

118TH CONGRESS
1ST SESSION

H. R. 3219

To provide for a moratorium on evictions from and foreclosures on residences during a major disaster or emergency, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2023

Mrs. CHERFILUS-McCORMICK introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To provide for a moratorium on evictions from and foreclosures on residences during a major disaster or emergency, 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 “Federal Disaster
5 Housing Stability Act of 2023”.

6 **SEC. 2. EVICTION MORATORIUM.**

7 (a) MORATORIUM.—In the case of any disaster, the
8 lessor, landlord, or owner, including any individual with
9 a legal right to pursue eviction or a possessory action, of
10 a covered dwelling that is located within the disaster area

1 with respect to such disaster may not, during the eviction
2 moratorium period with respect to such area—

3 (1) make, or cause to be made, any filing with
4 the court of jurisdiction to initiate a legal action to
5 recover possession of the covered dwelling from the
6 tenant for nonpayment of rent or other fees or
7 charges;

8 (2) charge fees, penalties, or other charges to
9 the tenant related to such nonpayment of rent;

10 (3) increase the amount charged for rental of
11 the dwelling, including by recouping such increased
12 rent through fees or charges after the conclusion of
13 such period;

14 (4) in any manner prevent the tenant of the
15 dwelling, if such tenant has temporarily relocated,
16 from returning to the dwelling and re-establishing
17 occupancy or require the tenant to be re-screened to
18 determine any eligibility for such occupancy; or

19 (5) remove or cause the removal of a tenant
20 from a covered dwelling.

21 (b) NOTICE TO VACATE.—In the case of any disaster,
22 the lessor of a covered dwelling that is located within the
23 disaster area with respect to such disaster may not—

24 (1) require the tenant to vacate the covered
25 dwelling before the date that is 30 days after the

1 date on which the lessor provides the tenant with a
2 notice to vacate; and

3 (2) issue a notice to vacate under paragraph (1)
4 until after the expiration of the eviction moratorium
5 period with respect to such area.

6 **SEC. 3. FORECLOSURE MORATORIUM.**

7 Except with respect to a vacant or abandoned prop-
8 erty, in the case of any disaster, a servicer of a covered
9 mortgage loan on a property located within the disaster
10 area may not, during the foreclosure moratorium period
11 with respect to such area, initiate any judicial or non-judi-
12 cial foreclosure process, schedule a foreclosure sale, move
13 for a foreclosure judgment or order of sale, or execute a
14 foreclosure-related eviction or foreclosure sale.

15 **SEC. 4. DEFINITIONS.**

16 For purposes of this Act, the following definitions
17 shall apply:

18 (1) COVERED DWELLING.—The term “covered
19 dwelling” means a dwelling that is occupied by a
20 tenant—

21 (A) pursuant to a residential lease; or

22 (B) without a lease or with a lease ter-
23 minable under State law.

24 (2) DISASTER.—The term “disaster” means—

1 (A) any national emergency declared by
2 the President under the National Emergencies
3 Act (50 U.S.C. 1601 et seq.); or

4 (B) any major disaster or emergency de-
5 clared by the President under the Robert T.
6 Stafford Disaster Relief and Emergency Assist-
7 ance Act (42 U.S.C. 4121 et seq.).

8 (3) DISASTER AREA.—The term “disaster area”
9 means, with respect to a disaster, any area that at
10 any time is subject to the declaration of such dis-
11 aster.

12 (4) DWELLING.—The term “dwelling”—

13 (A) has the meaning given the term in sec-
14 tion 802 of the Fair Housing Act (42 U.S.C.
15 3602); and

16 (B) includes houses and dwellings de-
17 scribed in section 803(b) of such Act (42
18 U.S.C. 3603(b)).

19 (5) EVICTION MORATORIUM PERIOD.—The term
20 “eviction moratorium period” means, with respect to
21 a disaster area, the 120-day period that begins upon
22 the declaration by the President of the disaster that
23 such area is subject to.

24 (6) COVERED MORTGAGE LOAN.—The term
25 “covered mortgage loan” includes any consumer

1 credit transaction (within the meaning of such term
2 as used in the Truth in Lending Act (15 U.S.C.
3 1601 et seq.)), other than temporary financing such
4 as a construction loan, that is secured by a mort-
5 gage, deed of trust, or other consensual security in-
6 terest on a 1- to 4-unit dwelling or on residential
7 real property that includes a 1- to 4-unit dwelling
8 including individual units of condominiums and co-
9 operatives that is secured by a first or subordinate
10 lien on residential real property (including individual
11 units of condominiums and cooperatives) designed
12 principally for the occupancy of from 1 to 4 families,
13 including any such secured loan the proceeds of
14 which are used to prepay or pay off an existing loan
15 secured by the same property, but such term does
16 not include a credit transaction under an open-end
17 credit plan other than a reverse mortgage.

18 (7) FORECLOSURE MORATORIUM PERIOD.—The
19 term “foreclosure moratorium period” means, with
20 respect to a disaster area, the 6-month period that
21 begins upon the declaration of the disaster for which
22 such declaration was made.

23 **SEC. 5. APPLICABILITY.**

24 This Act shall apply with respect to any disaster for
25 which the declaration of the disaster is in effect on the

1 date of the enactment of this Act and any disaster for
2 which such declaration is made after such date of enact-
3 ment.

