

[DISCUSSION DRAFT]

117TH CONGRESS
1ST SESSION

H. R. _____

To expedite application for payment of rental arrearages by landlords and mandate tenant access to financial assistance, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M____, _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To expedite application for payment of rental arrearages by landlords and mandate tenant access to financial assistance, 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. EXPEDITING APPLICATIONS FOR PAYMENT OF**
4 **RENTAL ARREARAGES BY LANDLORDS.**

5 (a) IN GENERAL.—Section 501(f) of subtitle A of
6 title V of Division M of the Consolidated Appropriations
7 Act, 2021 (15 U.S.C. 9058a(f)) is amended—

1 (1) by inserting after paragraph (2) the fol-
2 lowing:

3 “(3) REQUIREMENTS FOR APPLICATIONS SUB-
4 MITTED ON BEHALF OF TENANT WITHOUT TENANT
5 CONSENT.—

6 “(A) IN GENERAL.—The Secretary shall
7 not later than 30 days after the date of the en-
8 actment of this paragraph establish a process
9 for a landlord of a residential dwelling to sub-
10 mit an application on the behalf of a renter
11 when such landlord is unable to obtain the con-
12 sent of such renter to submit such application
13 for after taking reasonable steps to obtain such
14 signature, as determined by the Secretary.

15 “(B) NOTICE OF APPLICATION.—The proc-
16 ess established by the Secretary pursuant to
17 subparagraph (A) shall require a landlord of a
18 residential dwelling who submits an application
19 for assistance without the consent of the renter
20 of such dwelling to notify the renter of the in-
21 tent of the landlord to submit such application
22 not less than 10 days before such landlord sub-
23 mits such application.

24 “(C) SATISFACTION OF OUTSTANDING
25 MONETARY CLAIMS.—If a landlord of a residen-

1 tial dwelling submits an application for assist-
2 ance on behalf of a renter without the consent
3 of such renter and receives assistance under
4 this section, such amount shall be deemed to
5 satisfy all monetary claims relating to rent such
6 landlord may have against such renter during
7 the period between the date on which the na-
8 tional emergency concerning the novel
9 coronavirus disease (COVID-19) outbreak was
10 declared by the President and the date on
11 which the application is submitted by the land-
12 lord.

13 “(D) DOCUMENTATION.—

14 “(i) IN GENERAL.—The Secretary
15 shall, with respect to documentation re-
16 quired for applications for assistance, es-
17 tablish methods for landlords to establish
18 the income of a renter when the landlord
19 does not have the consent of the renter, in-
20 cluding the use of proxies of income.

21 “(ii) 4 OR FEWER DWELLINGS.—The
22 Secretary shall, where possible, limit the
23 amount of documentation required for an
24 application for assistance in the case of a

1 landlord that owns 4 or fewer residential
2 dwellings.

3 “(E) CONDITIONS ON ASSISTANCE.—

4 “(i) IN GENERAL.—The landlord shall
5 comply with any conditions the Secretary
6 of the Treasury may prescribe to ensure
7 that renters remain stably housed.

8 “(ii) 120-DAY EVICTION PROHIBI-
9 TION.—The Secretary of the Treasury
10 shall, not later than 30 days after the date
11 of the enactment of this paragraph, to en-
12 sure that renters remain stably housed,
13 prohibit any landlord that receives assist-
14 ance from a grantee under this section
15 with respect to a particular renter from
16 evicting such renter, except when the ten-
17 ancy constitutes a direct threat to the
18 health and safety of other individuals or
19 would result in substantial physical dam-
20 age to the property of others, during the
21 120-day period after the date on which
22 such assistance was received by the land-
23 lord from the grantee.

24 “(iii) EVICTION-RELATED REQUIRE-
25 MENTS.—The Secretary of the Treasury

1 shall, not later than 30 days after the date
2 of the enactment of this paragraph, require
3 any landlord that receives assistance from
4 a grantee under this section with respect
5 to a particular renter to, with respect to
6 such renter—

7 “(I) set aside and vacate any
8 past eviction judgement based on non-
9 payment of rent covered by the appli-
10 cation for assistance; and

11 “(II) rescind any eviction notice
12 and agree to seal any eviction filing, if
13 applicable.

