

113TH CONGRESS
2D SESSION

S. 2889

To require compliance with established universal home design guidelines,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 18, 2014

Mr. HARKIN introduced the following bill; which was read twice and referred
to the Committee on Banking, Housing, and Urban Affairs

A BILL

To require compliance with established universal home design
guidelines, 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 “Universal Home De-
5 sign Act of 2014”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ACCESSIBLE.—The term “accessible” (ex-
9 cept when used in the context of accessible format)
10 means—

1 (A) consistent with—

2 (i) subpart D of part 36 of title 28,
3 Code of Federal Regulations (or any cor-
4 responding similar regulation or ruling);
5 and

6 (ii) appendices B and D to part 1191
7 of title 36, Code of Federal Regulations (or
8 any corresponding similar regulation or
9 ruling); and

10 (B) independently usable by individuals
11 with disabilities, including those who use a mo-
12 bility device such as a wheelchair.

13 (2) ACCESS BOARD.—The term “Access Board”
14 means the Architectural and Transportation Bar-
15 riers Compliance Board established under section
16 502 of the Rehabilitation Act of 1973 (29 U.S.C.
17 792).

18 (3) COVERED DWELLING UNIT.—The term
19 “covered dwelling unit” means a dwelling unit
20 that—

21 (A) is a detached single family house, a
22 townhouse or multi-level dwelling unit (whether
23 detached or attached to other units or struc-
24 tures), or a ground-floor unit in a building of
25 not more than 3 dwelling units;

1 (B) is designed as, or intended for occu-
2 pancy as, a residence;

3 (C)(i) was designed, constructed, or com-
4 missioned, contracted, or otherwise arranged for
5 construction, by a person or entity who, at any
6 time before the design or construction, received
7 or was guaranteed Federal financial assistance
8 for any program or activity;

9 (ii) is purchased by a person or entity
10 using amounts that are provided or guaranteed
11 under a program that provides Federal finan-
12 cial assistance for homeownership; or

13 (iii) is offered for purchase by a person or
14 entity using amounts that are provided or guar-
15 anteed under a program that provides Federal
16 financial assistance for homeownership; and

17 (D) is made available for first occupancy
18 after the expiration of the 30-month period be-
19 ginning on the date of the enactment of this
20 Act.

21 (4) DEPARTMENT.—The term “Department”
22 means the Department of Housing and Urban De-
23 velopment.

24 (5) FEDERAL FINANCIAL ASSISTANCE.—The
25 term “Federal financial assistance” means—

1 (A) any assistance that is provided or oth-
2 erwise made available by the Federal National
3 Mortgage Association, the Federal Home Loan
4 Mortgage Corporation, any Federal Home Loan
5 Bank, the Secretary of Housing and Urban De-
6 velopment, the Secretary of Veterans Affairs, or
7 any program or activity of the Department of
8 Housing and Urban Development or the De-
9 partment of Veterans Affairs, through any
10 grant, loan, insurance, guarantee, contract, or
11 any other arrangement, after the expiration of
12 the 1-year period beginning on the date of the
13 enactment of this Act, including—

14 (i) a grant, subsidy, or any other
15 funds;

16 (ii) real or personal property or any
17 interest in or use of such property, includ-
18 ing—

19 (I) transfers or leases of the
20 property for less than the fair market
21 value or for reduced consideration;
22 and

23 (II) proceeds from a subsequent
24 transfer or lease of the property if the
25 Federal share of the fair market value

1 is not returned to the Federal Govern-
2 ment;

3 (iii) any tax credit, mortgage or loan
4 guarantee, or insurance; and

5 (iv) community development funds in
6 the form of obligations guaranteed under
7 section 108 of the Housing and Commu-
8 nity Development Act of 1974 (42 U.S.C.
9 5308); and

10 (B) any assistance that is provided or oth-
11 erwise made available by the Secretary of Agri-
12 culture under title V of the Housing Act of
13 1949 (42 U.S.C. 1471 et seq.).

14 (6) INDIVIDUAL WITH A DISABILITY.—The term
15 “individual with a disability” means an individual
16 with a disability, as defined in section 3 of the
17 Americans with Disabilities Act of 1990 (42 U.S.C.
18 12102).

19 (7) INDIVIDUALS WITH DISABILITIES.—The
20 term “individuals with disabilities” means more than
21 1 individual with a disability.

