

116TH CONGRESS  
2D SESSION

# H. R. 5884

To establish a grant program to provide legal assistance to eligible tenants at risk of or subject to eviction, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2020

Mr. CLYBURN (for himself, Mr. PRICE of North Carolina, Ms. CLARKE of New York, Mr. KHANNA, and Mrs. HAYES) introduced the following bill; which was referred to the Committee on Financial Services

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## A BILL

To establish a grant program to provide legal assistance to eligible tenants at risk of or subject to eviction, 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 “Legal Assistance to  
5 Prevent Evictions Act of 2020”.

6 **SEC. 2. EVICTIONS ASSISTANCE GRANT PROGRAM.**

7 (a) IN GENERAL.—The Secretary of Housing and  
8 Urban Development shall establish a competitive grant  
9 program to provide grants to eligible recipients to provide

1 legal assistance (including assistance related to pretrial  
2 activities, trial activities, post-trial activities, and alter-  
3 native dispute resolution) at no cost to eligible tenants at  
4 risk of or subject to eviction.

5 (b) APPLICATION.—To be eligible to receive a grant  
6 under this section, an applicant shall submit an applica-  
7 tion to the Secretary at such time, in such manner, and  
8 containing such information as the Secretary may reason-  
9 ably require, including evidence of the experience of the  
10 applicant providing legal assistance in residential eviction  
11 matters.

12 (c) POINT SYSTEM FOR PREFERENCE FACTORS.—In  
13 awarding grants under this section, the Secretary shall—

14 (1) establish a system that awards points to ap-  
15 plicants in accordance with the preference factors  
16 described in subsection (d); and

17 (2) give priority to applicants with the greatest  
18 number of points under the system.

19 (d) PREFERENCE FACTORS.—The preference factors  
20 for which an applicant shall be awarded points under the  
21 system established pursuant to subsection (c)(1) are as  
22 follows:

23 (1) EVICTION RATE PREFERENCE.—If the ap-  
24 plicant will use grant funds awarded under this sec-  
25 tion to provide services in census tracts with high

1 rates of eviction. In making such determinations, the  
2 Secretary shall use data determined by the Secretary  
3 to be the best available, or if no appropriate data is  
4 available, shall make reasonable inferences to deter-  
5 mine the rate of eviction in a census tract. The Sec-  
6 retary may not require applicants to provide data on  
7 the rates of eviction in the census tract in which the  
8 applicant intends to provide services or award more  
9 points to applicants who provide such data than to  
10 applicants who do not.

11 (2) CAPACITY PREFERENCE.—If the Secretary  
12 determines that the applicant has a greater capacity  
13 to produce more favorable outcomes regarding evic-  
14 tion for eligible tenants. In making such determina-  
15 tions, the Secretary may consider the applicant’s—

16 (A) past experience in producing favorable  
17 outcomes for households facing eviction;

18 (B) proposed use of grant funds to in-  
19 crease staff resources to provide legal assist-  
20 ance;

21 (C) demonstrated past effective use of re-  
22 sources to provide legal assistance;

23 (D) ability to provide services to eligible  
24 tenants with limited English proficiency; and

1 (E) ability to effectively communicate with  
2 eligible tenants with disabilities.

3 (3) PREFERENCE FOR GOVERNMENT ENTITIES  
4 THAT PROMOTE TENANT RIGHTS.—With respect to  
5 any applicant that is a governmental entity, if the  
6 applicant has in effect laws or regulations that pro-  
7 mote tenant rights. In making such determinations,  
8 the Secretary—

9 (A) shall consider laws or regulations es-  
10 tablishing a tenant’s right to—

11 (i) counsel in evictions cases;

12 (ii) withhold rent if a landlord fails to  
13 provide essential services to ensure habit-  
14 ability of the premises;

15 (iii) deduct appliance repair costs  
16 from rent owed;

17 (iv) notice of failure to pay rent or  
18 other lease violation with the right to cure;

19 (v) a maximum security deposit equal  
20 to one month’s rent; and

21 (vi) the expeditious return of any se-  
22 curity deposit after terminating a lease;  
23 and

24 (B) may consider, with lesser weight given  
25 than the weight given to those rights described

1 in subsection (A), laws or regulations estab-  
2 lishing a tenant's right to—

3 (i) advance notice of rent increases;

4 (ii) advance notice of landlord entry to  
5 the property; or

6 (iii) adequate time to recover aban-  
7 doned property after eviction.

