Honorable Herbert H. Lehman
United States Senate
Washington, D. C.

Dear Senator Lehman:

This is in reply to your communication of December 28 enclosing a letter from the Honorable Leonard Farbstein and a copy of a Resolution adopted by East Side Post No. 4 of the Jewish War Veterans, opposing the practice of the New York City Housing Authority in making no provision in its Federally-aided low-rent public housing for lone elderly people.

The regulations prohibiting single persons from being eligible for admission to low-rent projects is of statutory rather than administrative origin. The United States Housing Act of 1937, as amended, under which these projects are developed and administered, specifically states that only families of low income shall be admitted. To insure compliance with this provision of the Act, our contracts with local housing authorities require, as a condition of eligibility for admission, that a family be considered as "... a group of persons regularly living together which consists of two or more persons related by blood, marriage or adoption ..." The definition is further qualified by the statement that a group of unrelated persons, or a person living alone, does not constitute a family.

The question of admitting single persons to low-rent projects was weighed by the Congress when predecessor bills to the Housing Act of 1949 were being considered. Senate Bills 1592 and 866 introduced in the 79th and 80th Congresses, respectively, would have permitted the admission of single persons to low-rent public housing. However, during the consideration and prior to the passage of these bills, this provision was removed from the legislation. It was the conclusion of the Congress at that time that, in view of the limited number of housing units being made available in relation to the need, such units should be used to house the greatest number of persons possible. This could be done only by admitting families to the units rather than single persons.
In view of this legislative history in connection with the question involved, we have no authority to authorize the New York City Housing Authority to include units for single persons in its plans for its Federally-aided housing projects. Such authorization could only be granted by enabling legislation enacted by the Congress.

We are returning Assemblyman Farbstein's letter and the copy of the Resolution as you requested.

Sincerely yours,

Charles E. Shaver
Commissioner

Enclosures