

116TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

Mr. BENNET (for himself and Mr. PORTMAN) introduced the following bill; which was read twice and referred to the Committee on

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**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 2019”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) based on the best available data, hundreds  
9 of thousands, and potentially millions, of individuals

1 and families in the United States face eviction each  
2 year;

3 (2) collecting more comprehensive and con-  
4 sistent data through a national eviction database  
5 would foster a better understanding of the causes  
6 and contours of the eviction crisis as well as what  
7 efforts should be made to prevent evictions that are  
8 costly to tenants, landlords, and communities or to  
9 mitigate the consequences of evictions when they are  
10 unavoidable;

11 (3) expanded landlord-tenant community courts  
12 can offer services that help tenants become current  
13 again on their obligations or offer alternatives to  
14 eviction that avoid homelessness or housing insta-  
15 bility;

16 (4) emergency assistance programs that provide  
17 short-term support to tenants facing a temporary  
18 emergency can also help prevent evictions and home-  
19 lessness for low-income households;

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

1           (6) the Legal Services Corporation, established  
2           in 1974 under the Legal Services Corporation Act  
3           (42 U.S.C. 2996 et seq.) and funded by Congress to  
4           provide grants for free civil legal aid, has docu-  
5           mented—

6                   (A) the ongoing justice gap in which 86  
7                   percent of the civil legal problems reported by  
8                   low-income people in the United States, includ-  
9                   ing housing-related legal issues, are handled  
10                  with inadequate or no assistance from an attor-  
11                  ney or other legal professional; and

12                   (B) that more than 50 percent of the legal  
13                  problems presented to legal aid organizations  
14                  funded by the Legal Services Corporation re-  
15                  ceive only limited or no legal assistance due to  
16                  lack of resources;

17           (7) the National Center for Access to Justice  
18           determined that in 79 percent of housing cases, the  
19           tenants are not represented by a lawyer; and

20           (8) funding for the Legal Services Corporation  
21           must be substantially increased to enable grantees of  
22           the Legal Services Corporation to provide legal as-  
23           sistance to all people facing residential eviction who  
24           cannot afford adequate counsel.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

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

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

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

24 (4) EVICTION FILING.—The term “eviction fil-  
25 ing” means a filing by a landlord with the court of  
26 jurisdiction to initiate a legal action to recover pos-

1 session of residential property from a tenant, includ-  
2 ing a tenant residing in a public housing dwelling  
3 unit or receiving tenant-based assistance or project-  
4 based assistance under section 8 of the United  
5 States Housing Act of 1937 (42 U.S.C. 1437f).

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

15 (6) ILLEGAL EVICTION.—The term “illegal evic-  
16 tion” means self-help measures taken outside of the  
17 legal process for eviction to recover possession of  
18 residential property from a tenant, including a ten-  
19 ant residing in a public housing dwelling unit or re-  
20 ceiving tenant-based assistance or project-based as-  
21 sistance under section 8 of the United States Hous-  
22 ing Act of 1937 (42 U.S.C. 1437f), such as—

23 (A) willfully interrupting or permitting the  
24 interruption of essential items of services re-  
25 quired by the rental agreement;

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

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

5 (D) removing the belongings of a tenant;  
6 and

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

9 (7) LOCAL ORDINANCE IMPACTING EVICTION.—

10 The term “local ordinance impacting eviction”  
11 means a local ordinance that is designed to address  
12 the number of emergency services calls resulting  
13 from assault, sexual harassment, stalking, disorderly  
14 conduct, or another type of behavior, situation, or  
15 condition that results in the need for emergency  
16 services, that results in loss of housing or limit the  
17 housing opportunities for victims of crime, including  
18 victims of domestic violence, or individuals with dis-  
19 abilities who may require emergency services, abne-  
20 gating local landlord-tenant law by—

21 (A) requiring, encouraging, or permitting  
22 the eviction of a tenant or resident because of  
23 a certain number of calls for emergency serv-  
24 ices;

1 (B) requiring, encouraging, or permitting  
2 the eviction of a tenant or resident because of  
3 an arrest even though the arrest has not re-  
4 sulted in the conviction of that tenant or resi-  
5 dent; or

6 (C) requiring, encouraging, or permitting  
7 the eviction of a tenant or resident because of  
8 criminal activity occurring at or near the place  
9 of residence of the tenant or resident for which  
10 that tenant or resident has not been convicted.

