

117TH CONGRESS  
2D SESSION

# H. R. 6696

To create a database of eviction information, establish grant programs for eviction prevention and legal aid, and limit use of housing court-related records in consumer reports, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 2022

Ms. PRESSLEY (for herself, Ms. DELAURO, and Ms. BUSH) introduced the following bill; which was referred to the Committee on Financial Services

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## A BILL

To create a database of eviction information, establish grant programs for eviction prevention and legal aid, and limit use of housing court-related records in consumer reports, 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 “Housing Emergencies  
5       Lifeline Program Act of 2022” or the “HELP Act of  
6       2022”.

7       **SEC. 2. CONGRESSIONAL FINDINGS.**

8       The Congress finds that—

1           (1) housing is fundamentally an issue of eco-  
2           nomic and racial justice and a critical determinant  
3           of health;

4           (2) the 2008 financial crisis was a Great De-  
5           pression-level event for Black Americans, wiping out  
6           decades of gains in Black homeownership, which has  
7           now fallen to its lowest rate since the passage of the  
8           Fair Housing Act in 1968;

9           (3) Black borrowers were 76 percent more like-  
10          ly to have lost their home to foreclosure than White  
11          borrowers during the foreclosure crisis;

12          (4) Black and Hispanic households continue to  
13          be about twice as likely as White households to rent  
14          their homes;

15          (5) in 2016, 58 percent of Black household  
16          heads and 54 percent of Hispanic household heads  
17          were renting their homes, compared with 28 percent  
18          of White household heads;

19          (6) while cost burdens affect households of all  
20          races and ethnicities, Black and Brown renters are  
21          much more likely to be burdened, with 55 percent of  
22          Black renters considered to be rent burdened com-  
23          pared to only 43 percent of White renters;

24          (7) Black households account for 12 percent of  
25          all households in the United States, but 19 percent

1 of all renters and 26 of all renter households with  
2 extremely low incomes;

3 (8) prior to the coronavirus pandemic, it was  
4 estimated that around 3.7 million evictions are filed  
5 every year, a rate of about 7 every minute;

6 (9) across the United States, one in 20 renters  
7 faces an eviction every year, but for Black renters,  
8 the number is one in 11;

9 (10) every day families are displaced by the  
10 eviction crisis, a reality that is only further exacer-  
11 bated by the COVID–19 pandemic and that falls  
12 disproportionately on Black renters, and particularly  
13 Black women renters;

14 (11) the Department of Housing and Urban  
15 Development does not require the reporting or col-  
16 lection of eviction data, including among households  
17 in federally assisted housing, and should be required  
18 to do so;

19 (12) the American Civil Liberties Union’s anal-  
20 ysis of Eviction Lab data found that, on average,  
21 “Black renters had evictions filed against them at  
22 nearly twice the rate of White renters” and that  
23 Black women specifically were filed against for evic-  
24 tion at “double the rate of White renters or higher  
25 in 17 of 36 [S]tates”;

1           (13) right to counsel is a matter of racial jus-  
2           tice, equity, and ensuring equal protection under the  
3           law;

4           (14) nationally, it is estimated that more than  
5           81 percent of landlords are represented in housing  
6           court proceedings, compared to less than 3 percent  
7           of tenants in such proceedings;

8           (15) a Massachusetts COVID–19 legal help  
9           project found that when providing full legal rep-  
10          resentation to low-income tenants, 90 percent of  
11          cases closed resulted in positive outcomes, with 70  
12          percent of tenants remaining in their homes and 20  
13          percent of tenants having more time to find a place  
14          to live; and

15          (16) a California study of the Shriver Civil  
16          Counsel Program found that 91 percent of Shriver  
17          cases ended with the eviction record sealed, 81 per-  
18          cent with the eviction not reported to a credit agen-  
19          cy, and 71 percent with a neutral reference provided  
20          by the landlord, tenants in such cases saved nearly  
21          \$800 more in reduced rent and other fees while pay-  
22          ing holdover damages or attorney’s fees only half as  
23          often, and 71 percent of represented clients that had  
24          been required to move had obtained a new rental

1 unit, compared to 43 percent of unrepresented ten-  
2 ants.

