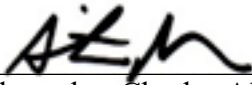


Councilmember Kenyan R. McDuffie



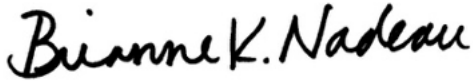
Councilmember Robert C. White, Jr.



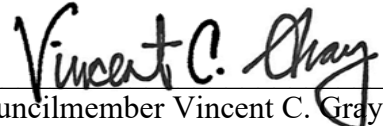
Councilmember Charles Allen



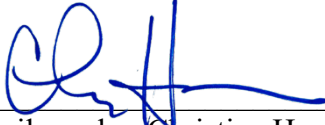
Councilmember Anita Bonds



Councilmember Brianne K. Nadeau



Councilmember Vincent C. Gray



Councilmember Christina Henderson



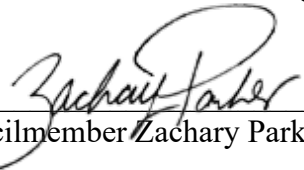
Councilmember Brooke Pinto



Councilmember Matthew Frumin



Councilmember Janeese Lewis George



Councilmember Zachary Parker

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend Chapter 38 of Title 28 of the District of Columbia Official Code to require credit reporting agencies to accept a personal statement from a consumer indicating the consumer experienced financial hardship resulting from a public health emergency; to prohibit users of credit reports from taking into consideration adverse information in a report that was the result of the consumer’s action or inaction that occurred during the public health emergency; to require credit reporting agencies to notify residents of the right to request a personal statement; and to provide for civil action for violations of this section.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Public Health Emergency Credit Alert Amendment Act of 2023”.

45 Sec. 2. Title 28 of the District of Columbia Official Code is amended as follows:

46 (a) The table of contents for Chapter 38 is amended by adding a new subchapter

47 designation to read as follows:

48 “Subchapter IV. Public Health Emergency Credit Alert.

49 “28-3871. Public health emergency credit alert.

50 (b) A new section 28-3871 is added to read as follows:

51 “§ 28-3871. Public health emergency credit alert.

52 “(a)(1) If a consumer reports in good faith that the consumer has experienced financial
53 hardship resulting directly or indirectly from a public health emergency declared pursuant to
54 section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002
55 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), a credit reporting agency maintaining a file
56 on the consumer shall accept and include in that file a personal statement furnished by the
57 consumer indicating that the consumer has been financially impacted by the public health
58 emergency.

59 “(2) A credit reporting agency shall provide that personal statement along with
60 any credit report provided by the agency, beginning on the date the credit reporting agency
61 receives the personal statement, unless the consumer requests that the personal statement be
62 removed.

63 “(b) This section shall not apply to a federal credit union, as defined by 12 U.S.C. §
64 1752(1), a national bank, as defined by 12 U.S.C. § 25b(a)(1), or a federal savings association, as
65 defined by 12 U.S.C. § 1462(3); except, that an exception granted by this subsection shall not
66 apply to any entity to which the savings clause at 12 U.S.C. § 25b(b)(2) applies.

67 “(c)(1) No user of a credit report shall consider adverse information in a report that was
68 the result of an action or inaction of a consumer that occurred during, and was directly or
69 indirectly the result of, a public health emergency declared pursuant to section 5a of the District
70 of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C.
71 Official Code § 7-2304.01), if the credit report includes a personal statement pursuant to
72 subsection (a) of this section, or if the consumer provides a written statement to the user of a
73 credit report that indicates in good faith that the consumer has experienced financial hardship
74 resulting directly or indirectly from the public health emergency declared pursuant to section 5a
75 of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.
76 Law 14-194; D.C. Official Code § 7-2304.01), before the user of the credit report makes a
77 determination.

78 “(2) If the consumer receives a denial or rejection by the user of a credit report
79 due to information that occurred during the public health emergency declared pursuant to section
80 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.
81 Law 14-194; D.C. Official Code § 7-2304.01), the user must inform the consumer of their right
82 to file a written statement pursuant to paragraph (1) of this subsection.

83 “(d) When a District resident requests a copy of a credit report pursuant to 15 U.S.C. §
84 1681j, the entity providing the credit report must notify the resident of the right to request a
85 personal statement to accompany the credit report.

86 “(e) If a credit reporting agency violates this section, the affected consumer may bring a
87 civil action consistent with 15 U.S.C. § 1681n.

88 “(f)(1) The Attorney General may petition the Superior Court of the District of Columbia
89 for temporary or permanent injunctive relief for, and for an award of damages for property loss

90 or harm suffered by a consumer as a consequence of, a violation of this section, or fraudulent or
91 deceptive conduct in violation of this section that harms a District resident.

92 “(2) In an action under this section, the Attorney General may recover:

93 “(A) A civil penalty not to exceed \$1,000 for each violation; and

94 “(B) Reasonable attorney’s fees and costs of the action.

95 “(g) The following terms shall have the same meaning as defined in § 28-3861:

96 “(1) “Consumer;”

97 “(2) “Credit reporting agency.

98 “(h) “Credit report” shall have the same meaning as a “consumer report” as defined in the
99 Fair Credit Reporting Act, 15 USC § 1681a(d).

100 “(i) This section shall not be construed in a manner inconsistent with the Fair Credit
101 Reporting Act, (15 U.S.C. § 1681 et seq.), or any other federal law or regulation.

102 Sec. 3. Fiscal impact.

103 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
104 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
105 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

106 Sec. 4. Effective date.

107 This act shall take effect following approval by the Mayor (or in the event of veto by the
108 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
109 provided in sections 602(c)(1) of the District of Columbia Home Rule Act, approved December
110 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
111 Columbia Register.