

117TH CONGRESS  
1ST SESSION

# H. R. 5196

To expedite application for payment of rental arrearages by landlords and mandate tenant access to financial assistance, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 7, 2021

Ms. WATERS (for herself, Ms. WILLIAMS of Georgia, Mrs. CAROLYN B. MALONEY of New York, Ms. VELÁZQUEZ, Mr. GREEN of Texas, Ms. GARCIA of Texas, Mr. TORRES of New York, and Ms. ADAMS) introduced the following bill; which was referred to the Committee on Financial Services

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## A BILL

To expedite application for payment of rental arrearages by landlords and mandate tenant access to financial assistance, 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 “Expediting Assistance  
5 to Renters and Landlords Act of 2021”.

1 **SEC. 2. EXPEDITING APPLICATIONS FOR PAYMENT OF**  
2 **RENTAL ARREARAGES BY LANDLORDS.**

3 (a) IN GENERAL.—Section 501(f) of subtitle A of  
4 title V of Division M of the Consolidated Appropriations  
5 Act, 2021 (15 U.S.C. 9058a(f)) is amended—

6 (1) by inserting after paragraph (2) the fol-  
7 lowing:

8 “(3) REQUIREMENTS FOR APPLICATIONS SUB-  
9 MITTED ON BEHALF OF TENANT WITHOUT TENANT  
10 CONSENT.—

11 “(A) IN GENERAL.—The Secretary shall  
12 not later than 30 days after the date of the en-  
13 actment of this paragraph establish a process  
14 for a landlord of a residential dwelling to sub-  
15 mit an application on the behalf of a renter  
16 when such landlord is unable to obtain the con-  
17 sent of such renter to submit such application  
18 for after taking reasonable steps to obtain such  
19 signature, as determined by the Secretary.

20 “(B) NOTICE OF APPLICATION.—The proc-  
21 ess established by the Secretary pursuant to  
22 subparagraph (A) shall require a landlord of a  
23 residential dwelling who submits an application  
24 for assistance without the consent of the renter  
25 of such dwelling to notify the renter of the in-  
26 tent of the landlord to submit such application

1 not less than 10 days before such landlord sub-  
2 mits such application.

3 “(C) SATISFACTION OF OUTSTANDING  
4 MONETARY CLAIMS.—If a landlord of a residen-  
5 tial dwelling submits an application for assist-  
6 ance on behalf of a renter without the consent  
7 of such renter and receives assistance under  
8 this section, such amount shall be deemed to  
9 satisfy all monetary claims relating to rent such  
10 landlord may have against such renter during  
11 the period between the date on which the na-  
12 tional emergency concerning the novel  
13 coronavirus disease (COVID–19) outbreak was  
14 declared by the President and the date on  
15 which the application is submitted by the land-  
16 lord.

17 “(D) DOCUMENTATION.—

18 “(i) IN GENERAL.—The Secretary  
19 shall, with respect to documentation re-  
20 quired for applications for assistance, es-  
21 tablish methods for landlords to establish  
22 the income of a renter when the landlord  
23 does not have the consent of the renter, in-  
24 cluding the use of proxies of income.

1           “(ii) 4 OR FEWER DWELLINGS.—The  
2 Secretary shall, where possible, limit the  
3 amount of documentation required for an  
4 application for assistance in the case of a  
5 landlord that owns 4 or fewer residential  
6 dwellings.

7           “(E) CONDITIONS ON ASSISTANCE.—

8           “(i) IN GENERAL.—The landlord shall  
9 comply with any conditions the Secretary  
10 of the Treasury may prescribe to ensure  
11 that renters remain stably housed.

12           “(ii) 120-DAY EVICTION PROHIBI-  
13 TION.—The Secretary of the Treasury  
14 shall, not later than 30 days after the date  
15 of the enactment of this paragraph, to en-  
16 sure that renters remain stably housed,  
17 prohibit any landlord that receives assist-  
18 ance from a grantee under this section  
19 with respect to a particular renter from  
20 evicting such renter, except when the ten-  
21 ancy constitutes a direct threat to the  
22 health and safety of other individuals or  
23 would result in substantial physical dam-  
24 age to the property of others, during the  
25 120-day period after the date on which

1           such assistance was received by the land-  
2           lord from the grantee.

