

118TH CONGRESS
2D SESSION

H. R. 9181

To require all newly constructed, federally assisted, single-family houses and town houses to meet minimum standards of visitability for persons with disabilities.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2024

Ms. SCHAKOWSKY (for herself, Mr. KHANNA, Ms. NORTON, and Mr. GRIJALVA) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To require all newly constructed, federally assisted, single-family houses and town houses to meet minimum standards of visitability for persons with disabilities.

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 “Eleanor Smith Inclu-
5 sive Home Design Act of 2024”.

6 **SEC. 2. DEFINITIONS.**

7 As used in this Act:

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

4 (A) is—

5 (i) a detached single-family house;

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

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

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

13 (C) was designed, constructed, or commis-
14 sioned, contracted, or otherwise arranged for
15 construction, by any person or entity that, at
16 any time before the design or construction, re-
17 ceived or was guaranteed Federal assistance for
18 any program or activity relating to the design,
19 construction, or commissioning, contracting, or
20 other arrangement for construction, of the
21 dwelling unit; and

22 (D) is made available for first occupancy
23 on or after the date that is 1 year after the
24 date of enactment of this Act.

1 (2) FEDERAL ASSISTANCE.—The term “Federal
2 assistance” means any assistance that is provided or
3 otherwise made available by the Federal Govern-
4 ment, through any grant, loan, contract, or any
5 other arrangement, on or after the date that is 1
6 year after the date of enactment of this Act, includ-
7 ing—

8 (A) a grant, a subsidy, or any other funds;

9 (B) a service provided by a Federal em-
10 ployee or an employee of a person or entity that
11 receives a grant from the Federal Government;

12 (C) real or personal property or any inter-
13 est in or use of such property, including—

14 (i) a transfer or lease of the property;

15 and

16 (ii) proceeds from a subsequent trans-
17 fer or lease of the property if the Federal
18 share of the fair market value is not re-
19 turned to the Federal Government;

20 (D) any—

21 (i) tax credit; or

22 (ii) mortgage or loan guarantee or in-
23 surance; and

24 (E) community development funds in the
25 form of an obligation guaranteed under section

1 108 of the Housing and Community Develop-
2 ment Act of 1974 (42 U.S.C. 5308).

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

12 **SEC. 3. VISITABILITY REQUIREMENT.**

13 It shall be unlawful for any person or entity, with
14 respect to a covered dwelling unit designed, constructed,
15 or commissioned, contracted, or otherwise arranged for
16 construction, by the person or entity, to fail to ensure that
17 the dwelling unit contains not less than 1 level that com-
18 plies with the Standards for Type C (Visitable) Units of
19 the American National Standards Institute (commonly
20 known as “ANSI”) Standards for Accessible and Usable
21 Buildings and Facilities (section 1005 of ANSI A117.1–
22 2017) or any successor standard and the requirements of
23 this Act and any regulations issued under this Act.

1 **SEC. 4. ENFORCEMENT.**

2 (a) **REQUIREMENT FOR FEDERAL ASSISTANCE.**—An
3 applicant for Federal assistance shall submit an assurance
4 to the Federal agency responsible for the assistance that
5 each program or activity of the applicant will be conducted
6 in compliance with this Act.

7 (b) **APPROVAL OF ARCHITECTURAL, INTERIOR DE-**
8 **SIGN, AND CONSTRUCTION PLANS.**—

9 (1) **SUBMISSION.**—

10 (A) **IN GENERAL.**—An applicant for or re-
11 cipient of Federal assistance for the design,
12 construction, or commissioning, contracting, or
13 other arrangement for construction, of a cov-
14 ered dwelling unit shall submit for approval the
15 architectural, interior design, and construction
16 plans for the unit to the State or local depart-
17 ment or agency that is responsible, under appli-
18 cable State or local law, for the review and ap-
19 proval of construction and design plans for
20 compliance with generally applicable building
21 codes or requirements (in this subsection re-
22 ferred to as the “appropriate State or local
23 agency”).

24 (B) **NOTICE INCLUDED.**—In submitting
25 plans under subparagraph (A), a person or enti-
26 ty shall include notice that the person or entity

1 has applied for or received Federal assistance,
2 as defined in this Act, with respect to the cov-
3 ered dwelling unit.

4 (2) DETERMINATION OF COMPLIANCE.—

5 (A) CONDITION OF FEDERAL HOUSING AS-
6 SISTANCE.—The Secretary of Housing and
7 Urban Development, the Secretary of Agri-
8 culture, and the Secretary of Veterans Affairs
9 may not provide any Federal assistance under
10 any program administered by the Secretary in-
11 volved to a State or unit of general local gov-
12 ernment (or any agency or instrumentality
13 thereof) unless the appropriate State or local
14 agency thereof is, in the determination of the
15 Secretary involved, taking the enforcement ac-
16 tions under subparagraph (B).

