

118TH CONGRESS
1ST SESSION

H. R. 5358

To prohibit the use of biometric recognition technology in certain federally assisted dwelling units, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 8, 2023

Ms. CLARKE of New York (for herself, Ms. PRESSLEY, and Ms. TLAIB) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To prohibit the use of biometric recognition technology in certain federally assisted dwelling units, 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 “No Biometric Barriers
5 to Housing Act of 2023”.

6 **SEC. 2. PROHIBITION ON BIOMETRIC IDENTIFICATION**
7 **TECHNOLOGY.**

8 (a) IN GENERAL.—At any time after the expiration
9 of the 1-year period beginning on the date of the enact-

1 ment of this Act, an owner of a covered federally assisted
2 rental dwelling unit, may not use, or authorize the use
3 of, facial recognition technology, physical biometric rec-
4 ognition technology, or remote biometric recognition tech-
5 nology in such dwelling unit or in any building or grounds
6 containing such dwelling unit for the purposes of surveil-
7 lance or any other use that has an adverse effect on the
8 ability of a tenant to fairly access affordable housing that
9 is free from bias and discrimination.

10 (b) DEFINITIONS.—For the purposes of this Act:

11 (1) ASSISTANCE.—The term “assistance”
12 means any grant, loan, subsidy, contract, cooperative
13 agreement, or other form of financial assistance, but
14 such term does not include the insurance or guar-
15 antee of a loan, mortgage, or pool of loans or mort-
16 gages.

17 (2) COVERED FEDERALLY ASSISTED RENTAL
18 DWELLING UNIT.—The term “covered federally as-
19 sisted rental dwelling unit” means a residential
20 dwelling unit that is made available for rental and
21 for which assistance is provided, or that is part of
22 a housing project for which assistance is provided,
23 under—

1 (A) the public housing program under the
2 United States Housing Act of 1937 (42 U.S.C.
3 1437 et seq.);

4 (B) the program for rental assistance
5 under section 8 of the United States Housing
6 Act of 1937 (42 U.S.C. 1437f);

7 (C) the HOME Investment Partnerships
8 program under title II of the Cranston-Gonzalez
9 National Affordable Housing Act (42 U.S.C.
10 12721 et seq.);

11 (D) title IV of the McKinney-Vento Home-
12 less Assistance Act (42 U.S.C. 11360 et seq.);

13 (E) the Housing Trust Fund program
14 under section 1338 of the Housing and Com-
15 munity Development Act of 1992 (12 U.S.C
16 4568);

17 (F) the program for supportive housing for
18 the elderly under section 202 of the Housing
19 Act of 1959 (12 U.S.C. 1701q);

20 (G) the program for supportive housing for
21 persons with disabilities under section 811 of
22 the Cranston-Gonzalez National Affordable
23 Housing Act (42 U.S.C. 8013);

24 (H) the AIDS Housing Opportunities pro-
25 gram under subtitle D of title VIII of the Cran-

1 ston-Gonzalez National Affordable Housing Act
2 (42 U.S.C. 12901 et seq.);

3 (I) the program for Native American hous-
4 ing under the Native American Housing Assist-
5 ance and Self-Determination Act of 1996 (25
6 U.S.C. 4101 et seq.); and

7 (J) the program for housing assistance for
8 Native Hawaiians under title VIII of the Native
9 American Housing Assistance and Self-Deter-
10 mination Act of 1996 (25 U.S.C. 4221 et seq.).

11 (3) FACIAL RECOGNITION TECHNOLOGY.—The
12 term “facial recognition technology” means tech-
13 nology which facilitates or otherwise enables an
14 automated or semi-automated process that assists in
15 identifying an individual based on the physical char-
16 acteristics of an individual’s face, or that logs char-
17 acteristics of an individual’s face, head, or body to
18 infer emotion, associations, activities, or the location
19 of an individual.

20 (4) OWNER.—The term “owner” means any
21 private person or entity, including a cooperative, an
22 agency of the Federal Government, or a public hous-
23 ing agency, having the legal right to lease or sub-
24 lease dwelling units.

1 (5) PHYSICAL BIOMETRIC RECOGNITION TECH-
2 NOLOGY.—The term “physical biometric recognition
3 technology” means technology which facilitates or
4 otherwise enables an automated or semi-automated
5 process that assists in identifying an individual or
6 capturing information about an individual based on
7 the characteristics of an individual’s DNA, finger-
8 prints, palmprints, iris, or retina.

9 (6) REMOTE BIOMETRIC RECOGNITION TECH-
10 NOLOGY.—The term “remote biometric recognition
11 technology” means technology which facilitates or
12 otherwise enables an automated or semi-automated
13 process that assists in identifying an individual or
14 capturing information about an individual based on
15 the characteristics of an individual’s gait, voice, or
16 other immutable characteristic ascertained from a
17 distance, or that logs such characteristics to infer
18 emotion, associations, activities, or the location of an
19 individual.

20 **SEC. 3. REPORT TO CONGRESS.**

21 Not later than 1 year after the date of enactment
22 of this Act, the Secretary of Housing and Urban Develop-
23 ment shall submit to the Committee on Financial Services
24 of the House of Representative and the Committee on
25 Banking, Housing, and Urban Affairs of the Senate and

1 make available to the public on the website of the Depart-
2 ment, a report that describes—

3 (1) any known usage of facial recognition tech-
4 nology, physical biometric recognition technology, or
5 remote biometric recognition technology in any cov-
6 ered federally assisted dwelling unit during the 5
7 years preceding the date of enactment of this Act;

8 (2) any known adverse effects for tenants asso-
9 ciated with any use of the technology described in
10 paragraph (1);

11 (3) the impact of such technology on the resi-
12 dents of such covered federally assisted rental dwell-
13 ing units;

14 (4) the purpose of installing such technologies
15 in such covered federally assisted rental dwelling
16 units;

17 (5) demographic information about the resi-
18 dents of each covered federally assisted rental dwell-
19 ing unit where such usage occurred and demo-
20 graphic information about the area surrounding
21 such unit; and

22 (6) the potential impacts on vulnerable commu-
23 nities, including persons protected under the Fair
24 Housing Act of 1968, of additional usage of facial
25 recognition technology, physical biometric recogni-

1 tion technology, or remote biometric recognition
2 technology in covered federally assisted rental dwell-
3 ing units, including impacts on resident privacy, civil
4 rights, and fair housing.

