

SENATE No. 877

The Commonwealth of Massachusetts

PRESENTED BY:

Adam Gomez

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:

Adam Gomez

DISTRICT/ADDRESS:

Hampden

SENATE No. 877

By Mr. Gomez, a petition (accompanied by bill, Senate, No. 877) of Adam Gomez for legislation relative to the use of credit reporting in housing. Housing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 894 OF 2021-2022.]

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 2020
2 Official Edition, is hereby amended by striking, in line 26, the words: - “except in the case of the
3 rental or lease of residential property”.

4 SECTION 2. Said Chapter 93 as so appearing is hereby further amended by inserting,
5 after line 31, the following: - “(vii) intends to use the information for tenant screening purposes
6 in accordance with Section 51C; or”

7 SECTION 3. Said Chapter 93 is hereby further amended by inserting after Section 51B
8 the following section:-

9 Section 51C.

10 (a) For the purposes of this section, the following terms shall have the following
11 meanings unless the context clearly indicates otherwise:

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

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

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

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

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

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

31 (ii) discloses the landlord's reason for accessing the consumer report to the tenant or
32 applicant in writing; provided, however, that if a landlord intends to take an adverse action that is
33 based, in whole or in part, on the report, the landlord shall disclose the reason for the action,
34 including the information in the report that was the basis for the action, in writing at least 14
35 days prior to taking the action, along with a copy of the report and the notice of consumer rights
36 required by 15 U.S.C. 1681g(c)(1); and provided further, that the landlord shall provide the
37 tenant or applicant, in a private discussion, the opportunity to dispute the relevance of the
38 information upon which the landlord based the housing action and shall consider the dispute
39 before making a final decision; and

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

42 If, during the 14 day period under clause (ii), the tenant or applicant provides oral or
43 written notice to a, landlord, or person acting on behalf of the landlord that the tenant, or
44 applicant is disputing the accuracy of the consumer report with a consumer reporting agency, the
45 landlord or person acting on

46 behalf of the landlord shall not take an adverse action until the resolution of the dispute
47 under section 58 or 15 U.S.C. 1681i(a) and shall consider the results of the resolution before
48 taking an adverse action.

49 (f) A landlord or person acting on behalf of the landlord shall not retaliate, discriminate
50 or take an adverse action against a tenant or applicant on the basis that the tenant or applicant has
51 or intends to: (i) file a complaint pursuant to subsection (h); (ii) allege that the person violated

52 this section; (iii) testify, assist, give evidence or participate in an investigation, proceeding or
53 action concerning a violation of this section; or (iv) otherwise oppose a violation of this section.

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

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

58 SECTION 4. This act shall take effect 90 days from the date of passage.