

(S.B. 2275)

**(No. 313)**

(Approved September 2, 2000)

## **AN ACT**

To create the, “Housing Rental Subsidy Program for Puerto Rican Veterans” in order to establish a rental subsidy program for all those veterans who qualify for the Commonwealth Veterans Home; to create a special fund for that purpose and annually provide the funds for said program and for other purposes.

### **STATEMENT OF MOTIVES**

The Government of Puerto Rico, in collaboration with the Federal Department of Veteran Affairs, undertook the task of establishing the Commonwealth Veterans Home in Juana Díaz under Public Law No. 88-450 of August 19, 1964, as amended. This project seeks to attend to the needs of those veterans who are alone or with their spouses and who even when suffering from some disability are still able to fend for themselves, or to the needs of those veterans who suffer from some chronic condition that does not require specialized medical attention. Those veterans who reside at said Home receive quality care and services. The Commonwealth Veterans Home in Juana Díaz has one hundred and eighty (180) beds for home care services and sixty (60) beds for intermediate nursing home services. Presently, the cost for home care services is one thousand one hundred and ninety (1,190) dollars per month and the cost for nursing services is two thousand four hundred (2,400) dollars per month. Said costs cover room and

board and special diets, as well as recreation, medical care, nursing services and operating and maintenance costs.

The Department of Veteran Affairs, in order to be able to subsidize said costs, contributes approximately forty-nine percent (49%) of the total cost for caring for the veterans who reside at the Commonwealth Veterans Home in Juana Díaz. Those veterans who need to reside at the Commonwealth Veterans Home in Juana Díaz contribute fifty-one percent (51%) of the cost of the services they receive. That means that veterans who qualify for home care services contribute six hundred and fifty (650.00) dollars while the Federal Government contributes five hundred and forty (540.00) dollars. In the case of nursing home residents, the participants pay one thousand two hundred (1,200.00) dollars while the Federal Government contributes one thousand two hundred (1,200.00) dollars. It is clear that not all veterans have the financial resources needed to cover those expenses. It is not fair that those indigent veterans who need housing or who live alone may not be able to enjoy the services provided by the Commonwealth Veterans Home in Juana Díaz for their lack of sufficient financial resources.

At present the Government of Puerto Rico, through Act No. 173 of August 31, 1996, has implemented the “Housing Rental and Improvement Subsidy Program for Low-Income Elderly Persons”, which grants a subsidy to all elderly persons sixty-five (65) years of age or older who qualify. For this reason the Government has provided twenty (20) vouchers of which seventeen (17) have been distributed. Fourteen (14) files are under evaluation so as to distribute the remaining three (3) vouchers. The demand for rooms at the Commonwealth Veterans Home increases daily, a fact which limits this subsidy. At present between ten (10) and twelve (12) veterans are rejected monthly for lack sufficient resources.

According to a study conducted by the Housing Department, in order to grant subsidies to a greater number of veterans an amount of one million six hundred thousand dollars (1,600,000.00) shall be needed and said amount shall be designated solely for that purpose.

The Legislature has always particularly singled out those persons who served and serve in the Armed Forces of the United States of America and who have sacrificed themselves defending and upholding our democracy. It is for this reason that promoting the development of home and medical care facilities to attend to the needs of elderly veterans who are disabled and live alone, is recognized to be the public policy and a matter of the most pressing interest for the Government of Puerto Rico.

**BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:**

Section 1.- Title.-

This Act shall be known as the “Housing Rental Subsidy Program for Puerto Rican Veterans.”

Section 2.- Definitions.-

For the purposes of this Act, the following terms and phrases shall have the meaning expressed below:

- (a) “Monthly income” – means one twelfth (1/12) of the total annual income of a person or family.
- (b) “Secretary” – means the Secretary of the Housing Department.
- (c) “Home care system” – means the service area that provides room and board and out-patient medical care.
- (d) “Nursing care system” – means the service area that provides housing to convalescing veterans who neither suffer from a serious illness nor need hospital care but require intermediate nursing care and other related medical care.

- (e) “Veteran” – means any bona fide resident of Puerto Rico who is a veteran of the Armed Forces of the United States of America according to the Federal laws in effect.
- (f) “Commonwealth Veterans Home” – means any collective housing facility built under Public Law No. 88-450 of August 19, 1964, as amended, better known as ‘Nursing Home Care’.

