

# 23-1118(L) 23-1166(XAP)

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## IN THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

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Connecticut Fair Housing Center and Carmen Arroyo,  
individually and as conservator of Mikhail Arroyo,  
*Plaintiffs-Appellants-Cross-Appellees*

v.

CoreLogic Rental Property Solutions, LLC,  
*Defendant-Appellee-Cross-Appellant*

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Appeal from the United States District Court for the District of Connecticut  
No. 18-CV-705

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UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

CONNECTICUT FAIR HOUSING	:	
CENTER <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	No. 3:18-CV-705 (VLB)
	:	
v.	:	August 7, 2020
	:	
CORELOGIC RENTAL PROPERTY	:	
SOLUTIONS, LLC,	:	
Defendant.	:	
	:	

Memorandum of Decision on Motions for Summary Judgment [Dkts. 87, 112, 116]

Plaintiffs Connecticut Fair Housing Center (“CFHC”) and Carmen Arroyo (“Ms. Arroyo”), individually and as next friend for Mikhail Arroyo (“Mr. Arroyo”) (collectively, “Plaintiffs”) bring the instant litigation against Defendant CoreLogic Rental Property Solutions, LLC (“Defendant” or “RPS”) alleging that RPS violated the Fair Housing Act, 42 U.S.C. §§ 3601 *et seq.* (“FHA”), the Connecticut Unfair Trade Practice Act, Conn. Gen. Stat. §§ 42-110a *et seq.* (“CUTPA”) and the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 *et seq.* (“FCRA”).

In April of 2016, Carmen Arroyo attempted to move her disabled son, Mikhail Arroyo, for whom she was conservator, into her apartment complex ArtSpace Windham, but his application was rejected. Two separate actions by defendant CoreLogic Rental Property Solutions, LLC regarding that incident motivate the instant lawsuit: first, CoreLogic RPS, through its CrimSAFE product, notified apartment manager WinnResidential that “disqualifying records” were found for Mr. Arroyo; second, RPS did not disclose Mr. Arroyo’s criminal records to Ms.



Arroyo on behalf of Mr. Arroyo until the start of this litigation, despite her numerous requests and provision of many documents.

RPS has filed a Motion for Summary Judgment as to the entirety of the action. [Dkts. 112 (Redacted Version) and 114 (Unredacted Version)]. Plaintiffs have filed two separate Motions for Partial Summary Judgment: one as to their file disclosure claims [Dkt. 87], and one to their race and national origin discrimination FHA and CUTPA claims. [Dkts. 116 (Redacted Version) and 118 (Unredacted Version)]. The parties have filed oppositions and replies for each motion. For the following reasons, the Court grants in part and denies in part RPS's motion for summary judgment and denies Plaintiffs' motions for partial summary judgment.

I. Material Facts<sup>1</sup>

A. Parties

Mikhail Arroyo is a Latino man. [Dkt. 118-1 (Pl.'s 56(a)1 Statement) ¶39]. Mr. Arroyo is significantly disabled. *Id.* ¶40. His disabilities were caused by an accident in July 2015. *Id.* ¶40. Mr. Arroyo was hospitalized until early 2016, when he was transferred to a nursing home to continue to recover from his injuries. *Ibid.*

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<sup>1</sup> All facts are taken from the parties' unredacted statements of undisputed facts for the purposes of deciding these motions only. If a fact stated in one party's 56(a)1 statement is admitted by the other party in its 56(a)2 statement and is supported by the underlying exhibits, the Court cites to the statement in which the fact first appeared. D. Conn. L. Civ. R. 56(a). For all other facts, the Court cites to the underlying exhibit. The Court will issue an order on the parties' motions to seal in short order.



The Connecticut Probate Court appointed Carmen Arroyo Mikhail Arroyo's conservator in August of 2015.<sup>2,3</sup>.

The Connecticut Fair Housing Center ("CFHC") is a housing advocacy non-profit. RPS is a national tenant screening company that offers tenant screening products under the rubric of "Rental Property Solutions," which it has described

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<sup>2</sup> In Connecticut, a conservator may only be appointed in the following circumstances:

(f) (1) If the court finds by clear and convincing evidence that the respondent is incapable of managing the respondent's affairs, that the respondent's affairs cannot be managed adequately without the appointment of a conservator and that the appointment of a conservator is the least restrictive means of intervention available to assist the respondent in managing the respondent's affairs, the court may appoint a conservator of his or her estate after considering the factors set forth in subsection (g) of this section.

(2) If the court finds by clear and convincing evidence that the respondent is incapable of caring for himself or herself, that the respondent cannot be cared for adequately without the appointment of a conservator and that the appointment of a conservator is the least restrictive means of intervention available to assist the respondent in caring for himself or herself, the court may appoint a conservator of his or her person after considering the factors set forth in subsection (g) of this section.

(3) No conservator may be appointed if the respondent's personal needs and property management are being met adequately by an agency or individual appointed pursuant to section 1-43, 19a-575a, 19a-577, 19a-580e or 19a-580g.

Conn. Gen. Stat. § 45a-650 (2015).

<sup>3</sup> See [Dkt. 125-10 (Pls.' Opp. to Def.'s Mot. Summ. J. Ex. 8: 6/14/16 Arroyo File Disclosure) at 3]; [Dkt. 125-12 (Pls.' Opp. to Def.'s Mot. Summ. J. Ex. 8: 11/15/16 Arroyo File Disclosure) at 5]. The Court finds that these documents themselves would not be admissible evidence as they are not authenticated per Federal Rule Evidence 901 and 902, but, per Federal Rule 56(c), they might point to the existence of documents that would be admissible. Further, RPS has not disputed for the purposes of this motion that Carmen Arroyo is Mikhail Arroyo's conservator.



as a “comprehensive leasing decision service to the single and multifamily housing industry.” [Dkt. 114-1 (Def’s 56(a)1 Statement of Material Facts) ¶1]. One of those products is “Registry CrimSAFE” (“CrimSAFE”). *Id.* ¶5. RPS provides this service to managers of more than 120 properties in Connecticut. [Dkt. 118-1 ¶ 100].

Though not a party, WinnResidential also plays a central role in this litigation. It is one of the largest property management companies in the country. [Dkt. 118-1 ¶29]. WinnResidential has used RPS’s screening products since 2008. *Id.* ¶30. In 2016, WinnResidential managed ArtSpace Windham, an apartment complex in Connecticut where Carmen Arroyo resided and applied for housing on behalf of Mikhail Arroyo. *Id.* ¶41.

**B. CrimSAFE’s Role in Rental Housing Application Evaluations**

For each housing applicant, CrimSAFE filters and then categorizes any identified crimes according to their severity levels under varying state and federal law, as well as the type of crime. *Id.* ¶5. CrimSAFE then applies the leasing criteria chosen by the housing provider from the menu offered by CrimSAFE to any records found and informs the housing provider whether “disqualifying” records are found. *Id.* ¶5. Disqualifying records consist of both convictions and other charges, including arrests which have not led to a conviction. See [Dkt. 118-4 (Ex. 22 to Pl.’s Mot. Summ. J.)].

To use CrimSAFE, a landlord fills out a short electronic form, generated by RPS, that lists general categories of crimes for which CrimSAFE can screen. [Dkt. 118-1 ¶8]. A landlord establishes the leasing criteria by selecting from the list the crimes which it wants CrimSAFE to screen. *Id.* These criminal categories track



verbatim those created by the FBI's National Incident Based Reporting System. [Dkt. 129-1 (Def.'s 56(a)2 Statement of Facts) ¶8]. For each criminal category, the landlord enters the maximum number of years back CrimSAFE should look "to decline an applicant for the specified type of crime" (hereinafter, "lookback period"). [Dkt. 118-1 ¶8]. The CrimSAFE configuration webpage explains that "applicants whose criminal record[s] are older than the number of years for the specified crime will result in an accept for your community." *Id.* The maximum lookback periods are 99 years for convictions and 7 years for non-convictions. *Id.* ¶ 11.

When a landlord receives a rental application, it provides RPS the applicant's first and last name, date of birth, and current address (and optionally the middle name). [Dkt. 118-1 ¶14]. RPS then searches its database for criminal records that match the applicant. *Ibid.* If a criminal record is matched to the applicant, RPS determines the category, if the record is felony or not, and if conviction or not. *Id.* ¶16.<sup>4</sup> After locating and categorizing a record that has been matched to the applicant, RPS compares the age of the record with the lookback period for the given category. *Id.* ¶17. If the applicant has a record within the landlord's chosen

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<sup>4</sup> If the offense has been categorized in the past and appended to a master offense table, this process is fully automated. *Ibid.* If the offense's category has not been appended to the master table, it is placed in a queue to be manually categorized. *Ibid.* All offenses categorized in the master offense table have been manually processed by employees and/or contractors of CoreLogic. *Ibid.* The RPS database reflects records obtained from more than 800 different jurisdictions/sources, for a total of more than 579 million records spanning more than 10 million unique offense descriptions, which RPS has decades of experience in standardizing and integrating into its database. [Dkt. 114-1 at ¶16].



category and lookback period, CrimSAFE notifies the leasing agent of disqualifying “record(s) found,” and directs the housing provider to “proceed with their communities screening policies.” *Id.* ¶19.

In 2016, the period at issue here, the cover page of the RPS’s screening report for leasing agents was titled “Lease Decision,” and listed a “Crim Decision,” which tracked the CrimSAFE result, and stated “Record(s) Found” if disqualifying records were found. *Id.* ¶ 20; see [Dkt. 114-2 (Kayani Decl.) at Ex. C (Leasing Agent Version of Arroyo Background Screening Report)].

RPS has marketed and sold CrimSAFE as rendering a decision on an applicant’s suitability for tenancy based on their criminal history. [Dkt. 118-1 at ¶5]. It has described the removal of “human bias or judgment” as a “benefit” of its CrimSAFE product. *Id.* at ¶6. In configuration instructions it has provided, it states, “A criminal record generally contains information on the type of crime, degree and level of crime, and date of offense. With CrimSAFE, this public record information is evaluated and used to provide a decision based on the client’s pre-determined criminal decision policy.” *Id.* at ¶9.

RPS allows CrimSAFE customers to disclose or suppress information underlying disqualification from its staff and housing applicants. *Id.* ¶ 26. If a customer chooses to suppress disclosure of the underlying criminal record from its onsite leasing staff, they see only whether disqualifying records are found or not. *Id.* ¶ 26. Landlords have the option of having adverse action letters automatically delivered to applicants via email when CrimSAFE has found



disqualifying records in order to notify them that their applications have been declined. *Id.* at ¶24.

CrimSAFE is only one of RPS's screening products: RPS also offers separate tenant screening products which simply identify and return criminal public records of a housing applicant to the housing provider, but which do not themselves filter or categorize the results in any way. [Dkt. 114-2 (Kayani Decl.) ¶¶4-5].

