

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1397

To provide for State control over fair housing matters, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 7, 1995

Mr. KYL (for himself and Mr. FAIRCLOTH) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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## A BILL

To provide for State control over fair housing matters, 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. RECOGNITION OF STATE FAIR HOUSING LAWS.**

4       (a) AMENDMENT OF FAIR HOUSING ACT.—Section  
5       807(b)(1) of the Fair Housing Act (42 U.S.C. 3607(b)(1))  
6       is amended—

7               (1) by striking “(b)(1) Nothing” and inserting  
8       “(b)(1)(A) Nothing”; and

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

1 “(B) A State law regarding the number of occupants  
2 permitted to occupy a dwelling—

3 “(i) shall be presumptively reasonable for the  
4 purposes of determining familial status discrimina-  
5 tion in residential rental housing; and

6 “(ii) shall not form the basis of any action by  
7 the Secretary to withdraw equivalency status from  
8 any State, locality, or agency.

9 “(C) The Secretary shall not establish a de jure or  
10 de facto national occupancy code.

11 “(D) Each State, locality, or agency with HUD  
12 equivalency status shall have complete and final control  
13 over fair housing cases involving occupancy standards  
14 within its jurisdiction without the intervention of the Sec-  
15 retary.”.

16 (b) ENFORCEMENT.—Notwithstanding any other  
17 provision of this Act, no funds shall be available to the  
18 Department of Housing and Urban Development under  
19 this Act to carry out the Fair Housing Act unless the De-  
20 partment complies with the amendment made by sub-  
21 section (a).

22 **SEC. 2. EFFECTIVE DATE.**

23 This Act and the amendments made by this Act shall  
24 apply to cases filed on or after December 31, 1995.

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