3           “(iii) EVICTION-RELATED REQUIRE-  
4           MENTS.—The Secretary of the Treasury  
5           shall, not later than 30 days after the date  
6           of the enactment of this paragraph, require  
7           any landlord that receives assistance from  
8           a grantee under this section with respect  
9           to a particular renter to, with respect to  
10          such renter—

11                   “(I) set aside and vacate any  
12                   past eviction judgement based on non-  
13                   payment of rent covered by the appli-  
14                   cation for assistance; and

15                   “(II) rescind any eviction notice  
16                   and agree to seal any eviction filing, if  
17                   applicable.

18           “(F) NOTICE OF ARREARAGES RE-  
19           CEIVED.—If a grantee provides rental arrear-  
20           ages to a landlord based on an application sub-  
21           mitted by the landlord on behalf of a renter,  
22           such landlord must—

23                   “(i) notify such renter that such rent-  
24                   al arrearages were received from the grant-  
25                   ee;

1           “(ii) notify such renter if the landlord  
2           applies for assistance in the amount of  
3           rent due during the 120-day period de-  
4           scribed in subparagraph (F); and

5           “(iii) inform such renter that the  
6           landlord is prohibited from terminating the  
7           lease agreement or evicting such renter, ex-  
8           cept when the tenancy constitutes a direct  
9           threat to the health and safety of other in-  
10          dividuals or would result in substantial  
11          physical damage to the property of others,  
12          during the 120 day period after such rent-  
13          al arrearages were received by the landlord  
14          from the grantee.

15          “(G) VACANT PROPERTIES.—The Sec-  
16          retary shall establish a process for a landlord to  
17          submit an application for assistance on behalf  
18          of a renter who has vacated a dwelling, pro-  
19          vided that the landlord did not file an eviction  
20          notice on such renter.

21          “(H) GRANTEE NOTIFICATION PROCESS.—  
22          Each grantee that provides assistance to a  
23          landlord with respect to a residential dwelling  
24          under this paragraph shall establish a process

1 to notify state and local courts and the renter  
2 of such residential dwelling that—

3 “(i) rent is no longer past due with  
4 respect to such renter; and

5 “(ii) any eviction proceedings relating  
6 to the nonpayment of rent by such renter  
7 should be halted.

8 “(I) NOTIFICATION OF RIGHTS.—Each  
9 grantee that provides assistance to a landlord  
10 with respect to a residential dwelling under this  
11 paragraph shall inform the renter of such resi-  
12 dential dwelling about—

13 “(i) the rights of such renter under  
14 the Fair Housing Act and relevant State  
15 and local laws relating to fair housing; and

16 “(ii) how such renter can file com-  
17 plaints with respect to violations of the  
18 Fair Housing Act and violations of rel-  
19 evant State and local laws relating to fair  
20 housing.

21 “(J) RULE OF CONSTRUCTION.—Nothing  
22 in this paragraph may be construed to prevent  
23 a renter of a dwelling from applying for assist-  
24 ance related to items described in section  
25 501(c)(2)(A) that are not included in an appli-

1 cation submitted by a landlord on behalf of the  
2 renter.”.

3 (b) PRIORITIZATION OF ASSISTANCE.—Section  
4 501(c)(4) of subtitle A of title V of Division M of the Con-  
5 solidated Appropriations Act, 2021 (15 U.S.C.  
6 9058a(c)(4)) is amended by adding at the end the fol-  
7 lowing:

8 “(C) The grantee shall prioritize applica-  
9 tions filed by renters and applications filed by  
10 landlords on behalf of renters with the consent  
11 of the renter over any application filed by a  
12 landlord without the consent of a renter.”.

13 **SEC. 3. MANDATING TENANT ACCESS TO FINANCIAL AS-**  
14 **SISTANCE.**

15 (a) IN GENERAL.—Section 501(c) of subtitle A of  
16 title V of Division M of the Consolidated Appropriations  
17 Act, 2021 (15 U.S.C. 9058a(c)) is amended—

18 (1) in paragraph (2)—

19 (A) in subparagraph (A)—

20 (i) by striking “12 months” and in-  
21 serting “20 months”; and

22 (ii) by striking “for an additional 3  
23 months” and inserting “for an additional 4  
24 months”;



1 (B) in subparagraph (B)(i), by striking “3  
2 months” and inserting “4 months”; and

3 (C) in subparagraph (C)(i)(I) by striking  
4 “the grantee may make such payments” and in-  
5 serting “the grantee shall make such pay-  
6 ments”; and

7 (2) in paragraph (3) by striking “to provide eli-  
8 gible households” and inserting “to provide ‘low-in-  
9 come families’ as such term is defined in section  
10 3(b) of the United States Housing Act of 1937 (42  
11 U.S.C. 1437a(b))”.