11 (8) PUBLIC HOUSING; PUBLIC HOUSING AGEN-  
12 CY.—The terms “public housing” and “public hous-  
13 ing agency” have the meanings given those terms in  
14 section 3(b) of the United States Housing Act of  
15 1937 (42 U.S.C. 1437a(b)).

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

18 **SEC. 4. LANDLORD-TENANT FOCUSED COMMUNITY**  
19 **COURTS.**

20 (a) IN GENERAL.—The Attorney General, acting  
21 through the Bureau of Justice Assistance, shall award  
22 grants to States and local jurisdictions to support land-  
23 lord-tenant focused community courts that offer a process  
24 with social service representatives who are available to  
25 provide assistance to tenants.

1 (b) GOALS FOR PROCESS.—The process described in  
2 subsection (a) is—

3 (1) intended to—

4 (A) divert landlords and tenants from pro-  
5 ceeding with a court-ordered eviction, which  
6 places costly burdens on landlords, tenants, the  
7 court system, and taxpayers; and

8 (B) help tenants who have fallen behind  
9 become current again on their obligations or  
10 transition tenants to a new stable home envi-  
11 ronment without losing access to benefits and  
12 other support for which they are eligible; and

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

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

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

20 (2) are assisted in serving communities that  
21 have high rates of eviction and eviction filings or a  
22 large total number of evictions and eviction filings,  
23 based on the best available data;

24 (3) provide assistance to individuals with lim-  
25 ited English proficiency;

1           (4) provide effective communication with indi-  
2           viduals with disabilities; and

3           (5) are located in facilities that are accessible to  
4           individuals with disabilities.

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

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

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

15          (3) a detailed description of how the grant will  
16          be spent;

17          (4) a detailed description of how the landlord-  
18          tenant community court will interact with the exist-  
19          ing landlord-tenant justice system of the State or  
20          local jurisdiction, as applicable, including a descrip-  
21          tion of which cases will be diverted to the landlord-  
22          tenant community court;

23          (5) a description of any local ordinance impact-  
24          ing eviction;

1           (6) a description of how the landlord-tenant  
2           community court will not be designed to lengthen  
3           the process of pursuing a legitimate eviction, limit  
4           the access of landlords to the traditional justice sys-  
5           tem, or curtail the right of landlords to evict; and

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

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

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

18                (2) the data described in subparagraphs (A)  
19                and (B) of section 5(b)(1) and section 5(b)(2), as  
20                applicable; and

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

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

1 (g) MATCHING REQUIREMENT.—

2 (1) IN GENERAL.—As a condition of a grant  
3 provided under this section, the Attorney General  
4 shall require the recipient of the grant to contribute  
5 an amount equal to or more than the amount of the  
6 grant, obtained solely from non-Federal sources.

7 (2) FORM.—In addition to cash or other direct  
8 funding, the contribution required by the Attorney  
9 General under paragraph (1) may include indirect  
10 costs or in-kind contributions paid for under non-  
11 Federal programs.

12 (h) AUTHORIZATION OF APPROPRIATIONS.—There  
13 are authorized to be appropriated such sums as may be  
14 necessary to carry out this section.

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

16 (a) ESTABLISHMENT OF DATABASE.—Not later than  
17 1 year after the date of enactment of this Act, the Sec-  
18 retary shall establish and maintain a database that—

19 (1) is accessible to the Office of Policy Develop-  
20 ment and Research and the Office of Fair Housing  
21 and Equal Opportunity of the Department and other  
22 employees of the Department as determined nec-  
23 essary by the Secretary;

24 (2) includes the data described in subsection (b)  
25 with respect to court-ordered evictions, administra-

1       tive evictions, and illegal evictions in the United  
2       States; and

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

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

7               (1) DATA ON EACH COURT-ORDERED OR AD-  
8       MINISTRATIVE EVICTION.—With respect to each  
9       court-ordered or administrative eviction case filed on  
10      or after the date on which the database is estab-  
11      lished:

12               (A) Information on the tenant who is the  
13      defendant, including—

14                       (i) the name of the tenant;

15                       (ii) the address of the residential  
16      property and the type of housing;

17                       (iii) the number of household mem-  
18      bers residing in the property, including the  
19      number of children; and

20                       (iv) whether the tenant is a recipient  
21      of tenant-based or project-based assistance  
22      under section 8 of the United States Hous-  
23      ing Act of 1937 (42 U.S.C. 1437f).

