

116TH CONGRESS
2D SESSION

S. 4399

To create a database of eviction information, establish grant programs for eviction prevention and legal aid, and limit use of housing court-related records in consumer reports, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 3, 2020

Ms. HARRIS introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To create a database of eviction information, establish grant programs for eviction prevention and legal aid, and limit use of housing court-related records in consumer reports, 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 “Housing Emergencies
5 Lifeline Program Act of 2020” or the “HELP Act of
6 2020”.

7 **SEC. 2. FINDINGS.**

8 Congress finds that—

1 (1) housing is fundamentally an issue of eco-
2 nomic and racial justice and a critical determinant
3 of health;

4 (2) the 2008 financial crisis was a Great De-
5 pression-level event for Black Americans, wiping out
6 decades of gains in Black homeownership, which has
7 now fallen to its lowest rate since the passage of the
8 Fair Housing Act (42 U.S.C. 3601 et seq.) in 1968;

9 (3) Black borrowers were 76 percent more like-
10 ly to have lost their home to foreclosure than White
11 borrowers during the foreclosure crisis;

12 (4) Black and Hispanic households continue to
13 be about twice as likely as White households to rent
14 their homes;

15 (5) in 2016, 58 percent of Black household
16 heads and 54 percent of Hispanic household heads
17 were renting their homes, compared with 28 percent
18 of White household heads;

19 (6) while cost burdens affect households of all
20 races and ethnicities, Black and Brown renters are
21 much more likely to be burdened, with 55 percent of
22 Black renters considered to be rent burdened com-
23 pared to only 43 percent of White renters;

24 (7) Black households account for 12 percent of
25 all households in the United States, but 19 percent

1 of all renters and 26 of all renter households with
2 extremely low incomes;

3 (8) prior to the COVID–19 pandemic, it was
4 estimated that around 3,700,000 evictions are filed
5 every year, a rate of about 7 every minute;

6 (9) across the United States, 1 in 20 renters
7 faces an eviction every year, but for Black renters,
8 the number is 1 in 11;

9 (10) every day families are displaced by the
10 eviction crisis, a reality that is only further exacer-
11 bated by the COVID–19 pandemic and that falls
12 disproportionately on Black renters, in particular
13 Black women renters;

14 (11) the Department of Housing and Urban
15 Development does not require the reporting or col-
16 lection of eviction data, including among households
17 in federally assisted housing, and should be required
18 to do so;

19 (12) the American Civil Liberties Union’s anal-
20 ysis of Eviction Lab data found that, on average,
21 “[B]lack renters had evictions filed against them at
22 nearly twice the rate of [W]hite renters” and that
23 Black women specifically were filed against for evic-
24 tion at “double the rate of [W]hite renters or higher
25 in 17 of 36 [S]tates”;

1 (13) right to counsel is a matter of racial jus-
2 tice, equity, and ensuring equal protection under the
3 law;

4 (14) in the United States, it is estimated that
5 more than 90 percent of landlords are represented in
6 housing court proceedings, compared to less than 10
7 percent of tenants in those proceedings;

8 (15) a Massachusetts study found that tenants
9 who were provided full representation were twice as
10 likely to remain in their homes, saved 4 times as
11 much rent, and paid \$0 to their landlord as com-
12 pared to those receiving limited or no legal assist-
13 ance; and

14 (16) a California study of the Shriver Civil
15 Counsel Program found that 91 percent of Shriver
16 cases ended with the eviction record sealed, 81 per-
17 cent with the eviction not reported to a credit agen-
18 cy, and 71 percent with a neutral reference provided
19 by the landlord, tenants in such cases saved nearly
20 \$800 more in reduced rent and other fees while pay-
21 ing holdover damages or attorney's fees only half as
22 often, and 71 percent of represented clients that had
23 been required to move had obtained a new rental
24 unit, compared to 43 percent of unrepresented ten-
25 ants.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) ASSISTANCE.—The term “assistance”—

4 (A) means any grant, loan, subsidy, con-
5 tract, cooperative agreement, or other form of
6 financial assistance; and

7 (B) does not include the insurance or guar-
8 antee of a loan, mortgage, or pool of loans or
9 mortgages.

