AMENDMENT TO RULES COMMITTEE PRINT 116–54

OFFERED BY MR. NADLER OF NEW YORK

Page 1691, after line 20, insert the following:

SEC. 40002. REMOVAL OF DEBRIS RESULTING FROM A MAJOR DISASTER IN RESIDENTIAL COMMON INTEREST COMMUNITIES.

(a) In General.—Section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f); and

(2) by inserting after subsection (c) the following:

“(d) Rules Relating to Residential Common Interest Communities.—The President shall issue rules which provide that removal of debris or wreckage from real estate owned by a residential common interest community resulting from a major disaster is in the public interest when a State or local government determines in writing such debris or wreckage constitutes a threat to life, to public health or safety, or to the economic recovery of the residential common interest community.”.
(b) Condominiums and Housing Cooperatives Damaged by a Major Disaster.—Section 408(c)(2)(A) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(2)(A)) is amended—
   (1) in clause (i) by striking “and” at the end;
   (2) by redesignating clause (ii) as clause (iii);
   and
   (3) by adding after clause (i) the following:

   “(ii) the repair of essential common elements of a condominium or housing cooperative (such as a roof, exterior wall, heating and cooling equipment, elevator, stairwell, utility access, plumbing, and electricity) provided an individual’s or household’s pro rata share of essential common element repair costs are satisfactorily documented; and”.

(c) Definitions.—Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended by adding at the end the following:

“(13) Residential common interest community.—The term ‘residential common interest community’ means any nonprofit mandatory membership organization comprising owners of real es-
tate described in a declaration or created pursuant
to a covenant or other applicable law with respect to
which a person, by virtue of the person’s ownership
of a unit, is obligated to pay for a share of real es-
tate taxes, insurance premiums, maintenance, or im-
provement of, or services or other expenses related
to, common elements, other units, or any other real
estate other than that unit described in the declara-
tion.

“(14) CONDOMINIUM.—The term ‘condo-
minium’ means a multi-unit housing project in which
each dwelling unit is separately owned, and the re-
maining portions of the real estate are designated
for common ownership solely by the owners of those
units, each owner having an undivided interest in
the common elements, and which is represented by
a condominium association consisting exclusively of
all the unit owners in the project, which is, or will
be responsible for the operation, administration, and
management of the project.

“(15) HOUSING COOPERATIVE.—The term
‘housing cooperative’ means a multi-unit housing en-
tity in which each dwelling unit is subject to sepa-
rate use and possession by one or more cooperative
members whose interest in such unit, and in any un-
divided assets of the cooperative association that are appurtenant to such unit, is evidenced by a membership or share interest in a cooperative association and a lease or other document of title or possession granted by such cooperative as the owner of all cooperative property.”.

(d) APPLICABILITY.—The amendments made by this section shall apply to a major disaster or emergency declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. § 5121 et seq.) on or after the date of enactment of this Act.