

117TH CONGRESS
1ST SESSION

S. 2182

To require the Secretary of Housing and Urban Development to establish
a national evictions database, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 22, 2021

Mr. BENNET (for himself, Mr. PORTMAN, Mr. YOUNG, and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To require the Secretary of Housing and Urban Development
to establish a national evictions database, 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 Crisis Act
5 of 2021”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) based on the best available data, more than
9 3,000,000 evictions are filed in an average year in

1 the United States, affecting individuals and families
2 in urban, suburban, and rural areas alike;

3 (2) evictions impose significant costs on ten-
4 ants, landlords, and communities as a whole;

5 (3) evictions disproportionately affect certain
6 populations and communities, including families with
7 children and renters of color who face a particularly
8 high risk of eviction;

9 (4) collecting more comprehensive and con-
10 sistent data through a national eviction database
11 would foster a deeper understanding of the causes
12 and contours of the eviction crisis as well as what
13 efforts can be made to prevent or mitigate the con-
14 sequences of evictions when they are unavoidable;

15 (5) expanding landlord-tenant community
16 courts would benefit both landlords and tenants, as
17 these courts can offer services that help tenants be-
18 come current again on their obligations or offer al-
19 ternatives to eviction that avoid homelessness or
20 housing instability while also providing landlords
21 with less costly alternatives to eviction;

22 (6) emergency assistance programs that provide
23 short-term support to tenants facing a temporary
24 emergency can also help prevent evictions and home-
25 lessness for low-income households;

1 (7) past evictions or eviction filings can con-
2 tribute to the cycle of poverty by appearing on credit
3 reports, and tenants have a right to know whether
4 a tenant screening report contains inaccurate data
5 that may impede their ability to pass a background
6 check and secure a stable home;

7 (8) the Legal Services Corporation, established
8 in 1974 under the Legal Services Corporation Act
9 (42 U.S.C. 2996 et seq.) and funded by Congress to
10 provide grants for free civil legal aid, has docu-
11 mented—

12 (A) the ongoing justice gap in which 86
13 percent of the civil legal problems reported by
14 low-income people in the United States, includ-
15 ing housing-related legal issues, are handled
16 with inadequate or no assistance from an attor-
17 ney or other legal professional; and

18 (B) that more than 50 percent of the legal
19 problems presented to legal aid organizations
20 funded by the Legal Services Corporation re-
21 ceive only limited or no legal assistance due to
22 lack of resources;

23 (9) the National Center for Access to Justice
24 determined that in 79 percent of housing cases, the
25 tenants are not represented by a lawyer; and

1 (10) funding for the Legal Services Corporation
2 must be substantially increased to enable grantees of
3 the Legal Services Corporation to provide legal as-
4 sistance to all people facing residential eviction who
5 cannot afford adequate counsel.

6 **SEC. 3. DEFINITIONS.**

7 In this Act:

8 (1) ADMINISTRATIVE EVICTION.—The term
9 “administrative eviction” means a ruling in favor of
10 the landlord in an administrative forum within a
11 public housing agency, such as grievance procedures,
12 to recover possession of residential property from a
13 tenant, including a tenant residing in a public hous-
14 ing dwelling unit or receiving tenant-based assist-
15 ance or project-based assistance under section 8 of
16 the United States Housing Act of 1937 (42 U.S.C.
17 1437f).

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

1 (3) DEPARTMENT.—The term “Department”
2 means the Department of Housing and Urban De-
3 velopment.

4 (4) EVICTION FILING.—The term “eviction fil-
5 ing” means a filing by a landlord with the court of
6 jurisdiction to initiate a legal action to recover pos-
7 session of residential property from a tenant, includ-
8 ing a tenant residing in a public housing dwelling
9 unit or receiving tenant-based assistance or project-
10 based assistance under section 8 of the United
11 States Housing Act of 1937 (42 U.S.C. 1437f).

12 (5) EXECUTED EVICTION.—The term “executed
13 eviction” means a court order carried out by a sher-
14 iff’s office or other law enforcement agency that re-
15 sulted in the landlord recovering possession of resi-
16 dential property from a tenant, including a tenant
17 residing in a public housing dwelling unit or receiv-
18 ing tenant-based assistance or project-based assist-
19 ance under section 8 of the United States Housing
20 Act of 1937 (42 U.S.C. 1437f).

21 (6) ILLEGAL EVICTION.—The term “illegal evic-
22 tion” means self-help measures taken outside of the
23 legal process for eviction to recover possession of
24 residential property from a tenant, including a ten-
25 ant residing in a public housing dwelling unit or re-

ceiving tenant-based assistance or project-based assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), such as—

(A) willfully interrupting or permitting the interruption of essential items of services required by the rental agreement;

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

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

(D) removing the belongings of a tenant;
and

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

(7) LOCAL ORDINANCE IMPACTING EVICTION.—

The term “local ordinance impacting eviction” means a local ordinance that is designed to address the number of emergency services calls resulting from assault, sexual harassment, stalking, disorderly conduct, or another type of behavior, situation, or condition that results in the need for emergency services, that results in loss of housing or limit the housing opportunities for survivors of crime, including survivors of domestic violence, or individuals

1 with disabilities who may require emergency services,
 2 abnegating local landlord-tenant law by—

3 (A) requiring, encouraging, or permitting
 4 the eviction of a tenant or resident because of
 5 a certain number of calls for emergency serv-
 6 ices;

7 (B) requiring, encouraging, or permitting
 8 the eviction of a tenant or resident because of
 9 an arrest even though the arrest has not re-
 10 sulted in the conviction of that tenant or resi-
 11 dent; or

12 (C) requiring, encouraging, or permitting
 13 the eviction of a tenant or resident because of
 14 criminal activity occurring at or near the place
 15 of residence of the tenant or resident for which
 16 that tenant or resident has not been convicted.

17 (8) PUBLIC HOUSING; PUBLIC HOUSING AGEN-
 18 CY.—The terms “public housing” and “public hous-
 19 ing agency” have the meanings given those terms in
 20 section 3(b) of the United States Housing Act of
 21 1937 (42 U.S.C. 1437a(b)).

22 (9) SECRETARY.—The term “Secretary” means
 23 the Secretary of Housing and Urban Development.

24 (10) TRIBALLY DESIGNATED HOUSING ENTI-
 25 TY.—The term “tribally designated housing entity”

1 has the meaning given the term in section 4 of the
 2 Native American Housing Assistance and Self-De-
 3 termination Act of 1996 (25 U.S.C. 4103).

4 **SEC. 4. LANDLORD-TENANT FOCUSED COMMUNITY**
 5 **COURTS.**

6 (a) IN GENERAL.—The Attorney General, acting
 7 through the Bureau of Justice Assistance, shall award
 8 grants to States and local jurisdictions to support land-
 9 lord-tenant focused community courts that offer a process
 10 with social service representatives who are available to as-
 11 sist tenants.

