

(S. B. 695)

(No. 53)

(Approved April 11, 2002)

AN ACT

To amend subsection (a) of Section 2 of Act No. 173 of August 31, 1996, as amended, denominated "Commonwealth Housing Rental Matching Program for Veterans and Housing Rental and Improvement Subsidy for Low-Income Elderly Persons", to redefine "elderly person" as any persons who is sixty (60) years of age or more, and whose income is within the limits established through regulations by the Secretary of Housing to participate in the program, which may be the same or more liberal, but never more restrictive than those established by the Federal Government.

STATEMENT OF MOTIVES

The elderly persons in Puerto Rico suffer from abandonment, carelessness and indifference for the mere fact of having grown old. They framed our present at the expense of sacrifices, hard work, sickness and tears. These persons claim their right to live their old age with dignity and respect. The lack of adequate and safe housing is one of the greatest problems that these fellow Puerto Ricans face. Many laws have been approved with the purpose to offer them better quality of life, but they must be attuned to the present needs of our elderly. Upon detailed review of subsection (a) of Section 2 of Act No. 173 of August 31, 1996, as amended, known as "Housing Rental and Improvement Subsidy Program for Low-Income Elderly Persons", we realize that it does not meet the demands and needs of this sector of our population.

The elderly population has grown throughout the years, therefore the benefits they have attained through the laws must be revised as an answer to the changes in demographic statistics, especially in that concerning the growth of the population ranging from ages 60 to 64 years which are those most affected by the effects of Act No. 173 of August 31, 1996, as amended, denominated "Housing Rental and Improvement Subsidy Program for Low-Income Elderly Persons", which requires that for a person to benefit from the Subsidy Program established by said legislation, the person must have attained sixty-five (65) years of age.

Upon a review of the existing laws that safeguard the rights of this population, we realized that there was no uniformity among them. An example of this is Act No. 165 of August 23, 1996, known as "Rental Housing Program for Low Income Elderly Persons", which prior to the amendment of subsection (a) of its Section 2, it read as follows: "Elderly Person - Means every person 65 years or older, who do not own their own house and whose income is within the limits established through regulations by the Secretary of Housing, to participate in the program, which shall be equal to or more liberal, but never more restrictive than those established by the Federal Government." This Act was amended by Act No. 331 of September 2, 2000 in its Section 9.- subsection (a) of Section 2 of Act No. 165 of August 23, 1996, to read as follows:

Section 2.- Definitions.- For the purposes of this Act, the following terms and phrases shall have the meaning stated below:

- (a) Elderly Person - Means every person 60 years or older, who do not own their own house and whose income is within the limits established through regulations by the Secretary of Housing, to participate in the program, which shall be equal to or more

liberal, but never more restrictive than those established by the Federal Government.

However, Act No. 173 of August 31, 1996, as amended, known as the "Housing Rental and Improvement Subsidy Program for Low-Income Elderly Persons" which purpose is to do justice in the purchase or lease of a dwelling for this population was not amended, thus the age of sixty-five (65) years or more remained for the effects of this Act. The changes in the laws do not hold proportion with the reality lived by the elderly in Puerto Rico.

It is necessary to amend subsection (a) of Section 2 of Act No. 173, *supra*, which defines an elderly, to do justice to these fellow Puerto Ricans. The age of sixty-five (65) years contemplated in this Act should be harmonized to the age of sixty (60) years so that it will be uniform with the needs of this sector of the population and with the statutes created by the other legislation. To receive a subsidy in the monthly payment of the rent of the dwelling they live in, and in the interest of loans granted to make improvements that shall facilitate their mobility and enjoyment thereof is imperative in order for these citizen to live peacefully in a secure environment.

Statistics show that of the 552,836 elderly population in Puerto Rico, 26.8% of them are between the ages of sixty (60) and sixty-four (64) years, thus many of them are deprived of the benefits of subsidy dwelling due to the nature of the Act in effect. It is expected that for the year 2010 the elderly population, specifically those ranging between sixty (60) and sixty-four (64) years shall constitute a 32.9 percent of the elderly population.