The parties provide conflicting evidence on whether CrimSAFE always returns a copy of the underlying report that displays the full public data of an applicant's criminal record to someone at the client housing provider. RPS's executive Naeem Kayani declares that it does. [Dkt. 114-2 (Kayani Decl.) ¶7]. Plaintiffs point to a 2016 training which states that, if a housing provider unchecks a box on the CrimSAFE configuration page, none of its users have access to the reports containing the full public records. [Dkt. 118-3 (Ex. 13 to Pl.'s Mot. Summ. J.: 2016 Training) at 37]; [Dkt. 118-4 [Ex. 22 to Pl.'s Mot. Summ. J.: 2016 Configuration Page Example]], [Dkt. 116-18 (Ex. 15 to Pl.'s Mot. Summ. J.: Thomas Dep.) at 71-72].

In its proposal to WinnResidential, RPS wrote that, with CrimSAFE, "criminal record search results are evaluated using our own advanced, proprietary technology and an accept/decline leasing decision is delivered to your staff." *Id.* at ¶33]. RPS's proposal to WinnResidential explains that "[u]sers who choose to have their rental decisions automated using ScorePLUS® and CrimSAFE® may suppress the full reports from the view of their on-site staff. WinnResidential



currently uses this option and the site managers view a decision report.” *Id.* at ¶ 36.<sup>5</sup> WinnResidential also does not disclose the basis for an applicant’s denial to the applicant, except to inform them that the denial is based on RPS’s screening report. See [Dkt. 114-2]. RPS serves many customers with affordable/subsidized properties. [Dkt. 114-4 (Dachtler Decl.) ¶5]. For instance, the majority of Winn Residential’s rental units are federally-subsidized/affordable properties. *Id.*

Fewer than 7% of all rental housing applicants in Connecticut between 2016 and the present have had any “record found” through CrimSAFE. [Dkt. 118-1 ¶11].

**C. CrimSAFE, Race and Ethnicity, and Criminal Records**

CrimSAFE uses data from a national database of criminal records that RPS aggregates from multiple sources, including incarceration records and court records of criminal cases for both charges and convictions obtained from state departments of corrections and administrative offices of the courts. [Dkt. 118-1 ¶65]. RPS receives and records the race and ethnic background for close to 80% of housing applicants who did match with a criminal record. [Dkt. 118-15 (Ex. 47 to Pl.’s Mot. Summ. J.: RPS Documentation of Race)]. But RPS is not aware of the of the race or ethnicity of housing applicants who *did not match* with such a criminal record. [Dkt. 126-2 (Ex. 1 to Pl.’s Opp: Kayani Dep.) at 207:14-25].

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<sup>5</sup> As previously detailed, the parties dispute whether the full criminal records are always delivered to someone at the client.



Data reveal that disparities adverse to African Americans and Latinos<sup>6</sup> and in favor of whites<sup>7</sup> exist at all stages of the criminal justice process: in arrest rates, in jail detention rates, and in prison incarceration rates. *Id.* ¶73. African Americans in the United States are more than four times as likely as whites, and Latinos two-and-a-half times as likely as whites, to have been either jailed or incarcerated at some point in their lifetimes. [Dkt. 118-1 ¶72]. National data from 2015 demonstrate that African Americans and Latinos are more likely to experience jail or prison incarceration than Whites, regardless of income level. *Id.* ¶¶ 74-77. The disparity in incarceration rates for African Americans in Connecticut is just over twice the disparity at the national level, while for Latinos in Connecticut, the disparity is three times the disparity at the national level. *Id.* ¶ 80. Overall, 10.61% of African Americans nationally experience either jail or prison during their lifetime. *Id.* ¶ 81. Among African Americans who were earning less than \$30,000 in 2015, 14.34% nationally had been in jail or prison in their lifetime. *Id.* ¶ 82.

The above data do not distinguish between innocent individuals who have been charged but not convicted of a crime and guilty individuals who have been convicted of committing a crime. The Court takes judicial notice of shorter-term data that confirm that disparities exist both for individuals who are jailed and for individuals who are imprisoned, though the disparity in imprisonment rates is

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<sup>6</sup> The Court follows the Plaintiffs in using the term “Latinos” as a noun to refer to a group of people of Latin American family origin that includes at least one person who does not identify as female.

<sup>7</sup> The term “white” is here used to refer to non-Latino whites and the term African-American is here used to refer to non-Latino African-Americans, except where otherwise noted.



greater. At year-end in 2015 in the United States, 169 in 100,000 white adults were incarcerated in jails, 174 in 100,000 Latino adults were incarcerated in jails, and 607 in 100,000 African American adults were incarcerated in jails.<sup>8</sup> Zhen Zeng, *Jail Inmates in 2016*, Bureau of Justice Statistics (Feb. 2018), at Table 2, available at <https://www.bjs.gov/content/pub/pdf/ji16.pdf>; see Fed. R. Evid. 201(b)-(c). Also at year-end in 2015 in the United States, 312 in 100,000 whites were imprisoned for sentences of more than 1 year, 820 in 100,000 Latino adults were imprisoned were imprisoned for sentences of more than one year, and 1,745 in 100,000 African American adults were imprisoned for sentences of more than one year. E. Ann Carson and Elizabeth Anderson, *Prisoners in 2015*, Bureau of Justice Statistics at 2, Figure 4 (Dec. 2016), available at <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=5869>.

As to arrests, Latinos comprised 42% of federal drug arrests made in 2014, nearly three times their share of the population. [Dkt. 118-1 ¶71].<sup>9</sup> In total, 64% of

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<sup>8</sup> The Court follows the Plaintiffs in using the term “Latino” as an adjective when referring to a group of people of Latin American family origin that includes at least one person who do not identify as female.

<sup>9</sup> Citing Mark Motivans, Bureau of Justice Statistics, U.S. Department of Justice, Federal Justice Statistics, 2013-14, at 10 (March 2017), <https://www.bjs.gov/content/pub/pdf/fjs1314.pdf>; 2014 ACS 1-year Demographic Estimates. Defendants object that this data is irrelevant to the proposition for which it is used, given that it is only specific to federal drug arrests, but the Court finds that it is sufficiently relevant, as drug arrests were the second most common federal arrest in 2014 after immigration. Motivans at 7. Further, accurate data on overall arrests of Latinos from criminal justice institutions is limited, as demonstrated below for Connecticut.

Plaintiffs do not present national total arrest data, though Plaintiffs’ expert Dr. Christopher Wildeman stated, that his certainty “would be extremely high” “that the disparities [he] observed in the incarceration data also exist at the level of arrest, charge and conviction” because “the transition probabilities from each stage would have to be so much lower for Whites than for Native Americans and



federal drug arrests were of Latinos and African Americans, who comprised 29% of the total population. *Id.* Only 31% of federal drug arrestees were of whites, less than half their share of the population. *Id.* African Americans and Latinos are more likely than whites to be arrested, convicted, and sentenced for drug offenses even though their rates of drug use are comparable to those of whites. *Id.*

In 2016, African Americans comprised 29.88% of all arrestees in the State of Connecticut. State of Connecticut Department of Emergency Services and Public Protection, *Crime in Connecticut at 29 (2016)* (hereinafter “*Crime in Connecticut 2016*”).<sup>10</sup> But, as of 2016, African Americans comprised only 10.6% of Connecticut’s population. U.S. Census Bureau, *2016 American Community Survey 1-year Estimates, Table DP05: ACS Demographic and Housing Estimates* (hereinafter “*2016 ACS 1-Year DP05*”).<sup>11</sup> Connecticut does not track arrests by ethnicity, so the percentage of arrestees who are Latinos is unknown (and Connecticut’s reported numbers of arrestees who are African American and white includes Latino arrestees). *Id.*

The percentage of the population who is African American and the percentage of the population who is Latino differs between Connecticut cities and

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Hispanics and their starting rates of experiencing those events would have to be so much higher that [non-disparities] would just be... a statistical aberration.” [Dkt. 116-46 (Wildeman Dep.) at 79:13-80:12].

<sup>10</sup> Available at:

<http://www.dpsdata.ct.gov/dps/ucr/data/2016/Crime%20in%20Connecticut%202016.pdf>.

<sup>11</sup> Available at [data.census.gov](http://data.census.gov). Reported figure has a 0.2% margin of error. An additional 0.9% of the population reports being Black and White or Black and Native American.



Connecticut suburbs or rural areas and is higher for renters looking for affordable or subsidized housing than for those who are not. [Dkt. 114-1 ¶¶56-57].

**D. CrimSAFE & the Purpose of Criminal Records**

RPS has identified the purposes served by CrimSAFE and its policies as tenant safety and landlord liability avoidance. [Dkt. 114-1 at ¶89]. RPS states that the purpose of its criminal records screening products is to protect safety and property in housing complexes because “[c]riminals can disrupt –and even endanger –the entire neighborhood.” *Id.* at ¶90. It claims that its products allow housing providers to more rapidly and accurately screen applicants according to the standards of the housing providers. *Id.* ¶¶13-14.

The federal Bureau of Justice Statistics has found that 83% of released prisoners are arrested again within 9 years, with an average of 5 arrests per released prisoner. [Dkt. 114-1 ¶59]. The federal Bureau of Justice Statistics has found that 18% of violent victimizations took place in the victim’s home, 16% took place near the victim’s home, and 9% took place at a friend’s, neighbor’s, or relative’s home. *Id.* ¶ 60.

RPS’s proffered expert, Jay Kacirk, stated in a September 2019 deposition that “information about arrest records that did not lead to convictions... would not be relevant to the decision whether a [rental housing] applicant should be accepted or rejected because we are not able to use arrest records to base an approval or denial on.” [Dkt. 126 at 28] (citing [Dkt. 126-1 ¶74] (citing [Dkt. 125-14 (Ex. 12 to Pl.’s Opp.: Kacirk Dep.) at 43:8-21])). He later stated that pending charges “could affect the tenancy of someone on the verge of incarceration,” but reiterated that “you



have to be careful using arrests as far as decision-making.” [Dkt. 132 (Ex. J to Ex. 4 to Def.’s Opp: Kacirk Dep.) at 294]. Dr. Lila Kazemian, one of Plaintiff’s proffered experts, said that “anybody who has their name already in the system becomes more likely to have more contacts with the criminal justice system,” such that individuals who were previously arrested have elevated statistical levels of re-arrest. [Dkt. 129-1 ¶14].

**E. CrimSAFE’s Role in Mikhail Arroyo’s April 2016 Rental Application Rejection**

On April 4, 2016, HUD’s Office of General Counsel published a document titled “Application of Fair Housing Act Standards to the Use of Criminal records by Providers of Housing and Real Estate-Related Transactions.” The document stated: “Nationally, racial and ethnic minorities face disproportionately high rates of arrest and incarceration,” and that, “the fact of an arrest is not a reliable basis upon which to assess the potential risk to resident safety or property posed by a particular individual.” *Id.* at 3, 5 [hereinafter HUD OGC 4/4/2016 Guidance].

On April 15, 2016, over a week before Mikhail Arroyo’s application, RPS shared with some of its clients an email which highlighted (a) per the HUD OGC 4/4/2016 Guidance, arrest records that don’t result in convictions are not reliable bases to assess the potential risk resident safety or property; and (b) “according to HUD, a blanket policy to deny any applicants with a criminal record may have a disparate impact on African Americans and Hispanics.” [Dkt. 125-17 (Ex. 15: 4/15/16 RPS Email) at 2]; see *also* [Dkt. 125-18 (April 2016 RPS HUD Training PowerPoint)]. In the email, RPS “recommends that our customers work with their legal counsel to review their eligibility requirements and related policies around the use of



criminal background data to... determine [whether] changes need to be made to your CoreLogic product settings.” [Dkt. 125-17 at 2].