10 (2) COVERED FEDERALLY ASSISTED RENTAL
11 DWELLING UNIT.—The term “covered federally as-
12 sisted rental dwelling unit” means a residential
13 dwelling unit that is made available for rental and
14 for which assistance is provided, or that is part of
15 a housing project for which assistance is provided,
16 under any program administered by the Secretary of
17 Housing and Urban Development, including—

18 (A) the public housing program under the
19 United States Housing Act of 1937 (42 U.S.C.
20 1437 et seq.);

21 (B) the programs for tenant- and project-
22 based rental assistance under section 8 of the
23 United States Housing Act of 1937 (42 U.S.C.
24 1437f);

25 (C) the HOME Investment Partnerships
26 program under subtitle A of title II of the

1 Cranston-Gonzalez National Affordable Hous-
2 ing Act (42 U.S.C. 12741 et seq.);

3 (D) the programs for homeless assistance
4 under title IV of the McKinney-Vento Homeless
5 Assistance Act (42 U.S.C. 11360 et seq.);

6 (E) the program for supportive housing for
7 the elderly under section 202 of the Housing
8 Act of 1959 (12 U.S.C. 1701q);

9 (F) the program for supportive housing for
10 persons with disabilities under section 811 of
11 the Cranston-Gonzalez National Affordable
12 Housing Act (42 U.S.C. 8013);

13 (G) the program for housing opportunities
14 for persons with AIDS under subtitle D of title
15 VIII of the Cranston-Gonzalez National Afford-
16 able Housing Act (42 U.S.C. 12901 et seq.);

17 (H) the Housing Trust Fund program
18 under section 1338 of the Housing and Com-
19 munity Development Act of 1992 (12 U.S.C.
20 4568);

21 (I) the program for Native American hous-
22 ing under the Native American Housing Assist-
23 ance and Self-Determination Act of 1996 (25
24 U.S.C. 4101 et seq.); and

1 (J) the program for housing assistance for
2 Native Hawaiians under title VIII of the Native
3 American Housing Assistance and Self-Deter-
4 mination Act of 1996 (25 U.S.C. 4221 et seq.).

5 (3) COVERED HOUSING.—The term “covered
6 housing” means a dwelling unit assisted with
7 amounts made available, or a loan or mortgage
8 made, insured, or guaranteed, under—

9 (A) any of the programs described in sub-
10 paragraphs (A) through (G) of paragraph (2);
11 or

12 (B) the community development block
13 grant program under title I of the Housing and
14 Community Development Act of 1974 (42
15 U.S.C. 5301 et seq.).

16 (4) COVERED HOUSING ASSISTANCE.—The term
17 “covered housing assistance” means assistance pro-
18 vided under any program described in paragraph
19 (3).

20 (5) LEGAL COUNSEL.—The term “legal coun-
21 sel” means full representation by an attorney
22 throughout proceedings in issue.

23 (6) OWNER.—The term “owner” means any
24 private person or entity, including a cooperative, an
25 agency of the Federal Government, or a public hous-

1 ing agency, having the legal right to lease or sub-
 2 lease dwelling units.

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

5 **SEC. 4. DATABASE OF EVICTION INFORMATION.**

6 (a) REPORTS BY HOUSING PROVIDERS.—

7 (1) IN GENERAL.—The Secretary shall require
 8 each State and local entity that receives covered
 9 housing assistance to submit to the Secretary annual
 10 reports under this section regarding evictions from
 11 assisted dwelling units of the covered housing occur-
 12 ring during the preceding year.

13 (2) CONTENTS.—Each report submitted under
 14 paragraph (1) shall include—

15 (A) for each household subject to an evic-
 16 tion proceeding during the year covered by the
 17 report—

18 (i) the reason or reasons that the evic-
 19 tion proceeding was undertaken and, in the
 20 case of any eviction proceeding undertaken
 21 in whole or in part based on an arrearage
 22 in rent owed, the amount of the arrearage
 23 and the amount of the required contribu-
 24 tion of the tenant toward rent;

1 (ii) the date on which the household
2 was ordered to be evicted;

3 (iii) the address of the dwelling unit
4 from which the household was evicted;

5 (iv) whether the household was rep-
6 resented by legal counsel in any eviction
7 proceeding, if that information is available;

8 (v) the number of days the household
9 was given to vacate the dwelling unit, if
10 that information is available; and

11 (vi) whether a writ of execution was
12 issued in regards to the eviction; and

13 (B) for each individual in any household
14 subject to an eviction proceeding during the
15 year covered by the report—

16 (i) the name of the individual;

17 (ii) the annual income of the indi-
18 vidual in the fiscal year prior to the year
19 during which the individual was evicted, if
20 that information is available;

21 (iii) the disability status of the indi-
22 vidual evicted;

23 (iv) any available demographic infor-
24 mation about the individual, including
25 race, ethnicity, age, and gender;

1 (v) any foster care history for the in-
 2 dividual;

3 (vi) any serious physical health prob-
 4 lems or serious mental illness of the indi-
 5 vidual, if that information is available;

6 (vii) any history of prior homelessness
 7 of the individual, if that information is
 8 available; and

9 (viii) whether the individual has a
 10 criminal record, if that information is
 11 available.

