

In the Senate of the United States,

December 6, 1995.

Resolved, That the bill from the House of Representatives (H.R. 660) entitled “An Act to amend the Fair Housing Act to modify the exemption from certain familial status discrimination prohibitions granted to housing for older persons”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 **SECTION 1. SHORT TITLE.**

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

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

5 *Section 807(b)(2)(C) of the Fair Housing Act (42*
6 *U.S.C. 3607(b)(2)(C)) is amended to read as follows:*

7 *“(C) intended and operated for occupancy by*
8 *persons 55 years of age or older, and—*

1 “(i) at least 80 percent of the occupied units
2 are occupied by at least one person who is 55
3 years of age or older;

4 “(ii) the housing facility or community
5 publishes and adheres to policies and procedures
6 that demonstrate the intent required under this
7 subparagraph; and

8 “(iii) the housing facility or community
9 complies with rules issued by the Secretary for
10 verification of occupancy, which shall—

11 “(I) provide for verification by reliable
12 surveys and affidavits; and

13 “(II) include examples of the types of
14 policies and procedures relevant to a deter-
15 mination of compliance with the require-
16 ment of clause (ii). Such surveys and affi-
17 davits shall be admissible in administrative
18 and judicial proceedings for the purposes of
19 such verification.”.

20 **SEC. 3. GOOD FAITH ATTEMPT AT COMPLIANCE; DEFENSE**
21 **AGAINST CIVIL MONEY DAMAGES.**

22 Section 807(b) of the Fair Housing Act (42 U.S.C.
23 3607(b)) is amended by adding at the end the following new
24 paragraph:

1 “(5)(A) A person shall not be held personally liable
2 for monetary damages for a violation of this title if such
3 person reasonably relied, in good faith, on the application
4 of the exemption under this subsection relating to housing
5 for older persons.

6 “(B) For the purposes of this paragraph, a person may
7 only show good faith reliance on the application of the ex-
8 emption by showing that—

9 “(i) such person has no actual knowledge that
10 the facility or community is not, or will not be, eligi-
11 ble for such exemption; and

12 “(ii) the facility or community has stated for-
13 mally, in writing, that the facility or community
14 complies with the requirements for such exemption.”.

Attest:

Secretary.

104TH CONGRESS
1ST SESSION

H. R. 660

AMENDMENT