**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 17 TO CHAPTER 3, TITLE 31 SO AS TO PROVIDE DEFINITIONS; TO PROVIDE FOR GRANTS FOR LANDLORD‑TENANT FOCUSED COMMUNITY COURTS; TO PROVIDE THAT THE EXECUTIVE DIRECTOR OF THE SOUTH CAROLINA HOUSING AUTHORITY MAINTAIN A CERTAIN DATABASE; TO PROVIDE THAT THE DIRECTOR SHALL AWARD GRANTS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS TO COLLECT CERTAIN DATA; TO ESTABLISH AN ADVISORY COMMITTEE KNOWN AS THE “COMMITTEE ON EVICTION RESEARCH”; TO PROVIDE THAT THE DIRECTOR SHALL SET UP A GRANT PROGRAM FOR LOCAL GOVERNMENTS TO ESTABLISH CERTAIN CRISIS ASSISTANCE PROGRAMS; TO PROVIDE THAT THE COMPTROLLER GENERAL SHALL CONDUCT CERTAIN EVICTION STUDIES AND SEND REPORTS; AND TO PROVIDE THAT THIS ARTICLE DOES NOT DENY LANDLORDS CERTAIN RIGHTS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 3, Title 31 of the 1976 Code is amended by adding:

“Article 17

Eviction Crisis

Section 31‑3‑1900. As used in this article:

(1) ‘Administrative eviction’ means a ruling in favor of the landlord in an administrative forum within a public housing agency, such as grievance procedures to recover possession of residential property from a tenant, including a tenant residing in a public housing dwelling unit or receiving tenant‑based assistance or project‑based assistance pursuant to 42 U.S.C. 1437f.

(2) ‘Authority’ means the South Carolina Housing Authority.

(3) ‘Court‑ordered eviction’ means a court ruling in favor of the landlord in a legal action to recover possession of residential property from a tenant, including a tenant residing in a public housing dwelling unit or receiving tenant‑based assistance or project‑based assistance pursuant to 42 U.S.C. 1437f.

(4) ‘Director’ means the Executive Director of the South Carolina Housing Authority.

(5) ‘Eviction filing’ means a filing by a landlord with the court of jurisdiction to initiate a legal action to recover possession of residential property from a tenant, including a tenant residing in a public housing dwelling unit or receiving tenant‑based assistance or project‑based assistance pursuant to 42 U.S.C. 1437f.

(6) ‘Executed eviction’ means a court order carried out by a sheriff’s office or other law enforcement agency that results in the landlord recovering possession of residential property from a tenant, including a tenant residing in a public housing dwelling unit or receiving tenant‑based assistance or project‑based assistance pursuant to 42 U.S.C. 1437f.

(7) ‘Illegal eviction’ means self‑help measures taken outside of the legal process for eviction to recover possession of residential property from a tenant, including a tenant residing in a public housing dwelling unit or receiving tenant‑based assistance or project‑based assistance pursuant to 42 U.S.C. 1437f, such as:

(a) wilfully interrupting or permitting the interruption of essential items of services required by the rental agreement;

(b) blocking or attempting to block the entry of a tenant upon the premises;

(c) changing the locks or removing the front door of the premises; or

(d) removing the belongings of a tenant.

(8) ‘Local ordinance impacting eviction’ means a local ordinance that is designed to address the number of emergency services calls resulting from assault, sexual harassment, stalking, disorderly conduct, or another type of behavior, situation, or condition that results in the need for emergency services, that results in loss of housing or limits the housing opportunities for victims of crime, including victims of domestic violence, or individuals with disabilities who may require emergency services, abnegating local landlord‑tenant law by requiring, encouraging, or permitting the eviction of a tenant or resident because of:

(a) a certain number of calls for emergency services;

(b) an arrest even though the arrest has not resulted in the conviction of that tenant or resident; or

(c) criminal activity occurring at or near the place of residence of the tenant or resident for which that tenant or resident has not been convicted.

