



(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To amend the Fair Credit Reporting Act to prohibit consumer reporting agencies that furnish consumer reports for tenant screening purposes from providing certain information, to establish duties of users of consumer reports for housing purposes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. PRESSLEY introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Fair Credit Reporting Act to prohibit consumer reporting agencies that furnish consumer reports for tenant screening purposes from providing certain information, to establish duties of users of consumer reports for housing purposes, 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 “Housing for Formerly
5 Incarcerated Reentry and Stable Tenancy Act” or the
6 “Housing FIRST Act”.

1 **SEC. 2. DEFINITION OF TENANT SCREENING PURPOSES.**

2 (a) DEFINITION OF TENANT SCREENING PUR-
3 POSES.—Section 603(h) of the Fair Credit Reporting Act
4 (15 U.S.C. 1681a(h)) is amended—

5 (1) by inserting “EMPLOYMENT PURPOSES AND
6 TENANT SCREENING PURPOSES.—” before “The
7 term”;

8 (2) by striking “The term” and inserting the
9 following:

10 “(1) EMPLOYMENT PURPOSES.—The term”;
11 and

12 (3) by adding at the end the following new
13 paragraph:

14 “(2) TENANT SCREENING PURPOSES.—The
15 term ‘tenant screening purposes’ when used in con-
16 nection with a consumer report means a report used
17 for the purpose of evaluating a consumer for rental
18 housing or retention as a renter or tenant.”.

19 (b) CONFORMING AMENDMENTS.—The Fair Credit
20 Reporting Act (15 U.S.C. 1681 et seq.) is amended—

21 (1) in section 603—

22 (A) in subsection (d)(1)(B), by inserting
23 “or tenant screening purposes” after “employ-
24 ment purposes”; and

25 (B) in subsection (k)—

1 (i) in clause (iii), by striking “and” at
2 the end;

3 (ii) in clause (iv)(II), by striking the
4 period at the end and inserting “; and”;
5 and

6 (iii) by adding at the end the fol-
7 lowing:

8 “(v) a denial of housing or any other
9 decision related to the provision of rental
10 housing that adversely affects any current
11 or prospective tenant or renter.”;

12 (2) in section 604(a)(3)(B), by inserting “or
13 tenant screening purposes” after “employment pur-
14 poses”;

15 (3) in section 605A(i)(4)(I), by striking “em-
16 ployment, tenant, or background screening pur-
17 poses” and inserting “employment purposes, tenant
18 screening purposes, or background screening pur-
19 poses”;

20 (4) in section 606(d)(2)—

21 (A) by inserting “or tenant screening pur-
22 poses” after “employment purposes”;

23 (B) by striking “of the consumer” and in-
24 serting “of the consumer, or by a housing pro-

1 vider or a prospective housing provider (as ap-
2 plicable)”; and

3 (C) by inserting “or fair housing” after
4 “equal employment opportunity”;

5 (5) in section 609(a)(3)(A)(i), by inserting “or
6 tenant screening purposes” after “employment pur-
7 poses”; and

8 (6) in section 613—

9 (A) in the section heading, by inserting
10 “**OR TENANT SCREENING PURPOSES**” after
11 “**EMPLOYMENT PURPOSES**”; and

12 (B) in subsection (a)—

13 (i) in the matter preceding paragraph
14 (1), by inserting “or tenant screening pur-
15 poses” after “employment purposes”; and

16 (ii) by inserting “or rental housing, as
17 applicable,” after “obtain employment”
18 each place it appears.

19 **SEC. 3. PROHIBITION ON INFORMATION INCLUDED IN CON-**
20 **SUMER REPORTS FURNISHED FOR TENANT**
21 **SCREENING PURPOSES.**

22 The Fair Credit Reporting Act (15 U.S.C. 1681 et
23 seq.) is amended by inserting after section 605C the fol-
24 lowing new section:

1 **“§ 605D. Consumer reports for tenant screening pur-**
2 **poses**

3 “A consumer reporting agency that furnishes a con-
4 sumer report for tenant screening purposes shall not in-
5 clude any information relating to the following:

6 “(1) A record for an arrest.

7 “(2) Any juvenile adjudication or conviction, in-
8 cluding convictions or adjudications in which a juve-
9 nile was tried as an adult.

10 “(3) Non-criminal citations by State or local
11 law enforcement agencies.