12 (b) GOALS FOR PROCESS.—The process described in
 13 subsection (a) is—

14 (1) intended to—

15 (A) divert landlords and tenants from pro-
 16 ceeding with a court-ordered eviction, which
 17 places costly burdens on landlords, tenants, the
 18 court system, and taxpayers; and

19 (B) help tenants who have fallen behind
 20 become current again on their obligations or
 21 transition tenants to a new stable home envi-
 22 ronment without losing access to benefits and
 23 other support for which they are eligible; and

24 (2) not intended to keep tenants in housing
 25 that they will be unable to afford.

1 (c) DIVERSITY REQUIREMENT.—In making grants
 2 under this section, the Attorney General shall ensure that
 3 landlord-tenant focused community courts—

4 (1) are assisted in jurisdictions that serve
 5 urban areas, suburban areas, and rural areas;

6 (2) are assisted in serving communities that
 7 have high rates of eviction and eviction filings or a
 8 large total number of evictions and eviction filings,
 9 based on the best available data;

10 (3) are assisted in serving families with chil-
 11 dren;

12 (4) provide assistance to individuals with lim-
 13 ited English proficiency;

14 (5) provide effective communication with indi-
 15 viduals with disabilities; and

16 (6) are located in facilities that are accessible to
 17 individuals with disabilities and easily accessible by
 18 low-income individuals using public transportation.

19 (d) APPLICATION.—A State or local jurisdiction de-
 20 siring a grant under this section shall submit to the Attor-
 21 ney General an application at such time, in such manner,
 22 and containing—

23 (1) a demonstrated unmet need in the commu-
 24 nity for a landlord-tenant community court;

1 (2) evidence of support from representatives of
2 various and diverse stakeholders within the commu-
3 nity, including renters' rights groups, landlords, and
4 legal aid nonprofit organizations;

5 (3) a detailed description of how the grant will
6 be spent;

7 (4) a detailed description of how the landlord-
8 tenant community court will interact with the exist-
9 ing landlord-tenant justice system of the State or
10 local jurisdiction to, as applicable, to alleviate the
11 eviction crisis, including a description of which cases
12 will be diverted to the landlord-tenant community
13 court;

14 (5) a description of any local ordinance impact-
15 ing eviction;

16 (6) a description of how the landlord-tenant
17 community court will not be designed to lengthen
18 the process of pursuing a legitimate eviction, limit
19 the access of landlords to the traditional justice sys-
20 tem, curtail the right of landlords to evict, or limit
21 or curtail the due process or civil rights of any ten-
22 ant or housing resident; and

23 (7) any other information as the Attorney Gen-
24 eral may require, including information sought in
25 consultation with the Secretary.

1 (e) DATA.—Beginning 1 year after the date on which
2 a State or local jurisdiction receives a grant under this
3 section, and not later than 2 years after that date, the
4 State or local jurisdiction, as applicable, shall submit to
5 the Attorney General and the Secretary a report con-
6 taining—

7 (1) any aggregate data on landlord-tenant cases
8 filed in that State or local jurisdiction as the Attor-
9 ney General or the Secretary may require;

10 (2) the data described in subparagraphs (A)
11 and (B) of section 5(b)(1) and section 5(b)(2), as
12 applicable; and

13 (3) any other information as the Attorney Gen-
14 eral or the Secretary may require.

15 (f) AWARDING GRANTS.—The Attorney General may
16 award grants under this section in 3 rounds, with not
17 fewer than 5 grants awarded in the first round.

18 (g) MATCHING REQUIREMENT.—

19 (1) IN GENERAL.—As a condition of a grant
20 provided under this section, the Attorney General
21 shall require the recipient of the grant to contribute
22 an amount equal to or more than the amount of the
23 grant, obtained solely from non-Federal sources.

24 (2) FORM.—In addition to cash or other direct
25 funding, the contribution required by the Attorney

1 General under paragraph (1) may include indirect
 2 costs or in-kind contributions paid for under non-
 3 Federal programs.

4 (h) AUTHORIZATION OF APPROPRIATIONS.—There
 5 are authorized to be appropriated such sums as may be
 6 necessary to carry out this section.

7 **SEC. 5. NATIONAL DATABASE OF EVICTIONS.**

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

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

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

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

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

24 (1) DATA ON EACH COURT-ORDERED OR AD-
 25 MINISTRATIVE EVICTION.—With respect to each

1 court-ordered or administrative eviction case filed on
2 or after the date on which the database is estab-
3 lished:

4 (A) Information on the tenant who is the
5 defendant, including—

6 (i) the name of the tenant;

7 (ii) the age of the tenant;

8 (iii) the race, ethnicity, gender, and
9 disability status of the tenant;

10 (iv) the address of the residential
11 property and the type of housing;

12 (v) the number of household members
13 residing in the property, including the
14 number of children; and

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

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

22 (i) the name of the landlord;

23 (ii) the number of rental units owned
24 by the landlord;

1 (iii) the name of the attorney or le-
2 gally permitted representative of the land-
3 lord, or an indication that the landlord was
4 self-represented;

5 (iv) the rent charged for the unit in
6 question;

7 (v) any amount that the landlord al-
8 leges that the tenant owes, including—

9 (I) rent;

10 (II) late fees and penalties; and

11 (III) court fees and attorney's
12 fees; and

13 (vi) any costs incurred by the landlord
14 for engaging in the eviction process, in-
15 cluding—

16 (I) court costs, such as filing
17 fees;

18 (II) the cost of legal representa-
19 tion; and

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

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

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

1 (ii) the date of the initial court filing
2 by the landlord;

3 (iii) the reason asserted by the land-
4 lord for filing for eviction, such as non-
5 payment or breach of lease;

6 (iv) whether the eviction was as a re-
7 sult of the enforcement of a local ordinance
8 impacting eviction;

9 (v) whether the tenant moved out be-
10 fore the initial hearing; and

11 (vi) the final outcome of the court-or-
12 dered or administrative eviction case, in-
13 cluding—

14 (I) the disposition of the case, in-
15 cluding whether the initial hearing re-
16 sulted in a default judgment, dis-
17 missal, consent agreement, settlement,
18 or trial;

19 (II) the date of final disposition;

20 (III) any amount owed to the
21 landlord or tenant, if any, and over
22 what time period;

23 (IV) whether a judgment was
24 made in favor of the tenant for code

1 violations or warranty of habitability
2 claims;

3 (V) the overall outcome of the
4 case, including whether the tenant
5 paid any amounts to the landlord,
6 whether the tenant stayed in the
7 housing or was evicted from the hous-
8 ing, and whether the judge ordered
9 that the tenant's future wages be gar-
10 nished to pay the judgment; and