14 “(F) NOTICE OF ARREARAGES RE-
15 CEIVED.—If a grantee provides rental arrear-
16 ages to a landlord based on an application sub-
17 mitted by the landlord on behalf of a renter,
18 such landlord must—

19 “(i) notify such renter that such rent-
20 al arrearages were received from the grant-
21 ee;

22 “(ii) notify such renter if the landlord
23 applies for assistance in the amount of
24 rent due during the 120-day period de-
25 scribed in subparagraph (F); and

1 “(iii) inform such renter that the
2 landlord is prohibited from terminating the
3 lease agreement or evicting such renter, ex-
4 cept when the tenancy constitutes a direct
5 threat to the health and safety of other in-
6 dividuals or would result in substantial
7 physical damage to the property of others,
8 during the 120 day period after such rent-
9 al arrearages were received by the landlord
10 from the grantee.

11 “(G) VACANT PROPERTIES.—The Sec-
12 retary shall establish a process for a landlord to
13 submit an application for assistance on behalf
14 of a renter who has vacated a dwelling, pro-
15 vided that the landlord did not file an eviction
16 notice on such renter inform such renter of
17 their fair housing rights under local and federal
18 fair housing laws and how individuals can re-
19 port fair housing complaints.

20 “(H) GRANTEE NOTIFICATION PROCESS.—
21 Each grantee that provides assistance to a
22 landlord with respect to a residential dwelling
23 under this paragraph shall establish a process
24 to notify state and local courts and the renter
25 of such residential dwelling that—

1 “(i) rent is no longer past due with
2 respect to such renter; and

3 “(ii) any eviction proceedings relating
4 to the nonpayment of rent by such renter
5 should be halted.

6 “(I) NOTIFICATION OF RIGHTS.—Each
7 grantee that provides assistance to a landlord
8 with respect to a residential dwelling under this
9 paragraph shall inform the renter of such resi-
10 dential dwelling about—

11 “(i) the rights of such renter under
12 the Fair Housing Act and relevant State
13 and local laws relating to fair housing; and

14 “(ii) how such renter can file com-
15 plaints with respect to violations of the
16 Fair Housing Act and violations of rel-
17 evant State and local laws relating to fair
18 housing.

19 “(J) RULE OF CONSTRUCTION.—Nothing
20 in this paragraph may be construed to prevent
21 a renter of a dwelling from applying for assist-
22 ance related to items described in section
23 501(c)(2)(A) that are not included in an appli-
24 cation submitted by a landlord on behalf of the
25 renter.”.

1 (b) PRIORITIZATION OF ASSISTANCE.—Section
2 501(c)(4) of subtitle A of title V of Division M of the Con-
3 solidated Appropriations Act, 2021 (15 U.S.C.
4 9058a(c)(4)) is amended by adding at the end the fol-
5 lowing:

6 “(C) The grantee shall prioritize applica-
7 tions filed by renters and applications filed by
8 landlords on behalf of renters with the consent
9 of the renter over any application filed by a
10 landlord without the consent of a renter.”.

11 **SEC. 2. MANDATING TENANT ACCESS TO FINANCIAL AS-**
12 **SISTANCE.**

13 (a) IN GENERAL.—Section 501(c) of subtitle A of
14 title V of Division M of the Consolidated Appropriations
15 Act, 2021 (15 U.S.C. 9058a(c)) is amended—

16 (1) in paragraph (2)—

17 (A) in subparagraph (A)—

18 (i) by striking “12 months” and in-
19 serting “20 months”; and

20 (ii) by striking “for an additional 3
21 months” and inserting “for an additional 4
22 months”;

23 (B) in subparagraph (B)(i), by striking “3
24 months” and inserting “4 months”; and

1 (C) in subparagraph (C)(i)(I) by striking
2 “the grantee may make such payments” and in-
3 serting “the grantee shall make such pay-
4 ments”; and

5 (2) in paragraph (3) by striking “to provide eli-
6 gible households” and inserting “to provide low-in-
7 come households”.