(9) ‘Public housing’ and ‘public housing agency’ have the meanings given those terms in 42 U.S.C. 1437a(b).

Section 31‑3‑1910. (A) The director shall award grants to municipalities to support landlord‑tenant focused community courts that offer a process with social service representatives who are available to provide assistance to tenants.

(B)(1) The process described in subsection (A) is intended to:

(a) divert landlords and tenants from proceeding with a court‑ordered eviction, which places costly burdens on landlords, tenants, the court system, and taxpayers; and

(b) help tenants who have fallen behind become current again on their obligations or transition tenants to a new stable home environment without losing access to benefits and other support for which they are eligible.

(2) The process described in subsection (A) is not intended to keep tenants in housing that they are unable to afford.

(C) In making grants pursuant to this section, the director shall ensure that landlord‑tenant focused community courts:

(1) are assisted in jurisdictions that serve urban areas, suburban areas, and rural areas;

(2) are assisted in serving communities that have high rates of eviction and eviction filings or a large total number of evictions and eviction filings, based on the best available data;

(3) provide assistance to individuals with limited English proficiency;

(4) provide effective communication with individuals with disabilities; and

(5) are located in facilities that are accessible to individuals with disabilities.

(D) A municipality desiring a grant pursuant to this section shall submit to the director an application containing:

(1) a demonstrated unmet need in the community for a landlord‑tenant community court;

(2) evidence of support from representatives of various and diverse stakeholders within the community, including renters’ rights groups, landlords, and legal aid nonprofit organizations;

(3) a detailed description of how the grant will be spent;

(4) a detailed description of how the landlord‑tenant community court will interact with the existing landlord‑tenant justice system of the municipality, as applicable, including a description of which cases will be diverted to the landlord‑tenant community court;

(5) a description of any local ordinance impacting eviction;

(6) a description of how the landlord‑tenant community court will not be designed to lengthen the process of pursuing a legitimate eviction, limit the access of landlords to the traditional justice system, or curtail the right of landlords to evict; and

(7) any other information as the director may require.

(E) Beginning one year after the date on which a municipality receives a grant pursuant to this section, and no later than two years after that date, the municipality, as applicable, shall submit to the director and the director a report containing:

(1) any aggregate data on landlord‑tenant cases filed in that municipality as the director may require;

(2) the data described in Section 31‑3‑1920(B) as applicable; and

(3) any other information as the director or the director may require.

(F) The director may award grants under this section in three rounds, with no fewer than five grants awarded in the first round.

(G)(1) As a condition of a grant provided under this section, the director shall require the recipient of the grant to contribute an amount at least equal to the amount of the grant, obtained solely from nonfederal sources.

(2) In addition to cash or other direct funding, the contribution required by the director under item(1) may include indirect costs or in‑kind contributions paid for under nonfederal programs.

Section 31‑3‑1920. (A) By January 1, 2022, the director shall establish and maintain a database that:

(1) is accessible to the authority as determined necessary by the director;

(2) includes the data described in subsection (B) with respect to court‑ordered evictions, administrative evictions, and illegal evictions in the this State; and

(3) ensures appropriate security to prevent improper disclosure of that data.

(B) The database established under subsection (A) must contain the following data:

(1) with respect to each court‑ordered or administrative eviction case filed after the date on which the database is established:

(a) information on the tenant who is the defendant, including:

(i) the name of the tenant;

(ii) the address of the residential property and the type of housing;

(iii) the number of household members residing in the property, including the number of children; and

(iv) whether the tenant is a recipient of tenant‑based or project‑based assistance pursuant to 42 U.S.C. 1437f;

(b) information on the landlord who filed the court‑ordered or administrative eviction case, including:

(i) the name of the landlord;

(ii) the name of the attorney or legally permitted representative of the landlord, or an indication that the landlord was self‑represented;

(iii) any amount that the landlord alleges that the tenant owes, including any penalties and attorney’s fees; and

