

117TH CONGRESS
1ST SESSION

H. R. 3580

To authorize the Attorney General to make grants to States and localities to provide the right to counsel in civil actions related to eviction, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 28, 2021

Ms. DELAURO introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize the Attorney General to make grants to States and localities to provide the right to counsel in civil actions related 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 “Eviction Prevention
5 Act of 2021”.

1 **SEC. 2. GRANTS FOR STATES AND UNITS OF GENERAL**
2 **LOCAL GOVERNMENT TO PROVIDE ACCESS**
3 **TO COUNSEL IN CIVIL ACTIONS RELATED TO**
4 **EVICTION.**

5 (a) **AUTHORIZATION.**—The Attorney General is au-
6 thorized to make grants to States and units of general
7 local government to provide eligible individuals access to
8 counsel in civil actions related to eviction.

9 (b) **USE OF FUNDS.**—A State or unit of general local
10 government that receives a grant under this section shall
11 use such funds to hire attorneys in positions that are dedi-
12 cated solely to providing counsel described in subsection
13 (a).

14 (c) **APPLICATION.**—A State or unit of general local
15 government seeking an application under this section shall
16 submit an application to the Attorney General at such
17 time, in such manner, and containing such information as
18 the Attorney General may reasonably require, including—

19 (1) the rate of eviction for that State or unit
20 of general local government;

21 (2) during the previous year, the number of in-
22 dividuals subject to eviction in that State or unit of
23 general local government who were not represented
24 by an attorney in eviction proceedings;

1 (3) a plan for how the State or unit of general
2 local government will use amounts from a grant
3 under this section to increase access to counsel; and

4 (4) the status with respect of the right to coun-
5 sel in civil actions related to eviction in the State or
6 unit of general local government and, if the State or
7 unit of general local government does not have in ef-
8 fect laws providing a right to counsel, such evidence
9 as the Attorney General may require that is suffi-
10 cient to demonstrate that substantial progress has
11 been made to enact laws providing such a right.

12 (d) AMOUNT OF GRANT.—Subject to the availability
13 of appropriations, a grant under this section shall be in
14 an amount that is not less than \$1,000,000, and which
15 amount is determined based on—

16 (1) the rate of eviction in the applicant State
17 or unit of general local government, compared to the
18 national average rate of eviction, as determined by
19 the rates of eviction included with each application
20 under subsection (c);

21 (2) the plan submitted by the applicant State or
22 unit of general local government in accordance with
23 subsection (c)(3);

24 (3) the status of right to counsel in applicant
25 State or unit of general local government; and

1 (4) during the previous year, the number of in-
2 dividuals subject to eviction in the applicant State or
3 unit of general local government who were not rep-
4 resented by an attorney in eviction proceedings.

5 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated to carry out this section
7 \$125,000,000 for each of fiscal years 2022 through 2026.

8 **SEC. 3. NATIONAL DATABASE OF EVICTIONS.**

9 (a) ESTABLISHMENT OF DATABASE.—Not later than
10 1 year after the date of enactment of this Act, the Sec-
11 retary shall establish and maintain a database that—

12 (1) is accessible to the Office of Policy Develop-
13 ment and Research and the Office of Fair Housing
14 and Equal Opportunity of the Department and other
15 employees of the Department as determined nec-
16 essary by the Secretary;

17 (2) includes the data described in subsection (b)
18 with respect to court-ordered evictions, administra-
19 tive evictions, and illegal evictions in the United
20 States; and

21 (3) ensures appropriate security to prevent im-
22 proper disclosure of that data.

23 (b) CONTENTS.—The database established under
24 subsection (a) shall contain the following data:

1 (1) DATA ON EACH COURT-ORDERED OR AD-
2 MINISTRATIVE EVICTION.—With respect to each
3 court-ordered or administrative eviction case filed on
4 or after the date on which the database is estab-
5 lished:

6 (A) Information on the tenant who is the
7 defendant, including—

8 (i) the name of the tenant;

9 (ii) the address of the residential
10 property and the type of housing;

11 (iii) the number of household mem-
12 bers residing in the property, including the
13 number of children; and

14 (iv) whether the tenant is a recipient
15 of tenant-based or project-based assistance
16 under section 8 of the United States Hous-
17 ing Act of 1937 (42 U.S.C. 1437f).

