

118TH CONGRESS  
1ST SESSION

# H. R. 5038

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

JULY 27, 2023

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 2023” or the “HELP Act of  
6        2023”.

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) the Department of Housing and Urban  
10 Development does not require the reporting or col-  
11 lection of eviction data, including among households  
12 in federally assisted housing, and should be required  
13 to do so;

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

21 (12) right to counsel is a matter of racial jus-  
22 tice, equity, and ensuring equal protection under the  
23 law;

24 (13) nationally, it is estimated that more than  
25 81 percent of landlords are represented in housing

1 court proceedings, compared to less than 3 percent  
2 of tenants in such proceedings;

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

10 (15) a California study of the Shriver Civil  
11 Counsel Program found that 91 percent of Shriver  
12 cases ended with the eviction record sealed, 81 per-  
13 cent with the eviction not reported to a credit agen-  
14 cy, and 71 percent with a neutral reference provided  
15 by the landlord, tenants in such cases saved nearly  
16 \$800 more in reduced rent and other fees while pay-  
17 ing holdover damages or attorney’s fees only half as  
18 often, and 71 percent of represented clients that had  
19 been required to move had obtained a new rental  
20 unit, compared to 43 percent of unrepresented ten-  
21 ants.

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

23 (a) **REPORTS BY HOUSING PROVIDERS.—**

24 (1) **IN GENERAL.—**The Secretary of Housing  
25 and Urban Development shall require each State

1 and local entity that receives covered housing assist-  
2 ance to submit to the Secretary annual reports  
3 under this section regarding evictions from assisted  
4 dwelling units of the covered housing occurring dur-  
5 ing the preceding year.

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

8 (A) for each household subject to an evic-  
9 tion proceeding during the year which the re-  
10 port covers—

11 (i) the reason or reasons that the evic-  
12 tion proceeding was undertaken and, in the  
13 case of any eviction proceeding undertaken  
14 in whole or in part based on an arrearage  
15 in rent owed, the amount of such arrear-  
16 age and the amount of the tenant's re-  
17 quired contribution toward rent;

18 (ii) the date on which the household  
19 was ordered to be evicted;

20 (iii) the address of the dwelling unit  
21 from which the household was evicted;

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

1 (v) the number of days the household  
2 was given to vacate the dwelling unit, if  
3 such information is available; and

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

6 (B) for each individual in any household  
7 subject to an eviction proceeding during the  
8 year which the report covers—

9 (i) the name of the individual;

10 (ii) the annual income of the indi-  
11 vidual in the fiscal year prior to the year  
12 during which the individual was evicted, if  
13 available;

14 (iii) the disability status of the indi-  
15 vidual evicted, if available;

16 (iv) any available demographic infor-  
17 mation about the individual including race,  
18 ethnicity, age, and gender;

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

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

1 (vii) any history of prior homelessness  
2 of the individual, if such information is  
3 available; and

4 (viii) whether the individual has a  
5 criminal record, if such information is  
6 available.

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

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

16 (B) provide limitations on how long the in-  
17 formation described in paragraph (2) shall be  
18 retained;

19 (C) establish data privacy and security re-  
20 quirements for the information described in  
21 paragraph (2) that include appropriate meas-  
22 ures to ensure that the privacy of the individ-  
23 uals and households is protected and that the  
24 information, including any personally identifi-  
25 able information, is collected and used only for

1 the purpose of submitting reports under para-  
2 graph (1); and

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

7 (b) DATABASE.—

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

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

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

23 (4) RESEARCH.—The Secretary may make full  
24 and unredacted information available to academic in-  
25 stitutions for the purpose of researching causes and



1 solutions to evictions and adherence to civil rights  
2 protections.

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

4 There is authorized to be appropriated to the Sec-  
5 retary \$10,000,000,000 for fiscal year 2024, to remain  
6 available until expended, for assistance under the Emer-  
7 gency Solutions Grants program under subtitle B of title  
8 IV of the McKinney-Vento Homeless Assistance Act (42  
9 U.S.C. 11371 et seq.), to be used only for—

10 (1) providing legal counsel for tenants subject  
11 to or at risk of eviction with regard to any eviction-  
12 related legal proceeding; and

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

17 **SEC. 5. CONSUMER REPORTS.**

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

21 “(9) An eviction, or any information related to  
22 an eviction or a proceeding seeking eviction, of a  
23 consumer from a rental dwelling.

