

118TH CONGRESS
1ST SESSION

H. R. 6696

To authorize the Attorney General to make grants to States and localities to provide the right to counsel in civil actions related to eviction, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 11, 2023

Ms. DELAURO (for herself, Ms. NORTON, Mr. EVANS, Ms. MCCOLLUM, Ms. DEAN of Pennsylvania, Mr. TAKANO, Ms. BONAMICI, Mr. SABLAN, Ms. LEE of California, Ms. WEXTON, Ms. CLARKE of New York, Mr. GRIJALVA, Mrs. WATSON COLEMAN, Mr. CÁRDENAS, Mr. BOWMAN, Mr. GREEN of Texas, Mr. DELUZIO, Mrs. RAMIREZ, Ms. SCHAKOWSKY, Ms. SCANLON, Ms. TOKUDA, Ms. CHU, Mr. TRONE, and Ms. STANSBURY) introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize the Attorney General to make grants to States and localities to provide the right to counsel in civil actions related to eviction, 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 Prevention
5 Act of 2023”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **ACCESS TO COUNSEL.**—The term “access to
4 counsel” means full representation by an attorney.

5 (2) **ADMINISTRATIVE EVICTION.**—The term
6 “administrative eviction” means a ruling in favor of
7 the landlord in an administrative forum within a
8 public housing agency, such as grievance procedures,
9 to recover possession of residential property from a
10 tenant, including a tenant residing in a public hous-
11 ing dwelling unit or receiving tenant-based assist-
12 ance or project-based assistance under section 8 of
13 the United States Housing Act of 1937 (42 U.S.C.
14 1437f).

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

23 (4) **DEPARTMENT.**—The term “Department”
24 means the Department of Housing and Urban De-
25 velopment.

1 (5) ELIGIBLE INDIVIDUAL.—The term “eligible
2 individual” means an individual whose income is less
3 than 125 percent of the Federal poverty level.

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

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

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

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

1 (C) changing the locks or removing the
2 front door of the premises;

3 (D) giving a tenant an eviction notice that
4 does not comply with applicable Federal, State,
5 or local law;

6 (E) removing the belongings of a tenant;
7 and

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

10 (8) LOCAL ORDINANCE IMPACTING EVICTION.—

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

22 (A) requiring, encouraging, or permitting
23 the eviction of a tenant or resident because of
24 a certain number of calls for emergency serv-
25 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 (9) 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 (10) RATE OF EVICTION.—The term “rate of
17 eviction” means the number of judgments of evic-
18 tion, including illegal evictions, entered or occurring
19 in a jurisdiction per capita during the previous fiscal
20 year.

21 (11) SECRETARY.—The term “Secretary”
22 means the Secretary of Housing and Urban Develop-
23 ment.

24 (12) STATE.—The term “State” means the
25 States of the United States, the District of Colum-

1 bia, the Commonwealth of Puerto Rico, the Com-
2 monwealth of the Northern Mariana Islands, Guam,
3 the Virgin Islands, American Samoa, and any other
4 territory or possession of the United States.

5 (13) UNIT OF GENERAL LOCAL GOVERN-
6 MENT.—The term “unit of general local govern-
7 ment” means any city, town, township, county, par-
8 ish, village, or other general purpose political sub-
9 division of a State.

10 **SEC. 3. GRANTS FOR STATES AND UNITS OF GENERAL**
11 **LOCAL GOVERNMENT TO PROVIDE ACCESS**
12 **TO COUNSEL IN CIVIL ACTIONS RELATED TO**
13 **EVICITION.**

14 (a) AUTHORIZATION.—The Attorney General is au-
15 thorized to make grants to States and units of general
16 local government to provide eligible individuals access to
17 counsel in civil actions related to eviction.

18 (b) USE OF FUNDS.—A State or unit of general local
19 government that receives a grant under this section shall
20 use such funds to hire attorneys in positions that are dedi-
21 cated solely to providing counsel described in subsection
22 (a).

23 (c) APPLICATION.—A State or unit of general local
24 government seeking a grant under this section shall sub-
25 mit an application to the Attorney General at such time,

1 in such manner, and containing such information as the
2 Attorney General may reasonably require, including—

3 (1) the rate of eviction for that State or unit
4 of general local government;

5 (2) during the previous year, the number of in-
6 dividuals subject to eviction in that State or unit of
7 general local government who were not represented
8 by an attorney in eviction proceedings;

9 (3) a plan for how the State or unit of general
10 local government will use amounts from a grant
11 under this section to increase access to counsel; and

12 (4) the status with respect of the right to coun-
13 sel in civil actions related to eviction in the State or
14 unit of general local government and, if the State or
15 unit of general local government does not have in ef-
16 fect laws providing a right to counsel, such evidence
17 as the Attorney General may require that is suffi-
18 cient to demonstrate that substantial progress has
19 been made to enact laws providing such a right.

