

105TH CONGRESS  
1ST SESSION

# H. R. 1108

To affirm the role of States in setting reasonable occupancy standards,  
and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 1997

Mr. MCCOLLUM (for himself, Mr. BENTSEN, Mr. LAZIO of New York, Mr. MORAN of Virginia, and Mrs. ROUKEMA) introduced the following bill;  
which was referred to the Committee on Banking and Financial Services

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## A BILL

To affirm the role of States in setting reasonable occupancy  
standards, and for other purposes.

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 “State Occupancy  
5 Standards Affirmation Act of 1997”.

6       **SEC. 2. TREATMENT OF OCCUPANCY STANDARDS.**

7       (a) NATIONAL STANDARD PROHIBITED.—The Sec-  
8 retary shall not directly or indirectly establish a national  
9 occupancy standard.

1       (b) STATE STANDARD.—If a State establishes an oc-  
2       cupancy standard, such standard shall be presumed rea-  
3       sonable for the purpose of determining familial status dis-  
4       crimination in residential rental dwellings.

5       (c) ABSENCE OF STATE STANDARD.—If a State fails  
6       to establish an occupancy standard, an occupancy stand-  
7       ard of 2 persons per bedroom plus infants that is estab-  
8       lished by a housing provider shall be presumed reasonable  
9       for the purpose of determining familial status discrimina-  
10      tion in residential rental dwellings.

11      (d) DEFINITIONS.—

12           (1) OCCUPANCY STANDARD.—

13               (A) IN GENERAL.—Except as provided in  
14               subparagraph (B), the term “occupancy stand-  
15               ard” means a law, regulation, or housing pro-  
16               vider policy that establishes a limit on the num-  
17               ber of residents a housing provider can manage  
18               in a dwelling for any 1 or more of the following  
19               purposes:

20                   (i) Providing a decent home and serv-  
21                   ices for each resident.

22                   (ii) Enhancing the livability of a  
23                   dwelling for all residents, including the  
24                   dwelling for each particular resident.

1 (iii) Avoiding undue physical deterio-  
2 ration of the dwelling and property.

3 (B) EXCEPTION.—The term “occupancy  
4 standard” does not include a Federal, State, or  
5 local restriction regarding the maximum num-  
6 ber of persons permitted to occupy a dwelling  
7 for the sole purpose of protecting the health  
8 and safety of the residents of a dwelling, includ-  
9 ing building and housing code provisions.

10 (2) INFANT.—The term “infant” means a child  
11 who—

12 (A) is less than 6 months old; and

13 (B) sleeps in the same bedroom as the  
14 child’s parent, guardian, legal custodian, or per-  
15 son applying for that status with respect to that  
16 child.

17 (e) INAPPLICABILITY.—This section does not apply to  
18 any purposeful discrimination on the basis of race, color,  
19 religion, sex, familial status, handicap, or national origin.

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