(iv) any costs incurred by the landlord for engaging in the eviction process, including:

(A) court costs;

(B) the cost of legal representation; and

(C) the cost to set out a tenant; and

(c) procedural data on the court‑ordered or administrative eviction case, including:

(i) the date, if applicable, on which the tenant was served with a notice to quit;

(ii) the date of the initial court filing by the landlord;

(iii) the reason why the landlord filed for eviction;

(iv) whether the eviction was as a result of the enforcement of a local ordinance impacting eviction;

(v) the final outcome of the court‑ordered or administrative eviction case, including:

(A) the disposition of the case, including whether the initial hearing resulted in a default judgment, dismissal, consent agreement, settlement, or trial;

(B) the date of final disposition;

(C) any amount owed to the landlord or tenant, if any, and over what time period;

(D) whether a judgment was made in favor of the tenant for code violations or warranty of habitability claims;

(E) the overall outcome of the case, including whether the tenant paid any amounts to the landlord and whether the tenant stayed in the housing or was evicted from the housing; and

(F) whether the tenant had legal representation and the nature of that representation, including a lawyer, a law student participating in a clinic, or another non‑lawyer trained to represent clients in landlord‑tenant court, or whether the tenant was a lawyer representing himself;

(vi) the total court fees incurred by the tenant, separated into categories of fees;

(vii) the total court fees incurred by the landlord;

(viii) whether the landlord had appeared in landlord‑tenant court for a court‑ordered or administrative eviction matter involving the landlord in the six month, one year, or two year‑period preceding the court‑ordered or administrative eviction case; and

(ix) whether the tenant had appeared in landlord‑tenant court for a court‑ordered or administrative eviction matter involving the landlord in the six month, one year, or two year‑period preceding the court‑ordered or administrative eviction case; and

(2) aggregate data on court‑ordered or administrative eviction cases filed after the date on which the database is established, including:

(a) the total number of cases filed, including a breakdown by:

(i) the number of cases filed for nonpayment, other breach of lease, both nonpayment and breach of lease, and any other reason;

(ii) the number of cases filed because of the enforcement of a local ordinance impacting eviction; and

(iii) the outcome of the dispositive hearing, including default judgment, dismissal, a consent agreement, a trial, and a settlement with or without mediation;

(b) the number of tenants and landlords who showed up for the dispositive hearing of a court‑ordered or an administrative eviction case, and how many were represented by counsel;

(c) the average duration of a court‑ordered or an administrative eviction case, including the average time from filing to first hearing;

(d) the average amount allegedly owed by a tenant, for each landlord;

(e) the average months of rent allegedly owed by a tenant;

(f) the average amount paid by a tenant to resolve the case and stay in the housing;

(g) the number of court‑ordered or administrative eviction cases resulting in a judgment in favor of the tenant due to code violations or warranty of habitability claims;

(h) the number and percentage of court‑ordered or administrative eviction cases broken down by age bracket;

(i) the number and percentage of court‑ordered or administrative eviction cases with a tenant or household with children;

(j) the number of tenants evicted from public housing, broken down by each public housing agency;

(k) the number of tenants evicted from dwelling units who were receiving tenant‑based assistance or project‑based assistance pursuant to 42 U.S.C. 1437f; and

(l) the number of court‑ordered or administrative eviction cases where late fees were collected from tenants by landlords, and the average amount of late fees in those cases.

