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(Original Signature of Member)

117TH CONGRESS
2D SESSION

H. R.

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

IN THE HOUSE OF REPRESENTATIVES

Ms. PRESSLEY introduced the following bill; which was referred to the Committee on _____

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Housing Emergencies
5 Lifeline Program Act of 2022” or the “HELP Act of
6 2022”.

1 **SEC. 2. CONGRESSIONAL FINDINGS.**

2 The Congress finds that—

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

6 (2) the 2008 financial crisis was a Great De-
7 pression-level event for Black Americans, wiping out
8 decades of gains in Black homeownership, which has
9 now fallen to its lowest rate since the passage of the
10 Fair Housing Act in 1968;

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

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

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

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

1 (7) Black households account for 12 percent of
2 all households in the United States, but 19 percent
3 of all renters and 26 of all renter households with
4 extremely low incomes;

5 (8) prior to the coronavirus pandemic, it was
6 estimated that around 3.7 million evictions are filed
7 every year, a rate of about 7 every minute;

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

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

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

21 (12) the American Civil Liberties Union’s anal-
22 ysis of Eviction Lab data found that, on average,
23 “Black renters had evictions filed against them at
24 nearly twice the rate of White renters” and that
25 Black women specifically were filed against for evic-

1 tion at “double the rate of White renters or higher
2 in 17 of 36 [S]tates”;

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

6 (14) nationally, it is estimated that more than
7 81 percent of landlords are represented in housing
8 court proceedings, compared to less than 3 percent
9 of tenants in such proceedings;

10 (15) a Massachusetts COVID-19 legal help
11 project found that when providing full legal rep-
12 resentation to low-income tenants, 90 percent of
13 cases closed resulted in positive outcomes, with 70
14 percent of tenants remaining in their homes and 20
15 percent of tenants having more time to find a place
16 to live; and

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

1 been required to move had obtained a new rental
2 unit, compared to 43 percent of unrepresented ten-
3 ants.

4 **SEC. 3. DATABASE OF EVICTION INFORMATION.**

5 (a) REPORTS BY HOUSING PROVIDERS.—

6 (1) IN GENERAL.—The Secretary of Housing
7 and Urban Development shall require each State
8 and local entity that receives covered housing assist-
9 ance to submit to the Secretary annual reports
10 under this section regarding evictions from assisted
11 dwelling units of the covered housing occurring dur-
12 ing the preceding year.

13 (2) CONTENTS.—Each report submitted pursu-
14 ant to subsection (a) shall include—

15 (A) for each household subject to an evic-
16 tion proceeding during the year which the re-
17 port covers—

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

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

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

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

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

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

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

16 (i) the name of the individual;

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

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

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

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

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

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

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

12 (3) DATA REQUIREMENTS.—The Secretary of
13 Housing and Urban Development shall develop re-
14 quirements for States and local entities that receive
15 covered housing assistance that—

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

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

24 (C) establish data privacy and security re-
25 quirements for the information described in

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

8 (D) confidentiality protections for data col-
9 lected about any individuals who are survivors
10 of intimate partner violence, sexual assault, or
11 stalking.

12 (b) DATABASE.—

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

16 (2) DISAGGREGATION.—To the extent possible,
17 such database shall be disaggregated by the smallest
18 census tract, block group, or block possible for the
19 data set, and by income, race, gender, disability, and
20 all other protected classes under the Fair Housing
21 Act.

22 (3) PRIVACY PROTECTIONS.—The Secretary
23 shall establish appropriate measures regarding infor-
24 mation in the database to ensure that, subject to
25 paragraph (4), the privacy of the individuals and

1 households is protected and that any personally
2 identifiable information is not disclosed.

3 (4) RESEARCH.—The Secretary may make full
4 and unredacted information available to academic in-
5 stitutions for the purpose of researching causes and
6 solutions to evictions and adherence to civil rights
7 protections.

8 **SEC. 4. ASSISTANCE FOR EVICTION RELATED LEGAL AID.**

9 There is authorized to be appropriated to the Sec-
10 retary \$10,000,000,000 for fiscal year 2022, to remain
11 available until expended, for assistance under the Emer-
12 gency Solutions Grants program under subtitle B of title
13 IV of the McKinney-Vento Homeless Assistance Act (42
14 U.S.C. 11371 et seq.), to be used only for—

15 (1) providing legal counsel for tenants subject
16 to or at risk of eviction with regard to any eviction-
17 related legal proceeding; and

18 (2) costs of any court fees associated with an
19 eviction-related legal proceeding for a tenant (ex-
20 cluding any attorneys fees for the attorney of the
21 landlord of the tenant).

22 **SEC. 5. CONSUMER REPORTS.**

23 (a) IN GENERAL.—Section 605(a) of the Fair Credit
24 Reporting Act (15 U.S.C. 1681c(a)) is amended by adding
25 at the end the following:

1 “(9) An eviction, or any information related to
2 an eviction or a proceeding seeking eviction, of a
3 consumer from a rental dwelling.

4 “(10) Any adverse item of information related
5 to rent or utility arrears.”.

6 (b) **APPLICABILITY.**—The amendment made by this
7 section shall apply to any consumer report (as defined in
8 section 603 of the Fair Credit Reporting Act (15 U.S.C.
9 1681a)) issued on or after the date of the enactment of
10 this Act.