1 (B) Information on the landlord who filed  
2 the court-ordered or administrative eviction  
3 case, including—

4 (i) the name of the landlord;

5 (ii) the name of the attorney or legally  
6 permitted representative of the landlord, or  
7 an indication that the landlord was self-  
8 represented;

9 (iii) any amount that the landlord al-  
10 leges that the tenant owes, including any  
11 penalties and attorney's fees; and

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

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

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

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

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

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

24 (ii) the date of the initial court filing  
25 by the landlord;

1 (iii) the reason why the landlord filed  
2 for eviction, such as nonpayment or breach  
3 of lease;

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

7 (v) the final outcome of the court-or-  
8 dered or administrative eviction case, in-  
9 cluding—

10 (I) the disposition of the case, in-  
11 cluding whether the initial hearing re-  
12 sulted in a default judgment, dis-  
13 missal, consent agreement, settlement,  
14 or trial;

15 (II) the date of final disposition;

16 (III) any amount owed to the  
17 landlord or tenant, if any, and over  
18 what time period;

19 (IV) whether a judgment was  
20 made in favor of the tenant for code  
21 violations or warranty of habitability  
22 claims;

23 (V) the overall outcome of the  
24 case, including whether the tenant  
25 paid any amounts to the landlord and

1           whether the tenant stayed in the  
2           housing or was evicted from the hous-  
3           ing; and

4                   (VI) whether the tenant had legal  
5           representation and the nature of that  
6           representation, including a lawyer, a  
7           law student participating in a clinic,  
8           or another non-lawyer trained to rep-  
9           resent clients in landlord-tenant court,  
10          or whether the tenant was a lawyer  
11          representing himself or herself;

12                   (vi) the total court fees incurred by  
13          the tenant, separated into categories of  
14          fees;

15                   (vii) the total court fees incurred by  
16          the landlord;

17                   (viii) whether the landlord had ap-  
18          peared in landlord-tenant court for a  
19          court-ordered or administrative eviction  
20          matter involving the landlord in the 6  
21          month, 1 year, or 2 year-period preceding  
22          the court-ordered or administrative eviction  
23          case; and

24                   (ix) whether the tenant had appeared  
25          in landlord-tenant court for a court-or-

1           dered or administrative eviction matter in-  
2           volving the landlord in the 6 month, 1  
3           year, or 2 year-period preceding the court-  
4           ordered or administrative eviction case.

5           (2) AGGREGATE DATA ON COURT-ORDERED OR  
6           ADMINISTRATIVE EVICTION CASES.—Aggregate data  
7           on court-ordered or administrative eviction cases  
8           filed on or after the date on which the database is  
9           established, including—

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

12           (i) the number of cases filed for non-  
13           payment, other breach of lease, both non-  
14           payment and breach of lease, and any  
15           other reason;

16           (ii) the number of cases filed because  
17           of the enforcement of a local ordinance im-  
18           pacting eviction; and

19           (iii) the outcome of the dispositive  
20           hearing, including default judgment, dis-  
21           missal, a consent agreement, a trial, and a  
22           settlement with or without mediation;

23           (B) the number of tenants and landlords  
24           who showed up for the dispositive hearing of a

1 court-ordered or an administrative eviction case,  
2 and how many were represented by counsel;

3 (C) the average duration of a court-or-  
4 dered or an administrative eviction case, includ-  
5 ing the average time from filing to first hear-  
6 ing;

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

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

11 (F) the average amount paid by a tenant  
12 to resolve the case and stay in the housing;

13 (G) the number of court-ordered or admin-  
14 istrative eviction cases resulting in a judgment  
15 in favor of the tenant due to code violations or  
16 warranty of habitability claims;

17 (H) the number and percentage of court-  
18 ordered or administrative eviction cases broken  
19 down by age bracket;

20 (I) the number and percentage of court-or-  
21 dered or administrative eviction cases with a  
22 tenant or household with children;

23 (J) the number of tenants evicted from  
24 public housing, broken down by each public  
25 housing agency;

1           (K) the number of tenants evicted from  
2 dwelling units who were receiving tenant-based  
3 assistance or project-based assistance under  
4 section 8 of the United States Housing Act of  
5 1937 (42 U.S.C. 1437f); and

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

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

18           (4) DATA ON TENANT STATUS FOLLOWING A  
19 COURT-ORDERED OR ADMINISTRATIVE EVICTION.—  
20 Each court or administrative forum responsible for  
21 adjudicating evictions should contact landlords to de-  
22 termine whether tenants who were the subject of a  
23 court-ordered or administrative eviction were re-  
24 moved or remained in the property 90 days after the  
25 court-ordered or administrative eviction.