8 Points awarded under this paragraph shall not re-  
9 sult in an applicant governmental entity being  
10 awarded a grant that, in the absence of this para-  
11 graph, would have been awarded to either an appli-  
12 cant nonprofit entity or an applicant governmental  
13 entity lacking the legal authority to enact laws or  
14 regulations described in this paragraph because such  
15 entity is subject to legal restrictions enacted by an-  
16 other governmental entity.

17 (e) RURAL EQUITY.—In awarding grants under this  
18 section, the Secretary—

19 (1) shall, to the extent practicable, ensure that  
20 the proportion of eligible tenants living in rural  
21 areas who will receive legal assistance with grant  
22 funds awarded under this section is not less than the  
23 overall proportion of eligible tenants who live in  
24 rural areas; and

1           (2) may consider geographic diversity and an  
2           applicant's capacity to serve eligible tenants living in  
3           rural areas.

4           (f) SUPPLEMENT, NOT SUPPLANT.—Grant funds re-  
5           ceived under this Act shall be used to supplement and not  
6           supplant other funds used by the grantee to provide the  
7           legal assistance described in subsection (a).

8           (g) REPORT.—For each year that an eligible recipient  
9           receives grant funds under this section, such eligible re-  
10          cipient shall submit to the Secretary a report which main-  
11          tains attorney-client confidentiality and which excludes  
12          personally identifiable information about eligible tenants.  
13          Such report shall contain—

14                 (1) the total number of eligible tenants that  
15                 were provided legal assistance using such funds;

16                 (2) the estimated number of evictions avoided,  
17                 delayed, or resolved with other outcomes (such as  
18                 negotiated settlements) that are more favorable to  
19                 the eligible tenant than the outcomes that would  
20                 have been expected in the absence of counsel, and a  
21                 brief description of the circumstances of each case;

22                 (3) the number of eligible tenants that received  
23                 legal assistance that reside in a dwelling unit for  
24                 which any subsidy or assistance for occupancy in the

1 dwelling unit is provided under a program adminis-  
2 tered by Federal, State, or local authorities; and

3 (4) demographic information about eligible ten-  
4 ants that received legal assistance, including race,  
5 national origin, sex, disability status, household in-  
6 come, household size, household familial status, age  
7 of the head of household, and whether tenants live  
8 in an urban area, suburban area, or rural area.

9 (h) DEFINITIONS.—

10 (1) ELIGIBLE RECIPIENT.—The term “eligible  
11 recipient” means any nonprofit or governmental en-  
12 tity that has experience providing no-cost legal as-  
13 sistance to low-income individuals.

14 (2) ELIGIBLE TENANT.—The term “eligible  
15 tenant” means an individual who has an annual  
16 household income of—

17 (A) not more than 135 percent of the Fed-  
18 eral poverty guidelines issued by the Secretary  
19 of Health and Human Services; or

20 (B) less than 333 percent of average fair  
21 market rent in the county of the individual—

22 (i) in the case of a household com-  
23 prised of one individual, for an efficiency;  
24 and

1 (ii) in the case of a household com-  
2 prised of more than one individual, for a  
3 residence in which the number of bedrooms  
4 would not require—

5 (I) more than two members of  
6 the household to share a bedroom;

7 (II) children of different genders  
8 to share a bedroom with one another;  
9 or

10 (III) a household member with a  
11 disability requiring medical equipment  
12 to share a bedroom.

13 (3) RURAL AREA.—The term “rural area”  
14 means a census tract that is—

15 (A) outside of a metropolitan statistical  
16 area, as designated by the Office of Manage-  
17 ment and Budget; or

18 (B) within a metropolitan statistical area,  
19 as designated by the Office of Management and  
20 Budget, that is outside of the metropolitan sta-  
21 tistical area’s urbanized areas as designated by  
22 the rural-urban commuting area code 1 (as de-  
23 termined by the Secretary of Agriculture), and  
24 outside of tracts with a housing density of over  
25 64 housing units per square mile located in the



1 rural-urban commuting area code 2 (as deter-  
2 mined by the Secretary of Agriculture).

3 (4) SECRETARY.—The term “Secretary” means  
4 the Secretary of Housing and Urban Development.

5 (5) SUBURBAN AREA.—The term “suburban  
6 area” means a census tract with a population den-  
7 sity of less than 2,500 inhabitants per square mile  
8 that is not a rural area.

9 (6) URBAN AREA.—The term “urban area”  
10 means a census tract with a population density of at  
11 least 2,500 inhabitants per square mile.

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