11 **SEC. 6. EVICTION INFORMATION.**

12 (a) **IN GENERAL.**—The Secretary shall, not later
13 than 1 year after the date of the enactment of this Act,
14 issue rules that require each owner of a covered federally
15 assisted rental dwelling unit to ensure that each tenant
16 of such dwelling unit owned by such owner receives infor-
17 mation, in writing—

18 (1) not less than once each year regarding—

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

21 (B) local organizations and resources that
22 can provide assistance in eviction-related mat-
23 ters; and

24 (2) upon provision of any notice of eviction,
25 stating the reason or reasons for the eviction.

1 (b) HOTLINE.—The Secretary shall, not later than
2 1 year after the date of the enactment of this Act, estab-
3 lish a hotline to provide assistance with regard to eviction-
4 related matters to tenants of covered federally assisted
5 rental dwelling units.

6 **SEC. 7. DEFINITIONS.**

7 (a) For purposes of this Act:

8 (1) ASSISTANCE.—The term “assistance”
9 means any grant, loan, subsidy, contract, cooperative
10 agreement, or other form of financial assistance, but
11 such term does not include the insurance or guar-
12 antee of a loan, mortgage, or pool of loans or mort-
13 gages.

14 (2) COVERED FEDERALLY ASSISTED RENTAL
15 DWELLING UNIT.—The term “covered federally as-
16 sisted rental dwelling unit” means a residential
17 dwelling unit that—

18 (A) is made available for rental; and

19 (B)(i) for which assistance is provided, or
20 that is part of a housing project for which as-
21 sistance is provided, under any program admin-
22 istered by the Secretary of Housing and Urban
23 Development, including—

1 (I) the public housing program
2 under the United States Housing Act
3 of 1937 (42 U.S.C. 1437 et seq.);

4 (II) the program for rental as-
5 sistance under section 8 of the United
6 States Housing Act of 1937 (42
7 U.S.C. 1437f);

8 (III) the HOME Investment
9 Partnerships program under title II of
10 the Cranston-Gonzalez National Af-
11 fordable Housing Act (42 U.S.C.
12 12721 et seq.);

13 (IV) title IV of the McKinney-
14 Vento Homeless Assistance Act (42
15 U.S.C. 11360 et seq.);

16 (V) the Housing Trust Fund pro-
17 gram under section 1338 of the Hous-
18 ing and Community Development Act
19 of 1992 (12 U.S.C. 4568);

20 (VI) the program for supportive
21 housing for the elderly under section
22 202 of the Housing Act of 1959 (12
23 U.S.C. 1701q);

24 (VII) the program for supportive
25 housing for persons with disabilities

1 under section 811 of the Cranston-
2 Gonzalez National Affordable Housing
3 Act (42 U.S.C. 8013);

4 (VIII) the AIDS Housing Oppor-
5 tunities program under subtitle D of
6 title VIII of the Cranston-Gonzalez
7 National Affordable Housing Act (42
8 U.S.C. 12901 et seq.);

9 (IX) the program for Native
10 American housing under the Native
11 American Housing Assistance and
12 Self-Determination Act of 1996 (25
13 U.S.C. 4101 et seq.); and

14 (X) the program for housing as-
15 sistance for Native Hawaiians under
16 title VIII of the Native American
17 Housing Assistance and Self-Deter-
18 mination Act of 1996 (25 U.S.C.
19 4221 et seq.); or

20 (ii) is a property, or is on or in a property,
21 that has a Federally backed mortgage loan or
22 Federally backed multifamily mortgage loan, as
23 such terms are defined in section 4024(a) of
24 the CARES Act (15 U.S.C. 9058(a)).

1 (3) COVERED HOUSING.—The term “covered
2 housing” means a dwelling unit assisted with
3 amounts made available, or a loan or mortgage
4 made, insured, or guaranteed, under any of the fol-
5 lowing programs:

6 (A) The programs for tenant- and project-
7 based rental assistance under section 8 of the
8 United States Housing Act of 1937 (42 U.S.C.
9 1437f).

10 (B) The program for public housing under
11 the United States Housing Act of 1937 (42
12 U.S.C. 1437 et seq.).

13 (C) The program for supportive housing
14 for the elderly under section 202 of the Hous-
15 ing Act of 1959 (12 U.S.C. 1701q).

16 (D) The program for supportive housing
17 for persons with disabilities under section 811
18 of the Cranston-Gonzalez National Affordable
19 Housing Act (42 U.S.C. 8013).

20 (E) The community development block
21 grant program under title I of the Housing and
22 Community Development Act of 1974 (42
23 U.S.C. 5301 et seq.).

24 (F) The HOME Investment Partnerships
25 program under titles I and II of the Cranston-

1 Gonzalez National Affordable Housing Act (42
2 U.S.C. 12704 et seq.).

3 (G) The program for housing opportunities
4 for persons with AIDS under subtitle D of title
5 VIII of the Cranston-Gonzalez National Afford-
6 able Housing Act (42 U.S.C. 12901 et seq.).

7 (H) The programs for homeless assistance
8 under title IV of the McKinney-Vento Homeless
9 Assistance Act (42 U.S.C. 11361 et seq.).

10 (4) COVERED HOUSING ASSISTANCE.—The term
11 “covered housing assistance” means assistance
12 under any program specified in paragraph (3).

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

16 (6) OWNER.—For the purposes of this Act, the
17 term “owner” means any private person or entity,
18 including a cooperative, an agency of the Federal
19 Government, or a public housing agency, having the
20 legal right to lease or sublease dwelling units.

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