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

Ms. Waters (for herself, Ms. Williams of Georgia, Mrs. Carolyn B. Maloney of New York, Ms. Velázquez, Mr. Green of Texas, Ms. García of Texas, Mr. Torres of New York, and Ms. Adams) 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. SHORT TITLE.

4 This Act may be cited as the “Expediting Assistance
to Renters and Landlords Act of 2021”.

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SEC. 2. EXPEDITING APPLICATIONS FOR PAYMENT OF RENTAL ARREARAGES BY LANDLORDS.

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

(1) by inserting after paragraph (2) the following:

“(3) Requirements for applications submitted on behalf of tenant without tenant consent.—

“(A) In general.—The Secretary shall not later than 30 days after the date of the enactment of this paragraph establish a process for a landlord of a residential dwelling to submit an application on the behalf of a renter when such landlord is unable to obtain the consent of such renter to submit such application for after taking reasonable steps to obtain such signature, as determined by the Secretary.

“(B) Notice of application.—The process established by the Secretary pursuant to subparagraph (A) shall require a landlord of a residential dwelling who submits an application for assistance without the consent of the renter of such dwelling to notify the renter of the intent of the landlord to submit such application
not less than 10 days before such landlord submits such application.

“(C) Satisfaction of outstanding monetary claims.—If a landlord of a residential dwelling submits an application for assistance on behalf of a renter without the consent of such renter and receives assistance under this section, such amount shall be deemed to satisfy all monetary claims relating to rent such landlord may have against such renter during the period between the date on which the national emergency concerning the novel coronavirus disease (COVID-19) outbreak was declared by the President and the date on which the application is submitted by the landlord.

“(D) Documentation.—

“(i) In general.—The Secretary shall, with respect to documentation required for applications for assistance, establish methods for landlords to establish the income of a renter when the landlord does not have the consent of the renter, including the use of proxies of income.
“(ii) 4 OR FEWER DWELLINGS.—The Secretary shall, where possible, limit the amount of documentation required for an application for assistance in the case of a landlord that owns 4 or fewer residential dwellings.

“(E) CONDITIONS ON ASSISTANCE.—

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

“(ii) 120-DAY EVICTION PROHIBITION.—The Secretary of the Treasury shall, not later than 30 days after the date of the enactment of this paragraph, to ensure that renters remain stably housed, prohibit any landlord that receives assistance from a grantee under this section with respect to a particular renter from evicting such renter, except when the tenancy constitutes a direct threat to the health and safety of other individuals or would result in substantial physical damage to the property of others, during the 120-day period after the date on which
such assistance was received by the landlord from the grantee.

“(iii) **Eviction-related requirements.**—The Secretary of the Treasury shall, not later than 30 days after the date of the enactment of this paragraph, require any landlord that receives assistance from a grantee under this section with respect to a particular renter to, with respect to such renter—

“(I) set aside and vacate any past eviction judgement based on non-payment of rent covered by the application for assistance; and

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

“(F) **Notice of arrearages received.**—If a grantee provides rental arrearages to a landlord based on an application submitted by the landlord on behalf of a renter, such landlord must—

“(i) notify such renter that such rental arrearages were received from the grantee;
“(ii) notify such renter if the landlord applies for assistance in the amount of rent due during the 120-day period described in subparagraph (F); and

“(iii) inform such renter that the landlord is prohibited from terminating the lease agreement or evicting such renter, except when the tenancy constitutes a direct threat to the health and safety of other individuals or would result in substantial physical damage to the property of others, during the 120 day period after such rental arrearages were received by the landlord from the grantee.

“(G) VACANT PROPERTIES.—The Secretary shall establish a process for a landlord to submit an application for assistance on behalf of a renter who has vacated a dwelling, provided that the landlord did not file an eviction notice on such renter.

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

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

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

“(I) Notification of Rights.—Each grantee that provides assistance to a landlord with respect to a residential dwelling under this paragraph shall inform the renter of such residential dwelling about—

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

“(ii) how such renter can file complaints with respect to violations of the Fair Housing Act and violations of relevant State and local laws relating to fair housing.