8 (b) EXTENDED PERIOD FOR ASSISTANCE.—Section
9 3201(d)(1)(A) of the American Rescue Plan Act of 2021
10 is amended—

11 (1) in clause (i), by striking “18 months” and
12 inserting “24 months”; and

13 (2) in clause (ii), by striking “18 months” and
14 inserting “24 months”.

15 (c) LIMITATION OF LIABILITY.—Section 501 of sub-
16 title A of title V of Division M of the Consolidated Appro-
17 priations Act, 2021 (15 U.S.C. 9058a) is amended by add-
18 ing at the end the following:

19 “(m) SAFE HARBOR.—A grantee may not be subject
20 to liability for the provision of assistance under this sec-
21 tion to a renter who does not meet the eligibility require-
22 ments set forth under this section if such grantee provides
23 such assistance in good faith reliance on attestations of
24 eligibility or use of proxies of income provided by the

1 renter pursuant to the requirements of this section or
2 rules issued by the Secretary under this section.”.

3 (d) ELIGIBLE HOUSEHOLD DEFINED.—Section
4 501(k)(3) of subtitle A of title V of Division M of the Con-
5 solidated Appropriations Act, 2021 (15 U.S.C.
6 9058a(k)(3)) is amended—

7 (1) in subparagraph (A)—

8 (A) by striking “with respect to which the
9 eligible grantee involved determines” and insert-
10 ing “with respect to which the eligible grantee
11 determines by accepting any attestation of the
12 household as true,”; and

13 (B) by striking “hardship due, directly” an
14 inserting “hardship, during or due, directly”

15 (2) by striking in subparagraph (C) and insert-
16 ing the following:

17 “(C) INCOME DETERMINATION.—In deter-
18 mining the income of a household for purposes
19 of determining such household’s eligibility for
20 assistance from a payment made under this sec-
21 tion (including for purposes of subsection
22 (c)(4)), the eligible grantee involved shall accept
23 any attestation of the household with respect to
24 eligibility as true.”.

1 (e) LEASE REQUIREMENT PROHIBITED.—Section
2 501 of subtitle A of title V of Division M of the Consoli-
3 dated Appropriations Act, 2021 (15 U.S.C. 9058a) is
4 amended by adding at the end the following:

5 “(n) LEASE REQUIREMENT PROHIBITED.—The Sec-
6 retary shall prohibit grantees from requiring a renter to
7 submit a written lease agreement to be eligible for assist-
8 ance under this section.”.

9 **SEC. 3. PERFORMANCE IMPROVEMENT PLANS.**

10 Section 501(c) of subtitle A of title V of Division M
11 of the Consolidated Appropriations Act, 2021 (15 U.S.C.
12 9058a(c)) is amended by adding at the end the following:

13 “(6) PERFORMANCE IMPROVEMENT PLANS.—
14 The Secretary shall require any eligible grantee that
15 has, on September 30, 2021, expended less than 25
16 percent of any amounts such eligible grantee has re-
17 ceived under this section to provide to the Secretary
18 a performance improvement plan that explains how
19 such eligible grantee will expedite the delivery of as-
20 sistance to renters and landlords.”.

21 **SEC. 4. OUTREACH TO RENTERS AND LANDLORDS AND**
22 **TECHNICAL ASSISTANCE.**

23 Section 501 of subtitle A of title V of Division M of
24 the Consolidated Appropriations Act, 2021 (15 U.S.C.
25 9058a) is amended by adding at the end the following:

1 “(m) OUTREACH AND TECHNICAL ASSISTANCE.—

2 “(1) OUTREACH.—The Secretary and the
3 grantee shall conduct outreach to renters and land-
4 lords to ensure maximum participation in the emer-
5 gency rental assistance program established under
6 this section, including by—

7 “(A) not later than 30 days after the date
8 of the enactment of this subsection sending di-
9 rect mail to all taxpayers that educates the tax-
10 payers about the emergency rental assistance
11 program established under this section and how
12 the taxpayer may qualify for assistance;

13 “(B) not later than 30 days after the date
14 of the enactment of this subsection sending di-
15 rect mail to taxpayers who received rental in-
16 come in 2020 that informs such taxpayers that
17 renters of their dwellings may qualify for the
18 emergency rental assistance program estab-
19 lished under this section; and

20 “(C) purchasing television, radio and elec-
21 tronic advertisement to educate Americans
22 about the emergency rental assistance program
23 established under this section and how Ameri-
24 cans may qualify for assistance.