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

1 (b) APPLICABILITY.—The amendment made by this  
2 section shall apply to any consumer report (as defined in  
3 section 603 of the Fair Credit Reporting Act (15 U.S.C.  
4 1681a)) issued on or after the date of the enactment of  
5 this Act.

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

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

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

14 (A) the rights and responsibilities of such  
15 owner with regard to eviction; and

16 (B) local organizations and resources that  
17 can provide assistance in eviction-related mat-  
18 ters; and

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

21 (b) HOTLINE.—The Secretary shall, not later than  
22 1 year after the date of the enactment of this Act, estab-  
23 lish a hotline to provide assistance with regard to eviction-  
24 related matters to tenants of covered federally assisted  
25 rental dwelling units.

1 **SEC. 7. DEFINITIONS.**

2 (a) For purposes of this Act:

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

9 (2) COVERED FEDERALLY ASSISTED RENTAL  
10 DWELLING UNIT.—The term “covered federally as-  
11 sisted rental dwelling unit” means a residential  
12 dwelling unit that—

13 (A) is made available for rental; and

14 (B)(i) for which assistance is provided, or  
15 that is part of a housing project for which as-  
16 sistance is provided, under any program admin-  
17 istered by the Secretary of Housing and Urban  
18 Development, including—

19 (I) the public housing program under  
20 the United States Housing Act of 1937  
21 (42 U.S.C. 1437 et seq.);

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

25 (III) the HOME Investment Partner-  
26 ships program under title II of the Cran-

1           ston-Gonzalez National Affordable Housing  
2           Act (42 U.S.C. 12721 et seq.);

3           (IV) title IV of the McKinney-Vento  
4           Homeless Assistance Act (42 U.S.C. 11360  
5           et seq.);

6           (V) the Housing Trust Fund program  
7           under section 1338 of the Housing and  
8           Community Development Act of 1992 (12  
9           U.S.C. 4568);

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

13          (VII) the program for supportive  
14          housing for persons with disabilities under  
15          section 811 of the Cranston-Gonzalez Na-  
16          tional Affordable Housing Act (42 U.S.C.  
17          8013);

18          (VIII) the AIDS Housing Opportuni-  
19          ties program under subtitle D of title VIII  
20          of the Cranston-Gonzalez National Afford-  
21          able Housing Act (42 U.S.C. 12901 et  
22          seq.);

23          (IX) the program for Native American  
24          housing under the Native American Hous-

1 ing Assistance and Self-Determination Act  
2 of 1996 (25 U.S.C. 4101 et seq.); and

3 (X) the program for housing assist-  
4 ance for Native Hawaiians under title VIII  
5 of the Native American Housing Assist-  
6 ance and Self-Determination Act of 1996  
7 (25 U.S.C. 4221 et seq.); or

8 (ii) is a property, or is on or in a property,  
9 that has a federally backed mortgage loan or  
10 federally backed multifamily mortgage loan, as  
11 such terms are defined in section 4024(a) of  
12 the CARES Act (15 U.S.C. 9058(a)).

13 (3) COVERED HOUSING.—The term “covered  
14 housing” means a dwelling unit assisted with  
15 amounts made available, or a loan or mortgage  
16 made, insured, or guaranteed, under any of the fol-  
17 lowing programs:

18 (A) The programs for tenant- and project-  
19 based rental assistance under section 8 of the  
20 United States Housing Act of 1937 (42 U.S.C.  
21 1437f).

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

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

4 (D) The program for supportive housing  
5 for persons with disabilities under section 811  
6 of the Cranston-Gonzalez National Affordable  
7 Housing Act (42 U.S.C. 8013).

8 (E) The community development block  
9 grant program under title I of the Housing and  
10 Community Development Act of 1974 (42  
11 U.S.C. 5301 et seq.).

12 (F) The HOME Investment Partnerships  
13 program under titles I and II of the Cranston-  
14 Gonzalez National Affordable Housing Act (42  
15 U.S.C. 12704 et seq.).

16 (G) The program for housing opportunities  
17 for persons with AIDS under subtitle D of title  
18 VIII of the Cranston-Gonzalez National Afford-  
19 able Housing Act (42 U.S.C. 12901 et seq.).

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

23 (4) COVERED HOUSING ASSISTANCE.—The term  
24 “covered housing assistance” means assistance  
25 under any program specified in paragraph (3).

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

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

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

○