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

6                   (A) The data described in paragraph  
7           (1)(A).

8                   (B) Information on the landlord, includ-  
9           ing—

10                   (i) the name of the landlord; and

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

14                   (C) The reason the tenant was evicted.

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

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

19                   (F) Whether the tenant was evicted be-  
20           cause of the enforcement of a local ordinance  
21           impacting eviction.

22           (6) AGGREGATE DATA ON ILLEGAL EVIC-  
23           TIONS.—Aggregate data on illegal eviction cases oc-  
24           curring on or after the date on which the database  
25           is established, as reported by local governments and

1 nonprofit organizations receiving grants under sec-  
2 tion 6, including—

3 (A) the average amount owed by a tenant,  
4 per landlord;

5 (B) the average months of rent owed by a  
6 tenant;

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

9 (D) the number and percentage of illegal  
10 eviction cases with a tenant or household with  
11 children;

12 (E) the number and percentage of illegal  
13 eviction cases broken down by race and eth-  
14 nicity;

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

17 (G) the number and percentage of illegal  
18 eviction cases broken down by disability status;

19 and

20 (H) the number and percentage of illegal  
21 eviction cases based on the enforcement of a  
22 local ordinance impacting eviction.

23 (c) SUBMISSION OF DATA.—

24 (1) SUBMISSION BY COURTS.—Not later than  
25 March 1 of each year, the Attorney General of each

1 State shall submit to the Secretary data on court-  
2 ordered eviction cases that occurred in that State  
3 during the preceding calendar year for inclusion in  
4 the database established under this section.

5 (2) SUBMISSION TO SECRETARY.—

6 (A) IN GENERAL.—The Attorney General  
7 of the State shall—

8 (i) ensure the accuracy and consist-  
9 ency of the data submitted under para-  
10 graph (1); and

11 (ii) upon receipt of the data, aggre-  
12 gate the data and report the individual and  
13 aggregate data to the Secretary in a timely  
14 manner.

15 (B) SUBMISSION BY COURTS.—If the At-  
16 torney general of the State fails to submit the  
17 data described in paragraph (1) to the Sec-  
18 retary in a timely manner under subparagraph  
19 (A), the clerk of each State or local court that  
20 handles landlord-tenant cases may submit the  
21 data directly to the Secretary.

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

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

4           (2) in consultation with local governments and  
5           judges, appropriate safeguards for protecting the  
6           privacy of personally identifiable information of vul-  
7           nerable populations, which shall incorporate con-  
8           fidentiality measures to ensure that any personally  
9           identifiable information regarding a tenant who is a  
10          victim of domestic violence, dating violence, sexual  
11          assault, or stalking is not disclosed during the proc-  
12          ess of data submission and publication;

13          (3) standards for—

14                (A) external researchers to be granted per-  
15                mission to access data in the database, includ-  
16                ing both aggregate data and, if necessary for  
17                the conduct of their research, personally identi-  
18                fiable information, with appropriate safeguards  
19                to ensure identities are protected in any pub-  
20                licly released analysis;

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

23                (C) using generally accepted statistical  
24                principles to validate the data, in consultation  
25                with outside participants;

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

3 (5) establishing definitions for terms related to  
4 the eviction process based on how they are legally  
5 defined by courts of jurisdiction handling eviction  
6 cases; and

7 (6) standards for local officials to identify and  
8 designate social services agencies that may access  
9 the database to provide targeted social services to  
10 those tenants.

11 (e) ANNUAL REPORTS.—Not later than 1 year after  
12 the date of enactment of this Act, and each year there-  
13 after, the Secretary shall make publicly available a report  
14 on the contents of the database established under this sec-  
15 tion.