12 (3) DATA REQUIREMENTS.—The Secretary
 13 shall develop requirements for States and local enti-
 14 ties that receive covered housing assistance that—

15 (A) provide that the provision of the infor-
 16 mation being collected under this subsection
 17 shall be voluntary on the part of any individual
 18 or household who is or was a tenant in an as-
 19 sisted dwelling unit of covered housing;

20 (B) provide limitations on how long the in-
 21 formation described in paragraph (2) shall be
 22 retained;

23 (C) establish data privacy and security re-
 24 quirements for the information described in
 25 paragraph (2) that include appropriate meas-

1 ures to ensure that the privacy of the individ-
2 uals and households is protected and that the
3 information, including any personally identifi-
4 able information, is collected and used only for
5 the purpose of submitting reports under para-
6 graph (1); and

7 (D) provide confidentiality protections for
8 data collected about any individuals who are
9 survivors of intimate partner violence, sexual
10 assault, or stalking.

11 (b) DATABASE.—

12 (1) IN GENERAL.—The Secretary shall establish
13 a database for collecting and maintaining informa-
14 tion contained in reports submitted under subsection
15 (a).

16 (2) PRIVACY PROTECTIONS.—The Secretary
17 shall establish appropriate measures regarding infor-
18 mation in the database established under paragraph
19 (1) to ensure that the privacy of the individuals and
20 households is protected and that any personally
21 identifiable information is not disclosed.

22 (3) DISAGGREGATION.—To the extent possible,
23 the database established under paragraph (1) shall
24 be disaggregated by race, gender, income, and dis-
25 ability.

1 **SEC. 5. ASSISTANCE FOR EVICTION-RELATED LEGAL AID.**

2 There is authorized to be appropriated to the Sec-
 3 retary \$10,000,000,000 for fiscal year 2021, to remain
 4 available until expended, for assistance under the Emer-
 5 gency Solutions Grants program under subtitle B of title
 6 IV of the McKinney-Vento Homeless Assistance Act (42
 7 U.S.C. 11371 et seq.), to be used only for—

8 (1) providing legal counsel for tenants subject
 9 to or at risk of eviction with regard to any eviction-
 10 related legal proceeding; and

11 (2) costs of any court fees associated with an
 12 eviction-related legal proceeding for a tenant, exclud-
 13 ing any attorney’s fees for the attorney of the land-
 14 lord of the tenant.

15 **SEC. 6. CONSUMER REPORTS.**

16 The Fair Credit Reporting Act (15 U.S.C. 1601 et
 17 seq.) is amended—

18 (1) by inserting after section 605B (15 U.S.C.
 19 1681c–2) the following:

20 **“SEC. 605C. ADVERSE INFORMATION RELATING TO HOUS-**
 21 **ING COURT RECORDS.**

22 “(a) IN GENERAL.—A consumer reporting agency
 23 may only furnish a consumer report containing an adverse
 24 item of information relating to a landlord-tenant action
 25 if—

1 “(1) the landlord in the action prevailed in a
2 final judgment; and

3 “(2) the tenant in that action was not a minor
4 on the date that the court claim was filed.

5 “(b) 1-YEAR LIMITATION.—A consumer reporting
6 agency shall remove from a consumer report any adverse
7 item of information relating to a landlord-tenant action
8 not later than 1 year after the date of the landlord-tenant
9 action.”; and

10 (2) in the table of contents, by inserting after
11 the item relating to section 605B the following:

“605C. Adverse information relating to housing court records.”.

12 **SEC. 7. EVICTION INFORMATION.**

13 (a) IN GENERAL.—Not later than 1 year after the
14 date of enactment of this Act, the Secretary shall issue
15 regulations that require each owner of a covered federally
16 assisted rental dwelling unit to ensure that each tenant
17 of the dwelling unit owned by the owner receives informa-
18 tion not less than once each year about—

19 (1) the rights and responsibilities of the owner
20 with regard to eviction; and

21 (2) local organizations and resources that can
22 provide assistance in eviction-related matters.

23 (b) HOTLINE.—Not later than 1 year after the date
24 of enactment of this Act, the Secretary shall establish a
25 hotline to provide assistance with regard to eviction-re-

- 1 lated matters to tenants of covered federally assisted rent-
- 2 al dwelling units.

