

VIA EMAIL

July 24, 2024

FOIA Officer
Chicago Housing Authority
60 East Van Buren St., 12th Floor
Chicago, Illinois 60605
foiarequest@thecha.org

To Whom It May Concern,

This letter constitutes a request under the Illinois Freedom of Information Act (“FOIA”), 5 Ill. Comp. Stat. 140, and is submitted on behalf of the Electronic Privacy Information Center (“EPIC”) to the Chicago Housing Authority (“CHA”).

EPIC seeks documents related to CHA’s use of automated tenant screening reports provided by RentGrow, Inc..¹ This request specifically seeks contract documents between CHA and RentGrow regarding tenant screening services, as well as any CHA records detailing RentGrow’s data testing practices and CHA audits or risk assessments regarding the RentGrow tenant screening service.

Documents Requested

1. Any contracts, request for proposals, and bids between CHA and RentGrow related to tenant screening services. These records may refer to RentGrow as “RentGrow, Inc. dba Yard Resident Screening.”²
2. Any audits, validation studies, risk assessments, system testing, evaluation policies, or other such records describing the accuracy, validity, reliability, or bias of RentGrow’s tenant screening reports provided to CHA.
3. Any policy guidance, memoranda, training materials, or other such records describing RentGrow’s procedures for testing its automated tenant screening service for accuracy or bias.

¹ RentGrow, <https://www.rentgrow.com/> (last visited July 22, 2024); *see also Tenant Screening Setup Report by RentGrow for the Chicago Housing Authority* (Mar. 10, 2017), <https://www.documentcloud.org/documents/6845785-Chicago-IL-Yardi-Tenant-Screening-Setup>; *Tenant Screening Criteria by RentGrow for the Chicago Housing Authority* (May 12, 2017), <https://www.documentcloud.org/documents/6845784-Chicago-IL-Yardi-Rent-Grow-Screening-Criteria>.

² *See id.*

4. Any policy guidance, memoranda, training materials, or other such records describing RentGrow's procedures for handling requests from applicants to correct information on their report.
5. Any validation studies, statistical studies, quarterly reports, or other related records with statistics describing how often applicants are deemed ineligible for Chicago public housing based on a RentGrow report.

Background

Third-party tenant screening services are now a billion-dollar industry, with nearly all landlords using a tenant screening tool to find tenants.³ These tools are used by landlords and housing authorities to help make decisions about whether to accept a tenant's rental application. Companies that offer tenant screening tools collect, store, and select records for housing providers to use in evaluating tenants.⁴

These tenant screening reports often contain errors and misleading information because there is little oversight of the companies' record collection or matching practices.⁵ There are three major sources of error for tenant screening reports: lack of information in the records, record matching errors, and failure to update records databases.⁶ First, court records often lack enough information to accurately be matched to individuals.⁷ Second, screening reports continually match records to the wrong applicants.⁸ Companies may use overbroad search and matching practices, which lead to reports that contain records belonging to the wrong person.⁹ Frequently, these companies match records only based on first and last name, which can match a record to a different person.¹⁰ Third, these companies

³ Abby Boshart, *How Tenant Screening Services Disproportionately Exclude Renters of Color from Housing*, Housing Matters (Dec. 21, 2022), <https://housingmatters.urban.org/articles/how-tenant-screening-services-disproportionately-exclude-renters-color-housing>.

⁴ Natasha Duarte & Tinuola Dada, Upturn, *Written Testimony of Natasha Duarte, Senior Policy Analyst, and Tinuola Dada, Research Assistant*, Council of the District of Columbia Committee on Government Operations Public Hearing on B23-338 at 4 (Oct. 30, 2020); *see also* Lauren Kirchner & Matthew Goldstein, *Access Denied: Faulty Automated Background Checks Freeze Out Renters*, The Markup & N.Y. Times (May 28, 2020), <https://themarkup.org/locked-out/2020/05/28/access-denied-faulty-automated-background-checks-freeze-out-renters>.

⁵ Duarte and Dada, *supra* note 4, at 4; Ariel Nelson, Nat'l Consumer L. Ctr., *Broken Records Redux: How Errors in Criminal Background Check Companies Continue to Harm Consumers Seeking Jobs and Housing* 10 (2019), <https://www.nclc.org/images/pdf/criminal-justice/report-broken-records-redux.pdf>;

⁶ Duarte & Dada, *supra* note 4, at 4.

⁷ *Id.* ("TransUnion, Equifax, and Experian agreed to stop reporting civil court records, including evictions, in consumer credit reports because they don't contain enough personal information to be reliably linked to individuals."); *see also* Jasper Clarkberg & Michelle Kambara, CFPB, *Removal of Public Records has Little Effect on Consumers' Credit Scores* (Feb. 22, 2018), <https://www.consumerfinance.gov/about-us/blog/removal-public-records-has-little-effect-consumers-credit-scores/> (explaining the reporting change).

⁸ *See* Duarte & Dada, *supra* note 4, at 4; Kirchner & Goldstein, *supra* note 4; Nelson, *supra* note 5, at 17–19.