1 “(2) TECHNICAL ASSISTANCE.—The Secretary
2 shall provide technical assistance to grantees and
3 this technical assistance shall include—

4 “(A) assisting grantees with the develop-
5 ment and administration of programs under
6 this section;

7 “(B) providing technical advice and tech-
8 nology to grantees, including software and auto-
9 mated payment disbursement tools; and

10 “(C) other information and technical as-
11 sistance as the Secretary determines appro-
12 priate to assist grantees to achieve the objec-
13 tives of this section.

14 “(3) AUTHORIZATION OF APPROPRIATIONS.—
15 There are authorized to be appropriated to the Sec-
16 retary of the Treasury to carry out the outreach and
17 technical assistance required under this subsection
18 \$50,000,000 for use in fiscal year 2022.”.

19 **SEC. 5. RECAPTURE PROCESS MODIFICATION.**

20 Section 501(d) of subtitle A of title V of Division M
21 of the Consolidated Appropriations Act, 2021 (15 U.S.C.
22 9058a(d)) is amended—

23 (1) by striking “Beginning on September 30,
24 2021,” and inserting the following:

1 “(1) IN GENERAL.—Beginning on September
2 30, 2021,”;

3 (2) by striking “The amount of any such re-
4 allocation” and inserting the following:

5 “(2) AMOUNT.— The amount of any such re-
6 allocation”; and

7 (3) in paragraph (1)—

8 (A) by striking “uses described under sub-
9 section (c).” and inserting “uses described
10 under subsection (c);”

11 (B) by striking “to eligible grantees” and
12 inserting the following:

13 “(A) to eligible grantees”; and

14 (C) by inserting after subparagraph (A)
15 the following:

16 “(B) to any nonprofit entity that primarily
17 provides housing services and operates in the
18 jurisdiction of the grantee from whom the funds
19 were recaptured; or

20 “(C) to a private entity supervised by a
21 court that primarily provides housing services
22 and operates in the jurisdiction of the grantee
23 from whom the funds were recaptured.”.

1 **SEC. 6. COLLABORATION WITH PUBLIC ENTITIES.**

2 (a) IN GENERAL.—Section 501 of subtitle A of title
3 V of Division M of the Consolidated Appropriations Act,
4 2021 (15 U.S.C. 9058a) is amended—

5 (1) in subsection (c)(5)(A)—

6 (A) by striking “10 percent” and inserting
7 “15 percent”; and

8 (B) by striking “related to such funds.”
9 and inserting “related to such funds and for
10 collaboration with public entities as described in
11 subsection (n).”.

12 (2) by adding at the end the following:

13 “(n) COLLABORATION WITH PUBLIC ENTITIES.—

14 “(1) IN GENERAL.—The Secretary of the
15 Treasury shall, not later than 30 days after the en-
16 actment of this subsection, issue guidance designed
17 to instruct eligible grantees with respect to how best
18 to collaborate with public entities to provide applica-
19 tion assistance services.

20 “(2) USE OF AMOUNTS PAID TO ELIGIBLE
21 GRANTEE.—Notwithstanding subsection (c)(5), an
22 eligible grantee that collaborates with public entities
23 pursuant to the guidance issued by the Secretary of
24 the Treasury pursuant to paragraph (1) may use
25 amounts available for administrative costs under sec-
26 tion (c)(5) to, in coordination with one or more pub-

1 lic entities, develop any administrative infrastructure
2 necessary to provide application assistance services,
3 including—

4 “(A) training the employees of a public en-
5 tity or other designated institutional representa-
6 tive of a public entity about how to complete
7 the emergency rental application process;

8 “(B) maintaining physical and electronic
9 copies of all documents needed to apply for as-
10 sistance;

11 “(C) establishing methods of communica-
12 tion between eligible grantees, public entities,
13 community organizations, and individual house-
14 holds;

15 “(D) providing language translation serv-
16 ices;

17 “(E) developing community outreach mate-
18 rials, programs, and initiatives; and

19 “(F) collecting and storing relevant docu-
20 mentation on-site at the public entity, or with
21 a third party in a manner that complies with
22 Federal, State, and local law.

