

118TH CONGRESS  
1ST SESSION

# H. R. 4560

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.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2023

Ms. PRESSLEY (for herself, Ms. TLAIB, Ms. LEE of California, Ms. OCASIO-CORTEZ, Ms. SCHAKOWSKY, Ms. NORTON, Mr. GOMEZ, Mr. MCGOVERN, Mr. FROST, Mr. BOWMAN, Ms. CLARKE of New York, Mr. CASAR, Mr. JOHNSON of Georgia, Ms. OMAR, Ms. BUSH, and Ms. LEE of Pennsylvania) introduced the following bill; which was referred to the Committee on Financial Services

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## 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Housing for Formerly  
3 Incarcerated Reentry and Stable Tenancy Act” or the  
4 “Housing FIRST Act”.

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

6 (a) DEFINITION OF TENANT SCREENING PUR-  
7 POSES.—Section 603(h) of the Fair Credit Reporting Act  
8 (15 U.S.C. 1681a(h)) is amended—

9 (1) by inserting “EMPLOYMENT PURPOSES AND  
10 TENANT SCREENING PURPOSES.—” before “The  
11 term”;

12 (2) by striking “The term” and inserting the  
13 following:

14 “(1) EMPLOYMENT PURPOSES.—The term”;  
15 and

16 (3) by adding at the end the following new  
17 paragraph:

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

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

25 (1) in section 603—

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

4 (B) in subsection (k)—

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

7 (ii) in clause (iv)(II), by striking the  
8 period at the end and inserting “; and”;  
9 and

10 (iii) by adding at the end the fol-  
11 lowing:

12 “(v) a denial of housing or any other  
13 decision related to the provision of rental  
14 housing that adversely affects any current  
15 or prospective tenant or renter.”;

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

19 (3) in section 605A(i)(4)(I), by striking “em-  
20 ployment, tenant, or background screening pur-  
21 poses” and inserting “employment purposes, tenant  
22 screening purposes, or background screening pur-  
23 poses”;

24 (4) in section 606(d)(2)—

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

3 (B) by striking “of the consumer” and in-  
4 serting “of the consumer, or by a housing pro-  
5 vider or a prospective housing provider (as ap-  
6 plicable)”;

7 (C) by inserting “or fair housing” after  
8 “equal employment opportunity”;

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

12 (6) in section 613—

13 (A) in the section heading, by inserting  
14 “**OR TENANT SCREENING PURPOSES**” after  
15 “**EMPLOYMENT PURPOSES**”;

16 (B) in subsection (a)—

17 (i) in the matter preceding paragraph  
18 (1), by inserting “or tenant screening pur-  
19 poses” after “employment purposes”;

20 (ii) by inserting “or rental housing, as  
21 applicable,” after “obtain employment”  
22 each place it appears.

1 **SEC. 3. PROHIBITION ON INFORMATION INCLUDED IN CON-**  
2 **SUMER REPORTS FURNISHED FOR TENANT**  
3 **SCREENING PURPOSES.**

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

7 **“§ 605D. Consumer reports for tenant screening pur-**  
8 **poses**

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

12 “(1) A record for an arrest.

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

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

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

22 “(5) A conviction for which—

23 “(A) the consumer was sentenced and for  
24 which the consumer has completed the sentence;

25 or

1           “(B) the consumer is on probation or pa-  
2           role.

3           “(6) An offense or offenses related to fees or  
4           back payments associated with court costs or incar-  
5           ceration.

6           “(7) A record of a conviction or arrest that has  
7           been expunged, sealed, vacated, set aside, or subject  
8           to similar relief, or any conviction for which a con-  
9           sumer has been pardoned or granted clemency.”.

10 **SEC. 4. CONDITIONS FOR FURNISHING AND USING CON-**  
11 **SUMER REPORTS FOR TENANT SCREENING**  
12 **PURPOSES.**

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

15           (1) in the subsection heading, by inserting “OR  
16           TENANT SCREENING PURPOSES” after “EMPLOY-  
17           MENT PURPOSES”;

18           (2) in paragraph (1)—

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

22           (B) in subparagraph (A)(ii), by inserting  
23           “or fair housing” after “equal employment op-  
24           portunity”;

25           (3) in paragraph (2)(A)—

1 (A) in the matter preceding clause (i), by  
2 inserting “or tenant screening purposes” after  
3 “employment purposes”; and

4 (B) in clause (i), by inserting “or tenant  
5 screening purposes” after “employment pur-  
6 poses”; and

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

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

11 Section 609(a)(2) of the Fair Credit Reporting Act  
12 (15 U.S.C. 1681g(a)(2)) is amended by inserting “(includ-  
13 ing any entity from whom the consumer reporting agency  
14 received such information)” after “the information”.

15 **SEC. 6. DUTIES OF USERS OF CONSUMER REPORTS FOR**  
16 **HOUSING PURPOSES.**

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

20 “(i) **DUTIES OF USERS FOR TENANT SCREENING**  
21 **PURPOSES.**—If a person who has procured a consumer re-  
22 port of a consumer for tenant screening purposes or takes  
23 any adverse action, including denial of rental housing,  
24 against such consumer based wholly or in part on the re-  
25 port, the person—

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

5           “(2) shall provide the specific reasons for such  
6 adverse action, including the information contained  
7 in the consumer report that resulted in the adverse  
8 action.”.

9 **SEC. 7. PROHIBITION ON STATE REGULATION OF TIME LIM-**  
10 **ITS FOR INFORMATION EXCLUDED FROM**  
11 **CONSUMER REPORTS.**

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

14           (1) by inserting “the time after which” after  
15 “relating to”; and

16           (2) by inserting “becomes obsolete” after “con-  
17 sumer reports”.

18 **SEC. 8. ADDITIONAL EXCLUSION OF INFORMATION FROM**  
19 **CONSUMER REPORTS.**

20 Section 605(a)(5) of the Fair Credit Reporting Act  
21 (15 U.S.C. 1681c(a)(5)) is amended by striking “, other  
22 than records of convictions of crimes”.

23 **SEC. 9. TECHNICAL AMENDMENT.**

24 Section 615(h)(8) of the Fair Credit Reporting Act  
25 (15 U.S.C. 1681m(h)(8)) is amended—



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

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

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