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

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

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

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

5 **SEC. 7. ADVISORY COMMITTEE.**

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

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

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

15 (3) illuminating policies or practices that reduce  
16 the number of evictions or mitigate the consequences  
17 of evictions.

18 (b) MEMBERSHIP.—

19 (1) IN GENERAL.—The Committee shall be  
20 composed of 14 members who shall be appointed by  
21 the Secretary, in consultation with the chair and  
22 ranking member of the Committee on Banking,  
23 Housing, and Urban Affairs of the Senate and the  
24 chair and ranking member of the Committee on Fi-

1       nancial Services of the House of Representatives, of  
2       whom—

3               (A) 2 members shall be employees of the  
4       Department with expertise in housing data and  
5       an interest in issues relating to evictions and  
6       housing instability;

7               (B) 2 member shall be representatives of  
8       landlords;

9               (C) 5 members shall be from the academic  
10       or research community;

11              (D) 3 members shall be from civil society,  
12       of whom not less than 2 shall be from entities  
13       that advocate for civil rights related to housing  
14       or eviction; and

15              (E) 2 members shall be from private in-  
16       dustry, civil society, or the academic community  
17       with backgrounds in data science and privacy.

18              (2) CHAIR.—The Secretary shall appoint a  
19       chair of the Committee from among the members of  
20       the Committee.

21              (3) PERIOD OF APPOINTMENT; VACANCIES.—

22              (A) IN GENERAL.—A member of the Com-  
23       mittee shall be appointed for a period of 2  
24       years.

1 (B) VACANCIES.—A vacancy in the Com-  
2 mittee—

3 (i) shall not affect the powers of the  
4 Committee; and

5 (ii) shall be filled in the same manner  
6 as the original appointment.

7 (c) MEETINGS.—The Committee shall meet—

8 (1) in person not less frequently than twice  
9 each year; and

10 (2) via teleconference not less frequently than  
11 once every 2 months.

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

14 (1) hold such hearings, sit, and act at such  
15 times and places, take such testimony, and receive  
16 such evidence as the Committee determines to be ap-  
17 propriate;

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

19 (3) hold or host conferences and symposia;

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

23 (5) establish subcommittees; and

24 (6) establish rules of procedure.

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

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

10 (g) STAFF.—

11 (1) IN GENERAL.—The chair of the Committee  
12 may, without regard to the civil service laws (includ-  
13 ing regulations), appoint and terminate an executive  
14 director and such other additional personnel as may  
15 be necessary to enable the Commission to perform  
16 its duties, except that the employment of an execu-  
17 tive director shall be subject to confirmation by the  
18 Commission.

19 (2) COMPENSATION.—The chair of the Com-  
20 mittee may fix the compensation of the executive di-  
21 rector and other personnel without regard to chapter  
22 51 and subchapter III of chapter 53 of title 5,  
23 United States Code, relating to classification of posi-  
24 tions and General Schedule pay rates, except that  
25 the rate of pay for the executive director and other

1 personnel may not exceed the rate payable for level  
2 V of the Executive Schedule under section 5316 of  
3 that title.

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

7 (1) recommendations for statistical efforts re-  
8 lating to the database established under section 5,  
9 including how additional data may potentially be col-  
10 lected, consistent with civil rights protections, to un-  
11 derstand eviction trends by race, gender, disability  
12 status, ethnicity, age, and immigration status; and

13 (2) a research agenda to determine the causes  
14 and consequences of evictions and to illuminate poli-  
15 cies or practices that reduce the number of evictions  
16 or mitigate the consequences of evictions, including  
17 an assessment of the housing challenges resulting  
18 from the prohibition on public housing participation  
19 due to the prior eviction of an individual.

20 (i) NO ADDITIONAL FUNDS.—The amounts nec-  
21 essary to carry out this section shall be derived from  
22 amounts appropriated or otherwise made available to the  
23 Secretary.

1 **SEC. 8. EMERGENCY ASSISTANCE FUND GRANT PROGRAM.**

2 (a) IN GENERAL.—The Secretary shall establish a  
3 competitive grant program under which the Secretary  
4 shall award grants to States, local, and Tribal govern-  
5 ments to establish crisis assistance programs to prevent  
6 extremely low-income households from experiencing hous-  
7 ing instability, including an imminent risk of eviction or  
8 homelessness, by providing short-term financial assistance  
9 and housing stabilization services.