20 (d) AMOUNT OF GRANT.—Subject to the availability
21 of appropriations, a grant under this section shall be in
22 an amount that is not less than \$1,000,000, and which
23 amount is determined based on—

24 (1) the rate of eviction in the applicant State
25 or unit of general local government, compared to the

1 national average rate of eviction, as determined by
2 the rates of eviction included with each application
3 under subsection (c);

4 (2) the plan submitted by the applicant State or
5 unit of general local government in accordance with
6 subsection (c)(3);

7 (3) the status of right to counsel in applicant
8 State or unit of general local government; and

9 (4) during the previous year, the number of in-
10 dividuals subject to eviction in the applicant State or
11 unit of general local government who were not rep-
12 resented by an attorney in eviction proceedings.

13 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated to carry out this section
15 \$125,000,000 for each of fiscal years 2024 through 2028.

16 **SEC. 4. NATIONAL DATABASE OF EVICTIONS.**

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

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

1 (2) includes the data described in subsection (b)
2 with respect to court-ordered evictions, administra-
3 tive evictions, and illegal evictions in the United
4 States; and

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

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

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

14 (A) Information on the tenant who is the
15 defendant, including—

16 (i) the name of the tenant;

17 (ii) the age of the tenant;

18 (iii) the race, ethnicity, gender, and
19 disability status of the tenant;

20 (iv) the number of household members
21 residing in the property, including the
22 number of children; and

23 (v) whether the tenant is a recipient
24 of tenant-based or project-based assistance

1 under section 8 of the United States Hous-
2 ing Act of 1937 (42 U.S.C. 1437f).

3 (B) Information on the residential prop-
4 erty, including—

5 (i) the address and type of housing;

6 and

7 (ii) whether the property is subject to
8 a Federally-backed mortgage.

9 (C) Information on the landlord who filed
10 the court-ordered or administrative eviction
11 case, including—

12 (i) the name of the landlord;

13 (ii) the mailing address of the land-
14 lord;

15 (iii) any additional names, limited li-
16 ability corporations, or entities associated
17 with the mailing address of the landlord;

18 (iv) the number of rental units owned
19 by the landlord;

20 (v) the name of the attorney or legally
21 permitted representative of the landlord, or
22 an indication that the landlord was self-
23 represented;

24 (vi) the rent charged for the unit in
25 question;

- 1 (vii) additional fees charged for the
2 unit in question, whether one-time or re-
3 curring;
- 4 (viii) any amount that the landlord al-
5 leges that the tenant owes, including—
- 6 (I) rent;
- 7 (II) additional fees other than
8 rent, whether one-time or recurring;
- 9 (III) late fees and penalties; and
10 (IV) court fees and attorney’s
11 fees;
- 12 (ix) 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 and
- 21 (x) the amount of emergency rental
22 assistance received on behalf of the tenant.
- 23 (D) Information about the location where
24 the court-ordered or administrative eviction

1 case took place, including the name of the judge
2 or adjudicator.

3 (E) Procedural data on the court-ordered
4 or administrative eviction case, including—

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

7 (ii) the date of the initial court filing
8 by the landlord;

9 (iii) the reason why the landlord filed
10 for eviction, such as nonpayment or breach
11 of lease;

12 (iv) any affirmative defenses pre-
13 sented by the tenant, if permitted under
14 State law;

15 (v) whether the eviction was as a re-
16 sult of the enforcement of a local ordinance
17 impacting eviction;

18 (vi) the date of the initial hearing;

19 (vii) if the tenant moved out of the
20 rental unit, the date on which the tenant
21 moved out; and

22 (viii) the final outcome of the court-
23 ordered or administrative eviction case, in-
24 cluding—