12 (b) EXTENDED PERIOD FOR ASSISTANCE.—Section  
13 3201(d)(1)(A) of the American Rescue Plan Act of 2021  
14 is amended—

15 (1) in clause (i), by striking “18 months” and  
16 inserting “24 months”; and

17 (2) in clause (ii), by striking “18 months” and  
18 inserting “24 months”.

19 (c) LIMITATION OF LIABILITY.—Section 501 of sub-  
20 title A of title V of Division M of the Consolidated Appro-  
21 priations Act, 2021 (15 U.S.C. 9058a) is amended by add-  
22 ing at the end the following:

23 “(m) SAFE HARBOR.—A grantee may not be subject  
24 to liability for the provision of assistance under this sec-  
25 tion to a renter who does not meet the eligibility require-

1 ments set forth under this section if such grantee provides  
2 such assistance in good faith reliance on attestations of  
3 eligibility or use of proxies of income provided by the  
4 renter pursuant to the requirements of this section or  
5 rules issued by the Secretary under this section.”.

6 (d) ELIGIBLE HOUSEHOLD DEFINED.—Section  
7 501(k)(3) of subtitle A of title V of Division M of the Con-  
8 solidated Appropriations Act, 2021 (15 U.S.C.  
9 9058a(k)(3)) is amended—

10 (1) in subparagraph (A)—

11 (A) by striking “with respect to which the  
12 eligible grantee involved determines” and insert-  
13 ing “with respect to which the eligible grantee  
14 determines by accepting any attestation of the  
15 household as true,”; and

16 (B) by striking “hardship due, directly” an  
17 inserting “hardship, during or due, directly”

18 (2) by striking in subparagraph (C) and insert-  
19 ing the following:

20 “(C) INCOME DETERMINATION.—In deter-  
21 mining the income of a household for purposes  
22 of determining such household’s eligibility for  
23 assistance from a payment made under this sec-  
24 tion (including for purposes of subsection  
25 (c)(4)), the eligible grantee involved shall accept

1           any attestation of the household with respect to  
2           eligibility as true.”.

3           (e) LEASE REQUIREMENT PROHIBITED.—Section  
4 501 of subtitle A of title V of Division M of the Consoli-  
5 dated Appropriations Act, 2021 (15 U.S.C. 9058a) is  
6 amended by adding at the end the following:

7           “(n) LEASE REQUIREMENT PROHIBITED.—The Sec-  
8 retary shall prohibit grantees from requiring a renter to  
9 submit a written lease agreement to be eligible for assist-  
10 ance under this section.”.

11 **SEC. 4. PERFORMANCE IMPROVEMENT PLANS.**

12           Section 501(c) of subtitle A of title V of Division M  
13 of the Consolidated Appropriations Act, 2021 (15 U.S.C.  
14 9058a(c)) is amended by adding at the end the following:

15           “(6) PERFORMANCE IMPROVEMENT PLANS.—  
16           The Secretary shall require any eligible grantee that  
17           has, on September 30, 2021, obligated less than 25  
18           percent of any amounts such eligible grantee has re-  
19           ceived under this section to provide to the Secretary  
20           a performance improvement plan that explains how  
21           such eligible grantee will expedite the delivery of as-  
22           sistance to renters and landlords.”.

1 **SEC. 5. OUTREACH TO RENTERS AND LANDLORDS AND**  
2 **TECHNICAL ASSISTANCE.**

3 Section 501 of subtitle A of title V of Division M of  
4 the Consolidated Appropriations Act, 2021 (15 U.S.C.  
5 9058a) is amended by adding at the end the following:

6 “(o) OUTREACH AND TECHNICAL ASSISTANCE.—

7 “(1) OUTREACH.—The Secretary and the  
8 grantee shall conduct outreach to renters and land-  
9 lords to ensure maximum participation in the emer-  
10 gency rental assistance program established under  
11 this section, including by—

12 “(A) not later than 30 days after the date  
13 of the enactment of this subsection sending di-  
14 rect mail to all taxpayers that educates the tax-  
15 payers about the emergency rental assistance  
16 program established under this section and how  
17 the taxpayer may qualify for assistance;

18 “(B) not later than 30 days after the date  
19 of the enactment of this subsection sending di-  
20 rect mail to taxpayers who received rental in-  
21 come in 2020 that informs such taxpayers that  
22 renters of their dwellings may qualify for the  
23 emergency rental assistance program estab-  
24 lished under this section; and

25 “(C) purchasing television, radio and elec-  
26 tronic advertisement to educate Americans

1 about the emergency rental assistance program  
2 established under this section and how Ameri-  
3 cans may qualify for assistance.