18 (B) Information on the landlord who filed
19 the court-ordered or administrative eviction
20 case, including—

21 (i) the name of the landlord;

22 (ii) the name of the attorney or legally
23 permitted representative of the landlord, or
24 an indication that the landlord was self-
25 represented;

1 (iii) any amount that the landlord al-
2 leges that the tenant owes, including any
3 penalties and attorney's fees; and

4 (iv) any costs incurred by the landlord
5 for engaging in the eviction process, in-
6 cluding—

7 (I) court costs, such as filing
8 fees;

9 (II) the cost of legal representa-
10 tion; and

11 (III) the cost to set out a tenant.

12 (C) Procedural data on the court-ordered
13 or administrative eviction case, including—

14 (i) the date, if applicable, on which
15 the tenant was served with a notice to quit;

16 (ii) the date of the initial court filing
17 by the landlord;

18 (iii) the reason why the landlord filed
19 for eviction, such as nonpayment or breach
20 of lease;

21 (iv) whether the eviction was as a re-
22 sult of the enforcement of a local ordinance
23 impacting eviction;

1 (v) the final outcome of the court-or-
2 dered or administrative eviction case, in-
3 cluding—

4 (I) the disposition of the case, in-
5 cluding whether the initial hearing re-
6 sulted in a default judgment, dis-
7 missal, consent agreement, settlement,
8 or trial;

9 (II) the date of final disposition;

10 (III) any amount owed to the
11 landlord or tenant, if any, and over
12 what time period;

13 (IV) whether a judgment was
14 made in favor of the tenant for code
15 violations or warranty of habitability
16 claims;

17 (V) the overall outcome of the
18 case, including whether the tenant
19 paid any amounts to the landlord and
20 whether the tenant stayed in the
21 housing or was evicted from the hous-
22 ing; and

23 (VI) whether the tenant had legal
24 representation and the nature of that
25 representation, including a lawyer, a

1 law student participating in a clinic,
2 or another non-lawyer trained to rep-
3 resent clients in landlord-tenant court,
4 or whether the tenant was a lawyer
5 representing himself or herself;

6 (vi) the total court fees incurred by
7 the tenant, separated into categories of
8 fees;

9 (vii) the total court fees incurred by
10 the landlord;

11 (viii) whether the landlord had ap-
12 peared in landlord-tenant court for a
13 court-ordered or administrative eviction
14 matter involving the landlord in the 6-
15 month, 1-year, or 2-year period preceding
16 the court-ordered or administrative eviction
17 case; and

18 (ix) whether the tenant had appeared
19 in landlord-tenant court for a court-or-
20 dered or administrative eviction matter in-
21 volving the landlord in the 6-month, 1-
22 year, or 2-year period preceding the court-
23 ordered or administrative eviction case.

24 (2) AGGREGATE DATA ON COURT-ORDERED OR
25 ADMINISTRATIVE EVICTION CASES.—Aggregate data

1 on court-ordered or administrative eviction cases
2 filed on or after the date on which the database is
3 established, including—

4 (A) the total number of cases filed, includ-
5 ing a breakdown by—

6 (i) the number of cases filed for non-
7 payment, other breach of lease, both non-
8 payment and breach of lease, and any
9 other reason;

10 (ii) the number of cases filed because
11 of the enforcement of a local ordinance im-
12 pacting eviction; and

13 (iii) the outcome of the dispositive
14 hearing, including default judgment, dis-
15 missal, a consent agreement, a trial, and a
16 settlement with or without mediation;

17 (B) the number of tenants and landlords
18 who showed up for the dispositive hearing of a
19 court-ordered or an administrative eviction case,
20 and how many were represented by counsel;

21 (C) the average duration of a court-or-
22 dered or an administrative eviction case, includ-
23 ing the average time from filing to first hear-
24 ing;