22 (8) PERSON OR ENTITY.—The term “person or
23 entity” includes 1 or more individuals, corporations
24 (including not-for-profit corporations), partnerships,
25 associations, labor organizations, legal representa-

tives, mutual corporations, joint-stock companies, trusts, unincorporated associations, trustees, trustees in cases under title 11 of the United States Code, receivers, and fiduciaries.

(9) SECRETARY.—The term “Secretary” means the Secretary of Housing and Urban Development.

(10) UNIVERSAL HOME DESIGN.—The term “universal home design” means the inclusion of architectural and other landscaping features that allow basic access to and within a residential dwelling by an individual with a disability who cannot climb stairs, including an individual who uses a mobility device such as a wheelchair.

SEC. 3. ESTABLISHMENT OF UNIVERSAL HOME DESIGN GUIDELINES.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Access Board, in consultation with the Secretary, shall develop and issue guidelines setting forth the minimum technical criteria and scoping requirements for a covered dwelling unit to be in compliance with universal home design under this Act.

(b) UNIVERSAL HOME DESIGN FEATURES COVERED.—The guidelines required to be developed and issued under subsection (a) shall include, at a minimum,

1 basic access to a covered dwelling unit and to not less than
 2 1 level within such covered dwelling unit, including—

3 (1) an accessible entrance located on an acces-
 4 sible path from the public street or driveway;

5 (2) accessible interior doors with sufficient clear
 6 width and accessible thresholds;

7 (3) accessible environmental controls on the
 8 wall;

9 (4) at least 1 accessible indoor room that has
 10 an area of not less than 70 square feet and contains
 11 no side or dimension narrower than 7 feet;

12 (5) an accessible bathroom with—

13 (A) an accessible sink and toilet; and

14 (B) reinforced walls that permit the instal-
 15 lation of grab bars; and

16 (6) a kitchen space—

17 (A) with accessible food preparation, wash-
 18 ing, and storage areas; and

19 (B) that can easily be further adapted to
 20 accommodate an individual with a disability.

21 (c) REGULATIONS.—Not later than 6 months after
 22 the date on which the guidelines are issued under sub-
 23 section (a), the Secretary shall issue regulations, in an ac-
 24 cessible format—

25 (1) to carry out the provisions of this Act; and

1 (2) that include accessibility standards that are
 2 consistent with the guidelines issued under sub-
 3 section (a).

4 (d) REVIEW AND AMENDMENT.—

5 (1) ACCESS BOARD.—The Access Board, in
 6 consultation with the Secretary, shall—

7 (A) periodically review and, as appropriate,
 8 amend the guidelines issued under subsection
 9 (a); and

10 (B) issue such amended guidelines as re-
 11 vised guidelines.

12 (2) SECRETARY.—Not later than 6 months
 13 after the date on which revised guidelines are issued
 14 under paragraph (1)(B), the Secretary shall issue
 15 revised regulations that are consistent with such re-
 16 vised guidelines.

17 **SEC. 4. USE OF UNIVERSAL HOME DESIGN GUIDELINES IN**
 18 **NEW CONSTRUCTION.**

19 It shall be unlawful for any person described in
 20 clauses (i), (ii), and (iii) of section 2(3)(C), with respect
 21 to a covered dwelling unit, to fail to ensure that the cov-
 22 ered dwelling unit complies with the universal home design
 23 guidelines established under section 3.

1 **SEC. 5. ENFORCEMENT.**

2 (a) REQUIREMENT FOR FEDERAL FINANCIAL AS-
3 SISTANCE.—Each applicant for Federal financial assist-
4 ance that is to be used for a covered dwelling unit shall
5 submit to the agency providing such Federal financial as-
6 sistance an assurance, at such time and in such manner
7 as the head of the agency may require, verifying that the
8 applicant is in compliance with the universal home design
9 guidelines established under section 3 with respect to the
10 covered dwelling unit.

11 (b) CIVIL ACTION FOR PRIVATE PERSONS.—Any per-
12 son aggrieved by an act or omission that is unlawful under
13 section 3 or 4 may commence a civil action in an appro-
14 priate United States district court against any person or
15 entity responsible for any part of the design, construction,
16 or sale of a covered dwelling unit.