The email also states that “RPS is currently reviewing our products to determine what changes, if any, to make in order to best support our clients in light of this new guidance from HUD. Once this review is complete, any changes will be communicated to clients with enough notice to allow for clients to adjust their processes.” [Dkt. 125-17 at 3]. Despite the HUD OGC 4/4/2016 Guidance, as of September 5, 2019, Stephanie Dachtler, a Relationship Manager for RPS, was not aware of any changes made to CrimSAFE. [Dkt. 118-8 (Ex. 26 to Pl.’s Mot. Summ. J.: Dachtler Dep.) at 75:18-23 There is no evidence on the record that RPS informed its customers that they could change their CrimSAFE settings to reverse their election to suppress from line staff and applicants the basis on which CrimSAFE categorized applicants “disqualified,” so they could proceed with their communities screening policies consistent with the HUD OGC 4/4/2016 Guidance.

WinnResidential has used RPS screening products since 2008 and used CrimSAFE through at least July 31, 2019. [Dkt. 118-1 ¶30]. As of April 2016, WinnResidential CrimSAFE settings included all charges for “theft” occurring within the prior three years. [Dkt. 114-1 ¶23]. WinnResidential made changes to its CrimSAFE settings in May of 2016 and July of 2016 in response to the HUD OGC 4/4/2016 Guidance. *Id.*

On April 26, 2016, Ms. Arroyo applied for housing at WinnResidential on behalf of Mr. Arroyo at the Artspace Windham in Willimantic Connecticut. [Dkt. 114-1 ¶25]. WinnResidential electronically requested from RPS a tenant screening



report on Mr. Arroyo. *Id.* ¶ 26. That day, RPS provided WinnResidential a screening report on Mr. Arroyo that included a “Score Decision” regarding Mr. Arroyo’s credit-worthiness and a “Crim Decision” regarding his suitability as a tenant based on his criminal background. [Dkt. 118-1 ¶44]. WinnResidential suppressed the underlying criminal records from the view of its leasing agents. [Dkt. 126-1 ¶91].

The “Crim Decision” for Mikhail Arroyo stated “Record(s) Found,” which is the text that appeared on reports RPS prepared for WinnResidential when it determined that disqualifying records were found. *Id.* ¶45. The fourth page of the screening report specifies, “Based upon your community CrimSAFE settings and the results of this search, disqualifying records were found. Please verify the applicability of these records to your applicant and proceed with your community’s screening policies.” *Id.* ¶46; see [Dkt. 116-33 (Ex. 30 to Pl.’s Mot. Summ. J.: Adverse Action Letter to Mikhail Arroyo)].

The parties dispute whether any other decisionmakers at WinnResidential had Mr. Arroyo’s criminal record. *Compare* [Dkt. 116-41 (Aff. Ans. of WinnResidential to Administrative Compl.) ¶23] *and* [Dkt. 116-35 (6/13/2017 Fact Finding Hearing Tr.) at 50, 52, 68-71] *with* [Dkt. 114-2 (Kayani Decl.) ¶15] and [Dkt. 114-2 at Ex. D (Administrator Version of Mikhail Arroyo Screening Report Generated May 3, 2018)].<sup>12</sup> The Court finds there is a genuine issue of fact as to

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<sup>12</sup> The parties each argue that the other party’s evidence on this point is inadmissible. RPS argues that Dkt. 116-41 (Aff. Ans. of WinnResidential to Administrative Compl.) is inadmissible hearsay, see Fed. R. Evid. 802; Dkt. 114-2 (Kayani Decl.) and that Dkt. 116-35 (Carmen Arroyo Decl.) were not made on the basis of personal knowledge, see Fed. R. Evid. 602, *Roberts v. Ground Handling*,



whether WinnResidential knew the basis on which RPS categorized Mr. Arroyo as disqualified because WinnResidential elected to suppress records and there is no evidence it was given the option to or did change that election.

The sole criminal record upon which RPS relied in making the CrimSAFE report for Mikhail Arroyo is a single charge in Pennsylvania for “grade S” retail theft under 18 Pa. C.S.A. § 3929(a)(1) filed on July 18, 2014, when he was twenty years old and prior to his accident. [Dkt. 118-1 at ¶51]. A “Grade S” in Pennsylvania means “summary offense,” which is below the level of a misdemeanor and is often called a non-traffic citation. *Id.* at ¶ 52. A charge for summary offense retail theft indicates that this was his first offense and the value of the merchandise he allegedly stole was under \$150. 18 Pa. C.S.A. § 3929(b)(1). *Ibid.* The charge had not led to a conviction as of the date it was reported. *Id.* ¶54.

Mr. Arroyo’s application was rejected. *Id.* ¶30. As a matter of law, Mr. Arroyo was innocent of the charge. See *Coffin v. United States*, 156 U.S. 432 (1895) (“the principle that there is a presumption of innocence in favor of the accused is the undoubted law, axiomatic and elementary...”). Mr. Arroyo was never convicted and, on April 20, 2017, the charge against Mr. Arroyo was withdrawn. *Id.* ¶¶53, 54. Mr. Arroyo remained in a nursing home until June 2017. *Id.* ¶¶30, 63.

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*Inc.*, 499 F. Supp. 2d 340, 360 (S.D.N.Y. 2007) (“It is axiomatic that affidavits submitted in support of or in opposition to a summary judgment motion must ‘be made on personal knowledge’”). Plaintiffs argue that [Dkt. 114-2 at Ex. D] cannot be authenticated as a copy of a document that CoreLogic returned to WinnResidential on 4/26/2016 as claimed, as it is a document generated on 5/3/2018, see Fed. R. Evid. 901. However, neither party demonstrates that the other *cannot produce* admissible evidence. see Fed. R. Civ. P. 56(c)(2). The Court finds that a dispute of fact remains.



**F. Mr. Arroyo's Consumer File Disclosure Request**

RPS regularly processes requests from consumers for their files. [Dkt. 114-1 (Def.'s Unredacted 56(a)1 Statement) ¶ 36]. It maintains written policies and procedures for the ways in which consumers making file disclosures must be authenticated. *Id.* ¶37. Those authentication procedures generally require consumers to provide their personal identifying information, government documentation, and/or answers to a series of personal security questions. *Id.*

In addition to regularly disclosing consumer files directly to the requesting consumer, RPS processes the disclosure of consumer files to third-party legal guardians acting on the consumer's behalf. *Id.* ¶ 38. To protect consumer privacy in the situation where a third party is seeking a copy of a consumer's file, RPS's written policies generally require a notarized power of attorney, the consumer's name, proof of the address to where the disclosure should be mailed, and confirmation of the last four digits of the consumer's Social Security number. *Id.* (citing [Dkt. 114-6 (Barnard Decl.) ¶ 8 & Ex. A at pp. 3]). Based on RPS's written authentication policy, in "any scenario" where those requirements cannot be fulfilled, the RPS employee who is handling the file disclosure request must escalate the request to a "supervisor." [Dkt. 114-1 ¶39]. A situation in which a consumer is disabled and cannot execute a power of attorney requires adjustment of third-party authentication process and supervisory review. *Id.* (citing [Dkt. 114-6 at ¶ 13 & Ex. A at 3]).

Carmen Arroyo first contacted RPS on April 27, 2016 to request Mikhail Arroyo's consumer file. [Dkt. 114-1 ¶40]. RPS informed Ms. Arroyo of the process



for obtaining the file in a third-party capacity, which required her to submit a disclosure request form and certain documentation. *Id.* at ¶ 41. Three days later, on April 29, 2016, RPS mailed Ms. Arroyo a consumer disclosure request form and instructions. *Id.* ¶ 42. The form asked for Mr. Arroyo's name, date of birth, social security number or Tax Identification Number, phone number, current address, and signature. [Dkt. 125-10 (Pls.' Opp. to Def.'s Mot. Summ. J. Ex. 8: 6/14/16 Arroyo File Disclosure) at 2].

Ms. Arroyo signed the form as Mr. Arroyo's mother and mailed the first consumer disclosure request form (the "First Disclosure Request") to RPS on June 14, 2016. *Ibid.* RPS received it on June 27, 2016. *Ibid.* The First Disclosure Request did not list Mikhail Arroyo's Social Security number, it did not contain his complete previous address information, and it was signed just below the line designated. *Ibid.* With the First Disclosure Request, Ms. Arroyo submitted a copy of Mr. Arroyo's Pennsylvania driver's license, a copy of her driver's license, and a copy of a certificate of conservatorship. *Ibid.* The certificate of conservatorship states on its face that it is "NOT VALID WITHOUT COURT OR PROBATE SEAL IMPRESSED." [Dkt. 125-10 at 3]. It contains the name of the probate court, case number, and case caption. *Ibid.* At the lower left hand corner, there is a circular area that appears shaded or scratched out by a pen or pencil, through which one can see the outlines of what appear to be letters, and in the center of which are the typewritten words "Court Seal." *Ibid.* The First Disclosure Request was escalated to two supervisors. [Dkt. 114-1 ¶46]. The supervisors informed their employees that they could not accept the "conservatorship court paper," and that a power of



attorney and Mr. Arroyo's signature were needed. [Dkt. 112-8 (Ex. 9 to Def.'s Mot. Summ. J., Barnard Decl. at Ex. B: 6/30/2016 Consumer Relation Remarks) at 11].

On June 30, 2016, RPS mailed a letter to Mr. Arroyo at the nursing home address listed as his current address, asking him to contact RPS, which would "accurately provide information [he] need[ed]." [Dkt. 114-1 ¶46]; see [Dkt. 114-6 (Barnard Decl.) at Ex. D]. The letter was returned as undeliverable. *Id.* The letter did not mention any deficiencies in the form or conservatorship appointment and did not inform Mr. Arroyo or Ms. Arroyo that she could submit a corrected form and conservatorship appointment certificate with a legible raised seal. *Id.* Although Ms. Arroyo's address was listed on the copy of the certificate of conservatorship, RPS did not send any mail to her or notify her that she needed to provide additional information to complete Mr. Arroyo's consumer disclosure request. [Dkt. 125-10]; [Dkt. 114-6 at Ex. D].

Three months later, on September 7, 2016, Ms. Arroyo called RPS to discuss the status of the disclosure. [Dkt. 114-1 ¶47]. During that call, she was instructed that she had to provide a notarized power of attorney. [Dkt. 114-6 (Barnard Decl.) at Ex. B at 3]. RPS did not inform her of the other deficiencies in the application or the critical absence of a legible raised seal on the Probate court conservatorship appointment.