4 “(2) TECHNICAL ASSISTANCE.—The Secretary  
5 shall provide technical assistance to grantees and  
6 this technical assistance shall include—

7 “(A) assisting grantees with the develop-  
8 ment and administration of programs under  
9 this section;

10 “(B) providing technical advice and tech-  
11 nology to grantees, including software and auto-  
12 mated payment disbursement tools; and

13 “(C) other information and technical as-  
14 sistance as the Secretary determines appro-  
15 priate to assist grantees to achieve the objec-  
16 tives of this section.

17 “(3) AUTHORIZATION OF APPROPRIATIONS.—  
18 There are authorized to be appropriated to the Sec-  
19 retary of the Treasury to carry out the outreach and  
20 technical assistance required under this subsection  
21 \$50,000,000 for use in fiscal year 2022.”.

22 **SEC. 6. RECAPTURE PROCESS MODIFICATION.**

23 Section 501(d) of subtitle A of title V of Division M  
24 of the Consolidated Appropriations Act, 2021 (15 U.S.C.  
25 9058a(d)) is amended—

1 (1) by striking “Beginning on September 30,  
2 2021,” and inserting the following:

3 “(1) IN GENERAL.—Beginning on September  
4 30, 2021,”;

5 (2) by striking “The amount of any such re-  
6 allocation” and inserting the following:

7 “(2) AMOUNT.— The amount of any such re-  
8 allocation”; and

9 (3) in paragraph (1)—

10 (A) by striking “uses described under sub-  
11 section (c).” and inserting “uses described  
12 under subsection (c);”;

13 (B) by striking “to eligible grantees” and  
14 inserting the following:

15 “(A) to eligible grantees”; and

16 (C) by inserting after subparagraph (A)  
17 the following:

18 “(B) to any nonprofit entity that primarily  
19 provides housing services and operates in the  
20 jurisdiction of the grantee from whom the funds  
21 were recaptured; or

22 “(C) to a public or private entity super-  
23 vised by a court that primarily provides housing  
24 services and operates in the jurisdiction of the

1 grantee from whom the funds were recap-  
2 tured.”.

3 **SEC. 7. COLLABORATION WITH PUBLIC ENTITIES.**

4 (a) IN GENERAL.—Section 501 of subtitle A of title  
5 V of Division M of the Consolidated Appropriations Act,  
6 2021 (15 U.S.C. 9058a) is amended—

7 (1) in subsection (c)(5)(A)—

8 (A) by striking “10 percent” and inserting  
9 “15 percent”; and

10 (B) by striking “related to such funds.”  
11 and inserting “related to such funds and for  
12 collaboration with public entities as described in  
13 subsection (n).”.

14 (2) by adding at the end the following:

15 “(p) COLLABORATION WITH PUBLIC ENTITIES.—

16 “(1) IN GENERAL.—The Secretary of the  
17 Treasury shall, not later than 30 days after the en-  
18 actment of this subsection, issue guidance designed  
19 to instruct eligible grantees with respect to how best  
20 to collaborate with public entities to provide applica-  
21 tion assistance services.

22 “(2) USE OF AMOUNTS PAID TO ELIGIBLE  
23 GRANTEE.—Notwithstanding subsection (c)(5), an  
24 eligible grantee that collaborates with public entities  
25 pursuant to the guidance issued by the Secretary of

1 the Treasury pursuant to paragraph (1) may use  
2 amounts available for administrative costs under sec-  
3 tion (c)(5) to, in coordination with one or more pub-  
4 lic entities, develop any administrative infrastructure  
5 necessary to provide application assistance services,  
6 including—

7 “(A) training the employees of a public en-  
8 tity or other designated institutional representa-  
9 tive of a public entity about how to complete  
10 the emergency rental application process;

11 “(B) maintaining physical and electronic  
12 copies of all documents needed to apply for as-  
13 sistance;

14 “(C) establishing methods of communica-  
15 tion between eligible grantees, public entities,  
16 community organizations, and individual house-  
17 holds;

18 “(D) providing language translation serv-  
19 ices;

20 “(E) developing community outreach mate-  
21 rials, programs, and initiatives; and

22 “(F) collecting and storing relevant docu-  
23 mentation on-site at the public entity, or with  
24 a third party in a manner that complies with  
25 Federal, State, and local law.



