability is due to—

(i) blindness in both eyes, having only light perception, plus

(ii) loss or loss of use of one lower extremity.

(C) The disability is due to the loss or loss of use of one lower extremity together with—

(i) residuals of organic disease or injury; or

(ii) the loss or loss of use of one upper extremity,

which so affect the functions of balance or propulsion as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair.

(D) The disability is due to the loss, or loss of use, of both upper extremities such as to preclude use of the arms at or above the elbows.

(3) The regulations prescribed under subsection (d) shall require that assistance under paragraph (1) may be provided to a veteran only if the Secretary finds that—

(A) it is medically feasible for the veteran to reside in the proposed housing unit and in the proposed locality;

(B) the proposed housing unit bears a proper relation to the veteran's present and anticipated income and expenses; and

(C) the nature and condition of the proposed housing unit are such as to be suitable to the veteran's needs for dwelling purposes.

(b) ADAPTATIONS TO RESIDENCE OF VETERAN.—

(1) Subject to paragraph (3), the Secretary shall assist any disabled veteran described in paragraph (2) (other than a veteran who is eligible for assistance under subsection (a))—

(A) in acquiring such adaptations to such veteran's residence as are determined by the Secretary to be reasonably necessary because of such disability; or

(B) in acquiring a residence already adapted with special features determined by the Secretary to be reasonably necessary for the veteran because of such disability.

(2) A veteran is described in this paragraph if the veteran is entitled to compensation under chapter 11 of this title for a permanent and total service-connected disability that meets either of the following criteria:

(A) The disability is due to blindness in both eyes with 5/200 visual acuity or less.

(B) The disability includes the anatomical loss or loss of use of both hands.

(3) Assistance under paragraph (1) may be provided only to a veteran who the Secretary determines—

(A) is residing in and reasonably intends to continue residing in a residence owned by such veteran or by a member of such veteran's family; or

(B) if the veteran's residence is to be constructed or purchased, will be residing in and reasonably intends to continue residing in a residence owned by such veteran or by a member of such veteran's family.

(c)(1) The Secretary may provide assistance under subsection (a) to a member of the Armed Forces serving on active duty who is suffering

from a disability described in subparagraph (A), (B), (C), or (D) of paragraph (2) of that subsection if such disability is the result of an injury incurred or disease contracted in or aggravated in line of duty in the active military, naval, or air service. Such assistance shall be provided to the same extent as assistance is provided under that subsection to veterans eligible for assistance under that subsection and subject to the requirements of paragraph (3) of that subsection.

(2) The Secretary may provide assistance under subsection (b) to a member of the Armed Forces serving on active duty who is suffering from a disability described in subparagraph (A) or (B) of paragraph (2) of that subsection if such disability is the result of an injury incurred or disease contracted in or aggravated in line of duty in the active military, naval, or air service. Such assistance shall be provided to the same extent as assistance is provided under that subsection to veterans eligible for assistance under that subsection and subject to the requirements of paragraph (3) of that subsection.

(d) REGULATIONS.—Assistance under this section shall be provided in accordance with such regulations as the Secretary may prescribe.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1168, § 801; Pub. L. 86–239, Sept. 8, 1959, 73 Stat. 472; Pub. L. 88–401, Aug. 4, 1964, 78 Stat. 380; Pub. L. 91–22, § 1, June 6, 1969, 83 Stat. 32; Pub. L. 95–117, title IV, § 401, Oct. 3, 1977, 91 Stat. 1065; Pub. L. 96–385, title III, § 301(a), Oct. 7, 1980, 94 Stat. 1531; Pub. L. 99–576, title IV, § 401(a), title VII, §§ 701(48), 702(7), Oct. 28, 1986, 100 Stat. 3280, 3295, 3302; renumbered § 2101 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 108–183, title IV, § 401, Dec. 16, 2003, 117 Stat. 2664; Pub. L. 108–454, title IV, § 401, Dec. 10, 2004, 118 Stat. 3614; Pub. L. 109–233, title I, § 105(a), June 15, 2006, 120 Stat. 402.)

#### PRIOR PROVISIONS

Prior section 2101, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1222, related to eligibility for mustering-out payments, prior to repeal by Pub. L. 89–50, § 1(a), June 24, 1965, 79 Stat. 173, effective July 1, 1966.