3 **SEC. 3. DATABASE OF EVICTION INFORMATION.**

4 (a) REPORTS BY HOUSING PROVIDERS.—

5 (1) IN GENERAL.—The Secretary of Housing  
6 and Urban Development shall require each State  
7 and local entity that receives covered housing assist-  
8 ance to submit to the Secretary annual reports  
9 under this section regarding evictions from assisted  
10 dwelling units of the covered housing occurring dur-  
11 ing the preceding year.

12 (2) CONTENTS.—Each report submitted pursu-  
13 ant to subsection (a) shall include—

14 (A) for each household subject to an evic-  
15 tion proceeding during the year which the re-  
16 port covers—

17 (i) the reason or reasons that the evic-  
18 tion proceeding was undertaken and, in the  
19 case of any eviction proceeding undertaken  
20 in whole or in part based on an arrearage  
21 in rent owed, the amount of such arrear-  
22 age and the amount of the tenant's re-  
23 quired contribution toward rent;

24 (ii) the date on which the household  
25 was ordered to be evicted;

1 (iii) the address of the dwelling unit  
2 from which the household was evicted;

3 (iv) whether the household was rep-  
4 resented by legal counsel in any eviction  
5 proceeding, if such information is available;

6 (v) the number of days the household  
7 was given to vacate the dwelling unit, if  
8 such information is available; and

9 (vi) whether a writ of execution was  
10 issued in regards to the eviction; and

11 (B) for each individual in any household  
12 subject to an eviction proceeding during the  
13 year which the report covers—

14 (i) the name of the individual;

15 (ii) the annual income of the indi-  
16 vidual in the fiscal year prior to the year  
17 during which the individual was evicted, if  
18 available;

19 (iii) the disability status of the indi-  
20 vidual evicted, if available;

21 (iv) any available demographic infor-  
22 mation about the individual including race,  
23 ethnicity, age, and gender;

24 (v) any foster care history for the in-  
25 dividual, if available;

1 (vi) any serious physical health prob-  
2 lems or serious mental illness of the indi-  
3 vidual, if such information is available;

4 (vii) any history of prior homelessness  
5 of the individual, if such information is  
6 available; and

7 (viii) whether the individual has a  
8 criminal record, if such information is  
9 available.

10 (3) DATA REQUIREMENTS.—The Secretary of  
11 Housing and Urban Development shall develop re-  
12 quirements for States and local entities that receive  
13 covered housing assistance that—

14 (A) provide that the provision of the infor-  
15 mation being collected under this subsection  
16 shall be voluntary on the part of any individual  
17 or household who is or was a tenant in an as-  
18 sisted dwelling unit of covered housing;

19 (B) provide limitations on how long the in-  
20 formation described in paragraph (2) shall be  
21 retained;

22 (C) establish data privacy and security re-  
23 quirements for the information described in  
24 paragraph (2) that include appropriate meas-  
25 ures to ensure that the privacy of the individ-

1 uals and households is protected and that the  
2 information, including any personally identifi-  
3 able information, is collected and used only for  
4 the purpose of submitting reports under para-  
5 graph (1); and

6 (D) confidentiality protections for data col-  
7 lected about any individuals who are survivors  
8 of intimate partner violence, sexual assault, or  
9 stalking.

10 (b) DATABASE.—

11 (1) IN GENERAL.—The Secretary shall establish  
12 a database for collecting and maintaining informa-  
13 tion submitted in reports pursuant to subsection (a).

14 (2) DISAGGREGATION.—To the extent possible,  
15 such database shall be disaggregated by the smallest  
16 census tract, block group, or block possible for the  
17 data set, and by income, race, gender, disability, and  
18 all other protected classes under the Fair Housing  
19 Act.