RPS's next contact with Ms. Arroyo did not occur until November 1, 2016, when she called to ask why RPS had not yet provided her with Mikhail Arroyo's consumer file. [Dkt. 118-1 ¶48]. RPS escalated the matter to its consumer relations department, its compliance department, and then its internal legal department and



outside attorneys, while staying in contact with Ms. Arroyo. *Id.* ¶¶ 49, 50. On November 14, 2016, RPS asked Ms. Arroyo send RPS a new certificate of conservatorship with the court seal visible, as well as proof of current address documentation. *Id.* ¶50.

On November 15, 2016, Ms. Arroyo faxed additional documentation and a new consumer disclosure form (the “Second Disclosure Request”) to RPS. *Id.* at ¶51. The Second Disclosure Request included Mr. Arroyo’s social security number, and was signed by both Ms. Arroyo, who identified herself as Mr. Arroyo’s mother and co-conservator, and by Tod Stimpson, who identified himself as Mr. Arroyo’s co-conservator. [Dkt. 125-12 at 4]. Ms. Arroyo also attached an updated copy of the conservatorship certificate which also stated it was invalid without a seal. *Id.* at 5. At the lower left-hand corner, there is a faint circle of stray marks, more darkly shadowed at the bottom, and in the center of which are the typewritten words “Court Seal.” *Ibid.* No letters can be made out. *Ibid.*

The Second Disclosure Request and supporting documentation was escalated to RPS’s compliance and legal departments, including consultation with outside counsel. *Id.* ¶52. RPS found the documentation insufficient because the conservatorship appointment did not have a visible court seal, Ms. Arroyo signed her name instead of Mr. Arroyo’s, and there was no proof of address. [Dkt. 114-6 at Ex. F at 1-2 (RPS Emails Regarding Request)]. On November 16 and November 18, 2016, RPS attempted to contact Ms. Arroyo by telephone to discuss the documentation she submitted with the Second Disclosure Request. *Id.* at ¶53. Ms.



Arroyo did not return these calls. *Id.* There is no evidence RPS sent Ms. Arroyo a letter explaining the deficiencies.

In mid-December 2016, a paralegal at the CFHC contacted RPS and stated the CFHC was assisting Ms. Arroyo in the file disclosure process. *Id.* ¶ 54. RPS requested additional documentation from the CFHC in the form of a power of attorney to establish that the CFHC was formally representing Ms. Arroyo. *Id.* RPS then mailed and emailed the CFHC a consumer disclosure request form and instructions on the documents the CFHC should submit. *Id.* RPS did not receive any documentation from the CFHC in response. *Id.* RPS had no further contact with CFHC or Ms. Arroyo until this suit was filed. *Id.* at ¶55.

Plaintiffs are not aware of any other conserved individual who has requested a file disclosure from RPS, and RPS also has no record of any other conserved individual requesting a file disclosure. [Dkt. 114 ¶45], [Dkt. 126-3 (Barnard Dep.) 120:15-124:24].

**G. CFHC Involvement**

Plaintiff CFHC is a nonprofit corporation incorporated in Connecticut. [Dkt. 1 (Compl.) ¶28]. Its mission is “eliminating housing discrimination and ensuring that all people have equal access to housing of their choice.” *Id.* ¶¶ 19, 185-87, 192.

Ms. Arroyo retained the CFHC in 2017 to bring an administrative complaint against WinnResidential for failing to reasonably accommodate Mr. Arroyo’s disability by refusing to admit him. [Dkt. 114-1 ¶32]. WinnResidential appeared at



an initial administrative fact-finding hearing on June 13, 2017, and a settlement was reached following the hearing. *Id.* ¶ 34.

The settlement agreement included no provision requiring that WinnResidential allow Mr. Arroyo to move into the apartment. [Dkt. 125-9 (Ex. 7: Conciliation Agreement)]. However, Mr. Arroyo moved into the apartment after the hearing. [Dkt. 116-35 at Ex. A at 16-28, 68-71, 52].

CFHC received \$13,00 in connection with that settlement as attorneys' fees for CFHC's representation of the Arroyos, work that has not been claimed as diversion damages. [Dkt. 125-13 (Ex. 11 to Pl.'s Opp, Kemple Decl.) ¶¶ 3-5]. CFHC separately, from other sources, received grants totaling \$380,000 to address criminal record tenant screening in the housing application process. [Dkt. 114-1 ¶ 63].

## II. Legal Standard

Summary judgment "shall be granted" if, construing the evidence in the light most favorable to the non-movant, "there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a). An issue is genuine if "the evidence is such that a reasonable jury could return a verdict for the nonmoving party." *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). A fact is "material" if it "might affect the outcome of the suit under the governing law." *Ibid.*

"In ruling on a motion for summary judgment, 'the evidence of the nonmovant is to be believed, and all justifiable inferences are to be drawn in his



favor.”” *Tolan v. Cotton*, 572 U.S. 650, 651 (2014) (quoting *Anderson*, 477 U.S. at 255)). “Credibility determinations, the weighing of evidence, and the drawing of legitimate inferences from the facts are jury functions, not those of a judge.” *Anderson*, 477 U.S. at 255. Put another way, “[i]f there is any evidence in the record that could reasonably support a jury’s verdict for the nonmoving party, summary judgment must be denied.” *Am. Home Assurance Co. v. Hapag Lloyd Container Line, GmbH*, 446 F.3d 313, 315-16 (2d Cir. 2006) (internal citation and quotation omitted).

A party asserting that a fact cannot be or is genuinely disputed must support the assertion by:

(A) citing to particular parts of materials in the record, including depositions, documents, electronically stored information, affidavits or declarations, stipulations (including those made for purposes of the motion only), admissions, interrogatory answers, or other materials; or

(B) showing that the materials cited do not establish the absence or presence of a genuine dispute, or that an adverse party cannot produce admissible evidence to support the fact.

Fed. R. Civ. P. 56(c)(1). A party asserting that a fact is or is not true must present admissible evidence to support their assertion. Fed. R. Civ. P. 56(c)(2).

Where the movant presents admissible evidence tending to show there is no genuine issue of material fact for a jury to decide and she is entitled to judgment as a matter of law, “the burden shifts to the nonmovant to point to record evidence creating a genuine issue of material fact.” *Salahuddin v. Goord*, 467 F.3d 263, 273 (2d Cir. 2006). Fed. R. Civ. P. 56(c), (e). Rule 56(c) “mandates the entry of summary judgment... against a party who fails to make a showing sufficient to establish the existence of an element essential to a party’s case, and on which that party will



bear the burden of proof at trial.” *Bedor v. Friendly’s Ice Cream Corp.*, 392 F. Supp. 2d 367, 373 (2005) (quoting *Celotex Corp v. Catrett*, 477 U.S. 317, 322 (1986)).

### III. Analysis

RPS moves for summary judgment on all counts of the complaint: the FHA disparate impact claim on the basis of race and national origin; the FHA discriminatory treatment claim on the basis of race and national origin; the FCRA claims; the FHA disparate impact claim on the basis of disability; the FHA discriminatory treatment claim on the basis of disability; the CUTPA claims on the basis of CrimSAFE and on the basis of file disclosure; and CFHC’s claim for compensatory damages. It further argues that Ms. Arroyo does not have individual standing. Plaintiffs respond to RPS’s motion for summary judgment, and also themselves move for partial summary judgment on their FHA disparate impact claim on the basis of race and national origin and their CUTPA claim on the basis of CrimSAFE. They also separately move for partial summary judgment on the FCRA claims, the FHA disparate impact claim on the basis of disability, and the CUTPA claim on the basis of file disclosure. The Court analyzes each claim in turn but starts with standing.

#### A. Standing

To establish constitutional standing, “the plaintiff must show an ‘injury in fact’ that is ‘fairly traceable’ to the defendant’s conduct and ‘that is likely to be redressed by a favorable judicial decision.’” *Bank of Am. Corp. v. City of Miami, Fla.*, 137 S. Ct. 1296, 1302 (2017) (quoting *Spokeo, Inc. v. Robins*, 578 U.S. —, —



—, 136 S.Ct. 1540, 1547 (2016)). A plaintiff must also satisfy “statutory standing,” that is, demonstrate that her “interests fall within the zone of interests protected by the law invoked.” *Lexmark Int’l, Inc. v. Static Control Components, Inc.*, 572 U.S. —, —, 134 S.Ct. 1377, 1387-88 and n.4 (2017).

#### 1. Carmen Arroyo’s Standing for Fair Housing Act (FHA) Claim

RPS argues that Carmen Arroyo does not meet either requirement for standing for her FHA claim: she does not experience “injury in fact” required for standing under any of FHA claims because she was not denied housing at any point; and she does not have statutory standing because lack of companionship and emotional distress are outside the zone of interests protected by the FHA. [Dkt. 114 at 44-45].

To allege constitutional injury-in-fact, a plaintiff must allege “an invasion of a legally protected interest which is (a) concrete and particularized; and (b) actual or imminent, not conjectural or hypothetical.” *Citizens for Resp. & Ethics in Wash. v. Trump*, 953 F.3d 178, 189 (2d Cir. 2019), *as amended* (Mar. 20, 2020) (quoting *Lujan v. Def.’s of Wildlife*, 504 U.S., 555, 560 (1992)).

Statutory standing under the FHA is “as broad[] as is permitted by Article III of the Constitution.” *Trafficante v. Metro. Life. Ins. Co.*, 409 U.S. 205, 209 (1972) (citations omitted). The FHA allows any “aggrieved person” to bring a housing-discrimination lawsuit. 42 U.S.C. § 3613(a). An “aggrieved person” includes “any person who claims to have been injured by a discriminatory housing practice...” 42 U.S.C. § 3602(i)(1); see 24 C.F.R. 100.65 (Discriminatory housing practices



include conduct that “limits the use of privileges, services, or facilities associated with a dwelling because of race color.... of an owner, tenant or a person associated with him or her”); 42 U.S.C. § 3604(f)(1)-(2) (prohibiting discrimination in the sale or rental, or in terms, conditions, or privileges of sale or rental, “because of a handicap of... (b) a person intending to reside in that dwelling after it is... rented or made available; or (C) any person associated with a that buyer or renter.”). The FHA provides a cause of action for individuals in a housing complex who are not themselves denied housing on the basis of discrimination, but who allege deprivation of relationships with individuals who are: it “allows suits by white tenants claiming that they were deprived benefits from interracial associations when discriminatory rental practices kept minorities out of their apartment complex.” *Bank of Am. Corp. v. City of Miami, Fla.*, 137 S. Ct. at 1303 (citing *Trafficante* at 209-212).

Here, Ms. Arroyo alleges that RPS’s discriminatory housing practices segregated her from her son on the basis of ethnicity and ability, and she claims emotional injuries on that basis. Ms. Arroyo’s claims are similar to, and even more compelling than, the plaintiffs’ claims in *Trafficante*, 409 U.S. 205. In *Trafficante*, the Court found that two tenants, one who was white and one who was African American, had constitutional and statutory standing to pursue FHA claims alleging their landlord racially discriminated against rental applicants, depriving tenants of the social and professional benefits of living in an integrated community. *Id.* at 206-12. Like Ms. Arroyo, the aggrieved tenants were already living in the complex. *Id.* at 206. Like Ms. Arroyo, the tenants’ grievance was based on their interest in an



integrated community. *Id.* at 209. The *Trafficante* Court held protected the mutual benefit of diverse associations and acquiring multi-cultural competency. *Id.*

Here, not only would Ms. Arroyo and her son benefit from mutual association, Ms. Arroyo was also deprived of familial association, highly valued in our society. She was also deprived of the ability to fully and effectively discharge her maternal and legal duty as conservator of Mr. Arroyo to protect both his person and interests as ordered by the Probate Court by having him live with her rather than in a nursing home. These are concrete, particularized, and actual injuries within the scope of interests protected by the FHA.

