

117TH CONGRESS
1ST SESSION

H. R. 5043

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

AUGUST 17, 2021

Mrs. DEMINGS (for herself and Mr. LAWSON of Florida) 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 2021”.

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

7 (a) MORATORIUM.—In the case of any disaster, the
8 lessor of a covered dwelling that is located within the dis-
9 aster area with respect to such disaster may not, during

1 the eviction moratorium period with respect to such
2 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 unit, including by recouping such in-
12 creased rent through fees or charges after the con-
13 clusion of such period;

14 (4) in any manner prevent the tenant of the
15 dwelling unit, if such tenant has temporarily relo-
16 cated, from returning to the dwelling unit and re-es-
17 tablishing occupancy or require the tenant to be re-
18 screened to determine any eligibility for such occu-
19 pancy; or

20 (5) otherwise terminate a lease or fail to renew
21 a lease.

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

1 (1) require the tenant to vacate the covered
2 dwelling unit before the date that is 30 days after
3 the date on which the lessor provides the tenant with
4 a notice to vacate; and

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

8 (c) NOTICE OF ASSISTANCE.—Each lessor of a cov-
9 ered dwelling unit that is located within a disaster area
10 with respect to a disaster shall notify the lessee of such
11 unit—

12 (1) as soon as possible after the declaration of
13 the disaster of—

14 (A) the damage assessment status of the
15 dwelling unit, with respect to disaster assist-
16 ance from the Federal Emergency Management
17 Agency and the Small Business Administration;

18 (B) disaster assistance from the Federal
19 Emergency Management Agency and the Small
20 Business Administration for which the lessee
21 may be eligible, with respect to such dwelling
22 unit; and

23 (C) disaster assistance from the Federal
24 Emergency Management Agency and the Small
25 Business Administration for which the lessor

1 may be eligible, with respect to such dwelling
2 unit; and

3 (2) in the case of assistance referred to in para-
4 graph (1)(C) applied for by the lessor—

5 (A) that such assistance has been applied
6 for, upon such application; and

7 (B) that such assistance has been received,
8 upon such receipt.

9 **SEC. 3. FORECLOSURE MORATORIUM.**

10 Except with respect to a vacant or abandoned prop-
11 erty, in the case of any disaster, a servicer of a Federally
12 backed mortgage loan on a property located within the dis-
13 aster area with respect to such disaster may not, during
14 the foreclosure moratorium period with respect to such
15 area, initiate any judicial or non-judicial foreclosure proc-
16 ess, move for a foreclosure judgment or order of sale, or
17 execute a foreclosure-related eviction or foreclosure sale.

18 **SEC. 4. DEFINITIONS.**

19 For purposes of this Act, the following definitions
20 shall apply:

21 (1) **COVERED DWELLING.**—The term “covered
22 dwelling” means a dwelling that is occupied by a
23 tenant—

24 (A) pursuant to a residential lease; or

1 (B) without a lease or with a lease ter-
2 minable under State law; and

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

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

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

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

15 (4) DWELLING.—The term “dwelling”—

16 (A) has the meaning given the term in sec-
17 tion 802 of the Fair Housing Act (42 U.S.C.
18 3602); and

19 (B) includes houses and dwellings de-
20 scribed in section 803(b) of such Act (42
21 U.S.C. 3603(b)).

22 (5) EVICTION MORATORIUM PERIOD.—The term
23 “eviction moratorium period” means, with respect to
24 a disaster area, the 90-day period that begins
25 upon—

1 (A) in the case of a covered dwelling unit
2 that is eligible for assistance under the Robert
3 T. Stafford Disaster Relief and Emergency As-
4 sistance Act (42 U.S.C. 5121 et seq.) or dis-
5 aster loan assistance from the Small Business
6 Administration, with respect to such disaster,
7 the sooner of—

8 (i) receipt by the owner of the dwell-
9 ing unit of all or part of such assistance;

10 or

11 (ii) the expiration of the period of eli-
12 gibility for assistance under such Act for
13 such dwelling unit with respect to such dis-
14 aster; or

15 (B) in the case of a covered dwelling unit
16 that is not eligible for assistance referred to in
17 subparagraph (A) with respect to such disaster,
18 the declaration of the disaster for which such
19 declaration was made.

20 (6) FEDERALLY BACKED MORTGAGE LOAN.—

21 The term “Federally backed mortgage loan” in-
22 cludes any loan (other than temporary financing
23 such as a construction loan) that—

24 (A) is secured by a first or subordinate lien
25 on residential real property (including indi-

vidual units of condominiums and cooperatives)
 designed principally for the occupancy of from
 1 to 4 families, including any such secured
 loan, the proceeds of which are used to prepay
 or pay off an existing loan secured by the same
 property; and

(B) is made in whole or in part, or insured, guaranteed, supplemented, or assisted in any way, by any officer or agency of the Federal Government or under or in connection with a housing or urban development program administered by the Secretary of Housing and Urban Development or a housing or related program administered by any other such officer or agency, or is purchased or securitized by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association.

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

SEC. 5. APPLICABILITY.

This Act shall apply with respect to any disaster for 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.

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