20 (3) PRIVACY PROTECTIONS.—The Secretary  
21 shall establish appropriate measures regarding infor-  
22 mation in the database to ensure that, subject to  
23 paragraph (4), the privacy of the individuals and  
24 households is protected and that any personally  
25 identifiable information is not disclosed.



1           (4) RESEARCH.—The Secretary may make full  
2           and unredacted information available to academic in-  
3           stitutions for the purpose of researching causes and  
4           solutions to evictions and adherence to civil rights  
5           protections.

6 **SEC. 4. ASSISTANCE FOR EVICTION RELATED LEGAL AID.**

7           There is authorized to be appropriated to the Sec-  
8           retary \$10,000,000,000 for fiscal year 2022, to remain  
9           available until expended, for assistance under the Emer-  
10          gency Solutions Grants program under subtitle B of title  
11          IV of the McKinney-Vento Homeless Assistance Act (42  
12          U.S.C. 11371 et seq.), to be used only for—

13           (1) providing legal counsel for tenants subject  
14           to or at risk of eviction with regard to any eviction-  
15           related legal proceeding; and

16           (2) costs of any court fees associated with an  
17           eviction-related legal proceeding for a tenant (ex-  
18           cluding any attorneys fees for the attorney of the  
19           landlord of the tenant).

20 **SEC. 5. CONSUMER REPORTS.**

21           (a) IN GENERAL.—Section 605(a) of the Fair Credit  
22           Reporting Act (15 U.S.C. 1681c(a)) is amended by adding  
23           at the end the following:

1           “(9) An eviction, or any information related to  
2           an eviction or a proceeding seeking eviction, of a  
3           consumer from a rental dwelling.

4           “(10) Any adverse item of information related  
5           to rent or utility arrears.”.

6           (b) **APPLICABILITY.**—The amendment made by this  
7           section shall apply to any consumer report (as defined in  
8           section 603 of the Fair Credit Reporting Act (15 U.S.C.  
9           1681a)) issued on or after the date of the enactment of  
10          this Act.

11       **SEC. 6. EVICTION INFORMATION.**

12          (a) **IN GENERAL.**—The Secretary shall, not later  
13          than 1 year after the date of the enactment of this Act,  
14          issue rules that require each owner of a covered federally  
15          assisted rental dwelling unit to ensure that each tenant  
16          of such dwelling unit owned by such owner receives infor-  
17          mation, in writing—

18               (1) not less than once each year regarding—

19                       (A) the rights and responsibilities of such  
20                       owner with regard to eviction; and

21                       (B) local organizations and resources that  
22                       can provide assistance in eviction-related mat-  
23                       ters; and

24               (2) upon provision of any notice of eviction,  
25          stating the reason or reasons for the eviction.

1 (b) HOTLINE.—The Secretary shall, not later than  
2 1 year after the date of the enactment of this Act, estab-  
3 lish a hotline to provide assistance with regard to eviction-  
4 related matters to tenants of covered federally assisted  
5 rental dwelling units.

6 **SEC. 7. DEFINITIONS.**

7 (a) For purposes of this Act:

8 (1) ASSISTANCE.—The term “assistance”  
9 means any grant, loan, subsidy, contract, cooperative  
10 agreement, or other form of financial assistance, but  
11 such term does not include the insurance or guar-  
12 antee of a loan, mortgage, or pool of loans or mort-  
13 gages.

14 (2) COVERED FEDERALLY ASSISTED RENTAL  
15 DWELLING UNIT.—The term “covered federally as-  
16 sisted rental dwelling unit” means a residential  
17 dwelling unit that—

18 (A) is made available for rental; and

19 (B)(i) for which assistance is provided, or  
20 that is part of a housing project for which as-  
21 sistance is provided, under any program admin-  
22 istered by the Secretary of Housing and Urban  
23 Development, including—

1 (I) the public housing program under  
2 the United States Housing Act of 1937  
3 (42 U.S.C. 1437 et seq.);

4 (II) the program for rental assistance  
5 under section 8 of the United States Hous-  
6 ing Act of 1937 (42 U.S.C. 1437f);