RPS cites two cases in opposition, but neither is apposite. First, in its motion, RPS quotes *Vaughn v. Consumer Home Mortgage Co.*, 297 F. App'x 23, 26 (2d Cir. 2008) for the proposition that FHA standing extends “only to those persons who are ‘personally denied equal treatment by the challenged discriminatory conduct.’” *Id.* at 26, *cited by* [Dkt. 114 at 45]. But this quotation misrepresents the sentence: the sentence qualifies that it is only speaking to one “line of authority,” among others, and that line of authority concerns “government-erected barriers,” which are not issue here. *Id.* at 26. Second, in its reply, RPS quotes *Wartluft v. Milton Hershey School & School Trust*, 400 F. Supp. 3d 91, 102-103 (M.D. Pa. 2019) for the proposition that “a ‘[loss] of companionship’ and related emotional distress damages as falling outside of the zone of interests protected by the FHA.” [Dkt. 140 at 18]. But in *Wartluft* the plaintiffs were parents bringing an FHA claim on the basis that a school’s discriminatory expulsion of their daughter led to her suicide; they



themselves did not live at the allegedly discriminatory residence or wish to live there. Therefore, it also is not persuasive here.

The Court finds that Ms. Arroyo's claim falls squarely within the zone of interests protected by the FHA, and that she has standing.

**2. *Carmen Arroyo's Standing for Connecticut Unfair Trade Practices Act (CUTPA)***

RPS also contends Ms. Arroyo does not have standing to pursue her CUTPA claim. To sustain a claim under CUTPA a person must suffer an ascertainable loss of money or property. Conn. Gen. Stat. § 42-110g. RPS argues that, as a matter of undisputed fact, Ms. Arroyo did not suffer an adverse housing decision, and cannot point to an ascertainable loss. In response, Plaintiffs argue that RPS's actions delayed Mr. Arroyo's admission to ArtSpace Windham by about a year through RPS's CrimSAFE report regarding Mr. Arroyo and its misinforming Ms. Arroyo about the documentation needed to obtain Mr. Arroyo's CrimSAFE file. During this year, Plaintiffs allege, Mr. Arroyo remained in a nursing home, Ms. Arroyo and Mr. Arroyo had additional medical, travel, and housing expenses, and Ms. Arroyo had higher housing expenses without Mr. Arroyo's housing subsidy. See [Dkt. 1 (Compl.) at ¶102]. The Court finds that Ms. Arroyo's claimed associational deprivation and financial and emotional injuries are sufficient to establish her statutory and constitutional standing to bring the CUTPA claim.

**3. *Standing for claims on behalf of African American rental applicants***

The Arroyos are not African-American and, unlike the white plaintiff in *Trafficante*, do not claim to be injured themselves by RPS's alleged discrimination



against African-American applicants, so they do not have statutory standing to allege claims on the basis of discrimination against African Americans. *Cf. Trafficante v. Metro. Life Ins. Co.*, 409 U.S. 205, 208 (1972). But, in light of CFHC's inclusion as a Plaintiff, the Court holds that it is still appropriate to consider Plaintiffs' FHA and CUTPA claims on the basis of discrimination against African Americans. *See Rumsfeld v. Forum for Acad. & Institutional Rights, Inc.*, 547 U.S. 47, 53 (2006) ("The presence of one party with standing is sufficient to satisfy Article III's case-or-controversy requirement.").

Organizations who allege that a defendant's actions have "frustrated the organization [plaintiff]'s... services, with a consequent drain on resources" have standing to bring FHA claims. *Havens Realty Corp. v. Coleman*, 455 U.S. 363, 369 (1982); *Ragin v. Harry Macklowe Real Estate*, 6 F.3d 898 (2d Cir. 1993) (reversing finding that nonprofit agency lacked standing to bring discrimination claim against real estate advertisers). On this basis, an organization may bring claims on behalf of individuals not otherwise represented in the action. For example, in *Saint-Jean v. Emigrant Mortg. Co.*, where the plaintiffs were African American, the court held that the fact that jury instructions mentioned alleged housing discrimination against Hispanic communities was not a basis for retrial. 337 F. Supp. 3d 186, 198 n.4 (E.D.N.Y. 2018) (citing *Ragin*, 6 F.3 898); *see also Veasey v. Perry*, 29 F. Supp. 3d 896, 903-04 (S.D. Tex. 2014) (holding that organizations had standing to challenge voter identification law as racially discriminatory against African-Americans and Latinos based on pleaded mission statements including "to



empower young people, particularly those of color,” and to “serv[e] as an advocacy group for the working poor”).

In this case, Plaintiffs allege the disparate impact of CrimSAFE on African American and Latino applicants frustrates CFHC’s mission is ensuring that *all* people have equal access to the housing of the choice. [Dkt. 1 ¶19]. As to resource drain, there is evidence that housing providers have reached out to CFHC for guidance on the use of criminal records, [Dkt. 125-21 (Ex. 19: Kemple Dep.) at 98:19-24], and that CFHC has changed its public trainings and presentations to account for RPS’s policies regarding criminal records, *id.* at 97-111. Therefore, the Court finds that CFHC has standing to bring FHA and CUTPA claims based on ethnicity and race discrimination against both Latinos and African Americans.

**B. FHA Disparate Impact Claim on the Basis of Race or Ethnicity**

The FHA prohibits a person or entity from “mak[ing] unavailable or deny[ing] a dwelling to any person because of race or national origin.” 42 U.S.C. § 3604(a). Section 3604(b) prohibits discrimination “in the terms, conditions, or privileges” of a rental. “Otherwise make[s] unavailable” is a “catchall phrase” that “look[s] to consequences, not intent.” *Tex. Dep’t of Hous. & Cmty. Affairs v. Inclusive Communities Project, Inc.*, 135 S. Ct. 2507, 2519 (2015).

Disparate impact claims are cognizable under the FHA. *Id.* at 2525. 24 C.F.R. § 100.500 sets forth the regulation of the Department of Housing and Urban Development (“HUD”) on discriminatory effects, which the Second Circuit has adopted to analyze FHA disparate impact claims:



First, a plaintiff... must come forward with a *prima facie* case; and second, the defendant... may rebut the *prima facie* case by proving that the ‘challenged practice is necessary to achieve one or more substantial, legitimate, nondiscriminatory interests of the respondent or defendant.’ [Third], the burden of proof shifts back to the *plaintiff* to show that the ‘substantial, legitimate, nondiscriminatory interests supporting the challenged practice could be served by another practice that has a less discriminatory effect.’

See *Mhany Mgmt., Inc. v. Cty. of Nassau*, 819 F.3d 581, 617 (2d Cir. 2016) (appeal following a bench trial) (quoting 24 C.F.R. § 100.500(c)(3)); see *Inclusive Communities Project*, 135 S. Ct. at 2514-15; 2522-23.

To establish a *prima facie* case, a plaintiff must show “that a challenged practice caused or predictably will cause a discriminatory effect.” 24 C.F.R. § 100.500(c)(1). This standard has three elements: (i) “certain outwardly neutral practices,” *Mhany*, 819 F.3d at 617; (ii) “a significantly adverse or disproportionate impact on persons of a particular type, *ibid.*; and (iii) “a causal connection between the facially neutral policy and the allegedly discriminatory effect,” *Tsombanidis v. W. Haven Fire Dep’t*, 352 F.3d 565, 575 (2d Cir. 2003) (bench trial). Both RPS and Plaintiffs move for summary judgment on Plaintiffs’ FHA disparate impact discrimination claim. The Court addresses first addresses their arguments as to causal connection, and next addresses their arguments about disparate impact.

#### 1. *Prima Facie Case*

##### *i. Proximate Cause*

In their motion for summary judgment, Plaintiffs argue that they have established undisputed facts that show RPS was a proximate cause of housing availability on the basis of race or ethnicity. [Dkt. 118 at 9-18]. RPS rejects this



claim, arguing that it was not a proximate cause, is not an agent of WinnResidential, and CrimSAFE is not a “decisioning” product. [Dkt. 129 at 24-33].

“As the agency charged with enforcement of the FHA, HUD's construction of the statute ‘is entitled to great weight.’” *Viens v. Am. Empire Surplus Lines Ins. Co.*, 113 F. Supp. 3d 555, 567 n.11 (D. Conn. 2015) (quoting *Trafficante*, 409 U.S. at 210). HUD regulations provide:

It shall be unlawful, because of race,... handicap,... or national origin, to engage *in any conduct relating to the provision of housing or of services and facilities in connection* therewith that otherwise makes unavailable or denies dwellings to persons.

24 C.F.R. § 100.70(b) (emphasis added).

A defendant makes housing unavailable “when [it] engages in a series of actions that imposes burdens on... a protected class of residents or intended residents, making it more difficult for the members of the protected class to obtain housing or conveying a sense that the members of the protected class are unwanted.” *Gilead Cmty. Servs., Inc. v. Town of Cromwell*, No. 3:17-CV-627 (VAB), 2019 WL 7037795, at \*20 (D. Conn. Dec. 20, 2019). “[P]roximate cause under the FHA requires ‘some direct relation between the injury asserted and the injurious conduct alleged’;” “foreseeability” alone is not sufficient. *Bank of Am. Corp. v. City of Miami, Fla.*, 137 S. Ct. 1296, 1306 (2017) (quoting *Holmes v. Securities Investor Protection Corporation*, 503 U.S. 258 (1992)). “A link that is too remote, purely contingent, or indirec[t] is insufficient.” *Empire Merchs., LLC v. Reliable Churchill LLP*, 902 F.3d 132, 141 (2d Cir. 2018) (quoting *Hemi Grp., LLC v. City of New York*, 559 U.S. 1, 9 (2010)) .



Discrimination may have “multiple proximate causes,” and the possibility that one decisionmaker may be overridden by a higher decisionmaker does not “automatically render the link to the [subordinate’s] bias ‘remote’ or ‘purely contingent’” for proximate cause purposes, especially where the ultimate decisionmaker’s judgment is neither “independent” nor unforeseeable. *Staub v. Proctor Hosp.*, 562 U.S. 411, 419 (2011). In *Staub*, a Uniformed Services Employment and Reemployment Rights Act case, the Supreme Court held that for the purposes of showing illegal antimilitary bias, a biased supervisor’s unfavorable report could be a proximate cause for the plaintiff’s ultimate discharge, even though supervisor did not make ultimate decision. *Id.* “[T]he supervisor’s biased report may remain a causal factor if the [decisionmaker’s] independent investigation takes it into account without determining that the adverse action was, apart from the [biased] supervisor’s recommendation, entirely justified.” *Id.* at 421, cited by *Vasquez v. Empress Ambulance Serv., Inc.*, 835 F.3d 267, 274-75 (2d Cir. 2016) (recognizing that co-worker’s statements may proximately cause the plaintiff to be fired).

