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112TH CONGRESS
1ST SESSION

H. R. 3030

To amend the Fair Housing Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 2011

Mr. NADLER (for himself, Mr. CONYERS, Mr. TOWNS, Mr. ISRAEL, Mr. SCOTT of Virginia, Mr. HASTINGS of Florida, Mr. POLIS, and Mr. AL GREEN of Texas) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

To amend the Fair Housing Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Housing Opportunities Made Equal Act of 2011'' or the ''HOME Act of 2011''.

SEC. 2. AMENDING THE FAIR HOUSING ACT TO PROHIBIT CERTAIN DISCRIMINATION.

(a) IN GENERAL.—

(1) Section 804 of the Fair Housing Act (42 U.S.C. 3604) is amended—

(A) by inserting ''actual or perceived'' before ''race, color'' each place that term appears; and

(B) by inserting ''sexual orientation, gender identity, marital status, source of income,'' after ''sex,'' each place that term appears.

(2) Section 805 of the Fair Housing Act (42 U.S.C. 3605) is amended—

(A) by inserting ''actual or perceived'' before ''race, color'' each place that term appears; and

(B) by inserting ''sexual orientation, gender identity, marital status, source of income,'' after ''sex,'' each place that term appears.

(3) Section 806 of the Fair Housing Act (42 U.S.C. 3606) is amended—

(A) by inserting ''actual or perceived'' before ''race, color''; and

(B) by inserting ''sexual orientation, gender identity, marital status, source of income,'' after ''sex,''.

(b) PREVENTION OF INTIMIDATION.—Section 901 of the Civil Rights Act of 1968 (42 U.S.C. 3631) is amended—

(1) by inserting ''actual or perceived'' before ''race, color'' each place that term appears; and

(2) by inserting ''sexual orientation (as defined in section 802), gender identity (as so defined), marital status (as so defined), source of income (as so defined)'' after ''sex,'' each place that term appears.

(c) DEFINITIONS.—Section 802 of the Fair Housing Act (42 U.S.C. 3602) is amended by adding at the end the following:

''(p) 'Gender identity' means the gender-related identity, appearance, or mannerisms or other gender-related characteristics of an individual, with or without regard to the individual's designated sex at birth.

''(q) 'Marital status' has the same meaning given that term for purposes of the Equal Credit Opportunity Act.

''(r) 'Sexual orientation' means homosexuality, heterosexuality, or bisexuality.

''(s) 'Source of income' means the receipt of Federal, State, or local public assistance including medical assistance, or the receipt by a tenant or applicant of Federal, State, or local housing subsidies, including rental assistance under section 8 of the United States Housing Act

of 1937 (42 U.S.C. 1437f) or other rental assistance or rental supplements.''.

SEC. 3. AMENDING THE FAIR HOUSING ACT TO EXTEND THE DEFINITION OF DISCRIMINATORY HOUSING PRACTICE.

Section 802(f) of the Fair Housing Act (42 U.S.C. 3602(f)) is amended to read as follows:

''(f) 'Discriminatory housing practice' means an act that is unlawful under section 804, 805, 806, or 818 of this title, whether occurring pre- or post-acquisition, and also includes a failure to comply with section 808(e)(5) of this title or a regulation issued to carry out section 808(e)(5).''.

SEC. 4. AMENDING THE FAIR HOUSING ACT DEFINITION OF "FAMILIAL STATUS".

Section 802(k) of the Fair Housing Act (42 U.S.C. 3602(k)) is amended to read as follows:

''(k) 'Familial status' means one or more individuals (who have not attained the age of 18 years) residing with—

''(1) a parent, foster parent, or another person having legal or lawful physical custody of such individual or individuals; or

''(2) anyone standing in loco parentis of such individual or individuals.

The protections afforded against discrimination on the basis of familial status apply to any person who is pregnant or in the process of securing legal custody of an individual who has not attained the age of 18 years.''.

SEC. 5. AMENDING THE FAIR HOUSING ACT AND THE EQUAL CREDIT OPPORTUNITY ACT TO PROVIDE THE DEPARTMENT OF JUSTICE WITH PRE-LITIGATION SUBPOENA POWER.

