

117TH CONGRESS  
1ST SESSION

# H. R. 5298

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.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 20, 2021

Mr. NADLER (for himself, Mr. ROUZER, Mr. GARAMENDI, Mr. ZELDIN, Ms. WASSERMAN SCHULTZ, Ms. MACE, Mr. RUIZ, and Mr. GARBARINO) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## 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 Equity Act of 2021”.

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 any nonprofit mandatory mem-  
8 bership organization comprising owners of real es-  
9 tate described in a declaration or created pursuant  
10 to a covenant or other applicable law with respect to  
11 which a person, by virtue of the person’s ownership  
12 of a unit, is obligated to pay for a share of real es-  
13 tate taxes, insurance premiums, maintenance, or im-  
14 provement of, or services or other expenses related  
15 to, common elements, other units, or any other real  
16 estate other than that unit described in the declara-  
17 tion.

18 “(14) CONDOMINIUM.—The term ‘condo-  
19 minium’ means a multi-unit housing project in which  
20 each dwelling unit is separately owned, and the re-  
21 maining portions of the real estate are designated  
22 for common ownership solely by the owners of those  
23 units, each owner having an undivided interest in  
24 the common elements, and which is represented by  
25 a condominium association consisting exclusively of  
26 all the unit owners in the project, which is, or will

1 be responsible for the operation, administration, and  
 2 management of the project.

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

14 **SEC. 3. REMOVAL OF DEBRIS RESULTING FROM A MAJOR**  
 15 **DISASTER IN RESIDENTIAL COMMON INTER-**  
 16 **EST COMMUNITIES.**

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

20 (1) by redesignating subsections (d) and (e) as  
 21 subsections (e) and (f); and

22 (2) by inserting after subsection (c) the fol-  
 23 lowing:

24 “(d) RULES RELATING TO RESIDENTIAL COMMON  
 25 INTEREST COMMUNITIES.—The President shall issue

1 rules which provide that removal of debris or wreckage  
 2 from real estate owned by a residential common interest  
 3 community resulting from a major disaster is in the public  
 4 interest when a State or local government determines in  
 5 writing such debris or wreckage constitutes a threat to  
 6 life, to public health or safety, or to the economic recovery  
 7 of the residential common interest community.”.

8 **SEC. 4. CONDOMINIUMS AND HOUSING COOPERATIVES**  
 9 **DAMAGED BY A MAJOR DISASTER.**

10 Section 408(c)(2)(A) of the Robert T. Stafford Dis-  
 11 aster Relief and Emergency Assistance Act (42 U.S.C.  
 12 5174(c)(2)(A)) is amended—

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

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

15 and

16 (3) by adding after clause (i) the following:

17 “(ii) the repair of essential common  
 18 elements of a condominium or housing co-  
 19 operative (such as a roof, exterior wall,  
 20 heating and cooling equipment, elevator,  
 21 stairwell, utility access, plumbing, and elec-  
 22 tricity) provided an individual’s or house-  
 23 hold’s pro rata share of essential common  
 24 element repair costs are satisfactorily doc-  
 25 umented; and”.

1 **SEC. 5. APPLICABILITY.**

2       The amendments made by this Act shall apply to a  
3 major disaster or emergency declared by the President  
4 under the Robert T. Stafford Disaster Relief and Emer-  
5 gency Assistance Act (42 U.S.C. 5121 et seq.) on or after  
6 the date of enactment of this Act.

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