

HOUSE No. 1308

The Commonwealth of Massachusetts

PRESENTED BY:

Manny Cruz and Judith A. Garcia

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the use of credit reporting in housing.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Manny Cruz</i>	<i>7th Essex</i>	<i>1/20/2023</i>
<i>Judith A. Garcia</i>	<i>11th Suffolk</i>	<i>1/20/2023</i>

HOUSE No. 1308

By Representatives Cruz of Salem and Garcia of Chelsea, a petition (accompanied by bill, House, No. 1308) of Manny Cruz and Judith A. Garcia relative to the use of credit reporting in housing. Housing.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act relative to the use of credit reporting in housing.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 51 of Chapter 93 of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by:

3 (a) in line 26, striking the words “except in the case of the rental or lease of residential
4 property”

5 (b) inserting the following after line 31 “(vii) intends to use the information for tenant
6 screening purposes in accordance with Section 51C; or”

7 SECTION 2. Said Chapter 93 is hereby further amended by inserting after Section 51B
8 the following section:-

9 Section 51C. (a) For the purposes of this section, the following terms shall have the
10 following meanings unless the context clearly indicates otherwise:

11 “Tenant screening purposes”, when used in connection with a consumer report, means a
12 purpose related to the evaluation of a consumer for rental housing or retention as a renter or
13 tenant.

14 (b) A person shall not: (i) use a consumer report in connection with or as a criterion for a
15 tenant screening purpose; (ii) request or procure a consumer report for tenant screening purposes;
16 or (iii) require an applicant or tenant to answer a question about the contents of a consumer
17 report or the information contained in it regarding credit worthiness, credit standing or credit
18 capacity.

19 (c) Notwithstanding subsection (d), a person may use or request a consumer report for
20 tenant screening purposes under subsection (e) if required to do so under federal or state law or
21 regulation.

22 (d) Notwithstanding subsections (b) and (c), a person shall not use a consumer report in a
23 manner that results in adverse housing discrimination prohibited by law.

24 (e) A landlord, or person acting on behalf of the landlord for tenant screening purpose,
25 shall not obtain, use, or seek the consumer report of a tenant, or applicant under subsection (c)
26 unless the landlord or person acting on behalf of the landlord:

27 (i) obtains the written consent of the tenant or applicant in a document that consists solely
28 of the consent and does so each time that the person seeks to obtain the consumer report of a
29 tenant or applicant;

30 (ii) discloses the landlord’s reason for accessing the consumer report to the tenant or
31 applicant in writing; provided, however, that if a landlord intends to take an adverse action that is

based, in whole or in part, on the report, the landlord shall disclose the reason for the action, including the information in the report that was the basis for the action, in writing at least 14 days prior to taking the action, along with a copy of the report and the notice of consumer rights required by 15 U.S.C. 1681g(c)(1); and provided further, that the landlord shall provide the tenant or applicant, in a private discussion, the opportunity to dispute the relevance of the information upon which the landlord based the housing action and shall consider the dispute before making a final decision; and

(iii) ensures that costs associated with obtaining a consumer report are not paid by or passed on to the tenant or applicant.

If, during the 14 day period under clause (ii), the tenant or applicant provides oral or written notice to a, landlord, or person acting on behalf of the landlord that the tenant, or applicant is disputing the accuracy of the consumer report with a consumer reporting agency, the landlord or person acting on behalf of the landlord shall not take an adverse action until the resolution of the dispute under section 58 or 15 U.S.C. 1681i(a) and shall consider the results of the resolution before taking an adverse action.

(f) A landlord or person acting on behalf of the landlord shall not retaliate, discriminate or take an adverse action against a tenant or applicant on the basis that the tenant or applicant has or intends to: (i) file a complaint pursuant to subsection (h); (ii) allege that the person violated this section; (iii) testify, assist, give evidence or participate in an investigation, proceeding or action concerning a violation of this section; or (iv) otherwise oppose a violation of this section.

(g) A waiver of this section shall be void and a person shall not require or request that a tenant or applicant waive it.

54 (h) Failure to comply with this section shall constitute an unfair practice under clause (a)
55 of section 2 of chapter 93A.

56 SECTION 3. This act shall take effect 90 days from the date of passage