



THE EVICTION CRISIS ACT OF 2021

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Full Description

Improve Data and Analysis on Evictions

To better understand the contours and causes of the eviction crisis, the legislation will:

- **Create a National Database to Standardize Data and Track Evictions:** The bill creates a national database of evictions housed at the Department of Housing and Urban Development (HUD). The database – a partnership between federal, state, and local governments – will streamline and standardize the reporting of eviction data from court filings to a centralized database. Aggregate data will be made public to allow elected officials, researchers, advocates, and other interested parties to access and analyze trends in an effort to better understand the scope and scale of the eviction crisis. Well-established social service and legal aid agencies may also be approved to access individualized data to facilitate providing critical and timely support for tenants, with appropriate safeguards to protect privacy and vulnerable populations.
- **Establish a Federal Advisory Committee on Eviction Research:** The bill establishes a Federal Advisory Committee on Eviction Research to issue recommendations related to the eviction database on data collection practices and privacy. The Committee will also help form a research agenda that will illuminate the causes and consequences of evictions, as well as policies and practices that can reduce evictions or mitigate their consequences.
- **Increase Funding to Study Evictions:** The legislation will allocate funding for a comprehensive qualitative and quantitative study by the Government Accountability Office (GAO) to aggregate what data is already available on the trends in evictions over the past 30 years; analyze the connection between local landlord-tenant laws and these trends; and assess contributory factors and whether they differ in urban, suburban, and rural areas.

Reduce Preventable Evictions and Mitigate Eviction-Related Consequences

To reduce preventable evictions and mitigate the consequences of eviction on families and society, the legislation will co-invest in state and local government programs to help tenants stabilize economically so they can become current on their rent again, or, when evictions occur, keep individuals and families connected to vital services and to help them find a new, stable home.

Reducing Preventable Evictions

By co-investing in state and local government programs, the legislation will:

- **Encourage State and Local Governments to Utilize Community Courts:** Community courts offer tenants and landlords an alternative process designed to divert tenants from eviction or severe housing instability if an eviction is unavoidable, with social service representatives present. The courts are able to negotiate outcomes in which the tenant agrees to conditions, such as rehabilitation after a relapse, and the landlord agrees to a payment schedule. The legislation establishes a competitive grant program for states to create or expand landlord-tenant focused community courts, so both parties avoid the high cost of eviction.
- **Establish a new permanent Emergency Assistance Program:** The legislation will establish a new permanent formula grant program, authorized at \$3 billion per year, for states, cities, local housing authorities, and nonprofits to provide emergency financial assistance and housing stability-related services to eviction-vulnerable tenants. As states wind down their COVID-related Emergency Rental Assistance programs, states and local jurisdictions will be able to transition seamlessly to this new program. The Emergency Assistance Program is designed to provide short-term assistance (i.e., for fewer than four months during any three-year period, except in times of high unemployment, disaster, or emergency) to tenants who are facing an acute crisis. At least 75 percent of the funding will be dedicated to allowing vulnerable tenants to apply for one-time financial assistance to avoid eviction by covering rental payments and arrears, utility payments, relocation costs, late fees, and court fees. As much as 25 percent of the funding could be used to provide housing stability-related services – for case management, rehousing, housing counseling services, and keeping families connected to other forms of public support; as well as referrals to other services, such as for behavioral, emotional, and mental health issues, domestic violence, child welfare issues, employment, and substance abuse treatment.

To support increased legal representation for tenants, the legislation will:

- **Express Support for Full Funding for the Legal Services Corporation (LSC):** The Legal Services Corporation is an effective public-private partnership that provides critical legal services to low-income Americans. Currently, only a small fraction of the need for legal services for tenants is met. The legislation expresses support for substantially increasing funding for LSC.

Mitigate Eviction-Related Consequences

The above proposals to prevent evictions also will help limit the human damage to individuals and the cost to taxpayers in cases where eviction is unavoidable.

When families or individuals are evicted, they often do not have enough time to find new housing and end up in unstable living situations. This does long-term harm to their ability to get back on their feet. At

a critical time when families are most in need of lifelines, eviction can cause a discontinuity in vital support, such as interruptions in Medicaid or nutrition assistance for children. These costs fall not on the affected families, but also on taxpayers who have to bear the immense costs of the downstream consequences of eviction. To address this, the legislation will:

- **Smooth the Transition to a New Start for Tenants:** In addition to preventing evictions, expanded use of community courts will ensure a smoother transition to new housing or continuity of social services if families are not able to stay in their existing home.
- **Connect Social Service Agencies with Tenants:** As described above, well-established social service and legal aid agencies could be approved for access to the evictions database. With appropriate privacy safeguards to protect vulnerable populations, social services agencies could directly connect with tenants to ensure that the eviction does not lead to other harmful consequences and disruptions.
- **Provide One-Time Support to Get Tenants Back on Their Feet:** In addition to direct financial support for families, the allowable uses of the Emergency Assistance Fund include the housing stability-related support for families facing eviction, which will help them get back on their feet and avoid homelessness.
- **Increase Legal Representation for Tenants:** As described above, the legislation expresses support for increased legal representation, which can allow for tenants' attorneys to help negotiate terms that allow for tenants to more easily transition to a stable living situation.

Improve Information on Tenant Screening Reports

To increase transparency for tenants and to remove inaccurate or inappropriate information on tenant screening reports, the legislation will:

- **Provide Tenant Screening Reports to Applicants:** The legislation requires consumer reporting agencies to provide consumers with tenant screening reports when they are requested as part of a rental application process, so tenants can contest and correct inaccurate or incomplete information.
- **Remove Eviction Judgments and Related Filings from Tenant Screening Reports When Court Rules in Favor of the Tenant:** When a court rules in favor of a tenant in an eviction proceeding, the legislation requires those judgments and eviction filings related to that proceeding to be removed from tenant screening reports.

Rule of Construction

The legislation includes a "rule of construction" that makes clear that nothing in the legislation denies a landlord the ability to file and execute an eviction for a lawful reason or changes the standards for determining a violation of the Fair Housing Act.