11 (VI) whether the tenant was
12 present when the judgment was ren-
13 dered and whether the tenant had
14 legal representation and the nature of
15 that representation, including a law-
16 yer, a law student participating in a
17 clinic, or another non-lawyer trained
18 to represent clients in landlord-tenant
19 court, or whether the tenant was a
20 lawyer representing himself or herself;

21 (vii) the total court fees incurred by
22 the tenant, separated into categories of
23 fees;

24 (viii) whether the landlord had ap-
25 peared in landlord-tenant court for a

1 court-ordered or administrative eviction
 2 matter involving the landlord in the 6
 3 month, 1 year, or 2 year-period preceding
 4 the court-ordered or administrative eviction
 5 case, and how many were such appear-
 6 ances involving the same tenant; and

7 (ix) whether the tenant had appeared
 8 in landlord-tenant court for a court-or-
 9 dered or administrative eviction matter in-
 10 volving the landlord in the 6 month, 1
 11 year, or 2 year-period preceding the court-
 12 ordered or administrative eviction case,
 13 and how many were such appearances in-
 14 volving the same landlord.

15 (2) AGGREGATE DATA ON COURT-ORDERED OR
 16 ADMINISTRATIVE EVICTION CASES.—Aggregate data
 17 on court-ordered or administrative eviction cases
 18 filed on or after the date on which the database is
 19 established, including—

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

22 (i) the number of cases filed for non-
 23 payment, other breach of lease, both non-
 24 payment and breach of lease, and any
 25 other reason;

1 (ii) the number of cases filed because
2 of the enforcement of a local ordinance im-
3 pacting eviction; and

4 (iii) the outcome of the dispositive
5 hearing, including default judgment, dis-
6 missal, a consent agreement, a trial, and a
7 settlement with or without mediation;

8 (B) the number of tenants and landlords
9 who showed up for the dispositive hearing of a
10 court-ordered or an administrative eviction case;

11 (C) the number and share of tenants and
12 landlords who were represented by counsel, and
13 the number and share of landlords who were
14 represented by counsel when not legally re-
15 quired to be so represented;

16 (D) the average duration of a court-or-
17 dered or an administrative eviction case, includ-
18 ing the average time from filing to first hear-
19 ing;

20 (E) the average amount allegedly owed by
21 a tenant, per landlord;

22 (F) the average months of rent allegedly
23 owed by a tenant;

24 (G) the average amount paid by a tenant
25 to resolve the case and stay in the housing;

1 (H) the number of court-ordered or admin-
2 istrative eviction cases resulting in a judgment
3 in favor of the tenant due to code violations or
4 warranty of habitability claims;

5 (I) the number and percentage of court-or-
6 dered or administrative eviction cases broken
7 down by age bracket;

8 (J) the number and percentage of court-or-
9 dered or administrative eviction cases broken
10 down by race and ethnicity;

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

14 (L) the number and percentage of court-
15 ordered or administrative eviction cases broken
16 down by disability status;

17 (M) the number and percentage of court-
18 ordered or administrative eviction cases with a
19 tenant or household with children;

20 (N) the number of tenants evicted from
21 public housing, broken down by each public
22 housing agency;

23 (O) the number of tenants evicted from
24 dwelling units who were receiving tenant-based
25 assistance or project-based assistance under

1 section 8 of the United States Housing Act of
 2 1937 (42 U.S.C. 1437f), the supplemental nu-
 3 trition assistance program under the Food and
 4 Nutrition Act of 2008 (7 U.S.C. 2011 et seq.),
 5 or the temporary assistance for needy families
 6 under part A of title IV of the Social Security
 7 Act (42 U.S.C. 601 et seq.); and

8 (P) the number of court-ordered or admin-
 9 istrative eviction or cases where late fees were
 10 collected from tenants by landlords, and the av-
 11 erage amount of late fees in those cases.

12 (3) DATA ON EXECUTED EVICTIONS.—Local
 13 law enforcement or any other official who executes
 14 an eviction shall report to the adjudicating court or
 15 administrative forum sufficient data on each exe-
 16 cuted eviction, such that the court may determine
 17 which court-ordered or administrative evictions re-
 18 sulted in a law enforcement officer or other local of-
 19 ficial removing the tenant.

20 (4) DATA ON TENANT STATUS FOLLOWING A
 21 COURT-ORDERED OR ADMINISTRATIVE EVICTION.—
 22 Each court or administrative forum responsible for
 23 adjudicating evictions should contact landlords to de-
 24 termine whether tenants who were the subject of a
 25 court-ordered or administrative eviction were re-

1 moved or remained in the property 90 days after the
2 court-ordered or administrative eviction.

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

8 (A) The data described in paragraph
9 (1)(A).

10 (B) Information on the landlord, includ-
11 ing—

12 (i) the name of the landlord; and

13 (ii) any amount that the landlord al-
14 leges that the tenant owes, including any
15 penalties.

16 (C) The primary reason or reasons the ten-
17 ant was evicted.

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

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

22 (F) Whether the tenant was evicted be-
23 cause of the enforcement of a local ordinance
24 impacting eviction.

1 (6) AGGREGATE DATA ON ILLEGAL EVIC-
2 TIONS.—Aggregate data on illegal eviction cases oc-
3 curring on or after the date on which the database
4 is established, as reported by local governments and
5 nonprofit organizations receiving grants under sec-
6 tion 6, including—

7 (A) the average amount owed by a tenant,
8 per landlord;

9 (B) the average months of rent owed by a
10 tenant;

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

13 (D) the number and percentage of illegal
14 eviction cases with a tenant or household with
15 children;

16 (E) the number and percentage of illegal
17 eviction cases broken down by race and eth-
18 nicity;

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

21 (G) the number and percentage of illegal
22 eviction cases broken down by sex;

23 (H) the number and percentage of illegal
24 eviction cases broken down by sexual orienta-
25 tion;

1 (I) the number and percentage of illegal
 2 eviction cases broken down by disability status;
 3 and

4 (J) the number and percentage of illegal
 5 eviction cases based on the enforcement of a
 6 local ordinance impacting eviction.

7 (c) SUBMISSION OF DATA.—

8 (1) SUBMISSION BY COURTS.—Not later than
 9 March 1 of each year, the Attorney General of each
 10 State shall submit to the Secretary data on court-
 11 ordered eviction cases that occurred in that State
 12 during the preceding calendar year for inclusion in
 13 the database established under this section.

14 (2) SUBMISSION TO SECRETARY.—

15 (A) IN GENERAL.—The Attorney General
 16 of the State shall—

17 (i) ensure the accuracy and consist-
 18 ency of the data submitted under para-
 19 graph (1); and

20 (ii) upon receipt of the data, aggre-
 21 gate the data and report the individual and
 22 aggregate data to the Secretary in a timely
 23 manner.

