

117TH CONGRESS
1ST SESSION

H. R. 5361

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 2021

Ms. DELAURO (for herself, Mr. AUCHINCLOSS, Ms. BONAMICI, Mr. LOWENTHAL, Mr. POCAN, Ms. MCCOLLUM, Ms. NORTON, Mr. MCGOVERN, Mr. GARCÍA of Illinois, Mr. SAN NICOLAS, Mr. EVANS, Ms. GARCIA of Texas, Mr. COOPER, Ms. ROSS, Mr. BLUMENAUER, Ms. JAYAPAL, Ms. TITUS, Mr. GREEN of Texas, and Ms. SCHAKOWSKY) introduced the following bill; which was referred to the Committee on Financial Services

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 “We Need Eviction
5 Data Now Act of 2021”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) 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 (2) 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 (3) DEPARTMENT.—The term “Department”
20 means the Department of Housing and Urban De-
21 velopment.

22 (4) EXECUTED EVICTION.—The term “executed
23 eviction” means a court order carried out by a sher-
24 iff’s office or other law enforcement agency that re-
25 sulted in the landlord recovering possession of resi-

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

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

14 (A) willfully interrupting or permitting the
15 interruption of essential items of services re-
16 quired by the rental agreement;

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

19 (C) changing the locks or removing the
20 front door of the premises;

21 (D) removing the belongings of a tenant;
22 and

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

1 (6) LOCAL ORDINANCE IMPACTING EVICTION.—

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

13 (A) requiring, encouraging, or permitting
14 the eviction of a tenant or resident because of
15 a certain number of calls for emergency serv-
16 ices;

17 (B) requiring, encouraging, or permitting
18 the eviction of a tenant or resident because of
19 an arrest even though the arrest has not re-
20 sulted in the conviction of that tenant or resi-
21 dent; or

22 (C) requiring, encouraging, or permitting
23 the eviction of a tenant or resident because of
24 criminal activity occurring at or near the place

1 of residence of the tenant or resident for which
2 that tenant or resident has not been convicted.

3 (7) PUBLIC HOUSING; PUBLIC HOUSING AGEN-
4 CY.—The terms “public housing” and “public hous-
5 ing agency” have the meanings given those terms in
6 section 3(b) of the United States Housing Act of
7 1937 (42 U.S.C. 1437a(b)).

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

10 **SEC. 3. NATIONAL DATABASE OF EVICTIONS.**

11 (a) ESTABLISHMENT OF DATABASE.—Not later than
12 1 year after the date of enactment of this Act, the Sec-
13 retary shall establish and maintain a database that—

14 (1) is accessible to the Office of Policy Develop-
15 ment and Research and the Office of Fair Housing
16 and Equal Opportunity of the Department and other
17 employees of the Department as determined nec-
18 essary by the Secretary;

19 (2) includes the data described in subsection (b)
20 with respect to court-ordered evictions, administra-
21 tive evictions, and illegal evictions in the United
22 States; and

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

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

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

8 (A) Information on the tenant who is the
9 defendant, including—

10 (i) the name of the tenant;

11 (ii) the address of the residential
12 property and the type of housing;

13 (iii) the number of household mem-
14 bers residing in the property, including the
15 number of children; and

16 (iv) whether the tenant is a recipient
17 of tenant-based or project-based assistance
18 under section 8 of the United States Hous-
19 ing Act of 1937 (42 U.S.C. 1437f).

20 (B) Information on the landlord who filed
21 the court-ordered or administrative eviction
22 case, including—

23 (i) the name of the landlord;

24 (ii) the name of the attorney or legally
25 permitted representative of the landlord, or

1 an indication that the landlord was self-
2 represented;

3 (iii) any amount that the landlord al-
4 leges that the tenant owes, including any
5 penalties and attorney's fees; and

6 (iv) any costs incurred by the landlord
7 for engaging in the eviction process, in-
8 cluding—

9 (I) court costs, such as filing

10 fees;

11 (II) the cost of legal representa-
12 tion; and

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

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

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

18 (ii) the date of the initial court filing
19 by the landlord;

20 (iii) the reason why the landlord filed
21 for eviction, such as nonpayment or breach
22 of lease;

23 (iv) whether the eviction was as a re-
24 sult of the enforcement of a local ordinance
25 impacting eviction;

1 (v) the final outcome of the court-or-
2 dered or administrative eviction case, in-
3 cluding—

4 (I) the disposition of the case, in-
5 cluding whether the initial hearing re-
6 sulted in a default judgment, dis-
7 missal, consent agreement, settlement,
8 or trial;

9 (II) the date of final disposition;

10 (III) any amount owed to the
11 landlord or tenant, if any, and over
12 what time period;

13 (IV) whether a judgment was
14 made in favor of the tenant for code
15 violations or warranty of habitability
16 claims;

17 (V) the overall outcome of the
18 case, including whether the tenant
19 paid any amounts to the landlord and
20 whether the tenant stayed in the
21 housing or was evicted from the hous-
22 ing; and

23 (VI) whether the tenant had legal
24 representation and the nature of that
25 representation, including a lawyer, a

1 law student participating in a clinic,
2 or another non-lawyer trained to rep-
3 resent clients in landlord-tenant court,
4 or whether the tenant was a lawyer
5 representing himself or herself;

6 (vi) the total court fees incurred by
7 the tenant, separated into categories of
8 fees;

9 (vii) the total court fees incurred by
10 the landlord;

11 (viii) whether the landlord had ap-
12 peared in landlord-tenant court for a
13 court-ordered or administrative eviction
14 matter involving the landlord in the 6-
15 month, 1-year, or 2-year period preceding
16 the court-ordered or administrative eviction
17 case; and

18 (ix) whether the tenant had appeared
19 in landlord-tenant court for a court-or-
20 dered or administrative eviction matter in-
21 volving the landlord in the 6-month, 1-
22 year, or 2-year period preceding the court-
23 ordered or administrative eviction case.