“(J) Rule of Construction.—Nothing in this paragraph may be construed to prevent a renter of a dwelling from applying for assistance related to items described in section 501(c)(2)(A) that are not included in an appli-
cation submitted by a landlord on behalf of the renter.”.

(b) PRIORITIZATION OF ASSISTANCE.—Section 501(c)(4) of subtitle A of title V of Division M of the Consolidated Appropriations Act, 2021 (15 U.S.C. 9058a(c)(4)) is amended by adding at the end the following:

“(C) The grantee shall prioritize applications filed by renters and applications filed by landlords on behalf of renters with the consent of the renter over any application filed by a landlord without the consent of a renter.”.

SEC. 3. MANDATING TENANT ACCESS TO FINANCIAL ASSISTANCE.

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

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking “12 months” and inserting “20 months”; and

(ii) by striking “for an additional 3 months” and inserting “for an additional 4 months”;
(B) in subparagraph (B)(i), by striking “3 months” and inserting “4 months”; and

(C) in subparagraph (C)(i)(I) by striking “the grantee may make such payments” and inserting “the grantee shall make such payments”; and

(2) in paragraph (3) by striking “to provide eligible households” and inserting “to provide ‘low-income families’ as such term is defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b))”.

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

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

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

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

“(m) SAFE HARBOR.—A grantee may not be subject to liability for the provision of assistance under this section to a renter who does not meet the eligibility require-
1. ments set forth under this section if such grantee provides
2. such assistance in good faith reliance on attestations of
3. eligibility or use of proxies of income provided by the
4. renter pursuant to the requirements of this section or
5. rules issued by the Secretary under this section.”.

(d) ELIGIBLE HOUSEHOLD DEFINED.—Section
501(k)(3) of subtitle A of title V of Division M of the Con-
9058a(k)(3)) is amended—

(1) in subparagraph (A)—

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

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

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

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

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

“(n) LEASE REQUIREMENT PROHIBITED.—The Secretary shall prohibit grantees from requiring a renter to submit a written lease agreement to be eligible for assistance under this section.”.

SEC. 4. PERFORMANCE IMPROVEMENT PLANS.

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

“(6) PERFORMANCE IMPROVEMENT PLANS.—The Secretary shall require any eligible grantee that has, on September 30, 2021, obligated less than 25 percent of any amounts such eligible grantee has received under this section to provide to the Secretary a performance improvement plan that explains how such eligible grantee will expedite the delivery of assistance to renters and landlords.”.
SEC. 5. OUTREACH TO RENTERS AND LANDLORDS AND

TECHNICAL ASSISTANCE.

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

“(o) OUTREACH AND TECHNICAL ASSISTANCE.—

“(1) OUTREACH.—The Secretary and the grantee shall conduct outreach to renters and landlords to ensure maximum participation in the emergency rental assistance program established under this section, including by—

“(A) not later than 30 days after the date of the enactment of this subsection sending direct mail to all taxpayers that educates the taxpayers about the emergency rental assistance program established under this section and how the taxpayer may qualify for assistance;

“(B) not later than 30 days after the date of the enactment of this subsection sending direct mail to taxpayers who received rental income in 2020 that informs such taxpayers that renters of their dwellings may qualify for the emergency rental assistance program established under this section; and

“(C) purchasing television, radio and electronic advertisement to educate Americans...
about the emergency rental assistance program
established under this section and how Americans may qualify for assistance.

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

“(A) assisting grantees with the development and administration of programs under this section;

“(B) providing technical advice and technology to grantees, including software and automated payment disbursement tools; and

“(C) other information and technical assistance as the Secretary determines appropriate to assist grantees to achieve the objectives of this section.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Treasury to carry out the outreach and technical assistance required under this subsection $50,000,000 for use in fiscal year 2022.”.

SEC. 6. RECAPTURE PROCESS MODIFICATION.