10 (b) DESIGNATION.—A State, local, or Tribal govern-  
11 ment that receives a grant under this section may des-  
12 ignate 1 or more entities to carry out programs in accord-  
13 ance with this section.

14 (c) HOUSEHOLD ELIGIBILITY.—A household that is  
15 eligible to receive assistance under a program established  
16 by a recipient of a grant under this section (in this section  
17 referred to as an “eligible household”) shall—

18 (1) be extremely low-income, with an income at  
19 or below the federal poverty limit or 30 percent of  
20 the area median income, whichever is higher; and

21 (2) demonstrate to the grant recipient that the  
22 household is at risk of experiencing homelessness or  
23 housing instability and is experiencing a short-term  
24 crisis, which may include—

25 (A) a past due utility or rent notice or  
26 eviction notice;

- 1 (B) a decline in household income;
- 2 (C) a family or health crisis;
- 3 (D) unexpected expenses;
- 4 (E) unsafe or unhealthy living conditions;
- 5 and
- 6 (F) any other event as determined by the
- 7 Secretary.

8 (d) LIMITATION.—An eligible household may not re-

9 ceive assistance under this section for more than 1 90-

10 day period during each calendar year.

11 (e) USE OF FUNDS.—

12 (1) IN GENERAL.—A recipient of a grant under

13 this section shall—

14 (A) use grant amounts to help eligible

15 households overcome a short-term crisis impact-

16 ing housing stability and provide financial as-

17 sistance and housing stability-related services to

18 those eligible households; and

19 (B) evaluate the eligibility of households in

20 a manner consistent with Federal non-

21 discrimination requirements.

22 (2) FINANCIAL ASSISTANCE.—Not less than 75

23 percent of amounts received by a recipient of a grant

24 under this section shall be used to provide financial

25 assistance to eligible households, including the pay-

1       ment of rent, utilities, and other housing-related ex-  
2       penses.

3           (3) HOUSING STABILITY-RELATED SERVICES.—

4       Not more than 25 percent of amounts received by a  
5       recipient of a grant under this section shall be used  
6       to provide housing stability-related services to eligi-  
7       ble households, including—

8           (A) services for case management, includ-  
9           ing community resources to negotiate and re-  
10          solve non-financial, non-legal issues to keep in-  
11          dividuals and families housed;

12          (B) rehousing services;

13          (C) services to connect those eligible house-  
14          holds to other public supports, including long-  
15          term housing assistance; and

16          (D) referrals to other services for behav-  
17          ioral, emotional, and mental health issues, do-  
18          mestic violence, child welfare issues, employ-  
19          ment, substance abuse treatment, or other serv-  
20          ices.

21          (4) EVALUATION.—Not more than 5 percent of  
22          amounts received by a recipient of a grant under  
23          this section may be used to conduct rigorous evalua-  
24          tions of the effectiveness of the activities of the re-  
25          cipient in preventing housing instability.

1           (5) ADMINISTRATIVE COSTS.—Grant amounts  
2           shall not be used by a recipient of a grant under this  
3           section to cover administrative costs that are not in-  
4           curred in carrying out paragraph (2), (3), or (4).

5           (f) CRITERIA.—The Secretary, in consultation with  
6           the Secretary of Health and Human Services and the Sec-  
7           retary of Agriculture, shall develop criteria to evaluate  
8           each application for a grant under this section, which  
9           shall—

10           (1) include consideration of—

11                   (A) the need within the community to be  
12                   served by the applicant for a program described  
13                   in subsection (a);

14                   (B) the capacity and interest of the appli-  
15                   cant in delivering housing stability interventions  
16                   and connecting eligible households to other pub-  
17                   lic benefits;

18                   (C) the prior performance of the applicant  
19                   in providing similar forms of assistance, includ-  
20                   ing whether the applicant, in providing those  
21                   similar forms of assistance, has any unresolved,  
22                   systemic civil rights violations;

23                   (D) a demonstration of collaboration with  
24                   other entities that provide resources to help eli-

1           gible households eligible under a program estab-  
2           lished using grant amounts;

3           (E) a demonstration of support from local  
4           elected officials, community leaders, residents,  
5           and other key stakeholders, including as civil  
6           rights organizations;

7           (F) a comprehensive plan to improve hous-  
8           ing stability among not less than 1 at-risk pop-  
9           ulation;

10          (G) the interest in and willingness of the  
11          applicant to conduct a rigorous evaluation of  
12          the effectiveness of the programs to be estab-  
13          lished using grant amounts;

14          (H) the estimated impact of the programs  
15          to be established by the applicant;

16          (I) a commitment to provide new matching  
17          funds from non-Federal sources as required  
18          under subsection (g); and

19          (J) such other factors as the Secretary  
20          may require; and

21          (2) ensure geographic diversity among the  
22          grantees.

