

111TH CONGRESS
2D SESSION

H. R. 6500

To amend the Fair Housing Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 8, 2010

Mr. NADLER of New York (for himself, Mr. CONYERS, Mr. SCOTT of Virginia, Mr. POLIS of Colorado, Mr. TOWNS, Mr. HASTINGS of Florida, and Mr. AL GREEN of Texas) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Fair Housing Act, 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 “Housing Opportunities
5 Made Equal (HOME) Act”.

6 **SEC. 2. AMENDING THE FAIR HOUSING ACT TO PROHIBIT**

7 **CERTAIN DISCRIMINATION.**

8 (a) IN GENERAL.—

1 (1) Section 804 of the Fair Housing Act (42
2 U.S.C. 3604) is amended by inserting “sexual ori-
3 entation, gender identity, source of income, marital
4 status,” after “sex,” each place it appears.

5 (2) Section 805 of the Fair Housing Act (42
6 U.S.C. 3605) is amended by inserting “sexual ori-
7 entation, gender identity, source of income, marital
8 status,” after “sex,” each place it appears.

9 (3) Section 806 of the Fair Housing Act (42
10 U.S.C. 3606) is amended by inserting “sexual ori-
11 entation, gender identity, source of income, marital
12 status,” after “sex,”.

13 (b) PREVENTION OF INTIMIDATION.—Section 901 of
14 the Civil Rights Act of 1968 (42 U.S.C. 3631) is amended
15 by inserting “sexual orientation, gender identity, source
16 of income, marital status,” after “sex,” each place it ap-
17 pears.

18 (c) DEFINITIONS.—Section 802 of the Fair Housing
19 Act (42 U.S.C. 3602) is amended by adding at the end
20 the following:

21 “(p) ‘Gender identity’ means the gender-related
22 identity, appearance, or mannerisms or other gen-
23 der-related characteristics of an individual, with or
24 without regard to the individual’s designated sex at
25 birth.

1 “(q) ‘Sexual orientation’ means homosexuality,
2 heterosexuality, or bisexuality.

3 “(r) ‘Source of income’ means the receipt of
4 Federal, State, or local public assistance including
5 medical assistance, or the receipt by a tenant or ap-
6 plicant of Federal, State, or local housing subsidies,
7 including rental assistance under section 8 of the
8 United States Housing Act of 1937 (42 U.S.C.
9 1437f) or other rental assistance or rental supple-
10 ments.

11 “(s) ‘Marital status’ has the same meaning
12 given that term for purposes of the Equal Credit
13 Opportunity Act.”.

14 **SEC. 3. AMENDING THE FAIR HOUSING ACT TO EXTEND**
15 **THE DEFINITION OF DISCRIMINATORY HOUS-**
16 **ING PRACTICE.**

17 Section 802(f) of the Fair Housing Act (42 U.S.C.
18 3602(f)) is amended to read as follows:

19 “(f) ‘Discriminatory housing practice’ means an act
20 that is unlawful under section 804, 805, 806, or 818 of
21 this title, whether occurring pre- or post-acquisition, and
22 also includes a failure to comply with the section 808(e)(5)
23 of this title or a regulation made to carry out section
24 808(e)(5).”.

1 **SEC. 4. AMENDING THE FAIR HOUSING ACT DEFINITION OF**
2 **“FAMILIAL STATUS”.**

3 Section 802(k) of the Fair Housing Act (42 U.S.C.
4 3602(k)) is amended to read as follows:

5 “(k) ‘Familial status’ means one or more individuals
6 (who have not attained the age of 18 years) residing
7 with—

8 “(1) a parent, foster parent, or another person
9 having legal or physical custody of such individual or
10 individuals; or

11 “(2) anyone standing in loco parentis of such
12 individual or individuals.

13 The protections afforded against discrimination on the
14 basis of familial status apply to any person who is preg-
15 nant or in the process of securing legal custody of an indi-
16 vidual who has not attained the age of 18 years.”.

