

Union Calendar No. 44

104TH CONGRESS
1ST SESSION

H. R. 660

[Report No. 104-91]

A BILL

To amend the Fair Housing Act to modify the exemption from certain familial status discrimination prohibitions granted to housing for older persons.

MARCH 28, 1995

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 1995

Mr. SHAW (for himself, Mr. BONO, Mr. CALVERT, Mr. GOSS, Mr. LEWIS of California, Mr. CANADY of Florida, Mr. GALLEGLY, Mr. BILIRAKIS, Mr. EMERSON, Mr. CUNNINGHAM, Mr. HASTINGS of Florida, Mr. MILLER of Florida, and Mrs. SCHROEDER) introduced the following bill; which was referred to the Committee on the Judiciary

MARCH 28, 1995

Additional sponsors: Mr. DEUTSCH, Mr. JOHNSTON of Florida, Mrs. THURMAN, Mr. MICA, Mr. KIM, Mr. YOUNG of Alaska, Ms. DUNN of Washington, Mr. SMITH of New Jersey, Mr. LINDER, Mr. STUMP, and Mrs. SMITH of Washington

MARCH 28, 1995

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[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on January 24, 1995]

A BILL

To amend the Fair Housing Act to modify the exemption

from certain familial status discrimination prohibitions granted to housing for older persons.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Housing for Older Per-*
5 *sons Act of 1995”.*

6 **SEC. 2. DEFINITION OF HOUSING FOR OLDER PERSONS.**

7 *Subparagraph (C) of section 807(b)(2) of the Fair*
8 *Housing Act (42 U.S.C. 3607(b)(2)) is amended to read as*
9 *follows:*

10 *“(C) that meets the following requirements:*

11 *“(i) The housing is in a facility or commu-*
12 *nity intended and operated for the occupancy of*
13 *at least 80 percent of the occupied units by at*
14 *least one person 55 years of age or older.*

15 *“(ii) The housing facility or community*
16 *publishes and adheres to policies and procedures*
17 *that demonstrate the intent required under*
18 *clause (i), whether or not such policies and pro-*
19 *cedures are set forth in the governing documents*
20 *of such facility or community.*

21 *“(iii) The housing facility or community*
22 *complies with rules made by the Secretary for*
23 *the verification of occupancy. Such rules shall*
24 *allow for that verification by reliable surveys*

1 *and affidavits and shall include examples of the*
2 *types of policies and procedures relevant to a de-*
3 *termination of compliance with the requirement*
4 *of clause (ii). Such surveys and affidavits shall*
5 *be admissible in administrative and judicial*
6 *proceedings for the purposes of such verifica-*
7 *tion.”.*

8 **SEC. 3. GOOD FAITH ATTEMPT AT COMPLIANCE DEFENSE**
9 **AGAINST CIVIL MONEY DAMAGES.**

10 *Section 807(b) of the Fair Housing Act (42 U.S.C.*
11 *3607(b)) is amended by adding at the end the following:*

12 “(5) *GOOD FAITH RELIANCE.*—(A) *A person shall not*
13 *be held personally liable for monetary damages for a viola-*
14 *tion of this title if such person reasonably relied, in good*
15 *faith, on the application of the exemption under this sub-*
16 *section relating to housing for older persons.*

17 “(B) *For the purposes of this paragraph, a person en-*
18 *gaged in the business of residential real estate transactions*
19 *may show good faith reliance on the application of the ex-*
20 *emption by showing that—*

21 “(i) *such person has no actual knowledge that*
22 *the facility or community is not, or will not, be eligi-*
23 *ble for such exemption; and*

24 “(ii) *the facility or community has certified to*
25 *such person, in writing and on oath or affirmation,*

- 1 *that the facility or community complies with the re-*
- 2 *quirements for such exemption.”.*