

116TH CONGRESS
1ST SESSION

H. R. 5298

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 4, 2019

Ms. DELAURO (for herself, Mr. GRIJALVA, Mr. EVANS, Ms. NORTON, Mr. PAYNE, Mr. BLUMENAUER, and Ms. JACKSON LEE) introduced the following bill; which was referred to the Committee on the Judiciary

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 2019”.

1 **SEC. 2. GRANTS FOR STATES AND UNITS OF GENERAL**
2 **LOCAL GOVERNMENT TO PROVIDE ACCESS**
3 **TO COUNSEL IN CIVIL ACTIONS RELATED TO**
4 **EVICTON.**

5 (a) **AUTHORIZATION.**—The Attorney General is au-
6 thorized to make grants to States and units of general
7 local government to provide eligible individuals access to
8 counsel in civil actions related to eviction.

9 (b) **USE OF FUNDS.**—A State or unit of general local
10 government that receives a grant under this section shall
11 use such funds to hire attorneys in positions that are dedi-
12 cated solely to providing counsel described in subsection
13 (a).

14 (c) **APPLICATION.**—A State or unit of general local
15 government seeking an application under this section shall
16 submit an application to the Attorney General at such
17 time, in such manner, and containing such information as
18 the Attorney General may reasonably require, including—

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

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

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

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

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

16 (1) the rate of eviction in the applicant State
17 or unit of general local government, compared to the
18 national average rate of eviction, as determined by
19 the rates of eviction included with each application
20 under subsection (c);

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

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

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

5 (e) DEFINITIONS.—In this section, the following defi-
6 nitions shall apply:

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

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

12 (3) STATE.—The term “State” means the
13 States of the United States, the District of Colum-
14 bia, the Commonwealth of Puerto Rico, the Com-
15 monwealth of the Northern Mariana Islands, Guam,
16 the Virgin Islands, American Samoa, and any other
17 territory or possession of the United States.

18 (4) UNIT OF GENERAL LOCAL GOVERNMENT.—
19 The term “unit of general local government” means
20 any city, town, township, county, parish, village, or
21 other general purpose political subdivision of a
22 State.

23 (5) RATE OF EVICTION.—The term “rate of
24 eviction” means the number of judgments of eviction

1 entered in that jurisdiction per capita during the
2 previous fiscal year.

3 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to carry out this section
5 \$125,000,000 for each of fiscal years 2021 through 2025.

6 **SEC. 3. GRANTS FOR COLLECTION OF EVICTION DATA.**

7 (a) AUTHORIZATION.—The Attorney General is au-
8 thorized to make grants to States and units of local gov-
9 ernment to collect and provide to the Attorney General
10 eviction data described in subsection (b).

11 (b) EVICTION DATA DESCRIBED.—The eviction data
12 described in this subsection is the eviction data for the
13 applicable jurisdiction during the most recent 3 years,
14 which shall include the 3-year eviction filing rate, number
15 of eviction filings at a given property, the name of the
16 current owner, the name of the lead plaintiff, the race of
17 the lead plaintiff and defendant, the type of property (sin-
18 gle-family residential, two-family residential, or multi-fam-
19 ily residential), whether the unit’s rent was assisted or
20 subsidized, the number of units, the nature of the eviction,
21 the reason for eviction (including nonpayment of rent and
22 breach of lease), the number of days the tenant is given
23 to vacate, the status of representation of the lead plaintiff
24 and defendant, the outcome of the eviction (including
25 whether the tenant remains in possession, whether an

1 order of eviction is officially placed on the record, whether
2 the landlord is ordered to make repairs, and whether the
3 landlord or tenant are ordered to pay any amount of
4 money to the other), the date of any rescission of such
5 eviction, and if an eviction was ordered, how many days
6 from such order until termination of the lease.

7 (c) PUBLICATION OF DATA.—The Attorney General
8 shall make the information reported under subsection (a)
9 publicly available online.

10 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated \$5,000,000 for each of fis-
12 cal years 2021 through 2025.

13 **SEC. 4. GAO STUDY.**

14 Not later than one year after the date of the enact-
15 ment of this Act, the Comptroller General of the United
16 States shall conduct a study and submit a report to Con-
17 gress on evictions in the United States, including an anal-
18 ysis of ways in which the legal system fails to provide suf-
19 ficient protections from eviction for tenants, the rate of
20 representation of tenants and landlords, the effect of full
21 representation on default rates, case outcomes, and evic-
22 tion dockets as compared to cases where the tenant lacks
23 representation or has pro se assistance, and the potential
24 cost savings from providing representation.