Section 3.- Rental Subsidy Program.-

- (a) The Secretary of the Housing Department is hereby authorized to create a program to subsidize the monthly housing rental payments established pursuant to Public Law No. 88-450 of August 19, 19964, as amended, better known as “Nursing Home Care”, for any veteran and his or her spouse or for the surviving spouse of a veteran.
- (b) Said subsidy shall consist of a reduction in the monthly rental payments for the collective housing facility granted to any veteran and his or her spouse or to the surviving spouse of a veteran. The Secretary of the Housing Department is hereby authorized to adopt the regulations needed to determine the subsidy to be received by the beneficiary depending on the monthly income of the veteran.
- (c) The maximum subsidy that may be granted in the case of veterans who avail themselves of the home care system shall not exceed the sum of four hundred (400.00) dollars per month. The Secretary of the Housing Department is hereby authorized to adopt the regulations needed to provide the subsidies to be granted and their duration.

- (d) The maximum subsidy that may be granted in the case of veterans who avail themselves of the nursing care system shall not exceed the sum of six hundred (600.00) dollars per month. The Secretary of the Housing Department is hereby authorized to adopt the regulations needed to provide the subsidies to be granted and their duration.
- (e) Once the rental subsidy has been granted it may vary annually should there be a change in the income of the veteran and his or her spouse or of the surviving spouse of the veteran.
- (f) The Secretary of the Housing Department may request and obtain evidence of the income of a veteran and his or her spouse or of the surviving spouse of a veteran in order to determine the subsidy to be granted.
- (g) The Secretary of the Housing Department shall reevaluate the cases concerning those veterans to whom a subsidy has been granted pursuant to Act No. 173 of August 31, 1996, known as the “Housing Rental and Improvement Subsidy Program for Low-Income Elderly Persons”, and transfer said cases to the new subsidy Program established in this Act.
- (h) The beneficiary of the subsidy must be up to date with the corresponding payments so as to be able to continue benefiting from the subsidy granted under this Act. Should the beneficiary of the subsidy be late in paying the rental fee, the subsidy payments for the months in arrears shall only be honored if the payments are brought up to date and are accepted by the lease.

#### Section 4.- Regulations.-

The Secretary of the Housing Department shall adopt the regulations that are necessary and consistent with the purposes of this Act and the same shall have the force of law after being promulgated according to Act No. 170 of August 12, 1988, as amended, known as the “Commonwealth of Puerto Rico Uniform Administrative Procedures Act.”

#### Section 5.- Restrictive Conditions.-

The following restrictive conditions shall be set forth in the lease relative to the rental subsidies:

- (a) The lessee may not sublet the property nor devote the same to any use other than as his or her habitual and permanent residence.
- (b) In the case of the death of a beneficiary, the rental subsidy shall be suspended unless the surviving spouse qualifies for continuing to receive said subsidy.
- (c) In the case of divorce, the veteran shall continue to receive the rental subsidy.
- (d) Any other condition established by the Secretary of the Housing Department through regulations to that effect.

Noncompliance with the restrictive conditions consigned in this subsection shall entail the suspension of the subsidy.

#### Section 6.- Creation of the Special Fund.-

A Special Fund is hereby created to be known as the “Veterans Housing Rental Subsidy Fund”. This Fund shall be administered pursuant to the standards and regulations adopted by the Housing Department in accordance with the provisions in effect for the administration of similar funds. The Fund shall be used by the Secretary of the Housing Department to grant the subsidies provided in this Act.

The Fund shall incur obligations for an amount of up to one million six hundred thousand (1,600,000.00) dollars to comply with the provisions of this Act. The resources used by the Fund chargeable to this authorization shall be consigned annually in the General Budget of the Housing Department of the Government of Puerto Rico.

Section 7.- Effectiveness.-

This Act shall take effect immediately after its approval.

## **CERTIFICATION**

I hereby certify to the Secretary of State that the following Act No. 313 (S.B. 2275) of the 7<sup>th</sup> Session of the 13<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to create the, “Housing Rental Subsidy Program for Puerto Rican Veterans” in order to establish a rental subsidy program for all those veterans who qualify for the Commonwealth Veterans Home; to create a special fund for that purpose and annually provide the funds for said program and for other purposes,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 6<sup>th</sup> of August of 2004.

Elba Rosa Rodríguez-Fuentes  
Director