(3) sufficient data on each executed eviction from local law enforcement or any other official who executes an eviction such that the court may determine which court‑ordered or administrative evictions resulted in a law enforcement officer or other local official removing the tenant;

(4) data on whether tenants who were the subject of a court‑ordered or administrative eviction were removed or remained in the property ninety days after the court‑ordered or administrative eviction;

(5) with respect to each illegal eviction occurring after the date on which the database is established, as reported by local governments and nonprofit organizations receiving grants pursuant to item (6), the following must be included:

(a) the data described in item (1)(a);

(b) information on the landlord, including:

(i) the name of the landlord; and

(ii) any amount that the landlord alleges that the tenant owes, including any penalties;

(c) the reason the tenant was evicted;

(d) if the tenant was evicted for nonpayment, the amount owed;

(e) if the tenant was evicted for nonpayment, the total number of months owed; and

(f) whether the tenant was evicted because of the enforcement of a local ordinance impacting eviction; and

(6) aggregate data on illegal eviction cases occurring after the date on which the database is established, as reported by local governments and nonprofit organizations receiving grants including:

(a) the average amount owed by a tenant, for each landlord;

(b) the average months of rent owed by a tenant;

(c) the number and percentage of illegal eviction cases broken down by age bracket;

(d) the number and percentage of illegal eviction cases with a tenant or household with children;

(e) the number and percentage of illegal eviction cases broken down by race and ethnicity;

(f) the number and percentage of illegal eviction cases broken down by gender;

(g) the number and percentage of illegal eviction cases broken down by disability status; and

(h) the number and percentage of illegal eviction cases based on the enforcement of a local ordinance impacting eviction.

(C)(1) No later than March first of each year, the director shall submit to the director data on court‑ordered eviction cases that occurred in the State during the preceding calendar year for inclusion in the database established under this section.

(2)(a) The director shall:

(i) ensure the accuracy and consistency of the data submitted under item (1); and

(ii) upon receipt of the data, aggregate the data and report the individual and aggregate data to the director in a timely manner.

(b) If the director fails to submit the data described in item (1) to the director in a timely manner, the local court or housing authority that handles landlord‑tenant cases may submit the data directly to the director.

(D) The director shall promulgate rules and establish guidelines for the submission of data under subsection (C) and publication of data in the database established under this section, which must include:

(1) a technological solution that provides a single point of entry for data submissions to reduce the burden on clerks of courts;

(2) in consultation with local governments and judges, appropriate safeguards for protecting the privacy of personally identifiable information of vulnerable populations, which must incorporate confidentiality measures to ensure that any personally identifiable information regarding a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking is not disclosed during the process of data submission and publication;

(3) standards for:

(a) external researchers to be granted permission to access data in the database, including both aggregate data and, if necessary for the conduct of their research, personally identifiable information, with appropriate safeguards to ensure identities are protected in any publicly released analysis;

(b) the establishment of a research data center to support analysis of that data; and

(c) using generally accepted statistical principles to validate the data, in consultation with outside participants;

(4) methods for collecting data required under subsection (b) that are not currently collected;

(5) establishing definitions for terms related to the eviction process based on how they are legally defined by courts of jurisdiction handling eviction cases; and

(6) standards for local officials to identify and designate social services agencies that may access the database to provide targeted social services to those tenants.

(E) By January 1, 2022, and each year thereafter, the director shall make publicly available a report on the contents of the database established pursuant to this section.

Section 31‑3‑1930. The director shall award grants to local governments and nonprofit organizations to set up programs to collect data from landlords on illegal evictions in this State.

Section 31‑3‑1940. (A) The director shall establish an advisory committee to be known as the Committee on Eviction Research (committee) to advise the director on matters relating to:

(1) the creation, operation, maintenance, methodology, and privacy matters of the statistical efforts relating to the database established;

(2) developing a research agenda to determine the causes and consequences of evictions; and

(3) illuminating policies or practices that reduce the number of evictions or mitigate the consequences of evictions.

(B)(1) The committee is composed of fourteen members who are appointed by the director, of whom:

(a) two members must be employees of the authority with expertise in housing data and an interest in issues relating to evictions and housing instability;

(b) two members must be representatives of landlords;

(c) five members must be from the academic or research community;

(d) three members must be from civil society, of whom not less than two must be from entities that advocate for civil rights related to housing or eviction; and

(e) two members must be from private industry, civil society, or the academic community with backgrounds in data science and privacy.

(2) The director shall appoint a chair of the committee from among the members of the committee.

