

103^D CONGRESS
1ST SESSION

H. R. 1843

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 1993

Mr. SHAW (for himself, Mr. HYDE, Mr. McCOLLUM, Mr. JOHNSTON of Florida, Mr. GOSS, and Mr. BILIRAKIS) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

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

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 for Older Per-
5 sons Act of 1993”.

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

7 Subparagraph (C) of section 807(b)(2) of the Fair
8 Housing Act (42 U.S.C. 3607(b)(2)) is amended to read
9 as follows:

1 “(C) that meets the following requirements:

2 “(i) The housing is in a facility or commu-
3 nity intended and operated for the occupancy of
4 at least 80 percent of the occupied units by at
5 least one person 55 years of age or older.

6 “(ii) The housing facility or community
7 publishes and adheres to policies and proce-
8 dures that demonstrate the intent required
9 under clause (i), whether or not such policies
10 and procedures are set forth in the governing
11 documents of such facility or community.

12 “(iii) The housing facility or community
13 complies with rules made by the Secretary for
14 the verification of occupancy. Such rules shall
15 allow for that verification by reliable surveys
16 and affidavits and shall include examples of the
17 types of policies and procedures relevant to a
18 determination of compliance with the require-
19 ment of clause (ii). Such surveys and affidavits
20 shall be admissible in administrative and judi-
21 cial proceedings for the purposes of such
22 verification.”.

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

3 Section 807(b) of the Fair Housing Act (42 U.S.C.
4 3607(b)) is amended by adding at the end the following:

5 “(5) An individual who engages in conduct with a
6 reasonable good faith reliance on the existence of the ex-
7 emption of this subsection relating to housing for older
8 persons is not personally liable for money damages for a
9 violation of this Act that such an exemption would have
10 vitiated. For the purposes of this paragraph, a person en-
11 gaged in the business of residential real estate trans-
12 actions is presumed to have such a good faith reliance if
13 that person has no actual knowledge that the facility or
14 community is not or will not be eligible for such exception
15 and the facility or community gives such person a written
16 certification stating the compliance of the facility or com-
17 munity with the requirements for such exception.”.

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