17 (c) ENFORCEMENT BY ATTORNEY GENERAL.—
18 Whenever the Attorney General has reasonable cause to
19 believe that any person or group of persons has violated
20 section 3 or 4, the Attorney General may commence a civil
21 action in any appropriate United States district court. The
22 Attorney General may also, upon timely application, inter-
23 vene in any civil action brought under subsection (b) by
24 a private person if the Attorney General certifies that the
25 case is of general public importance.

1 (d) RELIEF.—In any civil action brought under sub-
 2 section (b) or (c), if the court finds that a violation of
 3 section 3 or 4 of this Act has occurred or is about to occur,
 4 it may award to the plaintiff actual and punitive damages,
 5 and may grant as relief, as the court finds appropriate,
 6 any permanent or temporary injunction, temporary re-
 7 straining order, or other order (including an order enjoin-
 8 ing the defendant from violating section 3 or 4 of this Act
 9 or ordering such affirmative action as may be appro-
 10 priate).

11 (e) ATTORNEY'S FEES.—In any civil action brought
 12 under subsection (b) or (c), the court, in its discretion,
 13 may allow the prevailing party, other than the United
 14 States, a reasonable attorney's fee and costs.

15 (f) VIOLATIONS.—For purposes of this section, a vio-
 16 lation involving a covered dwelling unit that is not de-
 17 signed or constructed in conformity with the universal
 18 home design guidelines established under section 3 shall
 19 not be considered to terminate until the violation is cor-
 20 rected.

21 **SEC. 6. OFFICE OF ACCESSIBLE HOUSING AND DEVELOP-**
 22 **MENT.**

23 (a) ESTABLISHMENT.—Not later than 60 days after
 24 the date of enactment of this Act, the Secretary shall es-

1 establish in the Department an Office of Accessible Housing
2 and Development.

3 (b) DIRECTOR.—The Office of Accessible Housing
4 and Development shall be headed by a Director of Acces-
5 sible Housing and Development, who shall be—

6 (1) appointed by the Secretary;

7 (2) an individual with substantial knowledge of
8 individuals with disabilities and universal design;
9 and

10 (3) responsible for implementing the respon-
11 sibilities described in subsection (c).

12 (c) RESPONSIBILITIES.—

13 (1) INFORMATION DISSEMINATION.—The Office
14 of Accessible Housing and Development shall dis-
15 seminate information to inform the public about the
16 importance of universal home design by—

17 (A) sharing information and resources
18 about the requirements under this Act, the Fair
19 Housing Act (42 U.S.C. 3601 et seq.), section
20 504 of the Rehabilitation Act of 1973 (29
21 U.S.C. 794), and the Americans with Disabil-
22 ities Act (42 U.S.C. 12101 et seq.); and

23 (B) creating a website in accordance with
24 section 508 of the Rehabilitation Act of 1973
25 (29 U.S.C. 794d) to facilitate the dissemination

1 of information and resources under subpara-
2 graph (A).

3 (2) SURVEYING THE AVAILABILITY OF AFFORD-
4 ABLE AND ACCESSIBLE HOUSING.—Not later than
5 180 days after the date of enactment of this Act, the
6 Office of Accessible Housing and Development shall
7 conduct a study and submit to the Secretary a re-
8 port on the number of covered dwelling units and
9 other housing units that are accessible to individuals
10 with disabilities in each State, disaggregated by type
11 of housing, cost, and location.

12 (3) PROMOTING UNIVERSAL HOME DESIGN.—
13 The Office of Accessible Housing and Development
14 shall—

15 (A) help monitor progress and compliance
16 with the universal home design guidelines estab-
17 lished under section 3;

18 (B) submit to the Secretary an annual re-
19 port detailing compliance with the universal
20 home design guidelines established under sec-
21 tion 3, including the number of covered dwelling
22 units that were built in each State that were in
23 compliance with such guidelines;

1 (C) coordinate with, and provide technical
2 assistance to, the Department of Justice to as-
3 sist in the enforcement of this Act; and

4 (D) perform any other duties as the Sec-
5 retary may determine appropriate.

6 **SEC. 7. SEVERABILITY.**

7 If any provision of this Act or the application thereof
8 to any person or circumstances is held invalid, the remain-
9 der of the Act and the application of the provision to other
10 persons not similarly situated shall not be affected there-
11 by.

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