23 “(3) DEFINITIONS.—In this subsection:

1 “(A) APPLICATION ASSISTANCE SERV-
2 ICES.—The term ‘application assistance serv-
3 ices’ means—

4 “(i) distributing applications for as-
5 sistance to individuals that may qualify for
6 assistance; and

7 “(ii) assisting individuals applying or
8 assistance.

9 “(B) PUBLIC ENTITY.—The term public
10 entity includes—

11 “(i) public elementary schools and
12 public secondary schools (as such terms
13 are defined under section 8101 of the Ele-
14 mentary and Secondary Education Act of
15 1965);

16 “(ii) public libraries;

17 “(iii) HUD-approved housing coun-
18 seling agencies and other entities receiving
19 funds under section 3204 of the American
20 Rescue Plan Act of 2021;

21 “(iv) courts that handle eviction re-
22 lated matters;

23 “(v) public housing agencies;

24 “(vi) public transit systems;

1 “(vii) State departments of motor ve-
2 hicles;

3 “(viii) the United States Postal Serv-
4 ice; and

5 “(ix) Federal, State, and local social
6 service providers.”; and

7 (b) COLLABORATION WITH PUBLIC ENTITIES.—Sec-
8 tion 3201 of the American Rescue Plan Act of 2021 is
9 amended by adding at the end the following:

10 “(i) COLLABORATION WITH PUBLIC ENTITIES.—

11 “(1) IN GENERAL.—The Secretary of the
12 Treasury shall, not later than 30 days after the en-
13 actment of this subsection, issue guidance designed
14 to instruct eligible grantees with respect to how best
15 to collaborate with public entities to provide applica-
16 tion assistance services.

17 “(2) USE OF AMOUNTS PAID TO ELIGIBLE
18 GRANTEE.—An eligible grantee that collaborates
19 with public entities pursuant to the guidance issued
20 by the Secretary of the Treasury pursuant to para-
21 graph (1) may use not more than 15 percent of the
22 amount paid to such eligible grantee under this sec-
23 tion to, in coordination with one or more public enti-
24 ties, develop any administrative infrastructure nec-

1 essary to provide application assistance services, in-
2 cluding—

3 “(A) training the employees of a public en-
4 tity or other designated institutional representa-
5 tive of a public entity about how to complete
6 the emergency rental application process;

7 “(B) maintaining physical and electronic
8 copies of all documents needed to apply for as-
9 sistance;

10 “(C) establishing methods of communica-
11 tion between eligible grantees, public entities,
12 community organizations, and individual house-
13 holds;

14 “(D) providing language translation serv-
15 ices;

16 “(E) developing community outreach mate-
17 rials, programs, and initiatives; and

18 “(F) collecting and storing relevant docu-
19 mentation on-site at the public entity, or with
20 a third party in a manner that complies with
21 Federal, State, and local law.

22 “(3) DEFINITIONS.—In this subsection:

23 “(A) APPLICATION ASSISTANCE SERV-
24 ICES.—The term ‘application assistance serv-
25 ices’ means—

1 “(i) distributing applications for as-
2 sistance to individuals that may qualify for
3 assistance; and

4 “(ii) assisting individuals applying or
5 assistance.

6 “(B) PUBLIC ENTITY.—The term public
7 entity includes—

8 “(i) public elementary schools and
9 public secondary schools (as such terms
10 are defined under section 8101 of the Ele-
11 mentary and Secondary Education Act of
12 1965);

13 “(ii) public libraries;

14 “(iii) public housing agencies;

15 “(iv) public transit systems;

16 “(v) State departments of motor vehi-
17 cles;

18 “(vi) the United States Postal Service;

19 and

20 “(vii) Federal, State, and local social
21 service providers.”.