

117TH CONGRESS
1ST SESSION

H. R. 4360

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

IN THE HOUSE OF REPRESENTATIVES

JULY 6, 2021

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 2021”.

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.

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

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

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

21 (A) the public housing program under the
22 United States Housing Act of 1937 (42 U.S.C.
23 1437 et seq.);

24 (B) the program for supportive housing for
25 persons with disabilities under section 811 of

1 the Cranston-Gonzalez National Affordable
2 Housing Act (42 U.S.C. 8013);

3 (C) the program for supportive housing for
4 the elderly under section 202 of the Housing
5 Act of 1959 (12 U.S.C. 1701q); or

6 (D) the program for project-based rental
7 assistance under section 8 of the United States
8 Housing Act of 1937 (42 U.S.C. 1437f).

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

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

23 (5) PHYSICAL BIOMETRIC RECOGNITION TECH-
24 NOLOGY.—The term “physical biometric recognition
25 technology” means technology which facilitates or

1 otherwise enables an automated or semi-automated
2 process that assists in identifying an individual or
3 capturing information about an individual based on
4 the characteristics of an individual's DNA, finger-
5 prints, palmprints, iris, or retina.

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

17 **SEC. 3. REPORT TO CONGRESS.**

18 Not later than 1 year after the date of enactment
19 of this Act, the Secretary of Housing and Urban Develop-
20 ment shall submit to the Committee on Financial Services
21 of the House of Representative and the Committee on
22 Banking, Housing, and Urban Affairs of the Senate and
23 make available to the public on the website of the Depart-
24 ment, a report that describes—

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

6 (2) the impact of such technology on the resi-
7 dents of such covered federally assisted rental dwell-
8 ing units;

9 (3) the purpose of installing such technologies
10 in such covered federally assisted rental dwelling
11 units;

12 (4) demographic information about the resi-
13 dents of each covered federally assisted rental dwell-
14 ing unit where such usage occurred; and

15 (5) the potential impacts on vulnerable commu-
16 nities of additional usage of facial recognition tech-
17 nology, physical biometric recognition technology, or
18 remote biometric recognition technology in covered
19 federally assisted rental dwelling units, including im-
20 pacts on resident privacy, civil rights, and fair hous-
21 ing.

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