

104TH CONGRESS
1ST SESSION

H. R. 660

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

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

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”.

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

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

5 “(C) that meets the following requirements:

6 “(i) The housing is in a facility or commu-
7 nity intended and operated for the occupancy of
8 at least 80 percent of the occupied units by at
9 least one person 55 years of age or older.

10 “(ii) The housing facility or community
11 publishes and adheres to policies and proce-
12 dures that demonstrate the intent required
13 under clause (i), whether or not such policies
14 and procedures are set forth in the governing
15 documents of such facility or community.

16 “(iii) The housing facility or community
17 complies with rules made by the Secretary for
18 the verification of occupancy. Such rules shall
19 allow for that verification by reliable surveys
20 and affidavits and shall include examples of the
21 types of polices and procedures relevant to a de-
22 termination of compliance with the requirement
23 of clause (ii). Such surveys and affidavits shall
24 be admissible in administrative and judicial pro-
25 ceedings for the purposes of such verification.”.

1 **SEC. 3. GOOD FAITH ATTEMPT AT COMPLIANCE DEFENSE**
2 **AGAINST CIVIL MONEY DAMAGES.**

3 Section 807(b) of the Fair Housing Act (42 U.S.C.
4 3607(b)) is amended by adding at the end the following:

5 “(5) An individual who engages in conduct with a
6 reasonable good faith reliance on the existence of the ex-
7 emption of this subsection relating to housing for older
8 persons is not personally liable for money damages for a
9 violation of this Act that such an exemption would have
10 vitiated. For the purposes of this paragraph, a person en-
11 gaged in the business of residential real estate trans-
12 actions is presumed to have such a good faith reliance if
13 that person has no actual knowledge that the facility or
14 community is not or will not be eligible for such exemption
15 and the facility or community gives such person a written
16 certification stating the compliance of the facility or com-
17 munity with the requirements for such exemption.”.

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