

Public Law 104-76  
104th Congress

An Act

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

Dec. 28, 1995

[H.R. 660]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Housing for  
Older Persons  
Act of 1995.  
46 USC 3601  
note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Housing for Older Persons Act of 1995".

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

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

"(C) intended and operated for occupancy by persons 55 years of age or older, and—

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

"(ii) the housing facility or community publishes and adheres to policies and procedures that demonstrate the intent required under this subparagraph; and

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

"(I) provide for verification by reliable surveys and affidavits; and

"(II) include examples of the types of policies and procedures relevant to a determination of compliance with the requirement of clause (ii). Such surveys and affidavits shall be admissible in administrative and judicial proceedings for the purposes of such verification."

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

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

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

"(B) For the purposes of this paragraph, a person may only show good faith reliance on the application of the exemption by showing that—

“(i) such person has no actual knowledge that the facility or community is not, or will not be, eligible for such exemption; and

“(ii) the facility or community has stated formally, in writing, that the facility or community complies with the requirements for such exemption.”.

Approved December 28, 1995.

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LEGISLATIVE HISTORY—H.R. 660:

HOUSE REPORTS: No. 104-91 (Comm. on the Judiciary).

SENATE REPORTS: No. 104-172 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 141 (1995):

Apr. 6, considered and passed House.

Dec. 6, considered and passed Senate, amended.

Dec. 18, House concurred in Senate amendment.