

106TH CONGRESS  
1ST SESSION

# H. R. 176

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

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1999

Mr. MCCOLLUM (for himself, Ms. PRYCE of Ohio, and Mr. BENTSEN) 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 1999”.

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

7       Section 589 of the Quality Housing and Work Re-  
8 sponsibility Act of 1998 (42 U.S.C. 3608 note) is amended  
9 by adding at the end the following:

1       “(c) 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       “(d) ABSENCE OF STATE STANDARD.—If a State  
 6       fails to establish an occupancy standard, an occupancy  
 7       standard of 2 persons per bedroom plus infants that is  
 8       established by a housing provider shall be presumed rea-  
 9       sonable for the purpose of determining familial status dis-  
 10      crimination in residential rental dwellings.

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

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