

119TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

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Ms. DUCKWORTH introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**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 2026”.

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, modular home, or a  
7                 multi-level dwelling unit (whether detached  
8                 or attached to other units or structures);

9                 or

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

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

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

23           (D) is made available for first occupancy  
24       on or after the date that is 1 year after the  
25       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) MODULAR HOME.—The term “modular  
4           home” means a home that is—

5                   (A) constructed in a factory in 1 or more  
6           modules meeting applicable State and local  
7           building codes of the area of the home building  
8           site; and

9                   (B) transported to the home building site,  
10          installed on foundations, and completed.

11          (4) PERSON OR ENTITY.—The term “person or  
12          entity” includes an individual, corporation (including  
13          a not-for-profit corporation), partnership, associa-  
14          tion, labor organization, legal representative, mutual  
15          corporation, joint-stock company, trust, unincor-  
16          porated association, trustee, trustee in a case under  
17          title 11, United States Code, receiver, fiduciary,  
18          Tribal government, territorial government, or local  
19          government.

20   **SEC. 3. VISITABILITY REQUIREMENT.**

21          It shall be unlawful for any person or entity, with  
22          respect to a covered dwelling unit designed, constructed,  
23          or commissioned, contracted, or otherwise arranged for  
24          construction, by the person or entity, to fail to ensure that  
25          the dwelling unit contains not less than 1 level that com-

1 plies with the Standards for Type C (Visitable) Units of  
2 the American National Standards Institute (commonly  
3 known as “ANSI”) Standards for Accessible and Usable  
4 Buildings and Facilities (section 1005 of ANSI A117.1–  
5 2017) or any successor standard and the requirements of  
6 this Act and any regulations issued under this Act.

7 **SEC. 4. ENFORCEMENT.**

8 (a) REQUIREMENT FOR FEDERAL ASSISTANCE.—An  
9 applicant for Federal assistance shall submit an assurance  
10 to the Federal agency responsible for the assistance that  
11 each program or activity of the applicant will be conducted  
12 in compliance with this Act.

13 (b) APPROVAL OF ARCHITECTURAL, INTERIOR DE-  
14 SIGN, AND CONSTRUCTION PLANS.—

15 (1) SUBMISSION.—

16 (A) IN GENERAL.—An applicant for or re-  
17 cipient of Federal assistance for the design,  
18 construction, commissioning, contracting, or  
19 other arrangement for construction, of a cov-  
20 ered dwelling unit shall submit for approval the  
21 architectural, interior design, and construction  
22 plans for the unit to the State or local depart-  
23 ment or agency that is responsible, under appli-  
24 cable State or local law, for the review and ap-  
25 proval of construction and design plans for

1 compliance with generally applicable building  
2 codes or requirements (in this subsection re-  
3 ferred to as the “appropriate State or local  
4 agency”).

5 (B) NOTICE INCLUDED.—In submitting  
6 plans under subparagraph (A), a person or enti-  
7 ty shall include notice that the person or entity  
8 has applied for or received Federal assistance  
9 with respect to the covered dwelling unit.

10 (2) DETERMINATION OF COMPLIANCE.—

11 (A) CONDITION OF FEDERAL HOUSING AS-  
12 SISTANCE.—The Secretary of Housing and  
13 Urban Development, the Secretary of Agri-  
14 culture, and the Secretary of Veterans Affairs  
15 may not provide any Federal assistance under  
16 any program administered by applicable Sec-  
17 retary involved to a State or unit of general  
18 local government (or any agency or instrumen-  
19 tality thereof) unless the appropriate State or  
20 local agency thereof is, in the determination of  
21 the applicable Secretary, taking the enforce-  
22 ment actions under subparagraph (B).

23 (B) ENFORCEMENT ACTIONS.—The en-  
24 forcement actions under this subparagraph  
25 are—

- 1 (i) reviewing any plans for a covered  
2 dwelling unit submitted under paragraph  
3 (1) and approving or disapproving the  
4 plans based on compliance of the dwelling  
5 unit with the requirements of this Act; and  
6 (ii) consistent with applicable State or  
7 local laws and procedures, withholding  
8 final approval of construction or occupancy  
9 of a covered dwelling unit unless and until  
10 the appropriate State or local agency de-  
11 termines compliance as described in clause  
12 (i).

13 (c) CIVIL ACTION BROUGHT BY PRIVATE PER-  
14 SONS.—

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

24 (2) LIABILITY OF STATE OR LOCAL AGENCY.—

25 In a civil action brought under paragraph (1) for a

1 violation involving architectural or construction  
2 plans for a covered dwelling unit that were approved  
3 by the appropriate State or local agency—

4 (A) if the approved plans violate this Act  
5 and any construction on the dwelling unit that  
6 violates this Act was performed in accordance  
7 with the approved plans, the State or local  
8 agency shall be liable for that construction; and

9 (B) if the approved plans comply with this  
10 Act and any construction on the dwelling unit  
11 violates this Act, the person or entity respon-  
12 sible for the construction shall be liable for that  
13 construction.

14 (d) ENFORCEMENT BY ATTORNEY GENERAL.—

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

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

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

4 (1) may award to the plaintiff actual and puni-  
5 tive damages; and

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

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

17 (g) ATTORNEY'S FEES.—In any civil action brought  
18 under this section, the court, in its discretion, may allow  
19 the prevailing party, other than the United States, reason-  
20 able attorney's fee and costs.

21 (h) EFFECT ON CERTAIN SALES, ENCUMBRANCES,  
22 AND RENTALS.—Relief granted under this section shall  
23 not affect any contract, sale, encumbrance, or lease con-  
24 summated before the granting of the relief and involving

1 a bona fide purchaser, encumbrancer, or tenant, without  
2 actual notice of a civil action under this section.

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

4 Nothing in this Act shall be construed to invalidate  
5 or limit any law of a State or political subdivision of a  
6 State, or of any other jurisdiction in which this Act shall  
7 be effective, that grants, guarantees, or provides the same  
8 or greater rights, protections, and requirements as are  
9 provided by this Act, but any law of a State, a political  
10 subdivision thereof, or other such jurisdiction that pur-  
11 ports to require or permit any action that would violate  
12 this Act shall to that extent be invalid.

13 **SEC. 6. DISCLAIMER OF PREEMPTIVE EFFECT ON OTHER**  
14 **ACTS.**

15 Nothing in this Act shall limit any right, procedure,  
16 or remedy available under the Constitution of the United  
17 States or any other Act of Congress.

18 **SEC. 7. SEVERABILITY OF PROVISIONS.**

19 If any provision of this Act or the application thereof  
20 to any person or circumstance is held invalid, the remain-  
21 ing provisions of this Act and the application of those pro-  
22 visions to other persons or circumstances shall not be af-  
23 fected thereby.