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A BILL
25-358

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on a temporary basis, 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 Temporary Amendment Act of 2023”.

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

(a) The table of contents for Chapter 38 is amended by adding a new subchapter designation to read as follows:

“Subchapter IV. Public Health Emergency Credit Alert.

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

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

“§ 28-3871. COVID-19 Emergency credit alert.

29 “(a)(1) If a consumer reports in good faith that the consumer has experienced financial
30 hardship resulting directly or indirectly from the public health emergency declared pursuant to
31 section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002
32 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), a credit reporting agency maintaining a file
33 on the consumer shall accept and include in that file a personal statement furnished by the
34 consumer indicating that the consumer has been financially impacted by the COVID-19
35 emergency.

36 “(2) A credit reporting agency shall provide that personal statement along with
37 any credit report provided by the agency, beginning on the date the credit reporting agency
38 receives the personal statement, unless the consumer requests that the personal statement be
39 removed.

40 “(b) This section shall not apply to a federal credit union, as defined by 12 U.S.C. §
41 1752(1), a national bank, as defined by 12 U.S.C. § 25b(a)(1), or a federal savings association, as
42 defined by 12 U.S.C. § 1462(3); except, that an exception granted by this subsection shall not
43 apply to any entity to which the savings clause at 12 U.S.C. § 25b(b)(2) applies.

44 “(c)(1) No user of a credit report shall consider adverse information in a report that was
45 the result of an action or inaction by a consumer that occurred during, and was directly or
46 indirectly the result of, a public health emergency declared pursuant to section 5a of the District
47 of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C.

48 Official Code § 7-2304.01), if the credit report includes a personal statement pursuant to
49 subsection (a) of this section.”

50 “(d) When a District resident requests a copy of a credit report pursuant to 15 U.S.C. §
51 1681j, the entity providing the credit report must notify the resident of the right to request a
52 personal statement to accompany the credit report.

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

55 “(f)(1) The Attorney General may petition the Superior Court of the District of Columbia
56 for temporary or permanent injunctive relief for, and for an award of damages for property loss
57 or harm suffered by a consumer as a consequence of, a violation of this section, or fraudulent or
58 deceptive conduct in violation of this section that harms a District resident.

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

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

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

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

63 “(1) “Consumer;”

64 “(2) “Credit report;” and

65 “(3) “Credit reporting agency”.

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

68 Sec. 3. Fiscal impact.

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

72 Sec. 4. Effective date.

73 (a) This act shall take effect following approval by the Mayor (or in the event of veto by
74 the Mayor, action by the Council to override the veto), a 30-day period of congressional review
75 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
76 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
77 Columbia Register.

78 (b) This act shall expire after 225 days of its having taken effect.