Section 501(d) of subtitle A of title V of Division M of the Consolidated Appropriations Act, 2021 (15 U.S.C. 9058a(d)) is amended—
(1) by striking “Beginning on September 30, 2021,” and inserting the following:

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

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

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

(3) in paragraph (1)—

(A) by striking “uses described under subsection (c).” and inserting “uses described under subsection (c);”

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

“(A) to eligible grantees”; and

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

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

“(C) to a public or private entity supervised by a court that primarily provides housing services and operates in the jurisdiction of the
grantee from whom the funds were recap-
tured.”.

SEC. 7. COLLABORATION WITH PUBLIC ENTITIES.

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

(1) in subsection (c)(5)(A)—

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

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

(2) by adding at the end the following:

“(p) COLLABORATION WITH PUBLIC ENTITIES.—

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

“(2) Use of amounts paid to eligible
grantee.—Notwithstanding subsection (c)(5), an
eligible grantee that collaborates with public entities
pursuant to the guidance issued by the Secretary of
the Treasury pursuant to paragraph (1) may use amounts available for administrative costs under section (c)(5) to, in coordination with one or more public entities, develop any administrative infrastructure necessary to provide application assistance services, including—

“(A) training the employees of a public entity or other designated institutional representative of a public entity about how to complete the emergency rental application process;

“(B) maintaining physical and electronic copies of all documents needed to apply for assistance;

“(C) establishing methods of communication between eligible grantees, public entities, community organizations, and individual households;

“(D) providing language translation services;

“(E) developing community outreach materials, programs, and initiatives; and

“(F) collecting and storing relevant documentation on-site at the public entity, or with a third party in a manner that complies with Federal, State, and local law.
“(3) DEFINITIONS.—In this subsection:

“(A) APPLICATION ASSISTANCE SERVICES.—The term ‘application assistance services’ means—

“(i) distributing applications for assistance to individuals that may qualify for assistance; and

“(ii) assisting individuals applying or assistance.

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

“(i) public elementary schools and public secondary schools (as such terms are defined under section 8101 of the Elementary and Secondary Education Act of 1965);

“(ii) public libraries;

“(iii) HUD-approved housing counseling agencies and other entities receiving funds under section 3204 of the American Rescue Plan Act of 2021;

“(iv) courts that handle eviction related matters;

“(v) public housing agencies;

“(vi) public transit systems;
“(vii) State departments of motor vehicles;

“(viii) the United States Postal Service; and

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

(b) COLLABORATION WITH PUBLIC ENTITIES.—Section 3201 of the American Rescue Plan Act of 2021 is amended by adding at the end the following:

“(i) COLLABORATION WITH PUBLIC ENTITIES.—

“(1) IN GENERAL.—The Secretary of the Treasury shall, not later than 30 days after the enactment of this subsection, issue guidance designed to instruct eligible grantees with respect to how best to collaborate with public entities to provide application assistance services.

“(2) USE OF AMOUNTS PAID TO ELIGIBLE GRANTEE.—An eligible grantee that collaborates with public entities pursuant to the guidance issued by the Secretary of the Treasury pursuant to paragraph (1) may use not more than 15 percent of the amount paid to such eligible grantee under this section to, in coordination with one or more public entities, develop any administrative infrastructure nec-
necessary to provide application assistance services, including—

“(A) training the employees of a public entity or other designated institutional representative of a public entity about how to complete the emergency rental application process;

“(B) maintaining physical and electronic copies of all documents needed to apply for assistance;

“(C) establishing methods of communication between eligible grantees, public entities, community organizations, and individual households;

“(D) providing language translation services;

“(E) developing community outreach materials, programs, and initiatives; and

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

“(3) DEFINITIONS.—In this subsection:

“(A) APPLICATION ASSISTANCE SERVICES.—The term ‘application assistance services’ means—
“(i) distributing applications for assistance to individuals that may qualify for assistance; and

“(ii) assisting individuals applying or assistance.

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

“(i) public elementary schools and public secondary schools (as such terms are defined under section 8101 of the Elementary and Secondary Education Act of 1965);

“(ii) public libraries;

“(iii) public housing agencies;

“(iv) public transit systems;

“(v) State departments of motor vehicles;

“(vi) the United States Postal Service;

and

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