

116TH CONGRESS
2D SESSION

S. 4471

To amend the Fair Credit Reporting Act to provide requirements for landlords and consumer reporting agencies relating to housing court records, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 6, 2020

Mr. BOOKER introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To amend the Fair Credit Reporting Act to provide requirements for landlords and consumer reporting agencies relating to housing court records, 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 “Tenant Protection
5 Act”.

6 **SEC. 2. TENANT BLACKLISTING.**

7 (a) DEFINITIONS.—In this section—

8 (1) the terms “consumer”, “consumer report”,
9 and “nationwide specialty consumer reporting agen-

1 cy” have the meanings given those terms in section
 2 603 of the Fair Credit Reporting Act (15 U.S.C.
 3 1681a); and

4 (2) the term “tenant rating agency” means a
 5 nationwide specialty consumer reporting agency de-
 6 scribed in section 603(x)(2) of the Fair Credit Re-
 7 porting Act (15 U.S.C. 1681a(x)(2)).

8 (b) AMENDMENTS TO THE FAIR CREDIT REPORTING
 9 ACT.—The Fair Credit Reporting Act (15 U.S.C. 1601
 10 et seq.) is amended—

11 (1) in section 605 (15 U.S.C. 1681e), by adding
 12 at the end the following:

13 “(i) HOUSING COURT RECORDS.—A consumer re-
 14 porting agency may not make a consumer report con-
 15 taining a landlord-tenant court or other housing court
 16 record, unless—

17 “(1) the case to which the record pertains re-
 18 sulted in a judgment of possession;

19 “(2) the decision of the court in the case to
 20 which the record pertains is not being appealed; and

21 “(3) the record antedates the consumer report
 22 by not more than 3 years.”;

23 (2) in section 611(a) (15 U.S.C. 1681i(a))—

24 (A) in paragraph (1)(A), by inserting “or
 25 by submitting a notice of the dispute through

1 the centralized source described in section
 2 612(a)(1)(B) or the centralized source required
 3 to be established under section 2(c) of the Ten-
 4 ant Protection Act” after “through a reseller”;
 5 and

6 (B) in paragraph (2)—

7 (i) in subparagraph (A)—

8 (I) by striking “or a reseller”
 9 and inserting “a reseller, or a central-
 10 ized source”; and

11 (II) by striking “or reseller” and
 12 inserting “reseller, or centralized
 13 source”; and

14 (ii) in subparagraph (B), by striking
 15 “or the reseller” and inserting “the re-
 16 seller, or the centralized source”;

17 (3) in section 615 (15 U.S.C. 1681m), by add-
 18 ing at the end the following:

19 “(i) ADDITIONAL DUTY OF USERS TAKING ADVERSE
 20 ACTIONS ON THE BASIS OF HOUSING COURT RECORDS
 21 CONTAINED IN CONSUMER REPORTS.—If any person
 22 takes any adverse action with respect to a consumer that
 23 is based in whole or in part on a landlord-tenant court
 24 or other housing record contained in a consumer report,
 25 the person shall provide to the consumer a free copy of

1 the consumer report used by the person in taking the ad-
 2 verse action.”;

3 (4) by adding at the end the following:

4 **“SEC. 630. CIVIL LIABILITY FOR CREATING REPORTS WITH**
 5 **INACCURATE HOUSING COURT RECORDS.**

6 “Any person who willfully makes a consumer report
 7 with respect to a consumer that contains an inaccurate
 8 landlord-tenant court or other housing record is liable to
 9 the consumer in an amount equal to the sum of—

10 “(1) any actual damages sustained by the con-
 11 sumer as a result of making that consumer report
 12 or damages of not less than \$500 and not more than
 13 \$1,500;

14 “(2) such amount of punitive damages as the
 15 court may allow; and

16 “(3) in the case of any successful action to en-
 17 force any liability under this section, the costs of the
 18 action together with reasonable attorney’s fees as de-
 19 termined by the court.”; and

20 (5) in the table of contents, by inserting after
 21 the item relating to section 629 the following:

“630. Civil liability for creating reports with inaccurate housing court records.”.

22 (c) **REGULATIONS APPLICABLE TO CLEARINGHOUSE**
 23 **SYSTEM.**—Not later than 1 year after the date of enact-
 24 ment of this Act, the Bureau of Consumer Financial Pro-
 25 tection shall issue regulations—

1 (1) applicable to tenant rating agencies to re-
2 quire the establishment of—

3 (A) a centralized source through which
4 consumers may—

5 (i) obtain a consumer report from
6 each such tenant rating agency once dur-
7 ing any 12-month period, using a single re-
8 quest, and without charge to the consumer,
9 as provided in section 612(a) of the Fair
10 Credit Reporting Act (15 U.S.C.
11 1681j(a)); and

12 (ii) submit a notice of a dispute of in-
13 accurate information, as provided in sec-
14 tion 611(a) of the Fair Credit Reporting
15 Act (15 U.S.C. 1681i(a)); and

16 (B) a standardized form for a consumer to
17 make a request for a consumer report under
18 subparagraph (A)(i) or submit a notice of dis-
19 pute under subparagraph (A)(ii) by mail or
20 through an Internet website; and

21 (2) to provide that a consumer may submit a
22 notice of dispute of inaccurate information through
23 the centralized source established in accordance with
24 section 211(c) of the Fair and Accurate Credit
25 Transactions Act of 2003 (15 U.S.C. 1681j note), as

1 provided in section 611(a) of the Fair Credit Re-
2 porting Act (15 U.S.C. 1681i(a)), using the stand-
3 ardized form described in paragraph (1)(B).

4 (d) REPORT.—Not later than 1 year after the date
5 of enactment of this Act, the Bureau of Consumer Finan-
6 cial Protection shall conduct a study and submit to Con-
7 gress a report on the status of tenant rating agencies and
8 the compliance of tenant rating agencies under the Fair
9 Credit Reporting Act (15 U.S.C. 1601 et seq.), including
10 a gap analysis of laws and resources to deter noncompli-
11 ance with the intent and purpose of the Fair Credit Re-
12 porting Act (15 U.S.C. 1601 et seq.).

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