24 (B) SUBMISSION BY COURTS.—If the At-
 25 torney general of the State fails to submit the

1 data described in paragraph (1) to the Sec-
2 retary in a timely manner under subparagraph
3 (A), the clerk of each State or local court that
4 handles landlord-tenant cases may submit the
5 data directly to the Secretary.

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

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

13 (2) in consultation with local governments and
14 judges, appropriate safeguards for protecting the
15 privacy of personally identifiable information, includ-
16 ing of vulnerable populations, which shall incor-
17 porate confidentiality measures to ensure that any
18 personally identifiable information regarding a ten-
19 ant who is a survivor of domestic violence, dating vi-
20 olence, sexual assault, or stalking is not disclosed
21 during the process of data submission and publica-
22 tion;

23 (3) standards for—

24 (A) external researchers to be granted per-
25 mission to access data in the database, includ-

1 ing both aggregate data and, if necessary for
2 the conduct of their research, personally identi-
3 fiable information, with appropriate safeguards
4 to ensure identities are protected in any pub-
5 licly released analysis;

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

8 (C) using generally accepted statistical
9 principles to validate the data, in consultation
10 with outside participants;

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

13 (5) establishing definitions for terms related to
14 the eviction process based on how they are legally
15 defined by courts of jurisdiction handling eviction
16 cases; and

17 (6) standards for local officials to identify and
18 designate social services agencies that may access
19 the database to provide targeted social services to
20 those tenants.

21 (e) ANNUAL REPORTS.—Not later than 1 year after
22 the date of enactment of this Act, and each year there-
23 after, the Secretary shall make publicly available a report
24 on the contents of the database established under this sec-

1 tion which shall not include personally identifiable infor-
 2 mation.

3 (f) AUTHORIZATION OF APPROPRIATIONS.—There
 4 are authorized to be appropriated to the Secretary such
 5 sums as may be necessary to carry out this section.

6 **SEC. 6. GRANT PROGRAM TO COLLECT DATA ON ILLEGAL**
 7 **EVICTIONS.**

8 (a) IN GENERAL.—The Secretary shall award grants
 9 to local governments and nonprofit organizations to set
 10 up programs to collect data from landlords on illegal evic-
 11 tions in the United States.

12 (b) AUTHORIZATION OF APPROPRIATIONS.—There
 13 are authorized to be appropriated to the Secretary such
 14 sums as may be necessary for each of fiscal years 2020
 15 through 2024 to provide grants under this section.

16 **SEC. 7. ADVISORY COMMITTEE.**

17 (a) IN GENERAL.—The Secretary shall establish an
 18 advisory committee to be known as the Committee on
 19 Eviction Research (in this section referred to as the “Com-
 20 mittee”) to advise the Secretary on matters relating to—

21 (1) the creation, operation, maintenance, meth-
 22 odology, and privacy matters of the statistical efforts
 23 relating to the database established under section 5;

24 (2) developing a research agenda to determine
 25 the causes and consequences of evictions; and

1 (3) disseminating information with regard to
2 policies or practices that reduce the number of evic-
3 tions or mitigate the consequences of evictions.

4 (b) MEMBERSHIP.—

5 (1) IN GENERAL.—The Committee shall be
6 composed of 16 members who shall be appointed by
7 the Secretary, in consultation with the chair and
8 ranking member of the Committee on Banking,
9 Housing, and Urban Affairs of the Senate and the
10 chair and ranking member of the Committee on Fi-
11 nancial Services of the House of Representatives, of
12 whom—

13 (A) 2 members shall be employees of the
14 Department with expertise in housing data and
15 an interest in issues relating to evictions and
16 housing instability;

17 (B) 3 members shall be landlords or rep-
18 resentatives of landlords, at least 1 of whom
19 shall be a small or independent landlord or a
20 representative of small or independent land-
21 lords;

22 (C) 4 members shall be from the academic
23 or research community;

24 (D) 3 members shall be from civil society,
25 of whom—

1 (i) not less than 2 shall be from enti-
 2 ties that advocate for civil rights related to
 3 housing or eviction; and

4 (ii) not less than 1 shall have experi-
 5 enced eviction;

6 (E) 2 members shall be from private in-
 7 dustry, civil society, or the academic community
 8 with backgrounds in data science and privacy;
 9 and

10 (F) 2 members shall be individuals with
 11 specific knowledge of and expertise in eviction
 12 law and court procedures.

13 (2) CHAIR.—The Secretary shall appoint a
 14 chair of the Committee from among the members of
 15 the Committee.

16 (3) PERIOD OF APPOINTMENT; VACANCIES.—

17 (A) IN GENERAL.—A member of the Com-
 18 mittee shall be appointed for a period of 2
 19 years.

20 (B) VACANCIES.—A vacancy in the Com-
 21 mittee—

22 (i) shall not affect the powers of the
 23 Committee; and

24 (ii) shall be filled in the same manner
 25 as the original appointment.

1 (c) MEETINGS.—The Committee shall meet in person
2 or via electronic conference not less frequently than once
3 every 2 months.

4 (d) POWERS.—In carrying out the duties of the Com-
5 mittee, the Committee may—

6 (1) hold such hearings, sit, and act at such
7 times and places, take such testimony, and receive
8 such evidence as the Committee determines to be ap-
9 propriate;

10 (2) issue reports, guidelines, and memoranda;

11 (3) hold or host conferences and symposia;

12 (4) enter into cooperative agreements with
13 third-party experts to obtain relevant advice or ex-
14 pertise, and oversee staff;

15 (5) establish subcommittees; and

16 (6) establish rules of procedure.

17 (e) GIFTS.—The Committee may accept, use, and
18 dispose of gifts or donations of services or property.

19 (f) TRAVEL EXPENSES.—The members of the Com-
20 mittee shall be allowed travel expenses, including per diem
21 in lieu of subsistence, at rates authorized for employees
22 of agencies under subchapter I of chapter 57 of title 5,
23 United States Code, while away from their homes or reg-
24 ular places of business in the performance of service for
25 the Committee.

1 (g) STAFF.—

2 (1) IN GENERAL.—The chair of the Committee
3 may, without regard to the civil service laws (includ-
4 ing regulations), appoint and terminate an executive
5 director and such other additional personnel as may
6 be necessary to enable the Commission to perform
7 its duties, except that the employment of an execu-
8 tive director shall be subject to confirmation by the
9 Commission.

10 (2) COMPENSATION.—The chair of the Com-
11 mittee may fix the compensation of the executive di-
12 rector and other personnel without regard to chapter
13 51 and subchapter III of chapter 53 of title 5,
14 United States Code, relating to classification of posi-
15 tions and General Schedule pay rates, except that
16 the rate of pay for the executive director and other
17 personnel may not exceed the rate payable for level
18 V of the Executive Schedule under section 5316 of
19 that title.

