



## Credit & Consumer Reports Info for Survivors Looking for Housing

### What are consumer reports, credit reports and credit scores?

- A consumer report is put together by a consumer reporting agency and has information about you. The report can have information about your character, likeliness to pay your bills, your general reputation, and how you live your life.<sup>1</sup>
- A credit report is about your credit history and ability to handle more credit.<sup>2</sup>
- A tenant screening report is a type of consumer report about your rental history.<sup>3</sup> A tenant screening report could have information about past evictions, if you paid your rent, and where you have lived.
- A credit score is a number that is supposed to show how likely you are to pay your debts.<sup>4</sup>

### Why are consumer reports and credit scores important?

Credit scores and consumer reports are important because people rely on them when they are deciding things like whether to rent you housing or give you a loan, credit card or job.<sup>5</sup> Your credit score is calculated with information in your credit report.<sup>6</sup>

### How can I get my consumer reports?

You can get a copy of your consumer reports, credit reports, and other specialty consumer reports through a “file disclosure.” You can get a free file disclosure once every 12 months from each nationwide credit bureau – i.e. Equifax, Experian, and TransUnion - and each consumer reporting agency. Request the free file disclosure from the agency that created the report.<sup>7</sup> Credit bureaus and reporting agencies may have different information about you. Because their reports may be different, it may be a good idea to request reports from multiple agencies.

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<sup>1</sup> 15 U.S.C. § 1681a(d); Civ. Code, § 1786.2, subd. (c).

<sup>2</sup> Civ. Code, § 1785.3, subd. (c); <https://www.consumerfinance.gov/ask-cfpb/what-is-a-credit-report-en-309/>.

<sup>3</sup> There are many types of specialty reports, including employment screening, tenant screening, check and bank screening, personal property insurance, medical, low-income subprime, supplementary reports, utilities, retail, and gaming reports. [https://files.consumerfinance.gov/f/201604\\_cfpb\\_list-of-consumer-reporting-companies.pdf](https://files.consumerfinance.gov/f/201604_cfpb_list-of-consumer-reporting-companies.pdf)

<sup>4</sup> <https://www.consumerfinance.gov/consumer-tools/credit-reports-and-scores/answers/key-terms/#credit-score>

<sup>5</sup> *Id.* at 21; 15 U.S.C. § 1681b; Civ. Code, §11786.12.

<sup>6</sup> *Guidebook on Consumer & Economic Civil Legal Advocacy for Survivors*, Center for Survivor Agency & Justice, (2017), p. 22.

<sup>7</sup> 15 U.S.C. § 1681j; Civ. Code, § 1786.26, subd. (c).



The Consumer Finance Protection Bureau lists consumer reporting companies at [https://files.consumerfinance.gov/f/201604\\_cfpb\\_list-of-consumer-reporting-companies.pdf](https://files.consumerfinance.gov/f/201604_cfpb_list-of-consumer-reporting-companies.pdf). Request your free annual credit report at [www.annualcreditreport.com](http://www.annualcreditreport.com).

You may also get a free file disclosure if:

- you are the victim of identity theft and place a fraud alert in your file;
- your file contains inaccurate information because of fraud;
- you are on public assistance; or
- you are unemployed and plan to apply for a job in the next 60 days.<sup>8</sup>

#### How long may negative information about me stay on my consumer report?

Usually, a consumer reporting agency may not report negative information that is more than 7 years old.<sup>9</sup> Reporting agencies may report bankruptcies for 10 years.

#### What is an unlawful detainer?

An unlawful detainer is the type of court case used to evict tenants. To legally make a tenant move out of a unit, the landlord must file an unlawful detainer case against the tenant.<sup>10</sup>

#### I was evicted, will it be in my consumer report?

If your landlord filed an unlawful detainer case against you, it will likely be on your consumer report if:

1. the case ended 7 years ago or earlier, and
2. your landlord got a judgment or a default judgment against you no more than 60 days after the landlord filed the unlawful detainer case.<sup>11</sup> A default judgment is when there is a court judgment for the landlord because the tenant didn't respond to the landlord's court papers on time.

If you went to trial 60 days after the unlawful detainer case was filed then you lost, the case may be on your report.<sup>12</sup>

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<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at § 1681c; Civ. Code, § 1785.13.

<sup>10</sup> Code of Civ. Proc., § 1161.