12 “(4) Any criminal case resolved through suc-
13 cessful completion of diversion, deferred adjudica-
14 tion, deferred entry of judgment, drug court, or a
15 similar judicial program established under State law.

16 “(5) A conviction for which—

17 “(A) the consumer was sentenced and for
18 which the consumer has completed the sentence;

19 or

20 “(B) the consumer is on probation or pa-
21 role.

22 “(6) An offense or offenses related to fees or
23 back payments associated with court costs or incar-
24 ceration.

25 “(7) A record of a conviction or arrest that has
26 been expunged, sealed, vacated, set aside, or subject

1 to similar relief, or any conviction for which a con-
2 sumer has been pardoned or granted clemency.”.

3 **SEC. 4. CONDITIONS FOR FURNISHING AND USING CON-**
4 **SUMER REPORTS FOR TENANT SCREENING**
5 **PURPOSES.**

6 Section 604(b) of the Fair Credit Reporting Act (15
7 U.S.C. 1681b(b)) is amended—

8 (1) in the subsection heading, by inserting “OR
9 TENANT SCREENING PURPOSES” after “EMPLOY-
10 MENT PURPOSES”;

11 (2) in paragraph (1)—

12 (A) in the matter preceding subparagraph
13 (A), by inserting “or tenant screening pur-
14 poses” after “employment purposes”; and

15 (B) in subparagraph (A)(ii), by inserting
16 “or fair housing” after “equal employment op-
17 portunity”;

18 (3) in paragraph (2)(A)—

19 (A) in the matter preceding clause (i), by
20 inserting “or tenant screening purposes” after
21 “employment purposes”; and

22 (B) in clause (i), by inserting “or tenant
23 screening purposes” after “employment pur-
24 poses”; and

1 (4) in paragraph (3)(A), by inserting “or ten-
2 ant screening purposes” after “employment pur-
3 poses”.

4 **SEC. 5. CLARIFICATION FOR SOURCES OF INFORMATION.**

5 Section 609(a)(2) of the Fair Credit Reporting Act
6 (15 U.S.C. 1681g(a)(2)) is amended by inserting “(includ-
7 ing any entity from whom the consumer reporting agency
8 received such information)” after “the information”.

9 **SEC. 6. DUTIES OF USERS OF CONSUMER REPORTS FOR**
10 **HOUSING PURPOSES.**

11 Section 615 of the Fair Credit Reporting Act (15
12 U.S.C. 1681m) is amended by adding at the end the fol-
13 lowing new subsection:

14 “(i) **DUTIES OF USERS FOR TENANT SCREENING**
15 **PURPOSES.**—If a person who has procured a consumer re-
16 port of a consumer for tenant screening purposes or takes
17 any adverse action, including denial of rental housing,
18 against such consumer based wholly or in part on the re-
19 port, the person—

20 “(1) shall provide to the consumer to whom the
21 report relates a notice containing the information
22 described in subsection (a) within 3 days after such
23 adverse action; and

24 “(2) shall provide the specific reasons for such
25 adverse action, including the information contained

1 in the consumer report that resulted in the adverse
2 action.”.

3 **SEC. 7. PROHIBITION ON STATE REGULATION OF TIME LIM-**
4 **ITS FOR INFORMATION EXCLUDED FROM**
5 **CONSUMER REPORTS.**

6 Section 625(b)(1)(E) of the Fair Credit Reporting
7 Act (15 U.S.C. 1681t(b)(1)(E)) is amended—

8 (1) by inserting “the time after which” after
9 “relating to”; and

10 (2) by inserting “becomes obsolete” after “con-
11 sumer reports”.

12 **SEC. 8. ADDITIONAL EXCLUSION OF INFORMATION FROM**
13 **CONSUMER REPORTS.**

14 Section 605(a)(5) of the Fair Credit Reporting Act
15 (15 U.S.C. 1681e(a)(5)) is amended by striking “, other
16 than records of convictions of crimes”.

17 **SEC. 9. TECHNICAL AMENDMENT.**

18 Section 615(h)(8) of the Fair Credit Reporting Act
19 (15 U.S.C. 1681m(h)(8)) is amended—

20 (1) in subparagraph (A), by striking “this sec-
21 tion” and inserting “this subsection”; and

22 (2) in subparagraph (B), by striking “This sec-
23 tion” and inserting “This subsection”.