

118TH CONGRESS  
1ST SESSION

# S. 3463

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.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 11, 2023

Mr. CASEY introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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## 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”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

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

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

19           (4) DEPARTMENT.—The term “Department”  
20 means the Department of Housing and Urban De-  
21 velopment.

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

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

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

18                   (A) willfully interrupting or permitting the  
19                   interruption of essential items of services re-  
20                   quired by the rental agreement;

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

23                   (C) changing the locks or removing the  
24                   front door of the premises;

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

4 (E) removing the belongings of a tenant;  
 5 and

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

8 (8) LOCAL ORDINANCE IMPACTING EVICTION.—

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

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

24 (B) requiring, encouraging, or permitting  
 25 the eviction of a tenant or resident because of

1 an arrest even though the arrest has not re-  
2 sulted in the conviction of that tenant or resi-  
3 dent; or

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

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

14 (10) RATE OF EVICTION.—The term “rate of  
15 eviction” means the number of judgments of evic-  
16 tion, including illegal evictions, entered or occurring  
17 in a jurisdiction per capita during the previous fiscal  
18 year.

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

22 (12) STATE.—The term “State” means the  
23 States of the United States, the District of Colum-  
24 bia, the Commonwealth of Puerto Rico, the Com-  
25 monwealth of the Northern Mariana Islands, Guam,

1 the Virgin Islands, American Samoa, and any other  
 2 territory or possession of the United States.

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

8 **SEC. 3. GRANTS FOR STATES AND UNITS OF GENERAL**  
 9 **LOCAL GOVERNMENT TO PROVIDE ACCESS**  
 10 **TO COUNSEL IN CIVIL ACTIONS RELATED TO**  
 11 **EVICTION.**

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

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

21 (c) APPLICATION.—A State or unit of general local  
 22 government seeking a grant under this section shall sub-  
 23 mit an application to the Attorney General at such time,  
 24 in such manner, and containing such information as the  
 25 Attorney General may reasonably require, including—

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

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

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

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

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

22 (1) the rate of eviction in the applicant State  
23 or unit of general local government, compared to the  
24 national average rate of eviction, as determined by

1 the rates of eviction included with each application  
2 under subsection (c);

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

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

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

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

15 **SEC. 4. 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 age of the tenant;

16                      (iii) the race, ethnicity, gender, and  
17      disability status of the tenant;

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

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

1 (B) Information on the residential prop-  
2 erty, including—

3 (i) the address and type of housing;

4 and

5 (ii) whether the property is subject to  
6 a federally backed mortgage.

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

10 (i) the name of the landlord;

11 (ii) the mailing address of the land-  
12 lord;

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

16 (iv) the number of rental units owned  
17 by the landlord;

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

22 (vi) the rent charged for the unit in  
23 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.

○