

May 30, 2023

Via online submission

Federal Trade Commission
Office of the Secretary
600 Pennsylvania Ave. NW
Suite CC-5610 (Annex B)
Washington, DC 20580

Re: *Tenant Screening Request for Information* Docket ID FTC-2023-0024

To Whom it May Concern:

The undersigned organizations represent sexual assault, domestic violence, and housing organizations and advocates who are committed to improving options and supports for individuals who are sexually assaulted by anyone and/or abused by an intimate partner (collectively “survivors”). The ability to find affordable and safe housing is of the utmost importance for healing, safety, and risk reduction of future harm. Current tenant screening practices may unfairly prevent survivors from accessing available housing at a time when they need it the most.

The recently released [U.S. National Plan to End Gender-Based Violence: Strategies for Action](#) calls on federal agencies to, “Revise, update, establish, and evaluate housing policies and guidance that take into consideration the barriers experienced by survivors, such as housing discrimination, criminal records, no or poor credit histories, and prior evictions, in accessing and maintaining housing and homelessness assistance.” Gender-based violence includes both sexual assault and intimate partner violence.¹ The tenant screening request for information should incorporate relevant aspects of the new National Plan.

Sexual assault and domestic violence are consistently identified as significant factors in homelessness and housing insecurity, especially for women, children, families, and particularly for LGBTQ+ individuals and communities of color. [One in four women](#) cite domestic violence as a major contributor to their homelessness. And of homeless women with children, [80% have experienced domestic violence](#). Domestic violence is often life threatening; in the U.S., three women are killed each day by a former or current intimate partner. Almost half of women and almost a quarter of men have experienced forms of unwanted sexual contact. Survivors must often leave their homes to escape danger or heal from trauma, yet do not have the means to secure permanent, affordable, and independent housing. Survivors also face barriers in maintaining their housing after ending an abusive relationship or experiencing sexual violence,

¹ Intimate partner violence is used interchangeably with domestic violence. Sexual assault may be a part of domestic violence but also expands beyond to include sexual harm caused by anyone, including friends, coworkers, landlords, strangers, and others.

due to discrimination and being held accountable for the perpetrators' actions. Complex relationships exist between housing insecurity, sexual assault, and power. Homelessness and sexual violence often affect the most vulnerable members of society. When access to basic needs such as housing and safety are compromised, individuals can experience heightened risks of violence. Access to safe, affordable housing can be a critical protective factor from sexual assault and abuse. Advocates and survivors identify housing as a primary need of survivors and a critical component in survivors' long-term safety and stability.

There are a multitude of barriers that survivors may encounter when seeking housing related to tenant screenings and discrimination. Survivors seeking rental units that use invasive and sometimes inaccurate tenant screening reports have been screened out or charged higher deposits due to their victimization or related issues, i.e. credit, poor rental history, and a criminal history. Survivors of color and Native American survivors face additional discriminatory barrier based on racial discrimination by landlords. Survivors may also face discrimination based on familial size and make-up, gender, for being a single head of household. Female survivors may lack economic resources based on the gender wage gap. Abusers may isolate their victims and prohibit them from being included on a lease, therefore preventing the survivor from being able to build up rental history. Abusers may force victims to give them access to the victim's credit, thereby ruining the survivor's credit, which in turn ruins the survivor's chance to rent housing. Survivors may have difficulty keeping a job after being sexually assaulted, resulting in late or unpaid rent that can lead to an eviction on their record. HUD, through PIH 2017-08, identified these issues related to adverse factors that VAWA² covered housing owners must consider during their screening processes and ensure that survivors have an opportunity to explain the connection between the harm and the adverse factor. But most other contexts, especially private market rental housing, survivors are not given the opportunity to explain the underlying circumstances that have led to inaccurate or negative tenant screening reports, or may not feel comfortable disclosing a personal trauma. These screening reports fail to consider adverse factors and perpetuate harm and discrimination against survivors. According to the Consumer Financial Protection Bureau, use of screening reports do not actually benefit landlords. "[T]here is no independent or publicly available evidence that tenant screening reports are either reliably predictive of future rental behavior or otherwise reduce risks and costs to landlords."³

[Kiesha Preston](#), survivor and housing advocate, went through many hurdles when trying to rebuild her life after fleeing domestic violence. Ms. Preston's story is public and being shared with her permission. Ms. Preston had a great job and made more than enough to afford rent and still, wound up nearly homeless because she kept failing the credit screening as a result of her credit getting ruined while she was surviving and recovering from economic abuse. This

² VAWA is a federal law which stands for the Violence Against Women Act and was reauthorized in 2022, Pub. L. 117-103, 136 Stat. 49

³ Consumer Financial Protection Bureau, *Tenant Background Checks Market*, page 2, November 2022.

isn't the only way that the screenings harm survivors. Ms. Preston was legally held responsible for anything that happened in her apartment with her name on the lease. If an abuser punches a hole in a wall, that can give a survivor a bad rental reference. If police are called frequently or there are noise disturbances, that can cause bad rental references. There were so many challenges when Ms. Preston was rebuilding her life and one major one was housing as she did not meet tenant screening criteria that was not her fault.

If a person can prove income and can afford to pay rent, none of those other things should keep someone who's needing housing as a result of sexual assault or fleeing abuse from having access to a safe new place to start over.

Owners should be required to create individualized assessments so that survivors can explain how certain adverse factors are related to their victimization. CFPB must also expressly outlaw any fees associated with being "high risk" - i.e., because of a poor credit, criminal, or rental history. The FTC and CFPB should also strictly limit the use of application fees, high risk fees, and security deposits, unless they are demonstrably related proven to be a cost the owner cannot absorb and has reasonably expended. Because survivors are disproportionately low income and more likely to rent, these fees and deposits serve as barriers to safe and stable housing. Additionally, [automated screening tools](#) that landlords and LLCs are using to manage tenant screening processes are concerning and even harmful. These tools have been proven to screen out survivors and have the potential to create opportunity for further discrimination.

We commend the FTC and CFPB for their efforts to gather feedback on tenant screenings. We appreciate the opportunity to uplift the needs of individuals who are sexually assaulted, abused, or harassed, as well as those who are abused by their partners.

Thank you for the opportunity to provide this important information. Please contact Laela Kashan at laela@endsexualviolence.org if you have any questions.

Sincerely,

National Alliance to End Sexual Violence
National Network to End Domestic Violence
National Housing Law Project