

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3698

By: Pogemiller

AS INTRODUCED

An Act relating to unstable housing; creating the Student Eviction Assistance Revolving Fund; directing the Oklahoma State Department of Education to use the fund to provide legal representation to certain parties in forcible entry and detainer actions; providing requirements to qualify for representation; directing the Oklahoma State Department of Education determine service area for the legal services providing the representation; providing for administrative fee; providing requirements to qualify for fund; defining terms; requiring contracted organizations to determine the eligibility of individuals seeking legal services; requiring certain report; providing for certain record keeping; requiring an annual audit; providing for costs related to audit; requiring audit report submitted to State Auditor and Inspector and Attorney General; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 10-110 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. To help school districts address chronic absenteeism linked to unstable housing, the "Student Eviction Assistance Revolving

1 Fund" is hereby created in the State Treasury for the Oklahoma State  
2 Department of Education. The fund shall be a continuing fund, not  
3 subject to fiscal year limitations, and shall consist of all monies  
4 appropriated to or otherwise received by the Oklahoma State  
5 Department of Education to provide legal services from funds  
6 appropriated to the fund, federal funds, gifts, donations, and  
7 grants. All monies accruing to the credit of said fund are hereby  
8 appropriated and may be budgeted and expended by the State  
9 Department of Education for the purpose of contracting for legal  
10 services to provide representation for indigent tenants with  
11 children enrolled in a public or private school in the state of  
12 Oklahoma pursuant to the provisions of this section. Expenditures  
13 from said fund shall be made upon warrants issued by the State  
14 Treasurer against claims filed as prescribed by law with the  
15 Director of the Office of Management and Enterprise Services for  
16 approval and payment.

17 B. To the extent funds are available, The Oklahoma State  
18 Department of Education shall allocate funds from the Student  
19 Eviction Assistance Revolving Fund to provide legal representation  
20 to indigent persons with students enrolled in a public or private  
21 school in pre-kindergarten through grade 12 in this state for  
22 representation in forcible entry and detainer cases (commonly  
23 referred to as eviction cases) filed pursuant to The Residential  
24 Landlord and Tenant Act, Sections 1148.1 through 1148.16 of Title 12

1 Oklahoma Statutes. To qualify for representation, the person must  
2 be referred to the legal services organization by the school  
3 district where the student is enrolled.

4 C. The Oklahoma State Board of Education shall be responsible  
5 for determining the service area for the legal services organization  
6 and for allocating the funds pursuant to contract with eligible  
7 regional or statewide organizations which ordinarily render legal  
8 services to indigent persons. The Oklahoma State Department of  
9 Education may charge an administrative fee for administering the  
10 contracts. The funds shall be allocated for the benefit of indigent  
11 persons with students enrolled in a public or private school in pre-  
12 kindergarten through grade 12 in all seventy-seven (77) counties of  
13 the state on a formula to be determined by the State Board of  
14 Education, utilizing an allocation formula that distributes funds  
15 according to the number of residents whose incomes are less than the  
16 official United States federal poverty guidelines, based on the  
17 United States census data, as a percentage of the total number of  
18 these residents in this state and on the percentage of students  
19 within the school district reported to be chronically absent in the  
20 previous school year.

21 D. As used in this section, "eligible organization" means an  
22 entity that:

23 1. Is organized as a not-for-profit corporation that is tax  
24 exempt pursuant to the provisions of paragraph (3) of subsection (c)

1 of Section 501 of the United States Internal Revenue Code of 1986,  
2 as amended;

3 2. Has as its primary purpose the furnishing of legal  
4 assistance to eligible clients;

5 3. Has a board of directors or other governing body the  
6 majority of which is comprised of attorneys who are admitted to  
7 practice in this state and who are approved to serve on such body by  
8 the governing bodies of the state or county bar associations and has  
9 at least one-third (1/3) of the membership who, when selected, are  
10 eligible clients; and

11 4. Is incorporated pursuant to any applicable laws of this  
12 state.

13 E. As a condition of the contract, the organization shall be  
14 required to determine the eligibility of any person seeking legal  
15 services pursuant to this section.

16 F. The Oklahoma State Department of Education shall prepare  
17 annually and distribute to the Governor, the President Pro Tempore  
18 of the Senate and the Speaker of the House of Representatives a  
19 report detailing expenditures of funds.

20 G. Each organization that contracts to provide legal services  
21 pursuant to subsection B of this section shall maintain books and  
22 records in accordance with generally accepted accounting principles.  
23 The books and records shall account for the receipt and expenditure  
24 of all funds paid pursuant to contract. Books and records shall be

1 maintained for a period of five (5) years from the close of the  
2 fiscal year of the contract period. The State Auditor and Inspector  
3 shall audit each organization annually. The necessary expense of  
4 each audit, including, but not limited to, the cost of typing,  
5 printing, and binding, shall be paid from funds of the organization.  
6 In lieu of the audit by the State Auditor and Inspector, the  
7 organization may submit an audit prepared by an independent auditing  
8 firm for compliance with federal auditing requirements. A copy of  
9 the audit prepared by or submitted to the State Auditor and  
10 Inspector shall be submitted to the Attorney General.

11 SECTION 2. This act shall become effective November 1, 2026.

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