(3)(a) A member of the committee is appointed for a period of two years.

(b) A vacancy in the committee may not affect the powers of the committee and must be filled in the same manner as the original appointment.

(C) The committee shall meet in person not less frequently than twice each year and via teleconference no less frequently than once every two months.

(D) In carrying out the duties of the committee, the committee may:

(1) hold hearings, sit, and act at times and places, take testimony, and receive evidence as the committee determines to be appropriate;

(2) issue reports, guidelines, and memoranda;

(3) hold or host conferences and symposia;

(4) enter into cooperative agreements with third‑party experts to obtain relevant advice or expertise, and oversee staff;

(5) establish subcommittees; and

(6) establish rules of procedure.

(E) The committee may accept, use, and dispose of gifts or donations of services or property.

(F) The members of the committee must be allowed travel expenses, including per diem in lieu of subsistence while away from their homes or regular places of business in the performance of service for the committee.

(G)(1) The chair of the committee may, without regard to the civil service laws, including regulations, appoint and terminate an executive director and other additional personnel as may be necessary to enable the commission to perform its duties, except that the employment of an executive director must be subject to confirmation by the commission.

(2) The chair of the committee may fix the compensation of the executive director and other personnel.

(H) No later than ninety days after the date on which the committee terminates, the committee shall submit to the director a report containing:

(1) recommendations for statistical efforts relating to the database including how additional data potentially may be collected, consistent with civil rights protections, to understand eviction trends by race, gender, disability status, ethnicity, age, and immigration status; and

(2) a research agenda to determine the causes and consequences of evictions and to illuminate policies or practices that reduce the number of evictions or mitigate the consequences of evictions, including an assessment of the housing challenges resulting from the prohibition on public housing participation due to the prior eviction of an individual.

Section 31‑3‑1950. (A) The director shall establish a competitive grant program under which the director shall award grants to local governments to establish crisis assistance programs to prevent extremely low‑income households from experiencing housing instability, including an imminent risk of eviction or homelessness, by providing short‑term financial assistance and housing stabilization services.

(B) A local government that receives a grant under this section may designate one or more entities to carry out programs in accordance with this section.

(C) A household that is eligible to receive assistance under a program established by a recipient of a grant under this section shall:

(1) be extremely low‑income, with an income at or below the federal poverty limit or thirty percent of the area median income, whichever is higher; and

(2) demonstrate to the grant recipient that the household is at risk of experiencing homelessness or housing instability and is experiencing a short‑term crisis, which may include:

(a) a past due utility or rent notice or eviction notice;

(b) a decline in household income;

(c) a family or health crisis;

(d) unexpected expenses;

(e) unsafe or unhealthy living conditions; and

(f) any other event as determined by the director.

(D) An eligible household may not receive assistance under this section for more than one ninety‑day period during each calendar year.

(E)(1) A recipient of a grant under this section shall:

(a) use grant amounts to help eligible households overcome a short‑term crisis impacting housing stability and provide financial assistance and housing stability‑related services to those eligible households; and

(b) evaluate the eligibility of households in a manner consistent with federal nondiscrimination requirements.

(2) No less than seventy‑five percent of amounts received by a recipient of a grant under this section may be used to provide financial assistance to eligible households, including the payment of rent, utilities, and other housing‑related expenses.

(3) No more than twenty‑five percent of amounts received by a recipient of a grant under this section may be used to provide housing stability‑related services to eligible households, including:

(a) services for case management, including community resources to negotiate and resolve nonfinancial, nonlegal issues to keep individuals and families housed;

(b) rehousing services;

(c) services to connect those eligible households to other public supports, including long‑term housing assistance; and

(d) referrals to other services for behavioral, emotional, and mental health issues, domestic violence, child welfare issues, employment, substance abuse treatment, or other services.

(4) No more than five percent of amounts received by a recipient of a grant under this section may be used to conduct rigorous evaluations of the effectiveness of the activities of the recipient in preventing housing instability.