20 (h) REPORT.—Not later than 90 days after the date
21 on which the Committee terminates, the Committee shall
22 submit to the Secretary a report containing—

23 (1) recommendations for statistical efforts re-
24 lating to the database established under section 5,
25 including how additional data may potentially be col-

1 lected, consistent with civil rights protections, to un-
 2 derstand eviction trends by race, sex, gender, sexual
 3 orientation, disability status, ethnicity, age, and im-
 4 migration status; and

5 (2) a research agenda to determine the causes
 6 and consequences of evictions and to illuminate poli-
 7 cies or practices that reduce the number of evictions
 8 or mitigate the consequences of evictions, including
 9 an assessment of the housing challenges resulting
 10 from the prohibition on public housing participation
 11 due to the prior eviction of an individual.

12 (i) NO ADDITIONAL FUNDS.—The amounts nec-
 13 essary to carry out this section shall be derived from
 14 amounts appropriated or otherwise made available to the
 15 Secretary.

16 **SEC. 8. EMERGENCY ASSISTANCE PROGRAM.**

17 (a) IN GENERAL.—The Secretary is authorized to
 18 make funds available to State, local, territorial, and Tribal
 19 governments (in this section referred to as “eligible grant-
 20 ees”) for the purpose of providing financial assistance and
 21 housing stabilization services to extremely low-income
 22 households to prevent evictions, homelessness, and other
 23 housing instability.

24 (b) DISTRIBUTION OF FUNDS.—An eligible grantee
 25 receiving assistance under this section may distribute all

1 or a portion of such assistance to private nonprofit organi-
 2 zations, other government entities, public housing agen-
 3 cies, Tribally designated housing entities, or other entities
 4 as determined by the Secretary to carry out programs in
 5 accordance with this section.

6 (c) DESIGNATION.—An eligible grantee that receives
 7 a grant under this section may designate 1 or more enti-
 8 ties to carry out programs in accordance with this section.

9 (d) HOUSEHOLD ELIGIBILITY.—

10 (1) IN GENERAL.—A household that is eligible
 11 to receive assistance under a program established
 12 under this section (in this section referred to as an
 13 “eligible household”) shall be—

14 (A) extremely low-income, as defined in
 15 section 3(b) of the United States Housing Act
 16 of 1937 (42 U.S.C. 1437a(b));

17 (B) at risk of housing instability and expe-
 18 riencing a short-term crisis, as attested to in
 19 writing by the household, which may include—

- 20 (i) a decline in household income;
- 21 (ii) a family or health crisis;
- 22 (iii) unexpected expenses;
- 23 (iv) unsafe or unhealthy living condi-
- 24 tions; or

1 (v) any other event as determined by
 2 the Secretary; and

3 (C) obligated to pay rent on a residential
 4 dwelling or experiencing homelessness, as de-
 5 fined in section 103 of the McKinney-Vento
 6 Homeless Assistance Act (42 U.S.C. 11302).

7 (2) HOUSING TYPE.—Assistance under a pro-
 8 gram established under this section shall be provided
 9 to eligible households regardless of housing type, or
 10 lack thereof, including—

11 (A) rental properties, hotels, or motels
 12 where the households are covered by State,
 13 Tribal, or local eviction laws;

14 (B) manufactured housing;

15 (C) mobile homes;

16 (D) single rooms; and

17 (E) other types of subsidized and unsub-
 18 sidized housing.

19 (3) LEASE REQUIREMENTS.—Assistance under
 20 a program established under this section shall be
 21 provided to eligible households with written or oral
 22 leases, subleases, or informal tenancy arrangements,
 23 allowing households to self-certify lease agreements.

24 (e) LIMITATION.—

1 (1) IN GENERAL.—Assistance under a program
2 established under this section shall be provided to an
3 eligible household for arrears and a period not to ex-
4 ceed 4 months during any period of 3 years, except
5 that grantees may provide assistance for an addi-
6 tional 3 months only if necessary to ensure housing
7 stability for the eligible household, subject to the
8 availability of funds.

9 (2) EXCEPTION FOR PERIODS OF HIGH UNEM-
10 PLOYMENT, EMERGENCY, OR MAJOR DISASTER.—As-
11 sistance under a program established under this sec-
12 tion shall be provided to an eligible household for a
13 period not to exceed 12 months, except that grantees
14 may provide assistance for an additional 3 months
15 only if necessary to ensure housing stability for the
16 eligible household, subject to the availability of
17 funds—

18 (A) if for any month during the fiscal year
19 the average rate of unemployment (seasonally
20 adjusted) for the United States or for the State
21 in which the eligible grantee is located, for the
22 period consisting of the most recent 3 months
23 for which data for all States are published,
24 equals or exceeds 5.5 percent; or

(B) in any fiscal year in which a declaration of a major disaster or emergency under section 401 or 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170, 5191) is in effect with respect to the jurisdiction covered by an eligible grantee.

(f) USE OF FUNDS.—

(1) IN GENERAL.—An eligible grantee shall—

(A) use grant amounts to help eligible households overcome a short-term crisis impacting housing stability and provide financial assistance and housing stability-related services to those eligible households; and

(B) evaluate the eligibility of households in a manner consistent with Federal non-discrimination requirements.

(2) FINANCIAL ASSISTANCE.—A recipient of a grant under this section shall use the grant funds to provide housing-related financial assistance to eligible households in the form of payments, including—

(A) direct payments to the eligible households; and

(B) the payment of—

(i) rent and rent arrears;

- 1 (ii) utilities and home energy costs
- 2 and utilities and home energy costs ar-
- 3 rears;
- 4 (iii) relocation costs; and
- 5 (iv) other housing-related expenses, as
- 6 defined by the Secretary.

7 (3) HOUSING STABILITY-RELATED SERVICES.—

8 Not more than 25 percent of amounts received by a
 9 recipient of a grant under this section shall be used
 10 to provide housing stability- related services to eligi-
 11 ble households, including—

12 (A) services for case management, includ-
 13 ing community resources to negotiate and re-
 14 solve issues to keep eligible households housed;

15 (B) rehousing and relocation services;

16 (C) services provided by housing counseling
 17 agencies approved by the Department to nego-
 18 tiate and resolve financial issues;

19 (D) legal services;

20 (E) services to connect those eligible
 21 households to other public supports, including
 22 long-term housing assistance;

23 (F) referrals to other services for behav-
 24 ioral, emotional, and mental health issues, do-
 25 mestic violence, child welfare issues, employ-

1 ment, substance abuse treatment, or other serv-
2 ices; and

3 (G) other services to promote housing sta-
4 bility as determined by the Secretary.