#### AMENDMENTS

2006—Subsec. (a)(3). Pub. L. 109–233, § 105(a)(3), substituted “subsection (d)” for “subsection (c)” in introductory provisions.

Subsec. (c). Pub. L. 109–233, § 105(a)(2), added subsec. (c) consisting of the text of subsec. (c) of this section as in effect immediately before the enactment of Pub. L. 108–454, as modified by amendments to pars. (1) and (2) below. See 2004 Amendment note below. Former subsec. (c) redesignated (d).

Subsec. (c)(1). Pub. L. 109–233, § 105(a)(2)(A), substituted “subparagraph (A), (B), (C), or (D) of paragraph (2)” for “paragraph (1), (2), or (3)” and “paragraph (3)” for “the second sentence”.

Subsec. (c)(2). Pub. L. 109–233, § 105(a)(2)(B), substituted “paragraph (2)” for “paragraph (1)” in first sentence and “paragraph (3)” for “paragraph (2)” in second sentence.

Subsec. (d). Pub. L. 109–233, § 105(a)(1), redesignated subsec. (c) as (d).

2004—Pub. L. 108–454 amended text of section generally. Prior to amendment, section consisted of subsecs. (a) and (b) authorizing the Secretary to assist veterans entitled to compensation under chapter 11 of this title for permanent and total service-connected disability due to loss or loss of use of lower extremities, blind-

ness, or loss or loss of use of both hands and subsec. (c) authorizing similar assistance to members of the Armed Forces serving on active duty.

2003—Subsec. (c). Pub. L. 108–183 added subsec. (c).

1991—Pub. L. 102–83 renumbered section 801 of this title as this section and substituted “Secretary” for “Administrator” wherever appearing.

1986—Subsec. (a). Pub. L. 99–576, §§ 701(48), 702(7), substituted “the Administrator” for “he” and “veteran who” for “veteran, who”, and struck out “, based on service after April 20, 1898,” after “chapter 11 of this title”.

Subsec. (b)(1). Pub. L. 99–576, § 401(a), inserted at end “or in acquiring a residence already adapted with special features determined by the Administrator to be reasonably necessary for the veteran because of such disability”.

1980—Pub. L. 96–385 designated existing provisions as subsec. (a) and added subsec. (b).

1978—Pub. L. 95–117 in cl. (3) inserted reference to loss or loss of use of one upper extremity and reference to braces, crutches, and canes.

1969—Pub. L. 91–22 added cl. (3) which authorized the Administrator to provide housing assistance to veterans whose permanent and total disability consists of loss or loss of use of one lower extremity when such loss precludes locomotion without a wheelchair.

1964—Pub. L. 88–401 struck out provisions from cl. (2)(B) which required such permanent and total disability to be such as to preclude locomotion without the aid of a wheelchair.

1959—Pub. L. 86–239 designated existing provisions of first sentence as cl. (1), struck out “by reason of amputation, ankylosis, progressive muscular dystrophies, or paralysis” after “loss of use”, and added cl. (2).

#### EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109–233, title I, § 105(b), June 15, 2006, 120 Stat. 402, provided that: “The amendments made by subsection (a) [amending this section] shall take effect as of December 10, 2004, as if enacted immediately after the enactment of the Veterans Benefits Improvement Act of 2004 [Pub. L. 108–454] on that date.”

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–385 effective Oct. 1, 1980, see section 601(b) of Pub. L. 96–385, set out as a note under section 1114 of this title.

#### EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–117 effective Oct. 1, 1977, see section 501 of Pub. L. 95–117, set out as a note under section 1114 of this title.

### § 2102. Limitations on assistance furnished

(a) The assistance authorized by section 2101(a) of this title shall be afforded under one of the following plans, at the option of the veteran—

(1) where the veteran elects to construct a housing unit on land to be acquired by such veteran, the Secretary shall pay not to exceed 50 percent of the total cost to the veteran of (A) the housing unit and (B) the necessary land upon which it is to be situated;

(2) where the veteran elects to construct a housing unit on land acquired by such veteran prior to application for assistance under this chapter, the Secretary shall pay not to exceed the smaller of the following sums: (A) 50 percent of the total cost to the veteran of the housing unit and the land necessary for such housing unit, or (B) 50 percent of the cost to the veteran of the housing unit plus the full amount of the unpaid balance, if any, of the cost to the veteran of the land necessary for such housing unit;