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

Mr. CLYBURN introduced the following bill; which was referred to the Committee on

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”.

February 13, 2020 (11:41 a.m.)
SEC. 2. EVICTIONS ASSISTANCE GRANT PROGRAM.

(a) In General.—The Secretary of Housing and Urban Development shall establish a competitive grant program to provide grants to eligible recipients to provide legal assistance (including assistance related to pretrial activities, trial activities, post-trial activities, and alternative dispute resolution) at no cost to eligible tenants at risk of or subject to eviction.

(b) Application.—To be eligible to receive a grant under this section, an applicant shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including evidence of the experience of the applicant providing legal assistance in residential eviction matters.

(c) Point System for Preference Factors.—In awarding grants under this section, the Secretary shall—

(1) establish a system that awards points to applicants in accordance with the preference factors described in subsection (d); and

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

(d) Preference Factors.—The preference factors for which an applicant shall be awarded points under the system established pursuant to subsection (c)(1) are as follows:

(1) EVICTION RATE PREFERENCE.—If the applicant will use grant funds awarded under this section to provide services in census tracts with high rates of eviction. In making such determinations, the Secretary shall use data determined by the Secretary to be the best available, or if no appropriate data is available, shall make reasonable inferences to determine the rate of eviction in a census tract. The Secretary may not require applicants to provide data on the rates of eviction in the census tract in which the applicant intends to provide services or award more points to applicants who provide such data than to applicants who do not.

(2) CAPACITY PREFERENCE.—If the Secretary determines that the applicant has a greater capacity to produce more favorable outcomes regarding eviction for eligible tenants. In making such determinations, the Secretary may consider the applicant’s—

(A) past experience in producing favorable outcomes for households facing eviction;

(B) proposed use of grant funds to increase staff resources to provide legal assistance;

(C) demonstrated past effective use of resources to provide legal assistance;
(D) ability to provide services to eligible tenants with limited English proficiency; and

(E) ability to effectively communicate with eligible tenants with disabilities.

(3) PREFERENCE FOR GOVERNMENT ENTITIES THAT PROMOTE TENANT RIGHTS.—With respect to any applicant that is a governmental entity, if the applicant has in effect laws or regulations that promote tenant rights. In making such determinations, the Secretary—

(A) shall consider laws or regulations establishing a tenant’s right to—

(i) counsel in evictions cases;

(ii) withhold rent if a landlord fails to provide essential services to ensure habitability of the premises;

(iii) deduct appliance repair costs from rent owed;

(iv) notice of failure to pay rent or other lease violation with the right to cure;

(v) a maximum security deposit equal to one month’s rent; and

(vi) the expeditious return of any security deposit after terminating a lease; and
(B) may consider, with lesser weight given than the weight given to those rights described in subsection (A), laws or regulations establishing a tenant’s right to—

(i) advance notice of rent increases;

(ii) advance notice of landlord entry to the property; or

(iii) adequate time to recover abandoned property after eviction.

Points awarded under this paragraph shall not result in an applicant governmental entity being awarded a grant that, in the absence of this paragraph, would have been awarded to either an applicant nonprofit entity or an applicant governmental entity lacking the legal authority to enact laws or regulations described in this paragraph because such entity is subject to legal restrictions enacted by another governmental entity.

(e) RURAL EQUITY.—In awarding grants under this section, the Secretary—

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

(2) may consider geographic diversity and an applicant’s capacity to serve eligible tenants living in rural areas.

(f) SUPPLEMENT, NOT SUPPLANT.—Grant funds received under this Act shall be used to supplement and not supplant other funds used by the grantee to provide the legal assistance described in subsection (a).

(g) REPORT.—For each year that an eligible recipient receives grant funds under this section, such eligible recipient shall submit to the Secretary a report which maintains attorney-client confidentiality and which excludes personally identifiable information about eligible tenants. Such report shall contain—

(1) the total number of eligible tenants that were provided legal assistance using such funds;

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

(3) the number of eligible tenants that received legal assistance that reside in a dwelling unit for
which any subsidy or assistance for occupancy in the
dwelling unit is provided under a program adminis-
tered by Federal, State, or local authorities; and

(4) demographic information about eligible ten-
ants that received legal assistance, including race,
national origin, sex, disability status, household in-
come, household size, household familial status, age
of the head of household, and whether tenants live
in an urban area, suburban area, or rural area.

(h) DEFINITIONS.—

(1) ELIGIBLE RECIPIENT.—The term “eligible
recipient” means any nonprofit or governmental en-
tity that has experience providing no-cost legal as-

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

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

(B) less than 333 percent of average fair
market rent in the county of the individual—

(i) in the case of a household com-
prised of one individual, for an efficiency;

and
(ii) in the case of a household comprised of more than one individual, for a residence in which the number of bedrooms would not require—

(I) more than two members of the household to share a bedroom;

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

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

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

(A) outside of a metropolitan statistical area, as designated by the Office of Management and Budget; or

(B) within a metropolitan statistical area, as designated by the Office of Management and Budget, that is outside of the metropolitan statistical area’s urbanized areas as designated by the rural-urban commuting area code 1 (as determined by the Secretary of Agriculture), and outside of tracts with a housing density of over 64 housing units per square mile located in the
rural-urban commuting area code 2 (as determined by the Secretary of Agriculture).

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

(5) **SUBURBAN AREA.**—The term “suburban area” means a census tract with a population density of less than 2,500 inhabitants per square mile that is not a rural area.

(6) **URBAN AREA.**—The term “urban area” means a census tract with a population density of at least 2,500 inhabitants per square mile.