An agency relationship is neither necessary nor sufficient to show proximate cause. Both *Staub* and *Vasquez* address whether an employer may be held liable for an employee’s discriminatory actions and animus, and conclude, on the basis of agency principles, that an employer can be held liable for an employee’s discriminatory motives. *Staub*, 562 U.S. at 419-21; *Vasquez*, 835 F.3d at 274-75. But both treat the question of proximate causation independently from the agency



analysis of motive attribution. *Staub*, 562 U.S. at 419-21; *Vasquez*, 835 F.3d at 274-75.

Ultimately, “issues of proximate causation... involve application of law to fact, which is left to the factfinder.” *Exxon Co., U.S.A. v. Sofec, Inc.*, 517 U.S. 830, 840–41 (1996). Proximate cause becomes a question for a court only where “...there are active and efficient intervening causes, or where reasonable [factfinders] could reach only one conclusion regarding the issue of proximate cause.” *Margrave v. British Airways*, 643 F. Supp. 510, 513 (S.D.N.Y. 1986). Whether there are multiple reasonable conclusions is a separate question from whether there are disputed issues of fact. See *Tolan v. Cotton*, 572 U.S. 650, 651 (2014); *Mosheuvet v. D.C.*, 191 U.S. 247, 252 (1903).

The Court finds that a reasonable factfinder could find RPS one proximate cause of housing unavailability but need not necessarily do so; and leaves the question of whether that unavailability is on a discriminatory basis for the following sections. RPS markets CrimSAFE as “rendering a decision on an applicant’s suitability for tenancy based on their criminal history.” [Dkt. 118-1 ¶¶5, 6, 9, 33]. CrimSAFE has many features which demonstrate the truth of the marketing promise: It informs a housing provider whether there is a “record found” that would be disqualifying under the criteria set by the client. [114-1 ¶8]. It allows clients to disqualify innocent people who have been charged but not convicted, even where the charges are non-criminal infractions. [Dkt. 118-1 ¶¶51-52]. It also allows clients to suppress the remainder of the full reports from the view of their onsite leasing staff, as WinnResidential did, so that onsite leasing staff see only the “records



found” notification.” [Dkt. 118-1 ¶¶ 26, 36]. It chose to use the criminal categories created by the FBI’s national incident-based reporting system as those available as CrimSAFE configuration criteria. [Dkt. 129-1 ¶8]. It establishes the maximum lookback periods of 7 years for non-convictions. *Id.* ¶ 11.

With its CrimSAFE product, RPS CoreLogic always returns information about whether disqualifying records are or are not found but does not always the full criminal record to the staff of the housing provider. If it always returned the criminal record, the staff of the housing provider might consider only the fact of the existence of a criminal record, but they would also be able to investigate it themselves, and weigh the criminal record in light of everything else they knew about a particular applicant – whether the charge was a conviction or a pending arrest or a dismissal, whether it was a charge for first-degree assault or shoplifting or a traffic accident involving damage, and whether the applicant provided any other information in their application that would mitigate the particular records found.

Instead, CrimSAFE always “categorizes” records: first into types of offenses, and then into whether the record is disqualifying or not according to the housing provider’s choices from CrimSAFE’s menu. See [Dkt. 114-1 ¶¶5, 6, 7, 8]. Importantly, categories do not just separate out offenses by distinguishing characteristic, they also *combine* them, and, in the combination, CrimSAFE reduces housing providers’ discretion. So, for instance, at the first level of categorization: in the “Destruction Damage Vandalism of Property” category, CoreLogic includes “traffic accidents involving damage,” which even CoreLogic’s



expert concedes has no relationship to suitability for tenancy. [Dkt. 136-1 (Pl.'s Reply 56(a)1 Statement) ¶103]. The same category also includes vandalism and property damage, *id.*, so a housing provider cannot exclude vandals without also excluding people involved in traffic accidents. At the second level of categorization, CoreLogic transforms the criminal records review process into a yes/no switch, eliminating the possibility staff may be able to weigh a dismissed arrest for theft differently than a pending charge for disorderly conduct differently than a conviction for assault.

By allowing clients to elect to suppress the full criminal record information, RPS allows clients to disable their staff from fully assessing the suitability of a tenant applicant and enabled its clients to deny housing to individuals whose records did not suggest they posed any risk to the property of its occupants. It continued this practice even after HUD issued guidance that arrest records were not a proper basis to disqualify a tenant although it could have readily informed clients to alter their search parameters pending its review of its produce. And it is no surprise that it did so: what distinguishes CrimSAFE from other RPS screening products, its unique value-proposition, is the fact that it categorizes records for the housing providers and simplifies decision-making. Were RPS clients to never use CrimSAFE's "record(s) found" message as a basis for a decision, CrimSAFE logically could not provide RPS's claimed benefits: speeding up background screenings and ensuring that housing providers' employers were adhering to the community standard. [Dkt. 114-1 ¶¶ 13-14].



RPS argues in response that it is not a direct cause of any housing discrimination because its housing manager customers set the criteria for deciding which criminal records should result in rejection and determine whether to suppress the full reports from onsite housing staff. [Dkt. 129 at 24-32]. RPS further argues that its housing manager clients can override RPS's recommendation of denial based on individualized review, and that, when doing so, they can take account of the underlying criminal record because the reports are always available to someone at the client housing provider. [Dkt. 129 at 24-32]; [Dkt. 114 at 27].

The fact that RPS's statement of "record(s) found" may be overridden by its client does not eliminate its responsibility—discrimination may have multiple causes and parties other than final decisionmakers may be liable. See *Staub v. Proctor Hosp.*, 562 U.S. 411, 419 (2011); *Vasquez*, 835 F.3d at 274-75. Therefore, the Court finds that a reasonable factfinder could find RPS a proximate cause of housing unavailability, but would not necessarily do so.

The parties' arguments do not compel another decision. The only decision Plaintiffs cite that is specific to proximate cause holds only that a fact-finder *could* reasonably find proximate cause where there is another decisionmaker, not that such a finding is compelled or that the opposite is unreasonable. See [Dkt. 136 at 5] (citing *Staub v. Proctor Hosp.*, 562 U.S. 411, 419 (2011)) (reversing and remanding Seventh Circuit court holding that defendant was entitled to judgment as a matter of law, itself a reversal of the jury verdict).

The three cases RPS cites also do not compel a grant of summary judgment. RPS first cites *Zabriskie v. Federal National Mortgage Association*, 912 F.3d 1192



(9th Cir. 2019), in which the Ninth Circuit considered whether an entity that provided software that “automatically applies [underwriting] guidelines and requirements” to consumer credit information input by a potential lender to assess “a loan’s eligibility for purchase” was a consumer reporting agency such that it could be held liable under the FCRA. *Id.* at 1195. In finding that the defendant could not be held liable because it did not “evaluate” applications, the Ninth Circuit stated the “commonsense principle” that “when a person uses a tool to perform an act, the person is engaging in the act; the tool’s maker is not.” *Id.* But, the opinion was amended, and the amended opinion omitted this reasoning, and instead based its conclusion on the fact that the information gathered was used for a different purpose than making consumer reports, a conclusion irrelevant to the instant issue. *Zabriskie v. Fannie Mae*, 940 F.3d 1022, 1025 (9th Cir. 2019). Further, unlike the instant case, the question was not of proximate cause but instead of the scope of the FCRA. 912 F. 3d. at 1192.

Next, RPS cites *National Fair Housing Alliance v. Deutsche Bank*, No. 18CV0839, 2018 U.S. Dist. LEXIS 196636 (N.D. II. Nov. 19, 2018), in which the court dismissed an FHA claim that “Defendants’ [maintenance] delegation practice resulted in poorly-executed property maintenance, which led to racially-disparate effects,” finding that the claim alleged “chain-link causation” with “intermediate steps” that the FHA does not permit. *Id.* at \*38-39. But when considering a second motion to dismiss the amended complaint, which alleged the same FHA claims as those dismissed in the original complaint, the court found the plaintiffs had sufficiently alleged proximate cause, noting that intervening Circuit decisions had



rejected its previous “method of counting ‘steps’ between an action and an injury” as too prone to manipulation by the counter. *Nat’l Fair Hous. All. v. Deutsche Bank Nat’l Tr.*, No. 18 CV 839, 2019 WL 5963633, at \*5 (N.D. Ill. Nov. 13, 2019) (citing *Kemper v. Deutsche Bank AG*, 911 F.3d 383 (7th Cir. 2018) and *City of Miami v. Wells Fargo & Co.*, 923 F.3d 1260 (11th Cir. 2019), *cert. granted, judgment vacated as moot sub nom. Wells Fargo & Co. v. City of Miami, Fla.*, 140 S. Ct. 1259 (2020))).

For the same reason, the Court finds the reasoning cited by RPS unpersuasive. RPS and WinnResidential acted hand-in-glove to deny Mr. Arroyo housing. RPS allowed screening on the basis of charges that did not lead to a conviction and allowed its customer to conceal from its line staff the basis for an “unqualified” classification. In so doing RPS was an integral participant in the denial of housing by WinnResidential to persons charged with an offense even though the charges were dismissed. Parties cannot escape liability by sharing decision making and shielding one another because no single entity is wholly responsible.

Third, RPS cites *Republic of Iraq v. ABB AG*, 920 F. Supp. 2d 517 (S.D.N.Y. 2013), a case in which the court considered a RICO claim against a bank that had set up and serviced an escrow account, facts distant from the instant ones. The plaintiff alleged that money was transferred out of the escrow account by a fraudulent actor, the U.N. *Id.* In rejecting the claim for lack of proximate cause, the court held that “because [the bank] BNP released and accepted funds into the U.N. escrow account at the UN’s direction, however, BNP’s servicing of that account cannot have been the proximate cause of Iraq’s injury. . . . Contingent relationships



of this sort are too indirect to support [any] recovery. ” *Id.* at 550. But this case is not analogous. RPS did not perform a ministerial or administrative function like BNP; WinnResidential relied on RPS’s expertise, and WinnResidential’s options were determined by RPS. RPS’s CrimSAFE product is unique, so its relationship with its customer is not “contingent” in the way the bank’s was, and RPS determined the framework of the criteria which its customers could use, so it was not simply following a customer’s instructions.

*ii. Statistical Showing of Causation of Disparate Impact*

Plaintiffs and RPS both assert that there is no genuine issue of material fact as to whether Plaintiffs have shown disparate impact. Plaintiffs assert that they have. [Dkt. 118 at 18-24]. RPS asserts that Plaintiffs have not made the required statistical showing and cannot do so. [Dkt.114 at 27-34.]. After considering the law and the facts presented, the Court finds that Plaintiffs have presented sufficient statistical evidence to put into dispute whether RPS’s practice of reporting housing applicants’ criminal records to housing providers as potentially disqualifying records has a disparate impact on African American and Latino people.

