

## 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	EVICTION.
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) the status with respect of the right to counsel in civil actions related to eviction in the State or unit of general local government and, if the State or unit of general local government does not have in effect laws providing a right to counsel, such evidence as the Attorney General may require that is sufficient to demonstrate that substantial progress has 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—
  - (1) the rate of eviction in the applicant State or unit of general local government, compared to the national average rate of eviction, as determined by the rates of eviction included with each application under subsection (c);
  - (2) the plan submitted by the applicant State or unit of general local government in accordance with subsection (c)(3);
- (3) the status of right to counsel in applicant
  State or unit of general local government; and

5

6

7

8

9

10

11

16

17

18

19

20

21

22

23

	<del>-</del>
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.

(5) Rate of eviction.—The term "rate of

eviction" means the number of judgments of eviction

23

24

- 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.
- 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.