7 (III) the HOME Investment Partner-  
8 ships program under title II of the Cran-  
9 ston-Gonzalez National Affordable Housing  
10 Act (42 U.S.C. 12721 et seq.);

11 (IV) title IV of the McKinney-Vento  
12 Homeless Assistance Act (42 U.S.C. 11360  
13 et seq.);

14 (V) the Housing Trust Fund program  
15 under section 1338 of the Housing and  
16 Community Development Act of 1992 (12  
17 U.S.C. 4568);

18 (VI) the program for supportive hous-  
19 ing for the elderly under section 202 of the  
20 Housing Act of 1959 (12 U.S.C. 1701q);

21 (VII) the program for supportive  
22 housing for persons with disabilities under  
23 section 811 of the Cranston-Gonzalez Na-  
24 tional Affordable Housing Act (42 U.S.C.  
25 8013);

1 (VIII) the AIDS Housing Opportuni-  
2 ties program under subtitle D of title VIII  
3 of the Cranston-Gonzalez National Afford-  
4 able Housing Act (42 U.S.C. 12901 et  
5 seq.);

6 (IX) the program for Native American  
7 housing under the Native American Hous-  
8 ing Assistance and Self-Determination Act  
9 of 1996 (25 U.S.C. 4101 et seq.); and

10 (X) the program for housing assist-  
11 ance for Native Hawaiians under title VIII  
12 of the Native American Housing Assist-  
13 ance and Self-Determination Act of 1996  
14 (25 U.S.C. 4221 et seq.); or

15 (ii) is a property, or is on or in a property,  
16 that has a federally backed mortgage loan or  
17 federally backed multifamily mortgage loan, as  
18 such terms are defined in section 4024(a) of  
19 the CARES Act (15 U.S.C. 9058(a)).

20 (3) COVERED HOUSING.—The term “covered  
21 housing” means a dwelling unit assisted with  
22 amounts made available, or a loan or mortgage  
23 made, insured, or guaranteed, under any of the fol-  
24 lowing programs:

1           (A) The programs for tenant- and project-  
2           based rental assistance under section 8 of the  
3           United States Housing Act of 1937 (42 U.S.C.  
4           1437f).

5           (B) The program for public housing under  
6           the United States Housing Act of 1937 (42  
7           U.S.C. 1437 et seq.).

8           (C) The program for supportive housing  
9           for the elderly under section 202 of the Hous-  
10          ing Act of 1959 (12 U.S.C. 1701q).

11          (D) The program for supportive housing  
12          for persons with disabilities under section 811  
13          of the Cranston-Gonzalez National Affordable  
14          Housing Act (42 U.S.C. 8013).

15          (E) The community development block  
16          grant program under title I of the Housing and  
17          Community Development Act of 1974 (42  
18          U.S.C. 5301 et seq.).

19          (F) The HOME Investment Partnerships  
20          program under titles I and II of the Cranston-  
21          Gonzalez National Affordable Housing Act (42  
22          U.S.C. 12704 et seq.).

23          (G) The program for housing opportunities  
24          for persons with AIDS under subtitle D of title

1 VIII of the Cranston-Gonzalez National Afford-  
2 able Housing Act (42 U.S.C. 12901 et seq.).

3 (H) The programs for homeless assistance  
4 under title IV of the McKinney-Vento Homeless  
5 Assistance Act (42 U.S.C. 11361 et seq.).

6 (4) COVERED HOUSING ASSISTANCE.—The term  
7 “covered housing assistance” means assistance  
8 under any program specified in paragraph (3).

9 (5) LEGAL COUNSEL.—The term “legal coun-  
10 sel” means full representation by an attorney  
11 throughout proceedings in issue.

12 (6) OWNER.—For the purposes of this Act, the  
13 term “owner” means any private person or entity,  
14 including a cooperative, an agency of the Federal  
15 Government, or a public housing agency, having the  
16 legal right to lease or sublease dwelling units.

17 (7) SECRETARY.—The term “Secretary” means  
18 Secretary of Housing and Urban Development.

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