

116TH CONGRESS
2D SESSION

H. R. 8142

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

SEPTEMBER 1, 2020

Mrs. DEMINGS (for herself, Mrs. HAYES, Ms. NORTON, Mr. LAWSON of Florida, Ms. WILSON of Florida, Mr. CARSON of Indiana, and Mr. THOMPSON of Mississippi) introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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 2020”.

1 **SEC. 2. FORECLOSURE MORATORIUM.**

2 Except with respect to a vacant or abandoned prop-
3 erty, in the case of any disaster, a servicer of a Federally
4 backed mortgage loan on a property located within the dis-
5 aster area with respect to such disaster may not, during
6 the moratorium period with respect to such area, initiate
7 any judicial or non-judicial foreclosure process, move for
8 a foreclosure judgment or order of sale, or execute a fore-
9 closure-related eviction or foreclosure sale.

10 **SEC. 3. EVICTION MORATORIUM.**

11 (a) MORATORIUM.—In the case of any disaster, the
12 lessor of a covered dwelling that is located within the dis-
13 aster area with respect to such disaster may not, during
14 the moratorium period with respect to such area—

15 (1) make, or cause to be made, any filing with
16 the court of jurisdiction to initiate a legal action to
17 recover possession of the covered dwelling from the
18 tenant for nonpayment of rent or other fees or
19 charges; or

20 (2) charge fees, penalties, or other charges to
21 the tenant related to such nonpayment of rent.

22 (b) NOTICE.—In the case of any disaster, the lessor
23 of a covered dwelling unit that is located within the dis-
24 aster area with respect to such disaster—

25 (1) may not require the tenant to vacate the
26 covered dwelling unit before the date that is 30 days

1 after the date on which the lessor provides the ten-
2 ant with a notice to vacate; and

3 (2) may not issue a notice to vacate under
4 paragraph (1) until after the expiration of the mora-
5 torium period with respect to such area.

6 **SEC. 4. DEFINITIONS.**

7 For purposes of this Act, the following definitions
8 shall apply:

9 (1) COVERED DWELLING.—The term “covered
10 dwelling” means a dwelling that is occupied by a
11 tenant—

12 (A) pursuant to a residential lease; or

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

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

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

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

23 (3) DISASTER AREA.—The term “disaster area”
24 means, with respect to a disaster, any area that at

any time is subject to the declaration of such disaster.

(4) DWELLING.—The term “dwelling”—

(A) has the meaning given the term in section 802 of the Fair Housing Act (42 U.S.C. 3602); and

(B) includes houses and dwellings described in section 803(b) of such Act (42 U.S.C. 3603(b)).

(5) FEDERALLY BACKED MORTGAGE LOAN.—

The term “Federally backed mortgage loan” includes any loan (other than temporary financing such as a construction loan) that—

(A) is secured by a first or subordinate lien on residential real property (including individual 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

1 a housing or urban development program ad-
2 ministered by the Secretary of Housing and
3 Urban Development or a housing or related
4 program administered by any other such officer
5 or agency, or is purchased or securitized by the
6 Federal Home Loan Mortgage Corporation or
7 the Federal National Mortgage Association.

8 (6) MORATORIUM PERIOD.—The term “morato-
9 rium period” means, with respect to a disaster area,
10 the period that—

11 (A) begins upon the declaration of the dis-
12 aster for which such declaration was made; and

13 (B) ends upon the later of—

14 (i) the date on which the effectiveness
15 of such declaration terminates for such
16 area; or

17 (ii) the date on which a certification
18 under section 5(b) for the State in which
19 such area is located is published in the
20 Federal Register.

21 **SEC. 5. TERMINATION OF MORATORIUM PERIOD BY UNEM-**
22 **PLOYMENT RATE.**

23 (a) MONITORING.—In the case of a disaster, the Sec-
24 retary of Labor shall continually monitor the unemploy-
25 ment rate for each State in which any disaster area with

1 respect to such disaster is located to determine the first
2 time after the beginning of the moratorium period with
3 respect to any such disaster area that the unemployment
4 rate for the State has been less than 8.5 percent for each
5 of 2 consecutive calendar months, each such month com-
6 mencing after the beginning of the moratorium period.

7 (b) CERTIFICATION.—In the case of a disaster, the
8 Secretary of Labor shall, upon making a determination
9 that the unemployment rate for a State, as determined
10 by the Bureau of Labor Statistics, has been less than 8.5
11 percent for each of 2 consecutive calendar months, each
12 such month commencing after the beginning of the mora-
13 torium period with respect to a disaster area located with-
14 in such State, immediately cause to be published in the
15 Federal Register a certification of such unemployment
16 rate for such months for such State for purposes of deter-
17 mining the termination of the moratorium period for such
18 disaster area.

19 **SEC. 6. APPLICABILITY.**

20 This Act shall apply with respect to any disaster for
21 which the declaration of the disaster is in effect on the
22 date of the enactment of this Act and any disaster for
23 which such declaration is made after such date of enact-
24 ment.

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