



Consumer Data Industry Association
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Delegate Kriselda Valderrama
Chair
House Economic Matters Committee
Maryland House of Delegates
230 Taylor House Office Building
Annapolis, Maryland 21401

Chair Valderrama, Vice Chair Charkoudian, and Members of the Committee:

On behalf of the Consumer Data Industry Association (CDIA), I write to raise our concerns regarding HB 1073's proposed amendments to § 8-218(b)(i) of the Real Property Article of Maryland Code, as it relates to requirements for the contents of reusable tenant screening reports. We respectfully request that the committee remove these provisions as they are preempted by the Fair Credit Reporting Act (FCRA).

CDIA, founded in 1906, is the trade organization representing the consumer reporting industry, including agencies like the three nationwide credit bureaus, regional and specialized credit bureaus, background check companies and others. CDIA exists to promote responsible data practices to benefit consumers and to help businesses, governments and volunteer organizations avoid fraud and manage risk.

The FCRA provides important and necessary protections to consumers, lenders, government agencies, law enforcement, volunteer organizations, and businesses who rely on full, complete and accurate consumer reports to make informed decisions, including in relation to tenant screening. Much of the FCRA has previously been incorporated into Maryland's Commercial Law article. These laws demand accuracy in background check processes and afford legal rights to consumers. Maintaining alignment between state consumer reporting laws and federal consumer reporting laws is critical but without changes, HB 1073 would create conflicts between state and federal law.

HB 1073 would amend § 8-218(b)(i) of the Real Property Article to lower the threshold for when consumer reporting agencies would have to exclude certain criminal history information from a type of consumer report. These proposed changes to § 8-218(b)(i) of the Real Property Article are inconsistent with requirements established by 15 U.S.C. § 1681c of the FCRA. In establishing requirements consumer reporting agencies must adhere to, Congress expressly reserved authority over limits to what CRAs may include in consumer reports to itself. Further, Congress also preempted the states from establishing their own requirements or prohibitions relating to information contained in consumer reports.

As section HB1073 imposes limitations on CRAs as it relates to information to be included or excluded from consumer reports that differ from the FCRA, it is preempted by not only 15 U.S.C. § 1681t(a) in relation to inconsistencies between the FCRA and state laws but also by 15 U.S.C. § 1681t(b)(1)(E) as it relates to information to be included or excluded from consumer reports.

Given the clear conflicts between HB 1073 and the FCRA and the preemption issues articulated above, we respectfully request that the committee remove the proposed revisions § 8-218(b)(i) of the Real Property Article of Maryland Code from HB 1073. CDIA and its members stand ready to work with this committee on consumer report-related matters. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Zachary W. Taylor", is written over a faint, light-colored background.

Zachary W. Taylor
Director, Government Relations
Consumer Data Industry Association