

117TH CONGRESS
2D SESSION

H. R. 6696

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

FEBRUARY 9, 2022

Ms. PRESSLEY (for herself, Ms. DELAURO, and Ms. BUSH) introduced the following bill; which was referred to the Committee on Financial Services

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”.

7 **SEC. 2. CONGRESSIONAL FINDINGS.**

8 The Congress finds that—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (14) nationally, it is estimated that more than
5 81 percent of landlords are represented in housing
6 court proceedings, compared to less than 3 percent
7 of tenants in such proceedings;

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

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

1 unit, compared to 43 percent of unrepresented ten-
2 ants.

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

4 (a) REPORTS BY HOUSING PROVIDERS.—

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

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

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

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

24 (ii) the date on which the household
25 was ordered to be evicted;

1 (iii) the address of the dwelling unit
2 from which the household was evicted;

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

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

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

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

14 (i) the name of the individual;

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

19 (iii) the disability status of the indi-
20 vidual evicted, if available;

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

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

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

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

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

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

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

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

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

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

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

10 (b) DATABASE.—

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

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

20 (3) PRIVACY PROTECTIONS.—The Secretary
21 shall establish appropriate measures regarding infor-
22 mation in the database to ensure that, subject to
23 paragraph (4), the privacy of the individuals and
24 households is protected and that any personally
25 identifiable information is not disclosed.

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

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

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

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

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

20 **SEC. 5. CONSUMER REPORTS.**

21 (a) IN GENERAL.—Section 605(a) of the Fair Credit
22 Reporting Act (15 U.S.C. 1681c(a)) is amended by adding
23 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 under
2 the United States Housing Act of 1937
3 (42 U.S.C. 1437 et seq.);

4 (II) the program for rental assistance
5 under section 8 of the United States Hous-
6 ing Act of 1937 (42 U.S.C. 1437f);

7 (III) the HOME Investment Partner-
8 ships program under title II of the Cran-
9 ston-Gonzalez National Affordable Housing
10 Act (42 U.S.C. 12721 et seq.);

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

14 (V) the Housing Trust Fund program
15 under section 1338 of the Housing and
16 Community Development Act of 1992 (12
17 U.S.C. 4568);

18 (VI) the program for supportive hous-
19 ing for the elderly under section 202 of the
20 Housing Act of 1959 (12 U.S.C. 1701q);

21 (VII) the program for supportive
22 housing for persons with disabilities under
23 section 811 of the Cranston-Gonzalez Na-
24 tional Affordable Housing Act (42 U.S.C.
25 8013);

1 (VIII) the AIDS Housing Opportuni-
2 ties program under subtitle D of title VIII
3 of the Cranston-Gonzalez National Afford-
4 able Housing Act (42 U.S.C. 12901 et
5 seq.);

6 (IX) the program for Native American
7 housing under the Native American Hous-
8 ing Assistance and Self-Determination Act
9 of 1996 (25 U.S.C. 4101 et seq.); and

10 (X) the program for housing assist-
11 ance for Native Hawaiians under title VIII
12 of the Native American Housing Assist-
13 ance and Self-Determination Act of 1996
14 (25 U.S.C. 4221 et seq.); or

15 (ii) is a property, or is on or in a property,
16 that has a federally backed mortgage loan or
17 federally backed multifamily mortgage loan, as
18 such terms are defined in section 4024(a) of
19 the CARES Act (15 U.S.C. 9058(a)).

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

1 (A) The programs for tenant- and project-
2 based rental assistance under section 8 of the
3 United States Housing Act of 1937 (42 U.S.C.
4 1437f).

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

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

11 (D) The program for supportive housing
12 for persons with disabilities under section 811
13 of the Cranston-Gonzalez National Affordable
14 Housing Act (42 U.S.C. 8013).

15 (E) The community development block
16 grant program under title I of the Housing and
17 Community Development Act of 1974 (42
18 U.S.C. 5301 et seq.).

19 (F) The HOME Investment Partnerships
20 program under titles I and II of the Cranston-
21 Gonzalez National Affordable Housing Act (42
22 U.S.C. 12704 et seq.).

23 (G) The program for housing opportunities
24 for persons with AIDS under subtitle D of title

1 VIII of the Cranston-Gonzalez National Afford-
2 able Housing Act (42 U.S.C. 12901 et seq.).

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

6 (4) COVERED HOUSING ASSISTANCE.—The term
7 “covered housing assistance” means assistance
8 under any program specified in paragraph (3).

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

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

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

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