(5) Grant amounts may not be used by a recipient of a grant under this section to cover administrative costs that are not incurred in carrying out items (2), (3), or (4).

(F)(1) The director, in consultation with the Director of the Department of Health and Human Services and the Commissioner of the Department of Agriculture, shall develop criteria to evaluate each application for a grant under this section, which must include consideration of:

(a) the need within the community to be served by the applicant for a program described in subsection (A);

(b) the capacity and interest of the applicant in delivering housing stability interventions and connecting eligible households to other public benefits;

(c) the prior performance of the applicant in providing similar forms of assistance, including whether the applicant, in providing those similar forms of assistance, has any unresolved, systemic civil rights violations;

(d) a demonstration of collaboration with other entities that provide resources to help eligible households eligible under a program established using grant amounts;

(e) a demonstration of support from local elected officials, community leaders, residents, and other key stakeholders, including civil rights organizations;

(f) a comprehensive plan to improve housing stability among no less than one at‑risk population;

(g) the interest in and willingness of the applicant to conduct a rigorous evaluation of the effectiveness of the programs to be established using grant amounts;

(h) the estimated impact of the programs to be established by the applicant;

(i) a commitment to provide new matching funds from nonfederal sources as required under subsection (G); and

(j) other factors as the director may require; and

(2) ensure geographic diversity among the grantees.

(G)(1) The director shall establish a sliding scale for matching funding requirements under this section, based on the size and resources of the jurisdiction, except that each grantee shall provide new matching funds of not less than twenty‑five percent of the grant amount from nonfederal sources.

(2) Subject to item (3), a grantee shall provide matching funds in the form of cash or an in‑kind contribution.

(3) A grantee may provide matching funds under item (1) in the form of an in‑kind contribution for the cash value of services provided a community served by a grantee by an entity other than the grantee only if there is a memorandum of understanding between the grantee and the other entity that those services will be provided.

(H) The director shall establish a process that incorporates findings from rigorous evaluations of programs established by grant recipients under this section into the design of subsequent grant competitions.

(I)(1) The director shall:

(a) evaluate each recipient of a grant under this section using information requested by the director, including an evaluation of:

(i) the ease with which eligible households are able to access assistance;

(ii) the effectiveness of the programs’ intervention models in preventing housing instability in general and for eligible households of different types and income levels;

(iii) the cost‑effectiveness of the programs; and

(iv) other indicators as determined by the director;

(b) publicly disseminate, through Internet websites and other means, interim findings as soon as they become available relating to programs established by recipients of a grant under this section; and

(c) make the evaluations described in subitem (a) publicly available.

(J) No later than five years after the establishment of the competitive grant program under this section, the director shall submit to the President of the Senate and the Speaker of the House of Representatives a report:

(1) evaluating the effectiveness of the strategies pursued under the grant program; and

(2) that includes recommendations for any necessary changes to law and a plan to expand the grant program to the scale necessary to address housing instability.

Section 31‑3‑1960. (A) The Comptroller General shall conduct a comprehensive qualitative and quantitative study to:

(1) track evictions from 1990 through 2020;

(2) analyze local eviction laws, regulations, and judicial processes; and

(3) assess the factors that contribute to evictions and whether those factors differ in urban areas versus suburban and rural areas, as well as across different protected class groups, including race, color, national origin, religion, sex, familial status, disability status, and age.

(B) By January 1, 2026, the Comptroller General shall submit to the President of the Senate and the Speaker of the House of Representatives a report on the grants awarded pursuant to this article, including best estimates of the amount saved, if any, at all levels of government on housing, medical, or social welfare programs, as well as any additional revenues generated by participants being more likely to remain employed or for other reasons.

Section 31‑3‑1970. Nothing in this article may be construed to deny a landlord the ability to file and execute an eviction for a lawful reason or change the standards for determining a violation of the Fair Housing Act.”

SECTION 2. This act takes effect upon approval by the Governor.

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