

106TH CONGRESS  
1ST SESSION

# H. R. 2836

To amend the Fair Housing Act.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 9, 1999

Mr. VITTER introduced the following bill; which was referred to the Committee on the Judiciary

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## 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 1999”.

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:

9 “PROTECTION OF FIRST AMENDMENT RIGHTS

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

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

4 “(1) the party does so for an improper purpose,  
5 such as to harass or cause unnecessary delay or  
6 needlessly to increase the cost of the litigation or  
7 proceedings; and

8 “(2)(A) the claims, defenses, and other legal  
9 contentions of the party in the litigation or pro-  
10 ceedings are not warranted by existing law or by a  
11 nonfrivolous argument for the extension, modifica-  
12 tion, or reversal of existing law or the establishment  
13 of new law; or

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

18 **SEC. 3. SPECIFICITY OF COMPLAINT.**

19 Section 810(a)(1)(B)(ii) of the Fair Housing Act (42  
20 U.S.C. 3610(a)(1)(B)(ii)) is amended by inserting “in suf-  
21 ficient detail to allow the respondent to prepare a response  
22 and make any available defenses” after “practice”.

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

24 Section 815 of the Fair Housing Act (42 U.S.C.  
25 3615) is amended—

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

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

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

9 **SEC. 5. CLARIFICATION OF FAMILIAL STATUS PROTEC-**  
10 **TION.**

11 Section 802(k) of the Fair Housing Act (42 U.S.C.  
12 3602(k)) is amended—

13 (1) in paragraph (1), by striking “person” and  
14 inserting “individual”; and

15 (2) by adding at the end the following: “With  
16 respect to a State or local law, the protections af-  
17 farded against discrimination on the basis of familial  
18 status apply only with respect to groups of persons  
19 related by blood, marriage, or adoption, and with re-  
20 spect to a child under the age of 18 years living in  
21 a foster care arrangement with persons who are so  
22 related.”.

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

24 Section 807 of the Fair Housing Act (42 U.S.C.  
25 3607) is amended by adding at the end the following:

1 “(c) Nothing in this title prevents—

2 “(1) State or local government regulation of fa-  
3 cilities for residential services for persons with  
4 handicaps, if such regulation reasonably requires the  
5 dispersal of such facilities;

6 “(2) State or local government restriction on  
7 the maximum number of unrelated persons per-  
8 mitted to occupy a dwelling, or restriction on com-  
9 mercial or for-profit activities, in an area restricted  
10 to single family dwellings; or

11 “(3) State or local government restriction on  
12 the occupancy of facilities for residential services for  
13 persons convicted of a crime for which a term of im-  
14 prisonment greater than one year may be imposed,  
15 or juveniles adjudicated delinquents on the basis of  
16 conduct that would constitute such a crime if com-  
17 mitted by an adult.”.

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