

Housing for Older Persons Act of 1995 (HOPA)

Title 42 - THE PUBLIC HEALTH AND WELFARE CHAPTER 45 - FAIR HOUSING SUBCHAPTER I - GENERALLY Section 3601 AND 3607

3601 Note - Short Title

This Act [amending section 3607 of this title] may be cited as the "Housing for Older Persons Act of 1995."

3607 Religious organization or private club exemption

- (a) Nothing in this subchapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this subchapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.
- (b) -
- (1) Nothing in this title limits the applicability of any reasonable local, State, or Federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling. Nor does any provision in this title regarding familial status apply with respect to housing for older persons.
- (2) As used in this section "housing for older persons" means housing --
- (A) provided under any state or federal program that the Secretary determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or
- (B) intended for, and solely occupied by, persons 62 years of age or older; or
- (C) intended and operated for occupancy by persons 55 years of age or older, and -
- (i) at least 80 percent of the occupied units are occupied by at least one person who is 55 years of age or older;
- (ii) the housing facility or community publishes and adheres to policies and procedures that demonstrate the intent required under this subparagraph; and
- (iii) the housing facility or community complies with rules issued by the Secretary for verification of occupancy, which shall--
- (I) provide for verification by reliable surveys and affidavits; and
- (II) include examples of the types of policies and procedures relevant to a determination of compliance

with the requirement of clause (ii). Such surveys and affidavits shall be admissible in administrative and judicial proceedings for the purposes of such verification.

- (3) Housing shall not fail to meet the requirements for housing for older persons by reason of:
 - (A) persons residing in such housing as of the date of enactment of this Act who do not meet the age requirements of subsections (2)(B) or (C): *Provided*, That new occupants of such housing meet the age requirements of sections (2)(B) or (C); or
 - (B) unoccupied units: *Provided*, That such units are reserved for occupancy by persons who meet the age requirements of subsections (2)(B) or (C).
- (4) Nothing in this title prohibits conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).