

104TH CONGRESS  
2D SESSION

# H. R. 3385

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

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## IN THE HOUSE OF REPRESENTATIVES

MAY 1, 1996

Mr. MCCOLLUM (for himself, Mr. LAZIO of New York, Mrs. ROUKEMA, Mr. BEREUTER, Mr. BAKER of Louisiana, Mr. BENTSEN, Mr. HAYWORTH, Mr. STOCKMAN, Mr. BLILEY, Mr. FRELINGHUYSEN, Mr. GOODLATTE, Mr. GENE GREEN of Texas, Mr. LIVINGSTON, Mr. MORAN, Mrs. MYRICK, Mr. PICKETT, Ms. PRYCE, and Mr. SHADEGG) introduced the following bill; which was referred to the Committee on Banking and Financial Services, subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To affirm the role of the 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 1996”.

1 **SEC. 2. OCCUPANCY STANDARDS.**

2 (a) NATIONAL STANDARD PROHIBITED.—Notwith-  
3 standing any other provision of law, the Secretary of  
4 Housing and Urban Development shall not directly or in-  
5 directly establish a national occupancy standard.

6 (b) STATE STANDARD.—If a State establishes an oc-  
7 cupancy standard—

8 (1) such standard shall be considered reason-  
9 able; and

10 (2) the Secretary shall take no action with re-  
11 spect to such standard.

12 (c) ABSENCE OF STATE STANDARD.—If a State fails  
13 to establish an occupancy standard, the Secretary shall  
14 take no action with respect to an occupancy standard of  
15 2 persons per bedroom established by a housing provider.

16 **SEC. 3. OCCUPANCY STANDARD DEFINED.**

17 (a) GENERAL RULE.—Except as provided in sub-  
18 section (b), the term “occupancy standard” means a law,  
19 regulation, or housing provider policy that establishes a  
20 limit on the number of residents a housing provider can  
21 properly manage in a dwelling for any 1 or more of the  
22 following purposes—

23 (1) providing a decent home and services for  
24 each resident;

1           (2) enhancing the livability of a dwelling for all  
2 residents, including the dwelling for each particular  
3 resident; and

4           (3) avoiding undue physical deterioration of the  
5 dwelling and property.

6           (b) EXCEPTION.—The term “occupancy standard”  
7 does not include a Federal, State, or local restriction re-  
8 garding the maximum number of persons permitted to oc-  
9 cupy a dwelling for the sole purpose of protecting the  
10 health and safety of the residents of a dwelling, including  
11 building and housing code provisions.

12 **SEC. 4. EFFECTIVE DATE.**

13           This Act shall take effect January 1, 1996.

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