

AMENDMENT TO RULES COMMITTEE PRINT 116-

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OFFERED BY MS. SCHAKOWSKY OF ILLINOIS

Page 1714, after line 2, insert the following new section:

1 SEC. 60016. INCLUSIVE HOME DESIGN.

2 (a) DEFINITIONS.—As used in this section:

3 (1) COVERED DWELLING UNIT.—The term
4 “covered dwelling unit” means a dwelling unit
5 that—

6 (A) is—

7 (i) a detached single-family house;

8 (ii) a townhouse or multi-level dwell-
9 ing unit (whether detached or attached to
10 other units or structures); or

11 (iii) a ground-floor unit in a building
12 of not more than 3 dwelling units;

13 (B) is designed as, or intended for occu-
14 pancy as, a residence;

15 (C) was designed, constructed, or commis-
16 sioned, contracted, or otherwise arranged for
17 construction, by any person or entity that, at
18 any time before the design or construction, re-

1 ceived or was guaranteed Federal financial as-
2 sistance for any program or activity relating to
3 the design, construction, or commissioning, con-
4 tracting, or other arrangement for construction,
5 of the dwelling unit; and

6 (D) is made available for first occupancy
7 on or after the date that is 1 year after the
8 date of enactment of this Act.

9 (2) FEDERAL FINANCIAL ASSISTANCE.—The
10 term “Federal financial assistance” means—

11 (A) any assistance that is provided or oth-
12 erwise made available by the Secretary of Hous-
13 ing and Urban Development or the Secretary of
14 Veterans Affairs, or under any program or ac-
15 tivity of the Department of Housing and Urban
16 Development or the Department of Veterans
17 Affairs, through any grant, loan, contract, or
18 any other arrangement, on or after the date
19 that is 1 year after the date of enactment of
20 this Act, including—

21 (i) a grant, a subsidy, or any other
22 funds;

23 (ii) service provided by a Federal em-
24 ployee;

1 (iii) real or personal property or any
2 interest in or use of such property, includ-
3 ing—

4 (I) a transfer or lease of the
5 property for less than the fair market
6 value or for reduced consideration;
7 and

8 (II) proceeds from a subsequent
9 transfer or lease of the property if the
10 Federal share of the fair market value
11 is not returned to the Federal Govern-
12 ment;

13 (iv) any—

14 (I) tax credit; or

15 (II) mortgage or loan guarantee
16 or insurance; and

17 (v) community development funds in
18 the form of an obligation guaranteed under
19 section 108 of the Housing and Commu-
20 nity Development Act of 1974 (42 U.S.C.
21 5308); and

22 (B) any assistance that is provided or oth-
23 erwise made available by the Secretary of Agri-
24 culture under title V of the Housing Act of
25 1949 (42 U.S.C. 1471 et seq.).

1 (3) PERSON OR ENTITY.—The term “person or
2 entity” includes an individual, corporation (including
3 a not-for-profit corporation), partnership, associa-
4 tion, labor organization, legal representative, mutual
5 corporation, joint-stock company, trust, unincor-
6 porated association, trustee, trustee in a case under
7 title 11, United States Code, receiver, or fiduciary.

8 (b) VISITABILITY REQUIREMENT.—It shall be unlaw-
9 ful for any person or entity, with respect to a covered
10 dwelling unit designed, constructed, or commissioned, con-
11 tracted, or otherwise arranged for construction, by the
12 person or entity, to fail to ensure that the dwelling unit
13 contains not less than 1 level that complies with the
14 Standards for Type C (Visitable) Units of the American
15 National Standards Institute (commonly known as
16 “ANSI”) Standards for Accessible and Usable Buildings
17 and Facilities (section 1005 of ICC ANSI A117.1–2009)
18 or any successor standard.

19 (c) ENFORCEMENT.—

20 (1) REQUIREMENT FOR FEDERAL FINANCIAL
21 ASSISTANCE.—An applicant for Federal financial as-
22 sistance shall submit an assurance to the Federal
23 agency responsible for the assistance that each pro-
24 gram or activity of the applicant will be conducted
25 in compliance with this section.

1 (2) APPROVAL OF ARCHITECTURAL, INTERIOR
2 DESIGN, AND CONSTRUCTION PLANS.—

3 (A) SUBMISSION.—

4 (i) IN GENERAL.—An applicant for or
5 recipient of Federal financial assistance for
6 the design, construction, or commissioning,
7 contracting, or other arrangement for con-
8 struction, of a covered dwelling unit shall
9 submit for approval the architectural, inte-
10 rior design, and construction plans for the
11 unit to the State or local department or
12 agency that is responsible, under applicable
13 State or local law, for the review and ap-
14 proval of construction and design plans for
15 compliance with generally applicable build-
16 ing codes or requirements (in this sub-
17 section referred to as the “appropriate
18 State or local agency”).

19 (ii) NOTICE INCLUDED.—In submit-
20 ting plans under clause (i), a person or en-
21 tity shall include notice that the person or
22 entity has applied for or received Federal
23 financial assistance, as defined in this sec-
24 tion, with respect to the covered dwelling
25 unit.