17 **SEC. 5. AMENDING THE FAIR HOUSING ACT AND THE**
18 **EQUAL CREDIT OPPORTUNITY ACT TO PRO-**
19 **VIDE THE DEPARTMENT OF JUSTICE WITH**
20 **PRE-LITIGATION SUBPOENA POWER.**

21 (a) **EQUAL CREDIT OPPORTUNITY ACT.**—Section
22 706(h) of the Equal Credit Opportunity Act (15 U.S.C.
23 1691e(h)) is amended—

24 (1) by inserting “(1)” after “(h)”; and

25 (2) by adding at the end the following:

1 “(2) If the Attorney General has reason to be-
2 lieve that any person may be in possession, custody,
3 or control of any documentary material or informa-
4 tion relevant to an investigation under this title, the
5 Attorney General may, before commencing a civil ac-
6 tion under paragraph (1), issue in writing and cause
7 to be served upon the person, a civil investigative de-
8 mand. The authority to issue and enforce civil inves-
9 tigative demands under this paragraph shall be iden-
10 tical to the authority of the Attorney General under
11 section 3733 of title 31, United States Code, except
12 that the provisions of that section relating to qui
13 tam relators shall not apply.”.

14 (b) FAIR HOUSING ACT.—Section 814(c) of the Fair
15 Housing Act (42 U.S.C. 3614(c)) is amended—

16 (1) by striking “The Attorney General” and in-
17 serting the following:

18 “(1) IN GENERAL.—The Attorney General”;
19 and

20 (2) by adding at the end the following:

21 “(2) CIVIL INVESTIGATIVE DEMANDS.—If the
22 Attorney General has reason to believe that any per-
23 son may be in possession, custody, or control of any
24 documentary material or information relevant to an
25 investigation under this title, the Attorney General

1 may, before commencing a civil proceeding under
 2 this subsection, issue in writing and cause to be
 3 served upon the person, a civil investigative demand.
 4 The authority to issue and enforce civil investigative
 5 demands under this paragraph shall be identical to
 6 the authority of the Attorney General under section
 7 3733 of title 31, United States Code, except that the
 8 provisions of that section relating to qui tam relators
 9 shall not apply.”.

10 **SEC. 6. AMENDING THE FAIR HOUSING ACT SO THAT DIS-**
 11 **CRIMINATION IN REAL ESTATE-RELATED**
 12 **TRANSACTIONS INCLUDES THE FAILURE TO**
 13 **MAKE REASONABLE ACCOMMODATIONS FOR**
 14 **PEOPLE WITH DISABILITIES.**

15 Section 805(a) of the Fair Housing Act (42 U.S.C.
 16 3605(a)) is amended by adding at the end the following;
 17 “For the purposes of this section, discrimination against
 18 a person because of handicap includes the failure, in con-
 19 nection with a real estate-related transaction, to make rea-
 20 sonable accommodations for such persons.”.

21 **SEC. 7. AMENDING THE FAIR HOUSING ACT TO CHANGE**
 22 **CERTAIN LIMITATIONS ON FILING COM-**
 23 **PLAINTS AND COMMENCING CIVIL ACTIONS.**

24 (a) SECTION 810.—Section 810(a)(1)(A) of the Fair
 25 Housing Act (42 U.S.C. 3610(a)(1)(A)) is amended by in-

1 serting after the first sentence the following: “The failure
2 to design and construct a dwelling as required by section
3 804(f)(3)(C) shall be deemed to continue until such time
4 as the dwelling conforms to the requirements of that sec-
5 tion.”.

6 (b) SECTION 813.—Section 813(a)(1)(A) of the Fair
7 Housing Act (42 U.S.C. 3613(a)(1)(A)) is amended by
8 adding at the end the following: “The failure to design
9 and construct a dwelling as required by section
10 804(f)(3)(C) shall be deemed to continue until such time
11 as the dwelling conforms to the requirements of that sec-
12 tion.”.

○