1 (D) the average amount allegedly owed by
2 a tenant, per landlord;

3 (E) the average months of rent allegedly
4 owed by a tenant;

5 (F) the average amount paid by a tenant
6 to resolve the case and stay in the housing;

7 (G) the number of court-ordered or admin-
8 istrative eviction cases resulting in a judgment
9 in favor of the tenant due to code violations or
10 warranty of habitability claims;

11 (H) the number and percentage of court-
12 ordered or administrative eviction cases broken
13 down by age bracket;

14 (I) the number and percentage of court-or-
15 dered or administrative eviction cases with a
16 tenant or household with children;

17 (J) the number of tenants evicted from
18 public housing, broken down by each public
19 housing agency;

20 (K) the number of tenants evicted from
21 dwelling units who were receiving tenant-based
22 assistance or project-based assistance under
23 section 8 of the United States Housing Act of
24 1937 (42 U.S.C. 1437f); and

1 (L) the number of court-ordered or admin-
2 istrative eviction or cases where late fees were
3 collected from tenants by landlords, and the av-
4 erage amount of late fees in those cases.

5 (3) DATA ON EXECUTED EVICTIONS.—Local
6 law enforcement or any other official who executes
7 an eviction shall report to the adjudicating court or
8 administrative forum sufficient data on each exe-
9 cuted eviction, such that the court may determine
10 which court-ordered or administrative evictions re-
11 sulted in a law enforcement officer or other local of-
12 ficial removing the tenant.

13 (4) DATA ON TENANT STATUS FOLLOWING A
14 COURT-ORDERED OR ADMINISTRATIVE EVICTION.—
15 Each court or administrative forum responsible for
16 adjudicating evictions should contact landlords to de-
17 termine whether tenants who were the subject of a
18 court-ordered or administrative eviction were re-
19 moved or remained in the property 90 days after the
20 court-ordered or administrative eviction.

21 (5) DATA ON EACH ILLEGAL EVICTION.—With
22 respect to each illegal eviction occurring on or after
23 the date on which the database is established, as re-
24 ported by local governments and nonprofit organiza-
25 tions receiving grants under section 6:

1 (A) The data described in paragraph
2 (1)(A).

3 (B) Information on the landlord, includ-
4 ing—

5 (i) the name of the landlord; and

6 (ii) any amount that the landlord al-
7 leges that the tenant owes, including any
8 penalties.

9 (C) The reason the tenant was evicted.

10 (D) If the tenant was evicted for non-
11 payment, the amount owed.

12 (E) If the tenant was evicted for non-
13 payment, the total number of months owed.

14 (F) Whether the tenant was evicted be-
15 cause of the enforcement of a local ordinance
16 impacting eviction.

17 (6) AGGREGATE DATA ON ILLEGAL EVIC-
18 TIONS.—Aggregate data on illegal eviction cases oc-
19 ccurring on or after the date on which the database
20 is established, as reported by local governments and
21 nonprofit organizations receiving grants under sec-
22 tion 6, including—

23 (A) the average amount owed by a tenant,
24 per landlord;

1 (B) the average months of rent owed by a
2 tenant;

3 (C) the number and percentage of illegal
4 eviction cases broken down by age bracket;

5 (D) the number and percentage of illegal
6 eviction cases with a tenant or household with
7 children;

8 (E) the number and percentage of illegal
9 eviction cases broken down by race and eth-
10 nicity;

11 (F) the number and percentage of illegal
12 eviction cases broken down by gender;

13 (G) the number and percentage of illegal
14 eviction cases broken down by disability status;
15 and

16 (H) the number and percentage of illegal
17 eviction cases based on the enforcement of a
18 local ordinance impacting eviction.

19 (c) SUBMISSION OF DATA.—

20 (1) SUBMISSION BY COURTS.—Not later than
21 March 1 of each year, the Attorney General of each
22 State shall submit to the Secretary data on court-
23 ordered eviction cases that occurred in that State
24 during the preceding calendar year for inclusion in
25 the database established under this section.

