

**PARTS 701–760 [RESERVED]**

**PART 761—DRUG ELIMINATION PROGRAMS**

**Subpart A—General**

Sec.

761.1 Purpose and scope.

761.5 Public and Indian housing; encouragement of resident participation.

761.10 Definitions.

**Subpart B—Use of Grant Funds**

761.15 Applicants and activities.

**Subpart C—Application and Selection**

761.20 Application selection and requirements.

761.25 Resident comments on grant application.

**Subpart D—Grant Administration**

761.30 Grant administration.

761.35 Periodic grantee reports.

761.40 Other Federal requirements.

AUTHORITY: 42 U.S.C. 3535(d) and 11901 *et seq.*

SOURCE: 61 FR 13987, Mar. 28, 1996, unless otherwise noted.

**Subpart A—General**

**§ 761.1 Purpose and scope.**

This part 761 contains the regulatory requirements for the Assisted Housing Drug Elimination Program and the Public Housing Drug Elimination Program. The purposes of these programs are to:

(a) Eliminate drug-related crime and problems associated with it in and around the premises of Federally assisted low-income housing, and public and Indian housing developments;

(b) Encourage owners of Federally assisted low-income housing, public housing agencies and Indian housing authorities (collectively referred to as HAs), and resident management corporations to develop a plan that includes initiatives that can be sustained over a period of several years for addressing drug-related crime and problems associated with it in and around the premises of housing proposed for funding under this part; and

(c) Make available Federal grants to help owners of Federally assisted low-

income housing, HAs, and RMCs carry out their plans.

**§ 761.5 Public and Indian housing; encouragement of resident participation.**

For the purposes of the Public Housing Drug Elimination Program, the elimination of drug-related crime and problems associated with it within public housing developments requires the active involvement and commitment of public housing residents and their organizations. To enhance the ability of HAs to combat drug-related crime and problems associated with it within their developments, Resident Councils (RCs), Resident Management Corporations (RMCs), and Resident Organizations (ROs) will be permitted to undertake management functions specified in this part, notwithstanding the otherwise applicable requirements of 24 CFR parts 950 and 964.

**§ 761.10 Definitions.**

The definitions *Department*, HUD, *Indian*, *Indian Housing Authority (IHA)*, and *Public Housing Agency (PHA)* are defined in 24 CFR part 5.

*Controlled substance* shall have the meaning provided in section 102 of the Controlled Substance Act (21 U.S.C. 802).

*Drug intervention* means a process to identify assisted housing or public housing resident drug users, to assist them in modifying their behavior, and/or to refer them to drug treatment to reduce or eliminate drug abuse.

*Drug prevention* means a process to provide goods and services designed to alter factors, including activities, environmental influences, risks, and expectations, that lead to drug abuse.

*Drug-related crime* shall have the meaning provided in 42 U.S.C. 11905(2).

*Drug treatment* means a program for the residents of an applicant's development that strives to end drug abuse and to eliminate its negative effects through rehabilitation and relapse prevention.

*Federally assisted low-income housing*, or *assisted housing*, shall have the meaning provided in 42 U.S.C. 11905(4). However, sections 221(d)(3) and 221(d)(4) market rate projects with tenant-based assistance contracts and section 8