

[DISCUSSION DRAFT]

116TH CONGRESS
1ST 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 2019” or the “HELP Act of
6 2019”.

1 **SEC. 2. DATABASE OF EVICTION INFORMATION.**

2 (a) REPORTS BY HOUSING PROVIDERS.—

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

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

12 (A) for each household subjected to an
13 eviction proceeding during the year which the
14 report covers—

15 (i) the date on which the household
16 was ordered to be evicted;

17 (ii) the address of the dwelling unit
18 from which the household was evicted;

19 (iii) whether the household was rep-
20 resented by legal counsel in any eviction
21 proceeding, if such information is available;

22 (iv) the number of days the household
23 was given to vacate the dwelling unit, if
24 such information is available; and

25 (v) whether a writ of execution was
26 issued in regards to the eviction; and

1 (B) for each individual in any household
2 subjected to an eviction proceeding during the
3 year which the report covers—

4 (i) the name of the individual;

5 (ii) the annual income of the indi-
6 vidual in the fiscal year prior to the year
7 during which the individual was evicted, if
8 available;

9 (iii) the disability status of the indi-
10 vidual evicted;

11 (iv) any available demographic infor-
12 mation about the individual including race,
13 ethnicity, age, and gender;

14 (v) any foster care history for the in-
15 dividual;

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

19 (vii) any history of prior homelessness
20 of the individual, if such information is
21 available and

22 (viii) whether the individual has a
23 criminal record, if such information is
24 available.

1 (3) DATA REQUIREMENTS.—The Secretary of
2 Housing and Urban Development shall develop re-
3 quirements for States and local entities that receive
4 covered housing assistance with respect to—

5 (A) how long the information described in
6 paragraph (2) shall be retained; and

7 (B) data privacy and security requirements
8 for the information described in paragraph (2);
9 and

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

14 (b) DATABASE.—

15 (1) IN GENERAL.—The Secretary shall establish
16 a database for collecting and maintaining informa-
17 tion submitted in reports pursuant to subsection (a)
18 and collected pursuant to subsection (b).

19 (2) DISAGGREGATION.—To the extent possible,
20 such database shall be disaggregated by race, gen-
21 der, income, and disability.

22 **SEC. 3. GRANTS FOR HOMELESSNESS PREVENTION.**

23 (a) IN GENERAL.—The Secretary shall establish a
24 grant program to provide amounts to States and local gov-

1 ernments for emergency housing assistance for tenants at
2 risk of homelessness.

3 (b) USE OF FUNDS.—

4 (1) IN GENERAL.—Amounts provided under
5 subsection (a) may be used to provide a tenant
6 with—

7 (A) emergency shelter;

8 (B) temporary shelter; or

9 (C) funds with which to make an imme-
10 diate rent or utility payment.

11 (2) DISTRIBUTION TO NONPROFIT ORGANIZA-
12 TIONS.—Any State or local government receiving as-
13 sistance under this section may distribute all or a
14 portion of such assistance to a private nonprofit or-
15 ganization that provides assistance to individuals
16 facing eviction.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated for grants provided pur-
19 suant to this section \$100,000,000 for each of fiscal years
20 2021 through 2023.

21 **SEC. 4. GRANTS FOR EVICTION RELATED LEGAL AID.**

22 (a) IN GENERAL.—The Secretary shall establish a
23 grant program to provide amounts to States and local gov-
24 ernments that establish a right to legal counsel for tenants
25 at risk of eviction.

1 (b) USE OF FUNDS.—Amounts provided under sub-
2 section (a) may be used—

3 (1) to provide legal representation for tenants
4 at risk of eviction with regard to any eviction-related
5 legal proceeding; and

6 (2) for the cost of any court fees associated
7 with an eviction-related legal proceeding for a tenant
8 (excluding any attorneys fees for the attorney of the
9 landlord of the tenant).

10 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated for grants under this section
12 such sums as may be necessary.

13 **SEC. 5. CONSUMER REPORTS.**

14 The Fair Credit Reporting Act (15 U.S.C.1681 et
15 seq.) is amended—

16 (1) by inserting after section 605B the fol-
17 lowing:

18 **“SEC. 605C ADVERSE INFORMATION RELATING TO HOUS-
19 ING COURT RECORDS.**

20 “(a) IN GENERAL.—A consumer reporting agency
21 may only furnish a consumer report containing an adverse
22 item of information relating to a landlord tenant action
23 if—

24 “(1) the landlord in the action prevailed in a
25 final judgment; and

1 “(2) the tenant in such action was not a minor
2 on the date that such court claim was filed.