- 1 (I) the disposition of the case, in-
2 cluding whether the initial hearing re-
3 sulted in a default judgment, dis-
4 missal, consent agreement, settlement,
5 or trial;
- 6 (II) the date of final disposition;
- 7 (III) any amount owed to the
8 landlord or tenant, if any, and over
9 what time period;
- 10 (IV) whether a judgment was
11 made in favor of the tenant for code
12 violations or warranty of habitability
13 claims, including affirmative defenses;
- 14 (V) whether the tenant paid any
15 amounts to the landlord; and
- 16 (VI) whether the tenant had legal
17 representation and the nature of that
18 representation, including a lawyer, a
19 law student participating in a clinic,
20 or another non-lawyer trained to rep-
21 resent clients in landlord-tenant court,
22 or whether the tenant was a lawyer
23 representing himself or herself, and
24 whether the legal representation was

1 supported by grant funding under sec-
2 tion 3;

3 (ix) the total court fees incurred by
4 the tenant, separated into categories of
5 fees;

6 (x) the total court fees incurred by the
7 landlord;

8 (xi) whether the landlord had ap-
9 peared in landlord-tenant court for a
10 court-ordered or administrative eviction
11 matter involving the landlord in the 6-
12 month, 1-year, or 2-year period preceding
13 the court-ordered or administrative eviction
14 case, and the number of such appearances
15 involving the same tenant; and

16 (xii) whether the tenant had appeared
17 in landlord-tenant court for a court-or-
18 dered or administrative eviction matter in-
19 volving the landlord in the 6-month, 1-
20 year, or 2-year period preceding the court-
21 ordered or administrative eviction case,
22 and the number of such appearances in-
23 volving the same landlord.

24 (2) AGGREGATE DATA ON COURT-ORDERED OR
25 ADMINISTRATIVE EVICTION CASES.—Aggregate data

1 on court-ordered or administrative eviction cases
2 filed on or after the date on which the database is
3 established, including—

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

6 (i) the number of cases filed for non-
7 payment criminal activity, code violation,
8 other breach of lease, both nonpayment
9 and breach of lease, and any other reason;

10 (ii) the number of cases filed because
11 of the enforcement of a local ordinance im-
12 pacting eviction; and

13 (iii) the outcome of the dispositive
14 hearing, including default judgment, dis-
15 missal, a consent agreement, a trial, and a
16 settlement with or without mediation;

17 (B) the number of tenants and landlords
18 who showed up for the dispositive hearing of a
19 court-ordered or an administrative eviction case,
20 and how many tenants in each such type of
21 case were represented by counsel described in
22 paragraph (1)(E)(viii)(VI);

23 (C) the average duration of a court-or-
24 dered or an administrative eviction case, includ-

1 ing the average time from filing to first hear-
2 ing;

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

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

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

9 (G) the number of court-ordered or admin-
10 istrative eviction cases resulting in a judgment
11 in favor of the tenant due to code violations or
12 warranty of habitability claims, including af-
13 firmative defenses;

14 (H) the number and percentage of court-
15 ordered or administrative eviction cases broken
16 down by age bracket;

17 (I) the number and percentage of court-or-
18 dered or administrative eviction cases broken
19 down by race and ethnicity;

20 (J) the number and percentage of court-or-
21 dered or administrative eviction cases broken
22 down by gender;

23 (K) the number and percentage of court-
24 ordered or administrative eviction cases broken
25 down by disability status;

1 (L) the number and percentage of court-
2 ordered or administrative eviction cases with a
3 tenant or household with children;

4 (M) the number of tenants evicted from
5 public housing, broken down by each public
6 housing agency;

7 (N) the number of tenants evicted from
8 dwelling units who were receiving tenant-based
9 assistance or project-based assistance under
10 section 8 of the United States Housing Act of
11 1937 (42 U.S.C. 1437f); and

12 (O) the number of court-ordered or admin-
13 istrative eviction or cases where late fees were
14 collected from tenants by landlords, and the av-
15 erage amount of late fees in those cases.

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

24 (4) DATA ON TENANT STATUS FOLLOWING A
25 COURT-ORDERED OR ADMINISTRATIVE EVICTION.—

1 Each court or administrative forum responsible for
2 adjudicating evictions shall require landlords to re-
3 port whether tenants who were the subject of a
4 court-ordered or administrative eviction were re-
5 moved or remained in the property 90 days after the
6 court-ordered or administrative eviction.

7 (5) DATA ON EACH ILLEGAL EVICTION.—With
8 respect to each illegal eviction occurring on or after
9 the date on which the database is established:

10 (A) The data described in paragraph
11 (1)(A).