(a) EQUAL CREDIT OPPORTUNITY ACT.—Section 706(h) of the Equal Credit Opportunity Act (15 U.S.C. 1691e(h)) is amended—

(1) by striking ''When a'' and inserting the following:

''(1) IN GENERAL.—When a''; and

(2) by adding at the end the following:

''(2) PRE-LITIGATION SUBPOENA POWER.—If the Attorney General has reason to believe that any person may be in possession, custody, or control of any documentary material or information relevant to an investigation under this title, the Attorney General may, before commencing a civil action under paragraph (1), issue in writing and cause to be served upon the person, a civil investigative demand. The authority to issue and enforce civil investigative demands under this paragraph shall be identical to the authority of the Attorney General under sec-

tion 3733 of title 31, United States Code, except that the provisions of that section relating to qui tam relators shall not apply.''.

(b) FAIR HOUSING ACT.—Section 814(c) of the Fair Housing Act (42 U.S.C. 3614(c)) is amended—

(1) by striking ''The Attorney General'' and inserting the following:

''(1) IN GENERAL.—The Attorney General''; and

(2) by adding at the end the following:

''(2) CIVIL INVESTIGATIVE DEMANDS.—If the Attorney General has reason to believe that any person may be in possession, custody, or control of any documentary material or information relevant to an investigation under this title, the Attorney General may, before commencing a civil proceeding under this subsection, issue in writing and cause to be served upon the person, a civil investigative demand. The authority to issue and enforce civil investigative demands under this paragraph shall be identical to the authority of the Attorney General under section 3733 of title 31, United States Code, except that the provisions of that section relating to qui tam relators shall not apply.''.

SEC. 6. FREEDOM FROM DISCRIMINATION IN CREDIT.

(a) PROHIBITION AGAINST DISCRIMINATION ON ACCOUNT OF SEXUAL ORIENTATION OR GENDER IDENTITY.—Section 701(a)(1) of the Equal Credit Opportunity Act (15 U.S.C. 1691(a)(1)) is amended—

(1) by inserting ''actual or perceived'' before ''race, color''; and

(2) by striking ''sex or'' and inserting ''sex, sexual orientation, gender identity,''.

(b) DEFINITIONS.—Section 702 of the Equal Credit Opportunity Act (15 U.S.C. 1691a) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (i), respectively;

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

''(f) The term 'gender identity' means the gender-related identity, appearance, or mannerisms or other gender-related characteristics of an individual, with or without regard to the individual's designated sex at birth.''; and

(3) by inserting after subsection (g), as so redesignated, the following:

''(h) The term 'sexual orientation' means homosexuality, heterosexuality, or bisexuality.''.

SEC. 7. AMENDING THE FAIR HOUSING ACT SO THAT DISCRIMINATION IN REAL ESTATE-RELATED TRANSACTIONS INCLUDES THE FAILURE TO MAKE REASONABLE ACCOMMODATIONS FOR PEOPLE WITH DISABILITIES.

Section 805(a) of the Fair Housing Act (42 U.S.C. 3605(a)) is amended by adding at the end the following: ''For the purposes of this section, discrimination against a person because of handicap includes the failure, in connection with a real estate-related transaction, to make reasonable accommodations for such person.''.

SEC. 8. AMENDING THE FAIR HOUSING ACT TO CHANGE CERTAIN LIMITATIONS ON FILING COMPLAINTS AND COMMENCING CIVIL ACTIONS.

(a) SECTION 810.—Section 810(a)(1)(A)(i) of the Fair Housing Act (42 U.S.C. 3610(a)(1)(A)(i)) is amended by inserting after the first sentence the following: ''The failure to design and construct a dwelling as required by section 804(f)(3)(C) shall be deemed to continue until such time as the dwelling conforms to the requirements of that section.''.

(b) SECTION 813.—Section 813(a)(1)(A) of the Fair Housing Act (42 U.S.C. 3613(a)(1)(A)) is amended by adding at the end the following: ''The failure to design and construct a dwelling as required by section 804(f)(3)(C) shall be deemed to continue until such time

as the dwelling conforms to the requirements of that section.''.

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