
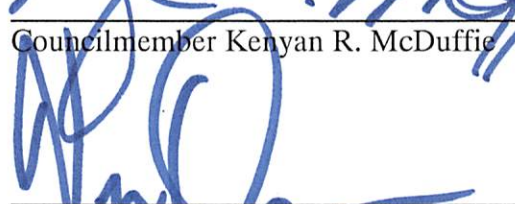



1 
2 Councilmember Yvette Alexander


Councilmember Kenyan R. McDuffie

3
4
5
6 
7 Councilmember LaRuby May


Councilmember Vincent Orange

8
9
10 
11 Councilmember Brandon T. Todd


Councilmember Anita Bonds

12
13
14
15
16 A BILL

17
18
19
20 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

21
22
23 Councilmember Kenyan R. McDuffie introduced the following bill, which was referred to the
24 Committee on _____.

25
26 To assist unemployed and job seeking persons by removing barriers to gainful employment, to
27 prohibit the consideration of a job applicant's credit history during the hiring process,
28 to restrict an employer's inquiry into a job applicant's credit history until after a
29 conditional offer of employment, to establish penalties, and to give authority for
30 enforcement to the Office of Human Rights.

31
32 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
33 act may be cited as the "Fair Credit History Screening Act of 2015".

34
35 Sec. 2. Definitions. For the purposes of this act, the term

36 (1) "Applicant" shall have the same meaning as provided in section 2(1) of the
37 Fair Criminal Record Screening Amendment Act of 2014, effective December 17, 2014 (D.C.
38 Law 20-152; D.C. Official Code § 32-1341)

39 (2) "Conditional offer" shall have the same meaning as provided in section 2(3)

40 of the Fair Criminal Record Screening Amendment Act of 2014, effective December 17, 2014
41 (D.C. Law 20-152; D.C. Official Code § 32-1341)

42 (3) “Credit history” means consumer report or investigative consumer report with
43 respect to any consumer where any information contained in the report bears on the consumer’s
44 creditworthiness, credit standing, or credit capacity

45 (4) “Employer” shall have the same meaning as provided in section 2(6)
46 of the Fair Criminal Record Screening Amendment Act of 2014, effective December 17, 2014
47 (D.C. Law 20-152; D.C. Official Code § 32-1341)

48 (5) “Employment” shall have the same meaning as provided in section 2(7)
49 of the Fair Criminal Record Screening Amendment Act of 2014, effective December 17, 2014
50 (D.C. Law 20-152; D.C. Official Code § 32-1341)

51 (6) “Inquiry” shall have the same meaning as provided in section 2(8)
52 of the Fair Criminal Record Screening Amendment Act of 2014, effective December 17, 2014
53 (D.C. Law 20-152; D.C. Official Code § 32-1341)

54 (7) “Interview” shall have the same meaning as provided in section 2(9)
55 of the Fair Criminal Record Screening Amendment Act of 2014, effective December 17, 2014
56 (D.C. Law 20-152; D.C. Official Code § 32-1341)

57 Sec. 3. Inquiries into credit history.

58 (a) An employer may not make an inquiry about or require an applicant to disclose or
59 reveal his or her credit history

60 (b) The prohibitions of this act shall not apply where a federal or District law or
61 regulation requires the consideration of an applicant’s credit history for the purposes of
62 employment

63 (c) Following the extension of a conditional offer of employment, an employer may only
64 withdraw the conditional offer to an applicant or take adverse action against an applicant for a
65 legitimate business reason. The employer's determination of a legitimate business reason must
66 be reasonable in light of the factors as provided in section 3(d) of the Fair Criminal Record
67 Screening Amendment Act of 2014, effective December 17, 2014 (D.C. Law 20-152; D.C.
68 Official Code § 32-1342).

69 (d) If an applicant believes that a conditional offer was terminated or an adverse action
70 was taken against the applicant on basis of credit history, the applicant may request, within 30
71 days after termination or adverse action, that the employer provide the applicant within 30 days
72 after the receipt of request

73 (1) A copy of any and all records produced by the employer in consideration of
74 the applicant, including credit history records, and

75 (2) A notice that advises the applicant of his or her opportunity to file an
76 administrative complaint with the Office of Human Rights

77 Sec. 4. Filing a complaint with the Office of Human Rights, exclusive remedy

78 A person claiming to be aggrieved by violation of this act may utilize the exclusive
79 remedy as provided in section 4 of the Fair Criminal Record Screening Amendment Act of 2014,
80 effective December 17, 2014 (D.C. Law 20-152; D.C. Official Code § 32-1343).

81 Sec. 5. Penalties.

82
83 If the Commission on Human Rights finds that a violation of this act has occurred, the
84 penalties shall be the same as provided in section 5 of the Fair Criminal Record Screening
85 Amendment Act of 2014, effective December 17, 2014 (D.C. Law 20-152; D.C. Official Code §
86 32-1344).

87 Sec. 6. Fiscal impact statement.

88 The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal
89 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
90 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

91 Sec. 7. Effective date.

92 This act shall take effect following approval by the Mayor (or in the event of veto by the
93 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
94 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
95 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
96 Columbia Register.