1 “(3) DEFINITIONS.—In this subsection:

2 “(A) APPLICATION ASSISTANCE SERV-  
3 ICES.—The term ‘application assistance serv-  
4 ices’ means—

5 “(i) distributing applications for as-  
6 sistance to individuals that may qualify for  
7 assistance; and

8 “(ii) assisting individuals applying or  
9 assistance.

10 “(B) PUBLIC ENTITY.—The term public  
11 entity includes—

12 “(i) public elementary schools and  
13 public secondary schools (as such terms  
14 are defined under section 8101 of the Ele-  
15 mentary and Secondary Education Act of  
16 1965);

17 “(ii) public libraries;

18 “(iii) HUD-approved housing coun-  
19 seling agencies and other entities receiving  
20 funds under section 3204 of the American  
21 Rescue Plan Act of 2021;

22 “(iv) courts that handle eviction re-  
23 lated matters;

24 “(v) public housing agencies;

25 “(vi) public transit systems;

1 “(vii) State departments of motor ve-  
2 hicles;

3 “(viii) the United States Postal Serv-  
4 ice; and

5 “(ix) Federal, State, and local social  
6 service providers.”; and

7 (b) COLLABORATION WITH PUBLIC ENTITIES.—Sec-  
8 tion 3201 of the American Rescue Plan Act of 2021 is  
9 amended by adding at the end the following:

10 “(i) COLLABORATION WITH PUBLIC ENTITIES.—

11 “(1) IN GENERAL.—The Secretary of the  
12 Treasury shall, not later than 30 days after the en-  
13 actment of this subsection, issue guidance designed  
14 to instruct eligible grantees with respect to how best  
15 to collaborate with public entities to provide applica-  
16 tion assistance services.

17 “(2) USE OF AMOUNTS PAID TO ELIGIBLE  
18 GRANTEE.—An eligible grantee that collaborates  
19 with public entities pursuant to the guidance issued  
20 by the Secretary of the Treasury pursuant to para-  
21 graph (1) may use not more than 15 percent of the  
22 amount paid to such eligible grantee under this sec-  
23 tion to, in coordination with one or more public enti-  
24 ties, develop any administrative infrastructure nec-

1        essary to provide application assistance services, in-  
2        cluding—

3                “(A) training the employees of a public en-  
4                tity or other designated institutional representa-  
5                tive of a public entity about how to complete  
6                the emergency rental application process;

7                “(B) maintaining physical and electronic  
8                copies of all documents needed to apply for as-  
9                sistance;

10              “(C) establishing methods of communica-  
11              tion between eligible grantees, public entities,  
12              community organizations, and individual house-  
13              holds;

14              “(D) providing language translation serv-  
15              ices;

16              “(E) developing community outreach mate-  
17              rials, programs, and initiatives; and

18              “(F) collecting and storing relevant docu-  
19              mentation on-site at the public entity, or with  
20              a third party in a manner that complies with  
21              Federal, State, and local law.

22              “(3) DEFINITIONS.—In this subsection:

23                    “(A) APPLICATION ASSISTANCE SERV-  
24                    ICES.—The term ‘application assistance serv-  
25                    ices’ means—

1           “(i) distributing applications for as-  
2           sistance to individuals that may qualify for  
3           assistance; and

4           “(ii) assisting individuals applying or  
5           assistance.

6           “(B) PUBLIC ENTITY.—The term public  
7           entity includes—

8           “(i) public elementary schools and  
9           public secondary schools (as such terms  
10          are defined under section 8101 of the Ele-  
11          mentary and Secondary Education Act of  
12          1965);

13          “(ii) public libraries;

14          “(iii) public housing agencies;

15          “(iv) public transit systems;

16          “(v) State departments of motor vehi-  
17          cles;

18          “(vi) the United States Postal Service;

19          and

20          “(vii) Federal, State, and local social  
21          service providers.”.

○