1 (2) SUBMISSION TO SECRETARY.—

2 (A) IN GENERAL.—The Attorney General
3 of the State shall—

4 (i) ensure the accuracy and consist-
5 ency of the data submitted under para-
6 graph (1); and

7 (ii) upon receipt of the data, aggre-
8 gate the data and report the individual and
9 aggregate data to the Secretary in a timely
10 manner.

11 (B) SUBMISSION BY COURTS.—If the At-
12 torney general of the State fails to submit the
13 data described in paragraph (1) to the Sec-
14 retary in a timely manner under subparagraph
15 (A), the clerk of each State or local court that
16 handles landlord-tenant cases may submit the
17 data directly to the Secretary.

18 (d) GUIDELINES.—The Secretary shall promulgate
19 rules and establish guidelines for the submission of data
20 under subsection (c) and publication of data in the data-
21 base established under this section, which shall include—

22 (1) a technological solution that provides a sin-
23 gle point of entry for data submissions to reduce the
24 burden on clerks of the courts;

1 (2) in consultation with local governments and
2 judges, appropriate safeguards for protecting the
3 privacy of personally identifiable information of vul-
4 nerable populations, which shall incorporate con-
5 fidentiality measures to ensure that any personally
6 identifiable information regarding a tenant who is a
7 victim of domestic violence, dating violence, sexual
8 assault, or stalking is not disclosed during the pro-
9 cess of data submission and publication;

10 (3) standards for—

11 (A) external researchers to be granted per-
12 mission to access data in the database, includ-
13 ing both aggregate data and, if necessary for
14 the conduct of their research, personally identi-
15 fiable information, with appropriate safeguards
16 to ensure identities are protected in any pub-
17 licly released analysis;

18 (B) the establishment of a research data
19 center to support analysis of that data; and

20 (C) using generally accepted statistical
21 principles to validate the data, in consultation
22 with outside participants;

23 (4) methods for collecting data required under
24 subsection (b) that are not currently collected;

1 (5) establishing definitions for terms related to
2 the eviction process based on how they are legally
3 defined by courts of jurisdiction handling eviction
4 cases; and

5 (6) standards for local officials to identify and
6 designate social services agencies that may access
7 the database to provide targeted social services to
8 those tenants.

9 (e) ANNUAL REPORTS.—Not later than 1 year after
10 the date of enactment of this Act, and each year there-
11 after, the Secretary shall make publicly available a report
12 on the contents of the database established under this sec-
13 tion.

14 (f) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated to the Secretary to carry
16 out this section \$5,000,000 for each of fiscal years 2022
17 through 2026.

18 **SEC. 4. GAO STUDY.**

19 Not later than one year after the date of the enact-
20 ment of this Act, the Comptroller General of the United
21 States shall conduct a study and submit a report to Con-
22 gress on evictions in the United States, including an anal-
23 ysis of ways in which the legal system fails to provide suf-
24 ficient protections from eviction for tenants, the rate of
25 representation of tenants and landlords, the effect of full

1 representation on default rates, case outcomes, and evic-
2 tion dockets as compared to cases where the tenant lacks
3 representation or has pro se assistance, and the potential
4 cost savings from providing representation.

5 **SEC. 5. DEFINITIONS.**

6 In this Act:

7 (1) ACCESS TO COUNSEL.—The term “access to
8 counsel” means full representation by an attorney.

9 (2) ELIGIBLE INDIVIDUAL.—The term “eligible
10 individual” means an individual whose income is less
11 than 125 percent of the Federal poverty level.

12 (3) STATE.—The term “State” means the
13 States of the United States, the District of Colum-
14 bia, the Commonwealth of Puerto Rico, the Com-
15 monwealth of the Northern Mariana Islands, Guam,
16 the Virgin Islands, American Samoa, and any other
17 territory or possession of the United States.

18 (4) UNIT OF GENERAL LOCAL GOVERNMENT.—
19 The term “unit of general local government” means
20 any city, town, township, county, parish, village, or
21 other general purpose political subdivision of a
22 State.