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, other breach of lease, both non-
8 payment and breach of lease, and any
9 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 were represented by counsel;

21 (C) the average duration of a court-or-
22 dered or an administrative eviction case, includ-
23 ing the average time from filing to first hear-
24 ing;

1 (D) the average amount allegedly owed by
2 a tenant, per landlord;

3 (E) the average months of rent allegedly
4 owed by a tenant;

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

7 (G) the number of court-ordered or admin-
8 istrative eviction cases resulting in a judgment
9 in favor of the tenant due to code violations or
10 warranty of habitability claims;

11 (H) the number and percentage of court-
12 ordered or administrative eviction cases broken
13 down by age bracket;

14 (I) the number and percentage of court-or-
15 dered or administrative eviction cases with a
16 tenant or household with children;

17 (J) the number of tenants evicted from
18 public housing, broken down by each public
19 housing agency;

20 (K) the number of tenants evicted from
21 dwelling units who were receiving tenant-based
22 assistance or project-based assistance under
23 section 8 of the United States Housing Act of
24 1937 (42 U.S.C. 1437f); and

1 (L) the number of court-ordered or admin-
2 istrative eviction or cases where late fees were
3 collected from tenants by landlords, and the av-
4 erage amount of late fees in those cases.

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

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

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

1 (A) The data described in paragraph
2 (1)(A).

3 (B) Information on the landlord, includ-
4 ing—

5 (i) the name of the landlord; and

6 (ii) any amount that the landlord al-
7 leges that the tenant owes, including any
8 penalties.

9 (C) The reason the tenant was evicted.

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

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

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

17 (6) AGGREGATE DATA ON ILLEGAL EVIC-
18 TIONS.—Aggregate data on illegal eviction cases oc-
19 ccurring on or after the date on which the database
20 is established, as reported by local governments and
21 nonprofit organizations receiving grants under sec-
22 tion 6, including—

23 (A) the average amount owed by a tenant,
24 per landlord;

1 (B) the average months of rent owed by a
2 tenant;

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

5 (D) the number and percentage of illegal
6 eviction cases with a tenant or household with
7 children;

8 (E) the number and percentage of illegal
9 eviction cases broken down by race and eth-
10 nicity;

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

13 (G) the number and percentage of illegal
14 eviction cases broken down by disability status;
15 and

16 (H) the number and percentage of illegal
17 eviction cases based on the enforcement of a
18 local ordinance impacting eviction.

19 (c) SUBMISSION OF DATA.—

20 (1) SUBMISSION BY COURTS.—Not later than
21 March 1 of each year, the Attorney General of each
22 State shall submit to the Secretary data on court-
23 ordered eviction cases that occurred in that State
24 during the preceding calendar year for inclusion in
25 the database established under this section.

1 (2) SUBMISSION TO SECRETARY.—

2 (A) IN GENERAL.—The Attorney General
3 of the State shall—

4 (i) ensure the accuracy and consist-
5 ency of the data submitted under para-
6 graph (1); and

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

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

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

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

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

10 (3) standards for—

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

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

20 (C) using generally accepted statistical
21 principles to validate the data, in consultation
22 with outside participants;

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

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

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

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

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

17 **SEC. 4. GRANT PROGRAM TO COLLECT DATA ON ILLEGAL**
18 **EVICTIONS.**

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

23 (b) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to the Secretary such

1 sums as may be necessary for each of fiscal years 2022
2 through 2026 to provide grants under this section.

3 **SEC. 5. ADVISORY COMMITTEE.**

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

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

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

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

16 (b) MEMBERSHIP.—

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

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

5 (B) 2 members shall be representatives of
6 landlords;

7 (C) 5 members shall be from the academic
8 or research community;

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

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

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

19 (3) PERIOD OF APPOINTMENT; VACANCIES.—

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

23 (B) VACANCIES.—A vacancy in the Com-
24 mittee—

1 (i) shall not affect the powers of the
2 Committee; and

3 (ii) shall be filled in the same manner
4 as the original appointment.

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

6 (1) in person not less frequently than twice
7 each year; and

8 (2) via teleconference not less frequently than
9 once every 2 months.

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

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

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

17 (3) hold or host conferences and symposia;

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

21 (5) establish subcommittees; and

22 (6) establish rules of procedure.

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

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

8 (g) STAFF.—

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

17 (2) COMPENSATION.—The chair of the Com-
18 mittee may fix the compensation of the executive di-
19 rector and other personnel without regard to chapter
20 51 and subchapter III of chapter 53 of title 5,
21 United States Code, relating to classification of posi-
22 tions and General Schedule pay rates, except that
23 the rate of pay for the executive director and other
24 personnel may not exceed the rate payable for level

1 V of the Executive Schedule under section 5316 of
2 that title.

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

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

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

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

○