

*Ryan Kules and Paul Benne Specially Adaptive Housing
(SAH) Improvement Act of 2019*

PUBLIC LAW 116-154

TEMPORARY IMPLEMENTATION GUIDE

VETERANS BENEFITS ADMINISTRATION

AUGUST 2020



U.S. Department
of Veterans Affairs

Table of Contents

Contents

1	Purpose	3
2	Background	3
3	Outreach to Veterans Who May Be Entitled	3
4	M21-1 Adjudication Manual Procedural Guidance.....	4
5	Development Letters	4
6	Rating Decisions Grants/Denials (VBMS-R).....	4
	6.1 Specially Adaptive Housing (Visual Limitations) Grant Text:	4-5
	6.2 Specially Adaptive Housing (Visual Limitations) Denial Text:	5-6

1 Purpose

To provide Veterans Service Representatives (VSRs), Rating VSRs (RVSRs), and supervisory regional office personnel, including Directors and Veterans Service Center Managers (VSCMs) with temporary guidelines on implementation of Public Law No: 116-154, *the Ryan Kules and Paul Benne Specially Adaptive Housing (SAH) Improvement Act of 2019*.

2 Background

On August 8, 2020, Public Law No: 116-154, was signed into law. The new law eliminates the current requirement under section 2101(a) that blindness be accompanied by loss or loss of use of a lower extremity. The change clarifies that all disabilities, except for blindness, must be permanent and total to qualify under section 2101(a). Blindness must be permanent, but not necessarily total. The full text of the *Ryan Kules and Paul Benne Specially Adaptive Housing (SAH) Improvement Act of 2019* is available online at: <https://www.congress.gov/bill/116th-congress/house-bill/3504/text>.

Compensation Service (CS) is actively working to ensure that all Veterans Benefits Management System (VBMS) rating fragments are updated to incorporate the correct eligibility language. However, until system updates are live, the attached guide provides information that can be used to ensure that Veterans, who are eligible, receive notice.

3 Outreach to Veterans Who May Be Entitled

The Veteran Benefits Administration (VBA) is working to disseminate outreach letters to ensure that Veterans, who might be entitled based on the law's expanded eligibility, are aware of the change. Home Loan Guaranty Service, working in collaboration with CS, has drafted sample letters. It is anticipated that these letters will be sent before the end of the fiscal year. Regional offices may see additional eligibility requests from regional loan center referrals because of this outreach. For more information on processing requests from a regional loan center or other issues arising from the receipt of a VA Form 21-4555: [Application in Acquiring Specially Adapted Housing or Special Home Adaptation Grant](#), see M21-1 III.ii.2.B.1.i. and IX.i.3.3.c.

4 M21-1 Adjudication Manual Procedural Guidance

The M21-1 adjudication manual, has been updated to contain the newly adopted eligibility criteria based on the *Ryan Kules and Paul Benne Specially Adaptive Housing (SAH) Improvement Act of 2019*. For more information on eligibility criteria please refer to M21-1, Part IX, Subpart i, Chapter 3: Specially Adapted Housing (SAH) or Special Home Adaptation (SHA) Grant for development actions.

5 Development Letters

In order to fulfill the VA's duty to assist for claimants; claims processors may be required to issue a 5103 notice. If the issue is either a claim for Special Adaptive Housing or where visual acuity is raised, a *custom* 5103 notice should be generated. Otherwise, a standard 5103 notice is enough.

A *custom* 5103 notice is created to include the following information:

Important: A certificate of eligibility for assistance in acquiring specially adapted housing under *38 U.S.C. 2101(a)*, following the passage of the *Ryan Kules and Paul Benne Specially Adaptive Housing Improvement Act of 2019*, may be extended when the Veteran's permanent disability is due to blindness in both eyes, having central visual acuity of 20/200 or less in the better eye with the use of a standard correcting lens. An eye with a limitation in the fields of vision such that the widest diameter of the visual fields subtends an angle no greater than 20 degrees shall be considered as having a central visual acuity of 20/200 or less.

More information on creating a custom 5103 notice is found in the VBMS Core User Guide, page 221; available at:

https://vbaw.vba.va.gov/VBMS/docs/VBMS_Core_User_Guide_Release_19_0.pdf

6 Rating Decisions Grants/Denials (VBMS-R)

6.1 Specially Adaptive Housing (Visual Limitations) Grant Text:

Until VBMS rating fragments are updated, in order to ensure that RVSRs provide adequate notice when issuing a grant of the benefit based on updated visual criteria, replace the Generated Text in the Reasons for Decision using the following language:

A certificate of eligibility for assistance in acquiring specially adapted housing under *38 U.S.C. 2101(a)* may be extended when the permanent disability is due to blindness in both eyes, having central visual acuity of 20/200 or less in the better eye with the use of a standard correcting lens. An eye with a limitation in the fields of vision such that the widest diameter of the visual fields subtends an angle no greater than 20 degrees shall be considered as having a central visual acuity of 20/200 or less. (*38 U.S.C. 2101*, as amended by Public Law No: 116-154)

6.2 Specially Adaptive Housing (Visual Limitations) Denial Text:

Similarly, as noted above, until VBMS rating fragments are updated, in order to ensure that RVSRs provide adequate notice when denying a request for SAH based on updated visual criteria, replace the Generated Text in the Reasons for Decision using the following language:

A certificate of eligibility for assistance in acquiring specially adapted housing under *38 U.S.C. 2101(a)* may be extended when the veteran is disabled from one of the following conditions which is the result of injury or disease incurred in or aggravated during active military service, or for which the Veteran is entitled to receive compensation under 38 U.S.C. 1151: 1.) the permanent and total disability is due to loss, or loss of use, of both lower extremities, such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair; 2.) the permanent disability is due to blindness in both eyes, having central visual acuity of 20/200 or less in the better eye with the use of a standard correcting lens; 3.) the permanent and total disability is due to the loss or loss of use of one lower extremity together with residuals of organic disease or injury, or the loss or loss of use of one upper extremity, which so affects the functions of balance or propulsion as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair; 4.) the permanent and total disability is due to loss, or loss of use, of both upper extremities such as to preclude use of the arms at or above the elbows; 5.) the permanent and total disability is due to a severe burn injury (full thickness or subdermal burns that have resulted in contractures with limitation of

motion of two or more extremities or of at least one extremity and the trunk). Unfortunately, entitlement to special housing assistance is not established as a qualifying disability has not been found. (38 U.S.C. 2101, as amended by Public Law No: 116-154 and 38 CFR 3.809)