1 (B) DETERMINATION OF COMPLIANCE.—

2 (i) CONDITION OF FEDERAL HOUSING
3 ASSISTANCE.—The Secretary of Housing
4 and Urban Development, the Secretary of
5 Agriculture, and the Secretary of Veterans
6 Affairs may not provide any Federal finan-
7 cial assistance under any program adminis-
8 tered by the Secretary involved to a State
9 or unit of general local government (or any
10 agency thereof) unless the appropriate
11 State or local agency thereof is, in the de-
12 termination of the Secretary involved, tak-
13 ing the enforcement actions under clause
14 (ii).

15 (ii) ENFORCEMENT ACTIONS.—The
16 enforcement actions under this clause
17 are—

18 (I) reviewing any plans for a cov-
19 ered dwelling unit submitted under
20 subparagraph (A) and approving or
21 disapproving the plans based on com-
22 pliance of the dwelling unit with the
23 requirements of this; and

24 (II) consistent with applicable
25 State or local laws and procedures,

1 withholding final approval of construc-
2 tion or occupancy of a covered dwell-
3 ing unit unless and until the appro-
4 priate State or local agency deter-
5 mines compliance as described in sub-
6 clause (I).

7 (3) CIVIL ACTION FOR PRIVATE PERSONS.—

8 (A) ACTION.—Not later than 2 years after
9 the occurrence or termination, whichever is
10 later, of an act or omission with respect to a
11 covered dwelling unit in violation of this section,
12 a person aggrieved by the act or omission may
13 bring a civil action in an appropriate district
14 court of the United States or State court
15 against any person or entity responsible for any
16 part of the design or construction of the cov-
17 ered dwelling unit, subject to subparagraph (B).

18 (B) LIABILITY OF STATE OR LOCAL AGEN-
19 CY.—In a civil action brought under subpara-
20 graph (A) for a violation involving architectural
21 or construction plans for a covered dwelling
22 unit that were approved by the appropriate
23 State or local agency—

24 (i) if the approved plans violate this
25 Act and any construction on the dwelling

1 unit that violates this section was per-
2 formed in accordance with the approved
3 plans, the State or local agency shall be
4 liable for that construction; and

5 (ii) if the approved plans comply with
6 this Act and any construction on the dwell-
7 ing unit violates this section, the person or
8 entity responsible for the construction shall
9 be liable for that construction.

10 (4) ENFORCEMENT BY ATTORNEY GENERAL.—

11 (A) CIVIL ACTION.—If the Attorney Gen-
12 eral has reasonable cause to believe that a per-
13 son or group of persons has violated this sec-
14 tion, the Attorney General may bring a civil ac-
15 tion in an appropriate district court of the
16 United States.

17 (B) INTERVENTION IN PRIVATE ACTION.—

18 The Attorney General may, upon timely appli-
19 cation, intervene in any civil action brought
20 under paragraph (3) by a private person if the
21 Attorney General certifies that the case is of
22 general public importance.

23 (5) RELIEF.—In any civil action brought under
24 this subsection, if the court finds that a violation of

1 this section has occurred or is about to occur, the
2 court—

3 (A) may award to the plaintiff actual and
4 punitive damages; and

5 (B) subject to paragraph (7), may grant as
6 relief, as the court finds appropriate, any per-
7 manent or temporary injunction, temporary re-
8 straining order, or other order (including an
9 order enjoining the defendant from violating the
10 Act or ordering such affirmative action as may
11 be appropriate).

12 (6) VIOLATIONS.—For purposes of this sub-
13 section, a violation involving a covered dwelling unit
14 that is not designed or constructed in accordance
15 with this section shall not be considered to terminate
16 until the violation is corrected.

17 (7) ATTORNEY'S FEES.—In any civil action
18 brought under this subsection, the court, in its dis-
19 cretion, may allow the prevailing party, other than
20 the United States, a reasonable attorney's fee and
21 costs.

22 (8) EFFECT ON CERTAIN SALES, ENCUM-
23 BRANCES, AND RENTALS.—Relief granted under this
24 subsection shall not affect any contract, sale, encum-
25 brance, or lease consummated before the granting of

1 the relief and involving a bona fide purchaser, en-
2 cumbrancer, or tenant, without actual notice of a
3 civil action under this subsection.

4 (d) EFFECT ON STATE LAWS.—Nothing in this sec-
5 tion shall be constructed to invalidate or limit any law of
6 a State or political subdivision of a State, or of any other
7 jurisdiction in which this Act shall be effective, that
8 grants, guarantees, or provides the same rights, protec-
9 tions, and requirements as are provided by this section,
10 but any law of a State, a political subdivision thereof, or
11 other such jurisdiction that purports to require or permit
12 any action that would violate this section shall to that ex-
13 tent be invalid.

14 (e) DISCLAIMER OF PREEMPTIVE EFFECT ON OTHER
15 ACTS.—Nothing in this section shall limit any right, pro-
16 cedure, or remedy available under the Constitution of the
17 United States or any other Act of Congress.

18 (f) SEVERABILITY OF PROVISIONS.—If any provision
19 of this section or the application thereof to any person
20 or circumstance is held invalid, the remaining provisions
21 of this section and the application of those provisions to
22 other persons or circumstances shall not be affected there-
23 by.

