

116TH CONGRESS  
2D SESSION

# S. 3305

To establish a grant program to provide legal assistance to eligible tenants at risk of or subject to eviction, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 2020

Mr. BENNET introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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## A BILL

To establish a grant program to provide legal assistance to eligible tenants at risk of or subject 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 “Legal Assistance to  
5 Prevent Evictions Act of 2020”.

6 **SEC. 2. EVICTIONS ASSISTANCE GRANT PROGRAM.**

7 (a) DEFINITIONS.—In this Act:

8 (1) ELIGIBLE RECIPIENT.—The term “eligible  
9 recipient” means any nonprofit or governmental en-

1       tity that has experience providing no-cost legal as-  
2       sistance to low-income individuals.

3           (2) ELIGIBLE TENANT.—The term “eligible  
4       tenant” means an individual who has an annual  
5       household income of—

6           (A) not more than 135 percent of the Fed-  
7       eral poverty guidelines issued by the Secretary  
8       of Health and Human Services; or

9           (B) less than 333 percent of the average  
10      fair market rent in the county in which the in-  
11      dividual resides—

12           (i) in the case of a household com-  
13      prised of 1 individual, for an efficiency;  
14      and

15           (ii) in the case of a household com-  
16      prised of more than 1 individual, for a res-  
17      idence in which the number of bedrooms  
18      would not require—

19           (I) more than 2 members of the  
20      household to share a bedroom;

21           (II) children of different genders  
22      to share a bedroom with one another;  
23      or

1 (III) a household member with a  
2 disability requiring medical equipment  
3 to share a bedroom.

4 (3) RURAL AREA.—The term “rural area”  
5 means a census tract that is—

6 (A) outside of a metropolitan statistical  
7 area, as designated by the Office of Manage-  
8 ment and Budget; or

9 (B)(i) within a metropolitan statistical  
10 area, as designated by the Office of Manage-  
11 ment and Budget, that is outside of the urban-  
12 ized areas of the metropolitan statistical area as  
13 designated by the rural-urban commuting area  
14 code 1, as determined by the Secretary of Agri-  
15 culture; and

16 (ii) outside of tracts with a housing density  
17 of more than 64 housing units per square mile  
18 located in the rural-urban commuting area code  
19 2, as determined by the Secretary of Agri-  
20 culture.

21 (4) SECRETARY.—The term “Secretary” means  
22 the Secretary of Housing and Urban Development.

23 (5) SUBURBAN AREA.—The term “suburban  
24 area” means a census tract with a population den-

1       sity of less than 2,500 inhabitants per square mile  
2       that is not a rural area.

3           (6) URBAN AREA.—The term “urban area”  
4       means a census tract with a population density of  
5       not less than 2,500 inhabitants per square mile.

6           (b) ESTABLISHMENT.—The Secretary shall establish  
7       a competitive grant program to provide grants to eligible  
8       recipients to provide legal assistance, including assistance  
9       related to pretrial activities, trial activities, post-trial ac-  
10      tivities, and alternative dispute resolution, at no cost to  
11      eligible tenants at risk of or subject to eviction.

12          (c) APPLICATION.—To be eligible to receive a grant  
13      under this section, an applicant shall submit an applica-  
14      tion to the Secretary at such time, in such manner, and  
15      containing such information as the Secretary may reason-  
16      ably require, including evidence of the experience of the  
17      applicant providing legal assistance in residential eviction  
18      matters.

19          (d) POINT SYSTEM FOR PREFERENCE FACTORS.—In  
20      awarding grants under this section, the Secretary shall—

21           (1) establish a system that awards points to ap-  
22      plicants in accordance with the preference factors  
23      described in subsection (e); and

1           (2) give priority to applicants with the greatest  
2           number of points under the system established under  
3           paragraph (1).

4           (e) PREFERENCE FACTORS.—The preference factors  
5           for which an applicant shall be awarded points under the  
6           system established pursuant to subsection (d)(1) are as  
7           follows:

8           (1) EVICTION RATE PREFERENCE.—

9           (A) IN GENERAL.—The Secretary shall  
10           award points if the applicant will use grant  
11           funds awarded under this section to provide  
12           services in census tracts with high rates of evic-  
13           tion.

14           (B) DETERMINATION.—In making a deter-  
15           mination under subparagraph (A), the Sec-  
16           retary shall use data determined by the Sec-  
17           retary to be the best available, or, if no appro-  
18           priate data is available, shall make reasonable  
19           inferences to determine the rate of eviction in  
20           a census tract.

21           (C) LIMITATIONS.—The Secretary may  
22           not—

23           (i) require applicants to provide data  
24           on the rates of eviction in the census tract

1 in which the applicant intends to provide  
2 services; or

3 (ii) award more points to applicants  
4 who provide the data described in clause  
5 (i) than to applicants who do not provide  
6 that data.