Disparate impact liability exists where a discriminatory policy “actually or *predictably* results in a disparate impact on a [protected] group...” 24 C.F.R. § 100.500(a) (emphasis added). “A robust causality requirement ensures that ‘[r]acial imbalance... does not, without more, establish prima facie case of disparate impact’ and thus protects defendants from being held liable for racial disparities they did not create.” *Texas Dep’t of Hous. & Cmty. Affairs v. Inclusive Communities Project, Inc.*, 135 S. Ct. 2507, 2523 (2015). “A plaintiff who fails to allege facts... or



produce statistical evidence demonstrating a causal connection cannot make out a *prima facie* case of disparate impact.” *Id.* “A plaintiff has not met its burden if it merely raises an inference of discriminatory impact.” *Tsombanidis, v. W. Haven Fire Department*, 352 F.3d 565, 575 (2d Cir. 2003) (appeal following bench trial). To make out a *prima facie* case of disparate impact, “plaintiffs must... utilize the appropriate comparison groups. They must first identify members of a protected group that are affected by the neutral policy and then identify similarly situated persons who are unaffected by the policy.” *Tsombanidis*, 352 F.3d at 576–77.

National or state general population statistics may be used as the appropriate comparison groups in at least three situations: First, national or state statistics are appropriate where “there is no reason to suppose” that the local characteristics would differ from the national statistics. *Dothard v. Rawlinson* 433 U.S. 321, 330 (June 27, 1977).<sup>13</sup> In *Dothard v. Rawlinson*, the Court held that use of national height and weight statistics was appropriate to find a discriminatory effect on Alabama women where “there was no reason to suppose that physical height and weight characteristics of Alabama men and women differ markedly from those

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<sup>13</sup> Defendants cite *Townsend v. Nassau Cty. Med. Ctr.*, 558 F.2d 117, 119 (2d Cir. June 30 1977) for the proposition that “a statistic relating only to the general population, and not to the employment practices of the particular defendant” is not sufficient to demonstrate that a job prerequisite “operates to exclude” minorities. *Id.* at 119-20. But that holding relies on an interpretation of *Griggs v. Duke Power Co.*, 401 U.S. 424, 431 (1971) that the Supreme Court had rejected just three days before in *Dothard*. Compare *Dothard*, 433 U.S. at 330, with *Townsend*, 558 F.2d at 120. The case is also distinguishable, see *infra*.



of the national population.” *Id.*; see U.S. Dept. of Housing and Urban Development, April 4, 2016 Office of General Counsel Guidance.

Second, “studies based on general population data and potential applicant pool data” may be the “initial basis of a disparate impact claim, especially in cases [where] the actual applicant pool might not reflect the potential applicant pool, due to a self-recognized inability on the part of potential applicants to meet the very standards challenged as discriminatory.” *E.E.O.C. v. Joint Apprenticeship Comm. of Joint Indus. Bd. of Elec. Indus.*, 186 F.3d 110, 119 (2d Cir. 1999) (employment discrimination context). In this situation, the potential applicant pool data may provide a more accurate depiction of the true discriminatory impact than the actual applicant pool data, though there is a question of who is reasonably a part of the potential applicant pool. For instance, in *Wards Cove Packing Co. v. Atonio*, an employment discrimination case, the Court held that a “proper comparison” in a disparate impact case is “between the racial composition of the [at issue jobs] and the racial composition of the qualified population in the relevant labor market,” so the general population “cannot be used as a surrogate for the class of qualified job applicant” for specialized job. 490 U.S. 642, 650-51 (1989). T

Third, national or state general statistics are appropriate where actual applicant data is not available. *Hazelwood Sch. Dist. v. United States*. 433 U.S. 299, 308-09 n.13 (1977). In *Hazelwood*, an employment discrimination case, the Court held that data on pool of eligible candidates is appropriate to consider where reliable actual applicant data was not available. *Id.* Defendants cannot insulate



themselves from disparate impact claims by failing to keep records of the race of applicants.

The Second Circuit has signaled that it is open to statistics based on the pool of potential applicants:

[P]laintiffs might have been able to meet their burden by providing statistical evidence (1) that  $x\%$  of all of the [members of protected class] in West Haven need (or have good reason) to live in the “group settings” prohibited by the facially neutral fire regulations at issue, (2) that  $y\%$  of all of the [similarly situated persons outside the protected class] in West Haven need (or have good reason) to live in such group settings prohibited by the fire regulations, and, crucially, (3) that  $x$  is significantly greater than  $y$ .

*Tsombanidis*, 352 F.3d at 577. In that case, the defendant city and city fire department set policies for landlords but were not themselves landlords. A post-*Inclusive-Communities Project* case confirms the validity of the use of the potential applicant pool: in *Reyes v. Waples Mobile Home Park Ltd. P'ship*, 903 F.3d 415, 428 (4th Cir. 2018), *cert. denied sub nom. Waples Mobile Home Park Ltd. P'ship v. de Reyes*, 139 S. Ct. 2026, (2019), the Fourth Circuit found that plaintiffs sufficiently alleged a prima facie case of disparate impact where they pled undocumented immigrants constitute 36.4% of the Latino population in Virginia compared with only 3.6% of the non-Latino population, demonstrating that Latinos are ten times more likely than non-Latinos to be adversely affected by the policy requiring documentation evidencing legal status.

Here, it is undisputed that actual applicant data is unavailable. RPS does not receive the race of housing applicants from its clients. And, even if a housing



applicant is matched with a criminal record, the record only sometimes includes the race of the applicant: RPS has no record of the race or ethnicity of approximately 19% of the individuals who it reported had criminal records, where the applicant had a Connecticut address and had applied to rent an apartment. [Dkt. 118-1 ¶84 n. 19].<sup>14</sup>

In the place of statistics on actual applicants, Plaintiffs present uncontroverted evidence that, nationally and in Connecticut, and at every income level, African Americans and Latinos are more likely to be arrested than whites and are more likely to be incarcerated than whites. [Dkt. 118-1 ¶¶ 72-82].<sup>15</sup> Plaintiffs present uncontroverted evidence that, nationally, African Americans and Latinos are more likely to be arrested for federal drug crimes than whites, [Dkt. 118-1 ¶71], and, in Connecticut, African Americans are more likely to be arrested than whites. *Compare* Crime in Connecticut 201 at 29, *with* 2016 ACS 1-Year DP05. The question, then, is whether the statistics offered by the Plaintiff reflect the experiences and profiles of the *eligible* rental applicant pool for RPS's Connecticut clients.

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<sup>14</sup> RPS argues that Plaintiffs should have taken discovery of WinnResidential to gather this information, even if RPS itself did not have it. [Dkt. 129 at 18]. However, Plaintiffs' claims are not limited to ArtSpace Windham, to Plaintiff's knowledge WinnResidential no longer manages that property, and RPS has not produced the list of properties using CrimSAFE in Connecticut. See [Dkt. 124 (Order on Mot. to Compel)]. Therefore, the Court finds that Plaintiffs have not failed in their discovery obligations.

<sup>15</sup> Other courts have questioned whether incarceration data is a sufficient proxy for conviction data but have not granted summary judgment on the basis of the argument. See *Fortune Soc'y v. Sandcastle Towers Hous. Dev. Fund Corp.*, 388 F. Supp. 3d 145, 175-76 (E.D.N.Y. 2019).



The Court finds that this is a disputed question of fact because “although the decisions of Plaintiff's experts to rely on a broader potential applicant pool outside of the actual pool of... applicants is reasoned, adequately based in law and sufficient for the Court to find the testimony admissible, the more tangential nature of the analysis may diminish the weight a fact-finder would afford the conclusions.” *Fortune Soc'y v. Sandcastle Towers Hous. Dev. Fund Corp.*, 388 F. Supp. 3d 145, 176 (E.D.N.Y. 2019) (collecting cases and denying summary judgment on FHA disparate impact claim on the basis of race discrimination where housing provider allegedly did not accept tenants with criminal convictions). Specifically, the parties dispute whether the statistics offered by Plaintiffs reflect the reasonable eligible applicant pool on two bases: that Plaintiffs' statistics are, at most granular, state-wide, and that Plaintiffs' statistics are not specific to city renters. After considering the presented evidence, the Court finds that a reasonable fact-finder might find for either party.

First, the Court finds that there is a disputed question of material fact as to whether Plaintiffs have presented sufficient evidence that Connecticut is the market area of RPS's Connecticut clients so that there is no gap between the people reflected in the statistics offered by Plaintiffs and the eligible rental applicant pool for RPS's Connecticut clients. Connecticut is a small state consisting of 4,842 square miles of land, with a water surface area of 701 square miles. See U.S. Census Bureau, Geography Division, *TIGERweb Decennial: Connecticut (Census 2010)*, available at <https://tigerweb.geo.census.gov/tigerweb/>. It is a commutable state serviced by three interstate highways, I-84, I91, and I-95,



and several state highways which traverse the entirety of the state. See Connecticut Department of Transportation, *State Highway System Map* (2019), available at [https://portal.ct.gov/DOT/PP\\_Bureau/Documents/Maps](https://portal.ct.gov/DOT/PP_Bureau/Documents/Maps). Since RPS serves more than 120 properties in the small state of Connecticut, [Dkt. 118-1 ¶ 100], the entire state may be within the market area for one or more of the clients served by RPS. See *R.I. Comm'n for Human Rights v. Graul*, 120 F. Supp. 3d 110, 125 (D.R.I. 2015) (granting plaintiff summary judgment on FHA disparate liability, finding statewide rental market for housing complex in middle of small state served by major highways); *Fortune Soc'y*, 388 F. Supp. 3d a 169 (denying both parties summary judgment for 8 county market). Although RPS states “many of [its] customers operate subsidized/affordable housing communities,” it does not provide evidence that there are parts of the state which are not in the market area for at least one of its clients. [Dkt. 114-4 ¶5]. But since “it is not the role of the district court to make ultimate conclusions as to the persuasiveness of the proffered evidence,” the Court does not grant the Plaintiffs summary judgment on this issue. See *Deutsch v. Novartis Pharm. Corp.*, 768 F. Supp. 2d 420, 434 (E.D.N.Y. 2011) (quoting *Quiet Tech. v. Hurel-Dubois UK Ltd.*, 326 F.3d 1333, 1340–41 (11th Cir.2003)).<sup>16</sup>

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<sup>16</sup> There are two ways to collect data on arrests and convictions by race: bottom-up, by asking individuals whether they have been arrested or convicted or incarcerated in a certain time period, or top-down, by asking law enforcement agencies, courts and prisons about the characteristics of who they have arrested, convicted, and imprisoned in a certain period. Both have limits: it is difficult to construct and administer a national- or state-representative survey of individuals and their answers may not be accurate, and it is difficult to collect and harmonize



Next, the Court considers RPS's argument that a reasonable fact finder could not find Plaintiffs' evidence specific enough to reflect the arrest profile of the pool of applicants to affordable/subsidized rental housing in Connecticut. Were the Court to find that RPS had demonstrated that the eligible rental applicant pool should be narrowed to individuals eligible for and/or interested in subsidized and affordable housing in cities, similar to the applicant pool for the ArtSpace Windham, the relevant question would be whether the experiences of African Americans and Latinos statewide in terms of arrests and incarcerations differ from the experiences of African Americans and Latinos eligible for and/or interested in subsidized and affordable housing in cities in terms of arrests and incarcerations. Plaintiffs have demonstrated that African Americans and Latinos face higher rates of arrest and incarceration regardless of their income and regardless of their state geography. This evidence gives the Court reason to believe that, since African Americans and Latinos face higher rates of arrest regardless of their socio-economic status, state-wide arrest and incarceration statistics reflect the arrest and incarceration profile of the pool of applicants for affordable/subsidized housing.

