

105TH CONGRESS
2^D SESSION

H. R. 3206

To amend the Fair Housing Act.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 1998

Mr. BILBRAY (for himself, Mr. CANADY of Florida, and Ms. HARMAN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Fair Housing Act.

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 “Fair Housing Amend-
5 ments Act of 1998”.

6 **SEC. 2. FIRST AMENDMENT PROTECTIONS.**

7 The Fair Housing Act (42 U.S.C. 3601 et seq.) is
8 amended by adding at the end the following:

1 “PROTECTION OF FIRST AMENDMENT RIGHTS

2 “SEC. 821. (a) Nothing in this Act shall be construed
3 to make the expression of an opinion or the seeking of
4 redress from public authority a violation of this Act.

5 “(b) A party shall not be held liable or otherwise
6 sanctioned under this Act for engaging in litigation or ad-
7 ministrative proceedings unless—

8 “(1) the party does so for an improper purpose,
9 such as to harass or cause unnecessary delay or
10 needlessly to increase the cost of the litigation or
11 proceedings; and

12 “(2)(A) the claims, defenses, and other legal
13 contentions of the party in the litigation or proceed-
14 ings are not warranted by existing law or by a non-
15 frivolous argument for the extension, modification,
16 or reversal of existing law or the establishment of
17 new law; or

18 “(B) the allegations and other factual conten-
19 tions, for which the party in the litigation or pro-
20 ceedings has the burden of going forward with the
21 evidence, have no evidentiary support.”.

22 **SEC. 3. SPECIFICITY OF COMPLAINT.**

23 Section 810(a)(1)(B)(ii) of the Fair Housing Act (42
24 U.S.C. 3610(a)(1)(B)(ii)) is amended by inserting “in suf-

1 ficient detail to allow the respondent to prepare a response
2 and make any available defenses” after “practice”.

3 **SEC. 4. EXHAUSTION OF STATE REMEDIES.**

4 Section 815 of the Fair Housing Act (42 U.S.C.
5 3615) is amended—

6 (1) by inserting “(a)” before “Nothing in”; and

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

8 “(b) A provision of a State or local law shall not be
9 construed to violate this title if the party alleging such
10 violation has not first sought appropriate relief through
11 available administrative procedures provided by the State
12 or local government regarding the application of that pro-
13 vision of law.”.

14 **SEC. 5. CLARIFICATION OF FAMILIAL STATUS PROTEC-**
15 **TION.**

16 Section 802(k) of the Fair Housing Act (42 U.S.C.
17 3602(k)) is amended—

18 (1) in paragraph (1), by striking “person” and
19 inserting “individual”; and

20 (2) by adding at the end the following: “With
21 respect to a State or local law, the protections af-
22 farded against discrimination on the basis of familial
23 status apply only with respect to groups of persons
24 related by blood, marriage, or adoption, and with re-
25 spect to a child under the age of 18 years living in

1 a foster care arrangement with persons who are so
2 related.”.

3 **SEC. 6. LOCAL CONTROL OF RESIDENTIAL USES.**

4 Section 807 of the Fair Housing Act (42 U.S.C.
5 3607) is amended by adding at the end the following:

6 “(c) Nothing in this title prevents—

7 “(1) State or local government regulation of fa-
8 cilities for residential services for persons with
9 handicaps, if such regulation reasonably requires the
10 dispersal of such facilities;

11 “(2) State or local government restriction on
12 the maximum number of unrelated persons per-
13 mitted to occupy a dwelling, in an area restricted to
14 single family dwellings, as applied to a recovering
15 drug addict or alcoholic; or

16 “(3) State or local government restriction on
17 the occupancy of facilities for residential services for
18 persons with handicaps, by persons convicted of a
19 crime, for which a term of imprisonment greater
20 than one year may be imposed, or juveniles adju-
21 dicated delinquents on the basis of conduct that
22 would constitute such a crime if committed by an
23 adult.”.

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