7 (2) CAPACITY PREFERENCE.—

8 (A) IN GENERAL.—The Secretary shall  
9 award points if the Secretary determines that  
10 the applicant has a greater capacity to produce  
11 more favorable outcomes regarding eviction for  
12 eligible tenants.

13 (B) CONSIDERATIONS.—In making a de-  
14 termination under subparagraph (A), the Sec-  
15 retary may consider the applicant's—

16 (i) past experience in producing favor-  
17 able outcomes for households facing evic-  
18 tion;

19 (ii) proposed use of grant funds to in-  
20 crease staff resources to provide legal as-  
21 sistance;

22 (iii) demonstrated past effective use of  
23 resources to provide legal assistance;

1 (iv) ability to provide services to eligi-  
 2 ble tenants with limited English pro-  
 3 ficiency; and

4 (v) ability to effectively communicate  
 5 with eligible tenants with disabilities.

6 (3) PREFERENCE FOR GOVERNMENT ENTITIES  
 7 THAT PROMOTE TENANT RIGHTS.—

8 (A) IN GENERAL.—The Secretary shall  
 9 award points to an applicant that is a govern-  
 10 mental entity if the applicant has in effect laws  
 11 or regulations that promote tenant rights.

12 (B) CONSIDERATIONS.—In making a de-  
 13 termination under subparagraph (A), the Sec-  
 14 retary—

15 (i) shall consider laws or regulations  
 16 establishing a tenant's right to—

17 (I) counsel in evictions cases;

18 (II) withhold rent if a landlord  
 19 fails to provide essential services to  
 20 ensure habitability of the premises;

21 (III) deduct appliance repair  
 22 costs from rent owed;

23 (IV) notice of failure to pay rent  
 24 or other lease violation with the right  
 25 to cure;

1 (V) a maximum security deposit  
2 equal to 1 month's rent; and

3 (VI) the expeditious return of  
4 any security deposit after terminating  
5 a lease; and

6 (ii) may consider, with lesser weight  
7 given than the weight given to those rights  
8 described in clause (i), laws or regulations  
9 establishing a tenant's right to—

10 (I) advance notice of rent in-  
11 creases;

12 (II) advance notice of landlord  
13 entry to the property; or

14 (III) adequate time to recover  
15 abandoned property after eviction.

16 (C) LIMITATION.—Points awarded under  
17 this paragraph shall not result in an applicant  
18 governmental entity being awarded a grant  
19 that, in the absence of this paragraph, would  
20 have been awarded to either an applicant non-  
21 profit entity or an applicant governmental enti-  
22 ty lacking the legal authority to enact laws or  
23 regulations described in this paragraph because  
24 the entity is subject to legal restrictions enacted  
25 by another governmental entity.



1 (f) RURAL EQUITY.—In awarding grants under this  
2 section, the Secretary—

3 (1) shall, to the extent practicable, ensure that  
4 the proportion of eligible tenants living in rural  
5 areas who will receive legal assistance with grant  
6 funds awarded under this section is not less than the  
7 overall proportion of eligible tenants who live in  
8 rural areas; and

9 (2) may consider geographic diversity and the  
10 capacity of an applicant to serve eligible tenants liv-  
11 ing in rural areas.

12 (g) SUPPLEMENT, NOT SUPPLANT.—Grant funds re-  
13 ceived under this section shall be used to supplement and  
14 not supplant other funds used by the grantee to provide  
15 the legal assistance described in subsection (b).

16 (h) REPORT.—For each year that an eligible recipient  
17 receives grant funds under this section, the eligible recipi-  
18 ent shall submit to the Secretary a report that—

19 (1) maintains attorney-client confidentiality and  
20 excludes personally identifiable information about el-  
21 igible tenants; and

22 (2) contains—

23 (A) the total number of eligible tenants  
24 that were provided legal assistance using the  
25 grant funds;

1 (B) the estimated number of evictions  
2 avoided, delayed, or resolved with other out-  
3 comes, such as negotiated settlements, that are  
4 more favorable to the eligible tenant than the  
5 outcomes that would have been expected in the  
6 absence of counsel, and a brief description of  
7 the circumstances of each case;

8 (C) the number of eligible tenants that re-  
9 ceived legal assistance that reside in a dwelling  
10 unit for which any subsidy or assistance for oc-  
11 cupancy in the dwelling unit is provided under  
12 a program administered by a Federal, State, or  
13 local authority; and

14 (D) demographic information about eligible  
15 tenants that received legal assistance, including  
16 race, national origin, sex, disability status,  
17 household income, household size, household fa-  
18 milial status, age of the head of household, and  
19 whether tenants live in an urban area, subur-  
20 ban area, or rural area.

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