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A BILL

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IN COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend Section 16-1501 of the District of Columbia Official Code to provide that the person aggrieved shall not file a complaint seeking restitution of possession for nonpayment of rent in an amount less than \$600 and to provide that person aggrieved shall not file a complaint seeking restitution of possession without a current rental housing license; and to amend the Rental Housing Act of 1985 to provide that a housing provider shall not make an inquiry about, require the prospective tenant to disclose or reveal, or base an adverse action on certain criteria, to require a housing provider to provide written notice to a prospective tenant of the housing provider’s basis for taking adverse action against the prospective tenant, and to provide the tenant an opportunity to dispute the information forming the basis of the housing provider’s adverse action.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Eviction Protections and Tenant Screening Amendment Act of 2021”.

Sec. 2. Section 16-1501 of the District of Columbia Official Code is amended by adding new subsections (c) and (d) to read as follows:

“(c) The person aggrieved shall not file a complaint seeking restitution of possession pursuant to this section for nonpayment of rent in an amount less than \$600; except, that the person aggrieved may file a complaint to recover the amount owed.

35           “(d)(1) The person aggrieved shall not file a complaint seeking restitution of possession  
36 pursuant to this section without a current license for rental housing issued pursuant to D.C.  
37 Official Code § 47-2828(c)(1).

38           “(2) The person aggrieved shall provide documentation of a current license for  
39 rental housing under paragraph (1) at the time of filing.”.

40           Sec. 3. Title V of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-  
41 10; D.C. Official Code § 42-3505.01 et seq.), is amended by adding a new section 510 to read as  
42 follows:

43           “Sec. 510. Tenant screening.

44           “(a) Before requesting any information from a prospective tenant as a part of tenant  
45 screening, a housing provider shall first notify the prospective tenant in writing, or by posting in  
46 a manner accessible to prospective tenants:

47                   “(1) The types of information that will be accessed to conduct a tenant screening;

48                   “(2) The criteria that may result in denial of the application; and

49                   “(3) If a credit or consumer report is used, the name and contact information of  
50 the credit or consumer reporting agency and a statement of the prospective tenant’s rights to  
51 obtain a free copy of the credit or consumer report in the event of a denial or other adverse  
52 action.

53           “(b) For the purposes of tenant screening, a housing provider shall not make an inquiry  
54 about, require the prospective tenant to disclose or reveal, or base an adverse action on:

55                   “(1) Whether a previous action to recover possession from the prospective tenant  
56 occurred if the action:

57                           “(A) Did not result in a judgment for possession in favor of the housing

58 provider; or

59 “(B) Was filed 3 or more years ago.

60 “(2) Any allegation of a breach of lease by the prospective tenant if the alleged  
61 breach:

62 “(A) Stemmed from an incident that the prospective tenant demonstrates  
63 would constitute a defense to an action for possession under section 501(c-1) or federal law  
64 pertaining to domestic violence, dating violence, sexual assault, or stalking; or

65 “(B) Took place 3 or more years ago.

66 “(c) A housing provider shall not base an adverse action solely on a prospective tenant’s  
67 credit score, although information within a credit or consumer report directly relevant to fitness  
68 as a tenant can be relied upon by a housing provider.

69 “(d) If a housing provider takes an adverse action, he or she shall provide a written notice  
70 of the adverse action to the prospective tenant that shall include:

71 “(1) The specific grounds for the adverse action;

72 “(2) A copy or summary of any information obtained from a third-party that  
73 formed a basis for the adverse action; and

74 “(3) A statement informing the prospective tenant of his or her right to dispute the  
75 accuracy of any information upon which the housing provider relied in making his or her  
76 determination.

77 “(e) After receipt of a notice of an adverse action, a prospective tenant may provide to  
78 the housing provider any evidence that information relied upon by the housing provider is:

79 “(A) Inaccurate or incorrectly attributed to the prospective tenant; or

80                   “(B) Based upon prohibited criteria under subsection (b) or subsection (c) of this  
81 section.

82                   “(2) The housing provider shall provide a written response, which may be by  
83 mail, electronic mail, or in person, to the prospective tenant with respect to any information  
84 provided under this subsection within 30 business days after receipt of the information from the  
85 prospective tenant.

86                   “(3) Nothing in this subsection shall be construed to prohibit the housing provider  
87 from leasing a housing rental unit to other prospective tenants.

88                   “(f) Any housing provider who knowingly violates any provision of this section, or any  
89 rules issued to implement this section, shall be subject to a civil penalty for each violation not to  
90 exceed \$1,000.

91                   “(g) For the purposes of this section, the term:

92                   “(1) “Adverse action” means:

93                   “(A) Denial of a prospective tenant’s rental application; or

94                   “(B) Approval of a prospective tenant’s rental application, subject to terms  
95 or conditions different and less favorable to the prospective tenant than those included in any  
96 written notice, statement, or advertisement for the rental unit, including written communication  
97 sent directly from the housing provider to a prospective tenant.

98                   “(2) “Tenant screening” means any process used by a housing provider to  
99 evaluate the fitness of a prospective tenant.”.

100                   Sec. 4. Fiscal impact statement.

101                   The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact  
102 statement required by section 4a of the General Legislative Procedures Act of 1975, approved

103 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

104 Sec. 5. Effective date.

105 This act shall take effect following approval by the Mayor (or in the event of veto by the  
106 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
107 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
108 24, 1973, (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
109 Columbia Register.