12 (B) Information on the landlord, includ-
13 ing—

14 (i) the name of the landlord;

15 (ii) the mailing address of the land-
16 lord;

17 (iii) any additional names, limited li-
18 ability corporations, or entities associated
19 with the mailing address of the landlord;

20 (iv) the number of rental units owned
21 by the landlord;

22 (v) the rent charged for the unit in
23 question; and

1 (vi) additional fees charged for the
2 unit in question, whether one-time or re-
3 curring;

4 (C) The reason the tenant was evicted.

5 (D) If the tenant was evicted for non-
6 payment, the amount owed, including—

7 (i) rent;

8 (ii) additional fees other than rent,
9 whether one-time or recurring; and

10 (iii) late fees and penalties

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

13 (F) Whether the tenant was evicted be-
14 cause of the enforcement of a local ordinance
15 impacting eviction.

16 (6) AGGREGATE DATA ON ILLEGAL EVIC-
17 TIONS.—Aggregate data on illegal eviction cases oc-
18 ccurring on or after the date on which the database
19 is established, including—

20 (A) the average amount owed by a tenant,
21 per landlord;

22 (B) the average months of rent owed by a
23 tenant;

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

1 (D) the number and percentage of illegal
2 eviction cases with a tenant or household with
3 children;

4 (E) the number and percentage of illegal
5 eviction cases broken down by race and eth-
6 nicity;

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

9 (G) the number and percentage of illegal
10 eviction cases broken down by disability status;
11 and

12 (H) the number and percentage of illegal
13 eviction cases based on the enforcement of a
14 local ordinance impacting eviction.

15 (c) SUBMISSION OF DATA.—

16 (1) SUBMISSION BY COURTS.—Not later than
17 March 1 of each year, the Chief Court Administrator
18 of each State shall submit to the Secretary data on
19 court-ordered eviction cases that occurred in that
20 State during the preceding calendar year for inclu-
21 sion in the database established under this section.

22 (2) SUBMISSION TO SECRETARY.—

23 (A) IN GENERAL.—The Chief Court Ad-
24 ministrator of the State shall—

1 (i) ensure the accuracy and consist-
2 ency of the data submitted under para-
3 graph (1); and

4 (ii) upon receipt of the data, aggre-
5 gate the data and report the individual and
6 aggregate data to the Secretary in a timely
7 manner.

8 (B) SUBMISSION BY COURTS.—If the Chief
9 Court Administrator of the State fails to submit
10 the data described in paragraph (1) to the Sec-
11 retary in a timely manner under subparagraph
12 (A), the clerk of each State or local court that
13 handles landlord-tenant cases may submit the
14 data directly to the Secretary.

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

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

22 (2) in consultation with local governments,
23 judges, and legal services providers appropriate safe-
24 guards for protecting the privacy of personally iden-
25 tifiable information of vulnerable populations, which

1 shall incorporate confidentiality measures to ensure
2 that any personally identifiable information regard-
3 ing a tenant who is a victim of domestic violence,
4 dating violence, sexual assault, or stalking is not dis-
5 closed during the process of data submission and
6 publication;

7 (3) standards for—

8 (A) external researchers to be granted per-
9 mission to access data in the database, includ-
10 ing both aggregate data and, if necessary for
11 the conduct of their research, personally identi-
12 fiable information, with appropriate safeguards
13 to ensure identities are protected in any pub-
14 licly released analysis;

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

17 (C) using generally accepted statistical
18 principles to validate the data, in consultation
19 with outside participants;

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

22 (5) establishing definitions for terms related to
23 the eviction process based on how they are legally
24 defined by courts of jurisdiction handling eviction
25 cases; and

1 (6) standards for local officials to identify and
2 designate social services agencies that may access
3 the database to provide targeted social services to
4 those tenants.

5 (e) ANNUAL REPORTS.—Not later than 1 year after
6 the date of enactment of this Act, and each year there-
7 after, the Secretary shall make publicly available a report
8 on the contents of the database established under this sec-
9 tion.

10 (f) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to the Secretary to carry
12 out this section \$100,000,000 for each of fiscal years 2024
13 through 2028.

14 **SEC. 5. GAO STUDY.**

15 Not later than 1 year after the date of enactment
16 of this Act, the Comptroller General of the United States
17 shall conduct a study and submit to Congress a report
18 on evictions in the United States, including an analysis
19 of ways in which the legal system fails to provide sufficient
20 protections from eviction for tenants, the rate of represen-
21 tation of tenants and landlords, the effect of full represen-
22 tation on default rates, case outcomes, and eviction dock-
23 ets as compared to cases where the tenant lacks represen-

1 tation or has pro se assistance, and the potential cost sav-
2 ings from providing representation.

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