

106TH CONGRESS  
1ST SESSION

# H. R. 243

To provide for reviews of criminal records of applicants for participation in shared housing arrangements, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1999

Ms. SANCHEZ (for herself, Mr. MARTINEZ, Mr. FROST, Mr. LIPINSKI, Mr. PALLONE, and Mrs. MALONEY of New York) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To provide for reviews of criminal records of applicants for participation in shared housing arrangements, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the ‘Older and Disabled  
5       Americans Criminal Protection Act of 1998’.

6       **SEC. 2. BACKGROUND CHECKS.**

7       (a) IN GENERAL.—A shared housing referral service,  
8       as determined for the purpose of this section by the Attor-  
9       ney General, may request the Attorney General to conduct

1 a search and exchange of records under subsection (b) re-  
2 garding any applicant for participation in a shared hous-  
3 ing arrangement as a service provider resident by—

4 (1) submitting, to the Attorney General—

5 (A) fingerprints regarding such applicant;

6 and

7 (B) a written statement authorizing the  
8 shared housing referral service to request the  
9 search and exchange of records regarding the  
10 applicant, which is signed by the applicant; and

11 (2) making the submission of the information  
12 under paragraph (1) not more than 7 days (not in-  
13 cluding Saturdays, Sundays, and legal public holi-  
14 days under section 6103 of title 5, United States  
15 Code) after completing acquiring the information.

16 (b) SEARCH AND EXCHANGE OF RECORDS.—Pursu-  
17 ant to any submission that complies with subsection (a),  
18 the Attorney General shall search the records of the Crimi-  
19 nal Justice Information Services Division of the Federal  
20 Bureau of Investigation for any criminal history records  
21 corresponding to the fingerprints or other positive identi-  
22 fication submitted. The Attorney General shall provide  
23 any corresponding information identified by the search to  
24 the appropriate State or local governmental agency au-  
25 thorized to receive such information.

1       (c) USE OF INFORMATION.—Information regarding  
2 any applicant for participation in a shared housing ar-  
3 rangement obtained pursuant to subsection (b) may be  
4 used only by the shared housing referral service requesting  
5 the information and only for determining the suitability  
6 of the applicant for participation in a shared housing ar-  
7 rangement as a service provider resident.

8       (d) FEES.—The Attorney General may charge a rea-  
9 sonable fee, which may not exceed \$50, to any shared  
10 housing referral service requesting a search and exchange  
11 of records pursuant to subsection (b) to cover the costs  
12 of conducting the search and providing the records.

13       (e) REPORT.—The Attorney General shall submit a  
14 report to the House of Representatives and the Senate not  
15 later than 2 years after the date of enactment of this Act  
16 regarding the number of requests for searches and ex-  
17 changes of records made under this section by shared  
18 housing referral services and the disposition of such re-  
19 quests.

20 **SEC. 3. CRIMINAL PENALTY.**

21       Whoever knowingly uses any information obtained  
22 pursuant to section 2(b) in violation of section 2(c) shall  
23 be fined under title 18, United States Code, or imprisoned  
24 for not more than 2 years, or both.

1 **SEC. 4. ORGANIZATIONAL LIABILITY.**

2 A shared housing referral agency that, in making a  
3 determination regarding any referral for participation in  
4 a shared housing arrangement, reasonably relies upon in-  
5 formation provided to the agency by the Attorney General  
6 pursuant to section 2 shall not be liable, in any action  
7 for damages based on the referral determination, for any  
8 damages resulting from incompleteness or inaccuracy of  
9 the information.

10 **SEC. 5. DEFINITIONS.**

11 For purposes of this Act, the following definitions  
12 shall apply:

13 (1) SHARED HOUSING ARRANGEMENT.—The  
14 term ‘shared housing arrangement’ means a primary  
15 residential arrangement that consists of at least 2  
16 persons—

17 (A) who reside in the same dwelling unit  
18 and share the use of all or part of the facilities  
19 of the dwelling unit;

20 (B) who have no familial relationship;

21 (C) one of whom is the owner or lessee of  
22 the dwelling unit, including any owner or lessee  
23 who is an elderly person or a person with dis-  
24 abilities, and

25 (D) another of whom provides care or  
26 other services for the benefit of the person de-

1           scribed in subparagraph (C) in exchange for  
2           free occupancy in the dwelling unit, a reduction  
3           in the cost otherwise charged for occupancy of  
4           the dwelling unit, or other remuneration.

5           (2) SHARED HOUSING REFERRAL SERVICE.—

6           The term ‘shared housing referral service’ means  
7           any nonprofit organization, person, or other entity  
8           that, for consideration, performs services which in-  
9           volve the referral of individuals or families for par-  
10          ticipation in shared housing arrangements as service  
11          provider residents.

12          (3) SERVICE PROVIDER RESIDENT.—The term  
13          ‘service provider resident’ means, with respect to a  
14          shared housing arrangement, the individual partici-  
15          pating in the arrangement who is described in para-  
16          graph (1)(D).

17          (4) ELDERLY PERSON; PERSON WITH DISABIL-  
18          ITIES.—The terms ‘elderly person’ and ‘person with  
19          disabilities’ have the meanings given such terms in  
20          section 3(b) of the United States Housing Act of  
21          1937.

22   **SEC. 6. REGULATIONS.**

23          The Attorney General may prescribe any regulations  
24          necessary to carry out this Act, including regulations re-  
25          garding the security, confidentiality, accuracy, use, and

- 1 dissemination of information and audits and record-
- 2 keeping and the imposition of fees necessary for the recov-
- 3 ery of costs.

