

118TH CONGRESS
2D SESSION

S. _____

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide assistance for common interest communities, condominiums, and housing cooperatives damaged by a major disaster, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. BUDD introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide assistance for common interest communities, condominiums, and housing cooperatives damaged by a major disaster, and for other purposes.

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 “Disaster Assistance
5 Fairness Act”.

1 **SEC. 2. DEFINITIONS.**

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

5 “(13) RESIDENTIAL COMMON INTEREST COM-
6 MUNITY.—The term ‘residential common interest
7 community’ means a nonprofit mandatory member-
8 ship organization comprising of owners of real estate
9 described in a declaration or created pursuant to a
10 covenant or other applicable law with respect to
11 which a person, by virtue of the person’s ownership
12 of a unit of the real estate, is obligated to pay for
13 a share of—

14 “(A) real estate taxes;

15 “(B) insurance premiums;

16 “(C) maintenance or improvement of, or
17 services or other expenses relating to, common
18 elements, other units, or any other real estate
19 other than the unit described in the declaration.

20 “(14) CONDOMINIUM.—The term ‘condo-
21 minium’ means a multi-unit housing project—

22 “(A) in which each dwelling unit is sepa-
23 rately owned;

24 “(B) the remaining portions of the real es-
25 tate of which are designated for common owner-
26 ship solely by the owners of the dwelling units,

1 each owner having an undivided interest in the
2 common elements; and

3 “(C) which is represented by a condo-
4 minium association consisting exclusively of the
5 owners of each dwelling unit, which is, or will
6 be responsible for the operation, administration,
7 and management of the project.

8 “(15) HOUSING COOPERATIVE.—The term
9 ‘housing cooperative’ means a multi-unit housing en-
10 tity in which each dwelling unit is subject to sepa-
11 rate use and possession by 1 or more cooperative
12 members whose interest in such unit, and in any un-
13 divided assets of the cooperative association that are
14 appurtenant to such unit, is evidenced by a member-
15 ship or share interest in a cooperative association
16 and a lease or other document of title or possession
17 granted by such cooperative as the owner of all coop-
18 erative property.”.

19 **SEC. 3. REMOVAL OF DEBRIS RESULTING FROM A MAJOR**
20 **DISASTER IN RESIDENTIAL COMMON INTER-**
21 **EST COMMUNITIES.**

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

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

3 (2) by inserting after subsection (c) the fol-
4 lowing:

5 “(d) **RULES RELATING TO RESIDENTIAL COMMON**
6 **INTEREST COMMUNITIES.**—The President shall issue
7 rules which provide that removal of debris or wreckage
8 from real estate owned by a residential common interest
9 community resulting from a major disaster is in the public
10 interest when a State or local government determines in
11 writing that such debris or wreckage constitutes a threat
12 to life, public health or safety, or the economic recovery
13 of the residential common interest community.”.

14 **SEC. 4. CONDOMINIUMS AND HOUSING COOPERATIVES**
15 **DAMAGED BY A MAJOR DISASTER.**

16 Section 408(c)(2)(A) of the Robert T. Stafford Dis-
17 aster Relief and Emergency Assistance Act (42 U.S.C.
18 5174(c)(2)(A)) is amended—

19 (1) in clause (i) by striking “and” at the end;

20 (2) by redesignating clause (ii) as clause (iii);

21 and

22 (3) by inserting after clause (i) the following:

23 “(ii) the repair of essential common
24 elements of a condominium or housing co-
25 operative (such as a roof, exterior wall,

1 heating and cooling equipment, elevator,
2 stairwell, utility access, plumbing, elec-
3 tricity, and private access route) if an indi-
4 vidual's or household's pro rata share of
5 essential common element repair costs are
6 satisfactorily documented; and”.

7 **SEC. 5. APPLICABILITY.**

8 The amendments made by this Act shall apply with
9 respect to a major disaster declared by the President
10 under the Robert T. Stafford Disaster Relief and Emer-
11 gency Assistance Act (42 U.S.C. 5121 et seq.) on or after
12 the date of enactment of this Act.