5 (4) EVALUATION.—Of amounts made available
6 under subsection (n) for fiscal year 2022, not more
7 than \$10,000,000 shall be used by the Secretary to
8 conduct a rigorous program evaluation under sub-
9 section (k).

10 (5) ADMINISTRATIVE COSTS.—A recipient of a
11 grant under this section may not use more than 10
12 percent of the total amount received under this sec-
13 tion for administrative costs.

14 (g) ALLOCATION OF RESOURCES.—

15 (1) INITIAL ELIGIBILITY.—The Secretary, in
16 consultation with the Secretary of Health and
17 Human Services, the Secretary of the Treasury, and
18 the Secretary of Agriculture, shall develop a formula
19 for determining the initial funding eligibility for eli-
20 gible grantees based on—

21 (A) the number of extremely low-income
22 renter households with severe cost burdens, the
23 number of extremely low-income households ex-
24 periencing severe overcrowding, and the unem-
25 ployment rate in each jurisdiction;

1 (B) the prior performance of the grantee,
 2 including whether the eligible grantee has any
 3 unresolved, systemic housing-related civil rights
 4 violations; and

5 (C) other factors as determined by the Sec-
 6 retary.

7 (2) NOTIFICATION OF INITIAL ELIGIBILITY.—
 8 The Secretary shall notify eligible grantees of their
 9 initial eligibility for funding within 30 days of the
 10 date of enactment of the appropriate Act making ap-
 11 propriations for the Department for the fiscal year.

12 (3) STATEMENT OF GRANTEE INTEREST AND
 13 COMMITMENT.—Within 90 days of receiving the no-
 14 tification described in paragraph (2), each eligible
 15 grantee shall—

16 (A) notify the Secretary of its intent to
 17 participate in the program authorized by this
 18 section during the fiscal year for which the Sec-
 19 retary is making funds available; and

20 (B) if the eligible grantee notifies the Sec-
 21 retary of its intent to participate in the pro-
 22 gram, the eligible grantee shall concurrently
 23 submit—

24 (i) a detailed plan describing how the
 25 eligible grantee will—

- 1 (I) use the funds to prevent evic-
2 tions, homelessness, and other hous-
3 ing instability, consistent with the re-
4 quirements of this section, including
5 any plans to distribute the funds to
6 private nonprofit organizations, other
7 government entities, public housing
8 agencies, or other entities as deter-
9 mined by the Secretary;
- 10 (II) implement and administer a
11 program to distribute funds quickly
12 and efficiently to eligible households,
13 including through the use of appro-
14 priate technology;
- 15 (III) make the plan publicly ac-
16 cessible; and
- 17 (IV) raise awareness of the avail-
18 ability of assistance under the plan,
19 including among renters and rental
20 property owners; and
- 21 (ii) a statement that the eligible
22 grantee will participate in a rigorous eval-
23 uation of the effectiveness of the program,
24 if requested to do so by the Secretary.

1 (4) PLAN SUBMISSION AND PUBLIC AVAIL-
2 ABILITY.—An eligible grantee shall—

3 (A) make the plan submitted under para-
4 graph (3)(B)(i) publicly available on a website
5 of the eligible grantee, including in a format
6 that is accessible to individuals with disabilities;
7 and

8 (B) conduct public hearings and solicit
9 comment on the plan submitted under para-
10 graph (3)(B)(i) using the procedure described
11 in paragraph (5).

12 (5) PUBLIC HEARING AND SOLICITATION OF
13 COMMENTS.—

14 (A) IN GENERAL.—In conducting public
15 hearings and soliciting comments on a plan sub-
16 mitted under paragraph (3)(B)(i), each eligible
17 grantee shall follow the requirements of the cit-
18 izen participation plan adopted pursuant to sec-
19 tion 91.105 of title 24, Code of Federal Regula-
20 tions, or any successor regulation, except as
21 provided in this paragraph.

22 (B) INITIAL HEARING.—Before submitting
23 the plan to the Secretary required under para-
24 graph (3)(B)(i), an eligible grantee shall—

1 (i) hold a public hearing on the plan;
2 and

3 (ii) provide the public with a reason-
4 able opportunity to view and comment on
5 the plan, which shall be for a period of not
6 less than 10 days.

7 (C) SUBSEQUENT HEARINGS.—Not later
8 than 60 days after the initial hearing under
9 subparagraph (B), an eligible grantee shall con-
10 duct a public hearing to solicit feedback on
11 grants provided under this section.

12 (D) CONSULTATION.—In addition to any
13 other citizen participation and consultation re-
14 quirements, in developing and implementing a
15 plan to carry out this section, each eligible
16 grantee shall consult with—

17 (i) the applicable Continuum or Con-
18 tinuums of Care for the area served by the
19 eligible grantee;

20 (ii) organizations representing under-
21 served communities and populations; and

22 (iii) organizations with expertise in af-
23 fordable housing, fair housing, and services
24 for individuals with disabilities.

1 (6) ALLOCATION OF PRORATED FUNDS.—Not
 2 later than 120 days after the enactment of appro-
 3 priations Act making appropriations for the program
 4 authorized under this section, the Secretary shall al-
 5 locate to each eligible grantee that notified the Sec-
 6 retary of its intent to participate in the program,
 7 consistent with the requirements in paragraph (3),
 8 the amount of funding for which the eligible grantee
 9 is eligible under the formula described in paragraph
 10 (1), plus any additional prorated amounts made
 11 available as a result of State, local, and Tribal gov-
 12 ernments having notified the Secretary of their in-
 13 tent to decline to participate or has indicated its in-
 14 tent not to participate under the terms of paragraph
 15 (3), in accordance with the payment schedule de-
 16 scribed in paragraph (8).

17 (7) DISTRIBUTION OF DECLINED FUNDS.—

18 (A) IN GENERAL.—If the Secretary deter-
 19 mines as of 120 days after the enactment of ap-
 20 propriations for the program authorized under
 21 this section that an eligible grantee has declined
 22 to receive its full allocation or has not indicated
 23 its intent to participate, not later than 15 days
 24 after such date, the Secretary—

1 (i) except as provided in clause (ii)
 2 and subparagraph (B), shall redistribute,
 3 on a pro rata basis, such allocation among
 4 the other eligible grantees in the State (or
 5 States, if the eligible grantee is a Tribal
 6 government with jurisdiction in more than
 7 1 State) that have not declined to receive
 8 their allocations; or

9 (ii) if no other eligible grantees exist
 10 in a relevant State, may contract with
 11 units of local government within the State
 12 to administer funds within the State.

13 (B) EXCEPTION.—If a redistribution under
 14 subparagraph (A)(i) would result in eligible
 15 grantees in a State receiving an increase of not
 16 less than 20 percent in funds received under
 17 the grant program, any amount above the 20
 18 percent increase in funds shall be returned to
 19 the Secretary and distributed across all eligible
 20 grantees that did not decline their full alloca-
 21 tion.