23 (5) RATE OF EVICTION.—The term “rate of
24 eviction” means the number of judgments of eviction

1 entered in that jurisdiction per capita during the
2 previous fiscal year.

3 (6) ADMINISTRATIVE EVICTION.—The term
4 “administrative eviction” means a ruling in favor of
5 the landlord in an administrative forum within a
6 public housing agency, such as grievance procedures,
7 to recover possession of residential property from a
8 tenant, including a tenant residing in a public hous-
9 ing dwelling unit or receiving tenant-based assist-
10 ance or project-based assistance under section 8 of
11 the United States Housing Act of 1937 (42 U.S.C.
12 1437f).

13 (7) COURT-ORDERED EVICTION.—The term
14 “court-ordered eviction” means a court ruling in
15 favor of the landlord in a legal action to recover pos-
16 session of residential property from a tenant, includ-
17 ing a tenant residing in a public housing dwelling
18 unit or receiving tenant-based assistance or project-
19 based assistance under section 8 of the United
20 States Housing Act of 1937 (42 U.S.C. 1437f).

21 (8) DEPARTMENT.—The term “Department”
22 means the Department of Housing and Urban De-
23 velopment.

24 (9) EXECUTED EVICTION.—The term “executed
25 eviction” means a court order carried out by a sher-

1 iff’s office or other law enforcement agency that re-
2 sulted in the landlord recovering possession of resi-
3 dential property from a tenant, including a tenant
4 residing in a public housing dwelling unit or receiv-
5 ing tenant-based assistance or project-based assist-
6 ance under section 8 of the United States Housing
7 Act of 1937 (42 U.S.C. 1437f).

8 (10) ILLEGAL EVICTION.—The term “illegal
9 eviction” means self-help measures taken outside of
10 the legal process for eviction to recover possession of
11 residential property from a tenant, including a ten-
12 ant residing in a public housing dwelling unit or re-
13 ceiving tenant-based assistance or project-based as-
14 sistance under section 8 of the United States Hous-
15 ing Act of 1937 (42 U.S.C. 1437f), such as—

16 (A) willfully interrupting or permitting the
17 interruption of essential items of services re-
18 quired by the rental agreement;

19 (B) blocking or attempting to block the
20 entry of a tenant upon the premises;

21 (C) changing the locks or removing the
22 front door of the premises;

23 (D) removing the belongings of a tenant;

24 and

1 (E) any other action defined as a self-help
2 eviction under State landlord-tenant law.

3 (11) LOCAL ORDINANCE IMPACTING EVIC-
4 TION.—The term “local ordinance impacting evic-
5 tion” means a local ordinance that is designed to ad-
6 dress the number of emergency services calls result-
7 ing from assault, sexual harassment, stalking, dis-
8 orderly conduct, or another type of behavior, situa-
9 tion, or condition that results in the need for emer-
10 gency services, that results in loss of housing or
11 limit the housing opportunities for victims of crime,
12 including victims of domestic violence, or individuals
13 with disabilities who may require emergency services,
14 abnegating local landlord-tenant law by—

15 (A) requiring, encouraging, or permitting
16 the eviction of a tenant or resident because of
17 a certain number of calls for emergency serv-
18 ices;

19 (B) requiring, encouraging, or permitting
20 the eviction of a tenant or resident because of
21 an arrest even though the arrest has not re-
22 sulted in the conviction of that tenant or resi-
23 dent; or

24 (C) requiring, encouraging, or permitting
25 the eviction of a tenant or resident because of

1 criminal activity occurring at or near the place
2 of residence of the tenant or resident for which
3 that tenant or resident has not been convicted.

4 (12) PUBLIC HOUSING; PUBLIC HOUSING AGEN-
5 CY.—The terms “public housing” and “public hous-
6 ing agency” have the meanings given those terms in
7 section 3(b) of the United States Housing Act of
8 1937 (42 U.S.C. 1437a(b)).

9 (13) SECRETARY.—The term “Secretary”
10 means the Secretary of Housing and Urban Develop-
11 ment.

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