23          (g) MATCHING AMOUNTS.—

24                 (1) IN GENERAL.—The Secretary shall establish  
25          a sliding scale for matching funding requirements

1 under this section, based on the size and resources  
2 of the jurisdiction, except that each grantee shall  
3 provide new matching funds of not less than 25 per-  
4 cent of the grant amount from non-Federal sources.

5 (2) FORM.—Subject to paragraph (3), a grant-  
6 ee shall provide matching funds in the form of cash  
7 or an in-kind contribution.

8 (3) LIMITATIONS ON IN-KIND CONTRIBU-  
9 TIONS.—A grantee may provide matching funds  
10 under paragraph (1) in the form of an in-kind con-  
11 tribution for the cash value of services provided a  
12 community served by a grantee by an entity other  
13 than the grantee only if there is a memorandum of  
14 understanding between the grantee and the other en-  
15 tity that those services will be provided.

16 (h) CONTINUOUS IMPROVEMENT.—The Secretary  
17 shall establish a process that incorporates findings from  
18 rigorous evaluations of programs established by grant re-  
19 cipients under this section into the design of subsequent  
20 grant competitions.

21 (i) EVALUATION OF GRANTEES.—

22 (1) IN GENERAL.—The Secretary shall—

23 (A) evaluate each recipient of a grant  
24 under this section using information requested  
25 by the Secretary, including an evaluation of—

1 (i) the ease with which eligible house-  
2 holds are able to access assistance;

3 (ii) the effectiveness of the programs'  
4 intervention models in preventing housing  
5 instability in general and for eligible house-  
6 holds of different types and income levels;

7 (iii) the cost-effectiveness of the pro-  
8 grams; and

9 (iv) other indicators as determined by  
10 the Secretary;

11 (B) publicly disseminate, through internet  
12 websites and other means, interim findings as  
13 soon as they become available relating to pro-  
14 grams established by recipients of a grant  
15 under this section; and

16 (C) make the evaluations described in sub-  
17 paragraph (A) publicly available.

18 (j) REPORT.—Not later than 5 years after the estab-  
19 lishment of the competitive grant program under this sec-  
20 tion, the Secretary shall submit to the Committee on  
21 Banking, Housing, and Urban Affairs of the Senate and  
22 the Committee on Financial Services of the House of Rep-  
23 resentatives and publish in the Federal Register a re-  
24 port—

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

3 (2) that includes recommendations for any nec-  
4 essary changes to law and a plan to expand the  
5 grant program to the scale necessary to address  
6 housing instability.

7 (k) AUTHORIZATION OF APPROPRIATIONS.—There  
8 are authorized to be appropriated such sums as may be  
9 necessary for each of fiscal years 2020 through 2024 to  
10 carry out this section.

11 **SEC. 9. TENANT SCREENING REPORTS.**

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

14 (1) in section 603(k)(1)(B) (15 U.S.C.  
15 1681a(k)(1)(B))—

16 (A) by redesignating clause (iv) as clause  
17 (v);

18 (B) in clause (iii), by striking “and” at the  
19 end; and

20 (C) by inserting after clause (iii) the fol-  
21 lowing:

22 “(iv) a denial of rental housing or any  
23 other decision in connection with evalu-  
24 ating a consumer applying for tenancy in  
25 rental housing; and”;

1           (2) 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           (3) 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 30-year period  
21           preceding the date of enactment of this Act;

22           (2) analyze local eviction laws, regulations, and  
23           judicial process; and

24           (3) assess the factors that contribute to evic-  
25           tions and whether those factors differ in urban areas

1       versus suburban and rural areas, as well as across  
2       different protected class groups, including race,  
3       color, national origin, religion, sex, familial status,  
4       disability status, and age.

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

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

17      **SEC. 11. RULE OF CONSTRUCTION.**

18      Nothing in this Act may be construed to—

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

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