22 (h) CONTINUOUS IMPROVEMENT.—The Secretary
 23 shall establish a process that incorporates findings from
 24 rigorous evaluation of the grant program authorized under

1 this section into subsequent guidance and best practices
2 for eligible grantees.

3 (i) EVALUATION OF GRANTEES.—The Secretary
4 shall—

5 (1) using data provided by eligible grantees,
6 conduct a rigorous evaluation of the grant program
7 authorized under this section that includes an as-
8 sessment of—

9 (A) the ease with which eligible households
10 are able to access assistance;

11 (B) the effectiveness of the intervention
12 models of the program in preventing housing
13 instability in general and for eligible households
14 of different types and income levels;

15 (C) the cost-effectiveness of the program;
16 and

17 (D) other indicators as determined by the
18 Secretary;

19 (2) publicly disseminate, through internet
20 websites and other means, interim findings as soon
21 as they become available relating to programs estab-
22 lished by recipients of a grant under this section;
23 and

24 (3) make the evaluations described in para-
25 graph (1) publicly available.

1 (j) REPORTING REQUIREMENTS.—

2 (1) IN GENERAL.—The Secretary shall publish
3 public reports not less frequently than annually re-
4 garding the use of funds made available under this
5 section, which shall include, with respect to each eli-
6 gible grantee under this section—

7 (A) the number of eligible households that
8 receive assistance;

9 (B) the acceptance rate of applicants for
10 assistance;

11 (C) the type or types of assistance pro-
12 vided to each eligible household;

13 (D) the average amount of funding pro-
14 vided per eligible household receiving assistance;

15 (E) the average number of monthly rental
16 or utility payments that were covered by the
17 funding amount that an eligible household re-
18 ceived, as applicable;

19 (F) the rate of evictions in the jurisdiction;
20 and

21 (G) the rate of evictions of households that
22 received assistance under this program in the
23 jurisdiction.

24 (2) DATA.—Each report under this subsection
25 shall disaggregate the information relating to eligible

households by the gender, race, and ethnicity of the primary applicant for assistance in those eligible households.

(3) ALTERNATIVE REQUIREMENTS.—The Secretary may establish alternative reporting requirements for Tribal and territorial eligible grantees and Tribally designated housing entities in carrying out activities under this section, including exempting Tribal eligible grantees and Tribally designated housing entities from—

(A) the Fair Housing Act (42 U.S.C. 3601 et seq.); and

(B) the citizen participation and consultation requirements under subpart B of part 91 of title 24, Code of Federal Regulations, or any successor regulation.

(4) PRIVACY REQUIREMENTS.—

(A) IN GENERAL.—Each eligible grantee that receives a grant under this section shall establish data privacy and security requirements for the information described in paragraph (1) that—

(i) include appropriate measures to ensure that the privacy of individuals is protected;

1 (ii) provide that the information, in-
2 cluding any personally identifiable informa-
3 tion, is collected and used only for the pur-
4 pose of submitting reports under para-
5 graph (1); and

6 (iii) provide confidentiality protections
7 for data collected about any individuals
8 who are survivors of intimate partner vio-
9 lence, sexual assault, or stalking.

10 (B) STATISTICAL RESEARCH.—

11 (i) IN GENERAL.—The Secretary—

12 (I) may provide full and
13 unredacted information provided
14 under subparagraphs (A) through (F)
15 of paragraph (1), including personally
16 identifiable information, for statistical
17 research purposes in accordance with
18 existing law; and

19 (II) may collect and make avail-
20 able for statistical research, at the
21 census block group level, information
22 collected under subparagraph (A).

23 (ii) APPLICATION OF PRIVACY RE-
24 QUIREMENTS.—A recipient of information
25 under clause (i) shall establish for such in-

1 formation the data privacy and security re-
2 quirements described in subparagraph (A).

3 (5) PROVISION OF DATA.—Each eligible grantee
4 shall provide to the Secretary such data as may be
5 necessary for the Secretary to complete the report-
6 ing requirements under this subsection.

7 (k) REPORT ON PROGRAM.—Not later than 5 years
8 after the establishment of the program under this section,
9 the Secretary shall submit to the Committee on Banking,
10 Housing, and Urban Affairs of the Senate and the Com-
11 mittee on Financial Services of the House of Representa-
12 tives and publish in the Federal Register a report—

13 (1) evaluating the effectiveness of the strategies
14 pursued under the grant program; and

15 (2) that includes recommendations for any nec-
16 essary changes to law.

17 (l) AUTHORIZATION OF APPROPRIATIONS.—

18 (1) IN GENERAL.—There is authorized to be
19 appropriated \$3,000,000,000 for each of fiscal years
20 2022 through 2026, and such sums as may be nec-
21 essary for each fiscal year thereafter, to carry out
22 this section.

23 (2) RESERVATION OF FUNDS FOR TRIBAL COM-
24 MUNITIES.—Of the amount appropriated under
25 paragraph (1), the Secretary shall reserve

1 \$9,600,000 for activities and assistance authorized
 2 under titles I and VIII of the Native American
 3 Housing Assistance and Self-Determination Act of
 4 1996 (25 U.S.C. 4111 et seq.) and title I of the
 5 Housing and Community Development Act of 1974
 6 (42 U.S.C. 5301 et seq.) with respect to Indian
 7 Tribes, which shall be made available for entities
 8 that are eligible for payments under clauses (i) and
 9 (ii) of section 501(b)(2)(A) of subtitle A of title V
 10 of division N of the Consolidated Appropriations
 11 Act, 2021 (Public Law 116–260).

12 (3) ALLOCATION FOR STATES, TERRITORIES,
 13 AND UNITS OF LOCAL GOVERNMENT.—The amount
 14 appropriated under paragraph (1) for a fiscal year
 15 that remains after the application of paragraph (2)
 16 shall be allocated to eligible grantees that are eligible
 17 under subtitle A of title II of the Cranston-Gonzalez
 18 National Affordable Housing Act (42 U.S.C. 12741
 19 et seq.), to be used in a manner that conforms to
 20 the formula authorized under section (f).

21 (4) PRO RATA AVAILABILITY.—The Secretary
 22 shall only distribute a pro rata amount of the total
 23 appropriated under paragraph (1) in a fiscal year
 24 based on the number of eligible grantees that are eli-

1 gible to receive a grant due to the limitation de-
2 scribed in subsection (m)(4).

