

[Garcia v. Brockway & Thompson v. Gohres](#) (9th Cir. Amicus Brief filed January 26, 2008) (Argument set for March 2008)

Question: What is the proper application of the Fair Housing Act's statute of limitations in design and construction cases?

In 1988, Congress amended the Fair Housing Act to require that new multifamily housing be designed and constructed to be more accessible to individuals with disabilities. However, voluntary compliance with the accessibility requirements has not been good, and thus private enforcement actions have been the primary method of enforcement. In its September 20, 2007 decision, the 9th Circuit Court of Appeals held in the consolidated decisions in Garcia v. Brockway and Thompson v. Gohres that private lawsuits to challenge violations of the Fair Housing Act's accessibility requirements had to be filed within two years after completion of construction. On January 7, 2008, the Court vacated its September 20, 2007 decision and agreed to have the entire 9th Circuit reconsider the case. The Amicus Brief filed by 7 fair housing and disability rights groups (including NDRN and the Nevada and California P&As) and 3 law professors argues that when the language of a statute is susceptible to more than one interpretation, courts should adopt the interpretation that is most reasonable in light of the text, structure and purposes of the statute.