<sup>11</sup> Code of Civ. Proc., § 1161.2, subd. (a); Civ. Code, §1786.18, subd. (a)(4).

<sup>12</sup> Code of Civ. Proc., § 1161.2, subd. (a)(1)(E).



### Can I get an unlawful detainer (eviction) off my consumer report?

You can get an unlawful detainer (eviction) removed from your record if the information is incorrect, over 7 years old, or about an eviction case that you won.<sup>13</sup>

For example, Survivor Sam’s co-tenant Jordan abused Sam and Sam moved without ending their lease. If the landlord then evicts Sam and Jordan, Sam may not be able to have the eviction removed because Sam did not end their lease before the eviction. But, the consumer reporting agency may have to add information to Sam’s consumer report to more accurately explain that Sam left the unit before the eviction.<sup>14</sup>

### What can I do if there is incorrect information in my consumer report?

You can ask the reporting agency to change the report if it has incorrect or incomplete information.<sup>15</sup> The Federal Consumer Financial Protection Bureau has template letters you can use to tell the reporting agency the information in your credit report is incorrect. You can find these letters at <https://www.consumerfinance.gov/consumer-tools/credit-reports-and-scores/sample-letters-dispute-credit-report-information/>.

Once the reporting agency receives your letter they must investigate the information. The reporting agency usually has 30 days to remove or correct your file once they get your letter.<sup>16</sup> If the reporting agency doesn’t reply to your letter, you may file a complaint with the Federal Consumer Financial Protection Bureau at <https://www.consumerfinance.gov/complaint/>.

Also, your local legal aid may be able to help you correct your consumer report. Find your local legal aid at <https://www.lawhelpca.org/>

### Can I get a debt on my consumer report removed if it was caused by coercion or identity theft?

Consumer reporting agencies must remove items on your consumer report that were caused by identity theft.<sup>17</sup> Identity theft is when someone uses your information, without your permission, to do something like get a credit card or rent an apartment.<sup>18</sup>

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<sup>13</sup> Civ. Code, §§ 1785.14, subd. (b), 1786.18, subd. (a)(4) & (a)(8), 1786.24; 15 U.S.C. § 1681e(b).

<sup>14</sup> *Schoendorf v. U.D. Registry, Inc.* (2002) 97 Cal.App.4th 227, 239-240.

<sup>15</sup> 15 U.S.C § 1681i; Civ. Code, § 1786.24.

<sup>16</sup> 15 U.S.C § 1681i; Civ. Code, § 1786.24, subd. (a).

<sup>17</sup> 15 U.S.C. § 1681c–2; Civ. Code, §§ 1798.92 et seq.

<sup>18</sup> *Id.* at § 1681a(q)(3); 12 C.F.R. § 1022.3(h).



Also, you may be able to get coercive debt taken off your consumer reports.<sup>19</sup> Coercive debts are debts you have because of duress, intimidation, threat of force, force, fraud, or undue influence from the person who harmed you.<sup>20</sup>

Your local legal aid organization may be able to help you get rid of debts you have because of coercion or identity theft. Find your local legal aid at <https://www.lawhelpca.org/>

### How do I know if I was denied housing because of my consumer report?

If someone uses a consumer report to decide to deny you something—like denying you housing, a loan, or a job—they must tell you they used the report. They must also tell you the following:

- the reporting agency’s name and contact information;
- that they—not the screening company—made the decision;
- that you have a right to dispute the report’s information with the reporting agency;
- that you have the right to receive a free copy of the report from the agency within 60 days of requesting the report; and
- your credit score if they received it from the reporting agency.<sup>21</sup>

### If someone denies me housing because of my consumer report, do they have to give me a copy of the report?

No, but they must tell you the information listed above.<sup>22</sup> If you ask for the report, they may choose to give you a copy. If the report they used is incorrect and you let them know, the housing provider may change their decision.



### How do I get more help?

Contact FVAP at [info@fvapl.org](mailto:info@fvapl.org) or (510) 380-6243 for questions.

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<sup>19</sup>Civ. Code, §§ 1798.97.1 et seq. Foster youth and survivors of domestic violence and elder or dependent adult abuse are all protected by coerced debt laws.

<sup>20</sup> Civ. Code, § 1798.97.1 subd. (d)(1).

<sup>21</sup> *Id.*; Civ. Code, § 1785.20.

<sup>22</sup> *Id.*