3 “(b) 1 YEAR LIMITATION.— A consumer reporting
4 agency shall remove from a consumer report any adverse
5 item of information relating to a landlord tenant action
6 not later than one year after the date of such landlord
7 tenant action.”; and

8 (2) in the table of contents, by inserting after
9 the item relating to section 605B the following new
10 item:

 “605C. Adverse information relating to housing court records.”.

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 federally assisted
15 rental dwelling unit to ensure that each tenant of such
16 dwelling unit owned by such owner receives information
17 not less than once each year about—

18 (1) the rights and responsibilities of such owner
19 with regard to eviction; and

20 (2) local organizations and resources that can
21 provide assistance in eviction-related matters.

22 (b) HOTLINE.—The Secretary shall, not later than
23 1 year after the date of the enactment of this Act, estab-
24 lish a hotline to provide assistance with regard to eviction-

1 related matters to tenants of federally assisted rental
2 dwelling units.

3 **SEC. 7. DEFINITIONS.**

4 (a) For purposes of this Act:

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

11 (2) COVERED FEDERALLY ASSISTED RENTAL
12 DWELLING UNIT.—The term “covered federally as-
13 sisted rental dwelling unit” means a residential
14 dwelling unit that is made available for rental and
15 for which assistance is provided, or that is part of
16 a housing project for which assistance is provided,
17 under any program administered by the Secretary of
18 Housing and Urban Development, including—

19 (A) the public housing program under the
20 United States Housing Act of 1937 (42 U.S.C.
21 1437 et seq.);

22 (B) the program for rental assistance
23 under section 8 of the United States Housing
24 Act of 1937 (42 U.S.C. 1437f);

1 (C) the HOME Investment Partnerships
2 program under title II of the Cranston-Gonzalez
3 National Affordable Housing Act (42 U.S.C.
4 12721 et seq.);

5 (D) title IV of the McKinney-Vento Home-
6 less Assistance Act (42 U.S.C. 11360 et seq.);

7 (E) the Housing Trust Fund program
8 under section 1338 of the Housing and Com-
9 munity Development Act of 1992 (12 U.S.C
10 4568);

11 (F) the program for supportive housing for
12 the elderly under section 202 of the Housing
13 Act of 1959 (12 U.S.C. 1701q);

14 (G) the program for supportive housing for
15 persons with disabilities under section 811 of
16 the Cranston-Gonzalez National Affordable
17 Housing Act (42 U.S.C. 8013);

18 (H) the AIDS Housing Opportunities pro-
19 gram under subtitle D of title VIII of the Cran-
20 ston-Gonzalez National Affordable Housing Act
21 (42 U.S.C. 12901 et seq.);

22 (I) the program for Native American hous-
23 ing under the Native American Housing Assist-
24 ance and Self-Determination Act of 1996 (25
25 U.S.C. 4101 et seq.);

1 (J) the program for housing assistance for
2 Native Hawaiians under title VIII of the Native
3 American Housing Assistance and Self-Deter-
4 mination Act of 1996 (25 U.S.C. 4221 et seq.).

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

10 (A) The programs for tenant- and project-
11 based rental assistance under section 8 of the
12 United States Housing Act of 1937 (42 U.S.C.
13 1437f).

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

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

20 (D) The program for supportive housing
21 for persons with disabilities under section 811
22 of the Cranston-Gonzalez National Affordable
23 Housing Act (42 U.S.C. 8013).

24 (E) The community development block
25 grant program under title I of the Housing and

1 Community Development Act of 1974 (42
2 U.S.C. 5301 et seq.).

3 (F) The HOME Investment Partnerships
4 program under titles I and II of the Cranston-
5 Gonzalez National Affordable Housing Act (42
6 U.S.C. 12704 et seq.).

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

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

14 (4) COVERED HOUSING ASSISTANCE.—The term
15 “covered housing assistance” means assistance
16 under any program specified in paragraph (2).

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

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

- 1 (7) SECRETARY.—The term “Secretary” means
- 2 Secretary of Housing and Urban Development.