In 1997, the Planning Board conducted a study in which it was estimated that the elderly population (sixty (60) years old or more) was of 506,238 persons. If the growth rate of this population should continue

according to what has been registered, and specifically that of the elderly, it was expected that by the year 2000 the number of elderly would be even greater (552,836) and would represent 14.4% of the total population of the island. This fact indicates that greater attention should be given to this group of people since it is a predominant one in relation to the total population of the Island.

The fertility rate of Puerto Rican women has diminished as well as the mortality rate of the general population. The migratory movement between Puerto Rico and abroad (young persons going abroad in search for new opportunities and of adults returning to the Island to spend their last years of life) have brought about changes to the elderly population. Also, medical advances, changes in eating habits and in lifestyles have helped Puerto Ricans to have a life expectancy of more than seventy (70) years.

According to the 1990 Census, the percent of incomes below poverty level for household with husband and wife living together, head of household from sixty (60) to sixty-four (64) years of age, is a 46.4%, sixty-five (65) to seventy-four (74), a 46.7% and from seventy-five (75) or more, a 58.5%. In persons living alone, the poverty level is 74% for those sixty (60) to sixty-four (64) years old; a 73.5% for those sixty-five (65) to seventy-four (74) years old, and 82.1% for those seventy-five (75) years old or more.

The life expectancy of Puerto Ricans is approximately of seventy-four (74) years although the expectancy at birth according to sex shows notable differences. For women, life expectancy is 78.09 years, while for men it is 69.07 years. That is to say, women have a little over nine (9) years of difference in relation to men. On analyzing the data by age group every five years, the largest proportion of elderly is found in the sixty (60) to sixty-four (64) age group, that is 26.8 %.

Furthermore, the majority are female (251,632) as compared to the members of the opposite sex (214,104), men, which makes up the total of said population sector, that is 465,736 persons over sixty (60) years of age.

Subsection (a) of Section 2 of Act No. 173 of August 31, 1996, as amended, defines an elderly person as any person who is 65 years of age or older, whose income is within the limits established by the Secretary of Housing through the regulations to participate in the program, which may be equal to or more liberal, but never more restrictive than those established by the Federal Government.

However, Act No. 68 of July 11, 1988, as amended, denominated "Office of the Affairs of the Elderly", in its Section 2, subsection (c) defines an Elderly or Person of Advanced Age as an adult who is in that stage of maturity reached with the passing of time and as a result of a process of living and experience, it being understood that it does not necessarily begin at the age of sixty.

This broad criterion to be established by any person who interprets the Act is not harmonious, nor the statement of motives of other laws created to safeguard the rights of the elderly. A descriptive example of this is subsection (a) of Section 2 of Act 121 of July 12, 1986, as amended, better known as the "Bill of Rights of the Elderly Person", subsection (6) of Section 3 of Act No. 94 of June 22, 1977, as amended, Act No. 108 of July 12, 1985, as amended and other laws that recognize persons sixty (60) years or older as an elderly.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Subsection (a) of Section 2 of Act No. 173 of August 31, 1996, as amended, is hereby amended to read as follows:

Section 2.- Definitions.-

For the purposes of this Act, the following terms and phrases shall have the meaning stated hereinbelow:

(a) Elderly Person- refers to any person who is sixty (60) years of age or older, whose income is within the limits established by the Secretary of Housing through regulations to participate in the program, which may be equal to or more liberal, but never more restrictive than those established by the Federal Government.

(b)...

(c)...

Section 2.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 53 (S.B. 695) of the 3rd Session of the 14th Legislature of Puerto Rico:

AN ACT to amend subsection (a) of Section 2 of Act No. 173 of August 31, 1996, as amended, denominated "Commonwealth Housing Rental Matching Program for Veterans and Housing Rental and Improvement Subsidy for Low-Income Elderly Persons", to redefine "elderly person" as any persons who is sixty (60) years of age or more, and whose income is within the limits established through regulations by the Secretary of Housing to participate in the program, which may be the same or more liberal, but never more restrictive than those established by the Federal Government,

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

In San Juan, Puerto Rico, today 8th of January of 2004.

Elba Rosa Rodríguez-Fuentes

Director