17 (B) ENFORCEMENT ACTIONS.—The en-
18 forcement actions under this subparagraph
19 are—

20 (i) reviewing any plans for a covered
21 dwelling unit submitted under paragraph
22 (1) and approving or disapproving the
23 plans based on compliance of the dwelling
24 unit with the requirements of this Act; and

1 (ii) consistent with applicable State or
2 local laws and procedures, withholding
3 final approval of construction or occupancy
4 of a covered dwelling unit unless and until
5 the appropriate State or local agency de-
6 termines compliance as described in clause
7 (i).

8 (c) CIVIL ACTION BROUGHT BY PRIVATE PER-
9 SONS.—

10 (1) ACTION.—Not later than 5 years after the
11 occurrence or termination, whichever is later, of an
12 act or omission with respect to a covered dwelling
13 unit in violation of this Act, a person aggrieved by
14 the act or omission may bring a civil action in an
15 appropriate district court of the United States
16 against any person or entity responsible for any part
17 of the design or construction of the covered dwelling
18 unit, subject to paragraph (2).

19 (2) LIABILITY OF STATE OR LOCAL AGENCY.—
20 In a civil action brought under paragraph (1) for a
21 violation involving architectural or construction
22 plans for a covered dwelling unit that were approved
23 by the appropriate State or local agency—

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

1 violates this Act was performed in accordance
2 with the approved plans, the State or local
3 agency shall be liable for that construction; and

4 (B) if the approved plans comply with this
5 Act and any construction on the dwelling unit
6 violates this Act, the person or entity respon-
7 sible for the construction shall be liable for that
8 construction.

9 (d) ENFORCEMENT BY ATTORNEY GENERAL.—

10 (1) CIVIL ACTION.—If the Attorney General has
11 reasonable cause to believe that a person or group
12 of persons has violated this Act, the Attorney Gen-
13 eral may bring a civil action in an appropriate dis-
14 trict court of the United States.

15 (2) INTERVENTION IN PRIVATE ACTION.—The
16 Attorney General may, upon timely application, in-
17 tervene in any civil action brought under subsection
18 (c) by a private person if the Attorney General cer-
19 tifies that the case is of general public importance.

20 (e) RELIEF.—In any civil action brought under this
21 section, if the court finds that a violation of this Act has
22 occurred or is about to occur, the court—

23 (1) may award to the plaintiff actual and puni-
24 tive damages; and

1 (2) subject to subsection (g), may grant as re-
2 lief, as the court finds appropriate, any permanent
3 or temporary injunction, temporary restraining
4 order, or other order (including an order enjoining
5 the defendant from violating the Act or ordering
6 such affirmative action as may be appropriate, in-
7 cluding retrofitting of the covered dwelling unit).

8 (f) STATUTE OF LIMITATIONS.—For purposes of this
9 section, the statute of limitations shall not begin to run
10 until any deficiency in visitability of a covered dwelling
11 unit has been corrected.

12 (g) ATTORNEY’S FEES.—In any civil action brought
13 under this section, the court, in its discretion, may allow
14 the prevailing party, other than the United States, reason-
15 able attorney’s fee and costs.

16 (h) EFFECT ON CERTAIN SALES, ENCUMBRANCES,
17 AND RENTALS.—Relief granted under this section shall
18 not affect any contract, sale, encumbrance, or lease con-
19 summated before the granting of the relief and involving
20 a bona fide purchaser, encumbrancer, or tenant, without
21 actual notice of a civil action under this section.

22 **SEC. 5. EFFECT ON STATE LAWS.**

23 Nothing in this Act shall be construed to invalidate
24 or limit any law of a State or political subdivision of a
25 State, or of any other jurisdiction in which this Act shall

1 be effective, that grants, guarantees, or provides the same
2 or greater rights, protections, and requirements as are
3 provided by this Act, but any law of a State, a political
4 subdivision thereof, or other such jurisdiction that pur-
5 ports to require or permit any action that would violate
6 this Act shall to that extent be invalid.

7 **SEC. 6. DISCLAIMER OF PREEMPTIVE EFFECT ON OTHER**
8 **ACTS.**

9 Nothing in this Act shall limit any right, procedure,
10 or remedy available under the Constitution of the United
11 States or any other Act of Congress.

12 **SEC. 7. SEVERABILITY OF PROVISIONS.**

13 If any provision of this Act or the application thereof
14 to any person or circumstance is held invalid, the remain-
15 ing provisions of this Act and the application of those pro-
16 visions to other persons or circumstances shall not be af-
17 fected thereby.

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