⁹ *See* Duarte & Dada, *supra* note 4, at 4–5; Kirchner & Goldstein, *supra* note 4.

¹⁰ *See* Duarte & Dada, *supra* note 4, at 5 ("Tenant screening companies also frequently match records only based on first and last name even when other relevant information, such as date of birth, address, or middle names do not match."); Nelson, *supra* note 5, at 11, 18.

can collect or use outdated records, which do not accurately reflect updates to cases such as dismissals or sealing.¹¹

Specific information collected for tenant screening by the CHA is not publicly available. Privacy advocates have called for more transparency about what data is being collected and used in these tenant screening algorithms.¹² This is important for two reasons. First, as of 2017, CHA contracted with RentGrow to conduct tenant screening for large swaths of Chicago public housing, covering approximately 48,000 Housing Choice Voucher units, 6,000 Senior housing units, and 8,000 other units (e.g., Family-Other, Family-Mixed, Family S/S).¹³ Alarming, tenants cannot access what is in their own screening reports when applying for a unit.¹⁴ Applicants must dispute any inaccuracies after being screened and may not be able to provide evidence of an error before the unit is rented to someone else.¹⁵ Second, landlords regularly make leasing decisions solely or primarily based on the final score or recommendation provided by the screening tools instead of directly reviewing the underlying information about an applicant.¹⁶ CHA has contracted with RentGrow to provide an automated screening service that can ensure qualified renters can receive affordable housing, but information about the efficacy, accuracy, and bias of its screening services has not been made public. This lack of public information prevents qualified renters from receiving housing when their records are incomplete, inaccurate, or belong to someone else without the applicants' knowledge until it is too late.

Researchers, auditors, and government agencies cannot conduct meaningful testing or oversight of these screening tools like RentGrow's without greater transparency regarding how RentGrow's system uses data, how it's tested, and what limitations it has. With government agencies continuing to use these types of screening tools, public disclosure and transparency are crucial to increasing public understanding.

Request for Waiver of Fees

EPIC requests a waiver of fees, pursuant to 5 Ill. Comp. Stat. 140/6(c), as the records benefit the public interest. The operations of these programs are largely hidden from the public. The information contained in the requested records is necessary for housing applicants to understand before filling out applications. But this information remains hidden from prospective tenants until after being rejected from a housing unit. Individuals facing determinations by these systems and their

¹¹ Duarte & Dada, *supra* note 4, at 5.

¹² Cyrus Farivar, *Tenant screening software faces national reckoning*, NBC (Mar. 14, 2001), <https://www.nbcnews.com/tech/tech-news/tenant-screening-software-faces-national-reckoning-n1260975> (“I think first and foremost we need to solidify privacy law: We have a better grasp on what is being collected, how long and being transparent about that data. That’s fundamental.”).

¹³ *Tenant Screening Setup Report by RentGrow for the Chicago Housing Authority* (Mar. 10, 2017), <https://www.documentcloud.org/documents/6845785-Chicago-IL-Yardi-Tenant-Screening-Setup>.

¹⁴ Tex Pasley, Henry Oostrom-Shah, & Eric Sirota, Shriver Ctr. on Poverty L., *How Tenant Screening Reports Undermine Fair Housing Laws and Deprive Tenants of Equal Access to Housing in Illinois* 13-14 (2021), <https://www.povertylaw.org/report/tenant-screening-report/>.

¹⁵ *Id.* at 15.

¹⁶ Nat'l Consumer L. Ctr., *Comments on Tenant Screening Request for Information by FTC and CFPB* (May 30, 2023), <https://www.nclc.org/resources/comments-on-tenant-screening-request-for-information-by-ftc-and-cfpb/>.

communities remain unaware of what factors contribute to their determination of whether they will have housing—and whether those factors are accurate and reliable. The publication of these documents will also enable the public to study the issues around the use of these tools and conduct the necessary oversight to keep the government accountable.

EPIC is a non-profit organization committed to privacy, open government, and civil liberties that consistently discloses documents obtained through public records requests on its website, EPIC.org, and its online newsletter, the *EPIC Alert*. EPIC is recognized as a “representative of the news media”¹⁷ and has no commercial interest in the records.

For these reasons, a fee waiver should be granted. If the fee waiver is denied, please provide an estimate of any fees associated with this request before you process the request. To the extent possible, EPIC also requests that any copies be provided in digital format to further reduce costs

Conclusion

Thank you for your consideration of this request. EPIC anticipates your determination on its request within five business days. 5 Ill. Comp. Stat. 140/3.6(a). For questions regarding this request, please contact Grant Fergusson at fergusson@epic.org, cc: FOIA@epic.org.

Respectfully submitted,

/s/ Grant Fergusson

Grant Fergusson
EPIC Equal Justice Works Fellow

/s/ Vaishali Nambiar

Vaishali Nambiar
EPIC IPIOP Clerk

¹⁷ *EPIC v. Dep’t of Defense*, 241 F. Supp. 2d 5, 15 (D.D.C. 2003).