3 (m) AVAILABILITY.—

4 (1) IN GENERAL.—Each eligible grantee shall—

5 (A) with respect to the first 2 fiscal years
6 in which grants are awarded under this sec-
7 tion—

8 (i) obligate not less than 60 percent of
9 such grant amounts within 2 years of the
10 date that such funds become available to
11 the eligible grantee for obligation; and

12 (ii) obligate 100 percent of such grant
13 amounts within 3 years of such date; and
14 (B) for each subsequent fiscal year—

15 (i) obligate not less than 60 percent of
16 such grant amounts within 1 year of the
17 date that such funds become available to
18 the eligible grantee for obligation; and

19 (ii) obligate 100 percent of such grant
20 amounts within 2 years of such date.

21 (2) REALLOCATION AFTER 2 YEARS.—

22 (A) IN GENERAL.—The Secretary may re-
23 capture any amounts not obligated in compli-
24 ance with paragraph (1)(A) and reallocate and
25 repay such amounts to eligible grantees in com-

1 pliance that, at the time of reallocation, have
 2 obligated not less than 65 percent of the
 3 amount originally allocated and paid to the eli-
 4 gible grantee.

5 (B) AMOUNT.—The amount of a realloca-
 6 tion described in subparagraph (A) shall be de-
 7 termined based on demonstrated need within
 8 the jurisdiction covered by the eligible grantee,
 9 as determined by the Secretary.

10 (3) RESCISSION AND REALLOCATION OF
 11 FUNDS.—An eligible grantee may use any funds
 12 from grants made under this section that are unobli-
 13 gated within 3 years for purposes in addition to
 14 those specified in this section, provided that such
 15 other purposes are affordable housing purposes, as
 16 defined by the Secretary, serving very low-income
 17 families (as such term is defined in section 3(b) of
 18 the United States Housing Act of 1937 (42 U.S.C.
 19 1437a(b)).

20 (4) LIMITATION ON AVAILABILITY OF FUNDS.—
 21 An eligible grantee may only receive a grant under
 22 this section after the earlier of—

23 (A) the date on which the eligible grantee
 24 has expended all funds provided under the
 25 emergency rental assistance programs under

1 section 501 of division N of the Consolidated
 2 Appropriations Act, 2021 (Public Law 116–
 3 260) and section 3201 of the American Rescue
 4 Plan Act (Public Law 117–2); or

5 (B) the date on which funds provided
 6 under the emergency rental assistance pro-
 7 grams under section 501 of division N of the
 8 Consolidated Appropriations Act, 2021 (Public
 9 Law 116–260) and section 3201 of the Amer-
 10 ican Rescue Plan Act (Public Law 117–2) are
 11 no longer available for obligation.

12 (n) PROHIBITION ON PREREQUISITES.—None of the
 13 funds made available pursuant to this section may be used
 14 to require any eligible household receiving assistance
 15 under the program under this section to receive treatment
 16 or perform any other prerequisite activities as a condition
 17 for receiving shelter, housing, or other services.

18 (o) USE OF SELF-CERTIFICATION OR SELF-ATTES-
 19 TATION.—The Secretary shall require eligible grantees to
 20 allow eligible households to use self-certification or self-
 21 attestation to meet statutory or regulatory requirements,
 22 to the greatest extent possible.

23 (p) TREATMENT OF ASSISTANCE.— Assistance pro-
 24 vided to an eligible household from a payment made under
 25 this section shall not be regarded as income and shall not

1 be regarded as a resource for purposes of determining the
 2 eligibility of the eligible household or any member of the
 3 eligible household for benefits or assistance, or the amount
 4 or extent of benefits or assistance, under any Federal pro-
 5 gram or under any State, local, or Tribal program fi-
 6 nanced in whole or in part with Federal funds.

7 (q) WRITTEN NOTICE OF DENIAL OF ASSISTANCE.—
 8 An eligible household that is denied assistance by an eligi-
 9 ble grantee under the grant program under this section
 10 shall receive written notice of the denial of assistance with-
 11 in 5 days of the denial, which shall describe the basis for
 12 the denial and provide the eligible household with not less
 13 than 10 days to correct or amend the application.

14 (r) NON-SUPPLANTATION REQUIREMENT.—An eligi-
 15 ble grantee under this section shall expend, from other
 16 Federal funding sources available to the eligible grantee,
 17 an amount equal to the average fiscal year amount of total
 18 expenditures the eligible grantee made for eviction preven-
 19 tion, housing stabilization, and homelessness assistance
 20 for fiscal years 2017, 2018, and 2019 for those same ac-
 21 tivities during the fiscal year for which funds are paid to
 22 an eligible grantee under this section.

23 **SEC. 9. TENANT SCREENING REPORTS.**

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

1 (1) in section 604 (15 U.S.C. 1681b), by add-
 2 ing at the end the following:

3 “(h) ADDITIONAL REQUIREMENT RELATING TO USE
 4 OF CONSUMER REPORT FOR RENTAL HOUSING.—If a
 5 person procures a consumer report, or causes a consumer
 6 report to be procured, from a consumer reporting agency
 7 in connection with evaluating a consumer applying for ten-
 8 ancy in rental housing, the consumer reporting agency
 9 shall provide to the consumer a copy of the consumer re-
 10 port.”; and

11 (2) in section 605(a) (15 U.S.C. 1681c(a)), by
 12 adding at the end the following:

13 “(9) Eviction judgments and related suits in in-
 14 stances of an eviction judgment that is in the favor
 15 of the tenant.”.

16 **SEC. 10. GAO STUDY AND REPORT.**

17 (a) STUDY.—The Comptroller General of the United
 18 States shall conduct a comprehensive qualitative and
 19 quantitative study to—

20 (1) track evictions during the period for which
 21 appropriate data is available or the 30-year period
 22 preceding the date of enactment of this Act, which-
 23 ever is shorter;

24 (2) analyze local eviction laws, regulations, and
 25 judicial process; and

1 (3) assess the factors that contribute to evic-
2 tions and whether those factors differ in urban areas
3 versus suburban and rural areas, as well as across
4 different protected class groups, including race,
5 color, national origin, religion, sex, familial status,
6 disability status, and age.

7 (b) REPORT.—Not earlier than 5 years but not later
8 than 6 years after the date of enactment of this Act, the
9 Comptroller General of the United States shall submit to
10 Congress a report on the grants awarded pursuant to sec-
11 tions 4, 6, and 8 of this Act, including best estimates of
12 the amount saved, if any, at all levels of government on
13 housing, medical, or social welfare programs, as well as
14 any additional revenues generated by participants being
15 more likely to remain employed or for other reasons.

16 (c) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated such sums as may be
18 necessary to carry out this section.

19 **SEC. 11. RULE OF CONSTRUCTION.**

20 Nothing in this Act may be construed to—

21 (1) deny a landlord the ability to file and exe-
22 cute an eviction for a lawful reason; or

- 1 (2) change the standards for determining a vio-
- 2 lation of the Fair Housing Act (42 U.S.C. 3601 et
- 3 seq.).

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