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data from diverse criminal justice institutions. (This point is, in fact, the basis of RPS's business model. See Dkt. 114-1 ¶13.).

Here, there is an additional question of who the appropriate pool is: while this case is focused on Connecticut, a Connecticut housing applicant may have, like Mr. Arroyo, a criminal record from another state or from the federal government, so top-down statistics from Connecticut criminal justice institutions only may not completely capture the criminal record of Connecticut housing applicants. However, Plaintiffs provide national data in addition to state-level data, and RPS does not argue that there are state-by-state disparities not captured by national level data.



RPS argues at length that there is a large variation in the population demographics within Connecticut. It provides evidence that the percentage of the population who is African American and the percentage of the population who is Latino differs between Connecticut cities and Connecticut suburbs or rural areas, and between renters looking for affordable or subsidized housing and those who are not. [Dkt. 114-1 ¶¶56-57]. But RPS's population statistics do not definitively speak to the key question: whether differences in *rates of arrest and incarceration by race and ethnicity* differ between geographic localities and income levels and propensity to rent. For example, the fact that 38% of the population of Hartford is African-American while 7% of the population of Willimantic is African-American, [Dkt. 114-5 at Ex. I], does not necessarily say anything about whether the arrest rate of African Americans in Willimantic is more or less disproportionately high than the arrest rate of African Americans in Hartford. See *Inclusive Communities Project*, 135 S. Ct. at 2522 (cautioning against drawing conclusions about policies from bare statistical disparity). RPS simply has not given the Court any definitive "reason to suppose that" relative rates of criminal justice experience of urban Connecticut renters "differ markedly from those of the [Connecticut] population." See *Dothard*, 433 U.S. at 330.

RPS's cases are not to the contrary, as they are all from the employment discrimination context. See [Dkt. 114 at 20-24]; *Townsend v. Nassau County Medical Center*, 558 F.2d 117 (2d Cir. 1997) (finding that national data on those with and without college degrees insufficient to answer question about populations with and without a B.S. degree); *Mandala v. NTT Data, Inc.*, No. 18-CV-6591 CJS, 2019



WL 3237361, at \*4 (W.D.N.Y. July 18, 2019) (finding that national statistics regarding conviction and arrests could not be assumed to reflect statistics for those qualified to be “viable candidates” for positions of Salesforce and web developers ); *Wards Cove Packing Co. v. Atonio*, 490 U.S. at 650 (finding that statistics on cannery workers insufficient given question of who would be qualified to be managers); *Chin v. Port Auth. of New York & New Jersey*, 685 F.3d 135, 152 (2d Cir. 2012) (finding data on all employees insufficient given question of who was eligible for a promotion among employees who had passed required test). But the employment discrimination context is materially different from the housing context because jobs often require unusual additional qualifications—consider the requirements described in the cases above—and so there *is* a reason to suppose that the characteristics of the “eligible labor pool” differ in systematic and relevant ways from the characteristics of the general state population. *Chin*, 685 F.3d at 152.<sup>17</sup> In contrast, “eligibility” for renting an apartment largely depends on income and geographic preference, characteristics Plaintiffs have accounted for.

In its reply brief, RPS argues that, without evidence of the number of African Americans and Latinos who apply to rent housing from RPS’s Connecticut clients, Plaintiffs cannot prove a *prima facie* case. In support, it cites *Ungar v. New York City Hous. Auth.*, 363 F. App’x 53, 56 (2d Cir. 2010) (Summary Opinion):

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<sup>17</sup> In the employment discrimination context, “in the typical disparate impact case the proper population for analysis is the applicant pool or the *eligible* labor pool.” *Chin v. Port Auth. of New York & New Jersey*, 685 F.3d 135, 152 (2d Cir. 2012).<sup>17</sup>RPS’s citation of this authority omits the phrase, “the eligible labor pool,” a mis-citation which incorrectly heightens the standard statistics must meet to be acceptable. [Dkt. 114 at 19-20].



To know whether TSAP has disparate impact on Hasidic Jews, we would need to know, at a minimum, the percentage of the approximately 80,000 people who apply for public housing each year that is Hasidic. Because plaintiffs have not provided this information, they failed to establish a prima facie case of discrimination.

But in light of the support of *Tsombiandis*, 352 F.3d at 577, and *Reyes*, 903 F.3d at 428m for the use of a potential applicant pool, and in light of the distinction that the instant Plaintiffs have offered a causal story for the disparate impact while the *Ungar* plaintiffs did not, the Court does not find *Ungar* persuasive.

Finally, RPS argues, without legal citation, that even if there is a disparate impact, it is not “substantial,” as fewer than 7% of all rental housing applicants in Connecticut between 2016 and the present have had any “record found” through CrimSAFE. [Dkt. 114 at 16-17]; [Dkt. 114-1 ¶11]. In the Second Circuit, “courts should take a ‘case-by-case approach’ in judging the significance or substantiality of disparities, one that considers not only statistics but also all the surrounding facts and circumstances.” *Chin v. Port Auth. of New York & New Jersey*, 685 F.3d 135, 153 (2d Cir. 2012) (quoting *Waisome v. Port Auth. of N.Y. & N.J.*, 948 F.2d 1370, 1376 (2d Cir.1991)). Disparate impact claims have been found valid even where a relatively small percentage of individuals are affected. See, e.g., *Jones v. City of Bos.*, 752 F.3d 38, 44-45, 52-53 (1st Cir. 2014) (disparate impact was established even though less than 1% were affected by neutral rule). Here, in light of the facts discussed above and below, the Court finds that Plaintiffs have provided sufficient evidence to put into question whether there is a disparate impact.

For these reasons, the Court does not grant either party summary judgment as to this issue.



## **2. Business Purpose**

If a statistical disparate impact is shown, the “defendant has the burden of proving that the challenged practice is necessary to achieve one or more substantial, legitimate, nondiscriminatory interests,” 24 C.F.R. § 100.500(c)(2). “HUD has clarified that this step of the analysis ‘is analogous to the Title VII requirement that an employer's interest in an employment practice with a disparate impact be job related.’” *Inclusive Communities Project, Inc.*, 135 S. Ct. at 2514-15. (quoting Implementation of the Fair Housing Act's Discriminatory Effects Standard, 78 Fed.Reg. 11460, 11470 (2013)). Here, any business justification must address (a) why excluding applicants with arrests and convictions is justified *and* (b) why *categorizing* criminal records is justified. As to (a), RPS argues first that screening for arrests and convictions is legally required for federally subsidized properties and, second, screening for arrests and convictions is permitted to protect health and safety; as to (b), RPS argues CrimSAFE's categorization has unique advantages in accurately categorizing the risk level of arrests and convictions, as well as in minimizing bias in the screening process. [Dkt. 129 at 33-38; Dkt. 114 at 24-26].

Landlords of federally-assisted housing must reject applicants recently evicted for drug activity or who are registered sex offenders and must perform “necessary criminal history background checks in the State where the housing is located and in other states where the household members are known to have resided.” 24 C.F.R. §§ 5.856; see 24 C.F.R. § 5.854. With respect to an applicant “evicted... for drug-related criminal activity,” landlords must consider individual



factors, such as whether the individual has completed a rehabilitation program or no longer resides with household members seeking housing, though a tenant may have been evicted without satisfying a criminal conviction standard of proof for the activity. 24 C.F.R. §§ 5.854(a), 5.861. But these statutes do not provide a justification in this case because they apply to only a very narrow set of applicants—sex offenders and applicants who have previously been evicted for drug-related criminal activity—of which Mr. Arroyo is not one.

42 U.S.C. § 13661(c) permits criminal background screening to detect any other criminal activity that would harm the “health, safety, or right to peaceful enjoyment of the premises by other residents the owner, or public housing-agency employees.” Except in limited circumstances not applicable here, a consumer reporting agency may not make a consumer report containing “records of arrest that, from date of entry, antedate the report by more than seven years or until the governing statute of limitations has expired, whichever is the longer period.” 15 U.S.C. § 1681c(a)(2). Under the statute, a record of a conviction of a crime which antedates the report by more than seven years may be included. *Id.* at 1681c(a)(5). RPS suggests that because 15 U.S.C. § 1681c allows screening reports to reflect the criminal records for up to seven years for non-convictions and for no time limit for convictions, Plaintiffs cannot challenge the time periods under the FHA. [Dkt. 129 at 33] (quoting *Eldred v. Ashcroft*, 537 U.S. 186, 208 (2003) (“[C]ourts are not at liberty to second-guess congressional determinations and policy judgments..., however debatable or arguably unwise they may be”))).



RPS provides neither legal nor empirical support for the proposition that the lone fact that an applicant has a pending arrest record is sufficient for a housing provider to determine that an individual poses a threat to the health and safety of a residential community, although it does provide sufficient evidence to put into dispute whether an older conviction is sufficient evidence of a threat to health and safety.

15 U.S.C. § 1681c and 42 U.S.C. § 13661(c) do not establish that Congress determined that a pending arrest record alone may be the basis for a housing denial. “It is at best treacherous to find in congressional silence alone the adoption of a controlling rule of law.” *United States v. Wells*, 519 U.S. 482, 496 (1997) (quoting *NLRB v. Plasterers' Local Union No. 79*, 404 U.S. 116, 129–130 (1971)). 15 U.S.C. § 1681c does not explicitly endorse the use of screening reports reflecting criminal records of non-convictions and older convictions; it only does not prohibit them.

The statute’s silence is especially treacherous in light of the answering silence in the FHA. The FHA states that its protections do not apply to any decision denying housing because an applicant “has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance.” 42 U.S.C. § 3607(b)(4). If silence speaks, then “the specific carveout for drug convictions provides a strong inference that Congress presumed the Act could sometimes require housing providers to overlook other types of criminal records to avoid having discriminatory effects on members of protected classes....” *Simmons v. T.M. Assocs. Mgmt., Inc.*, 287 F. Supp. 3d 600, 603 (W.D. Va. 2018).



And this interpretation of congressional silence has been validated by the administering agency: HUD has released guidance that clarified that an arrest record by itself—in the absence of consideration of a police report or other additional facts—may not be the basis for denying admission, terminating assistance, or evicting tenants from public and other federally-assisted housing, see Guidance for Public Housing Agencies (PHAs) and Owners of Federally-Assisted Housing on Excluding the Use of Arrest Records in Housing Decisions, HUD PIH Notice 2015-19, (November 2, 2015), available at: <http://portal.hud.gov/hudportal/documents/huddoc?id=PIH2015-19.pdf> (hereinafter “HUD Nov. 2, 2015 Guidance”).

HUD states “that the fact that an individual was arrested is not evidence that he or she has engaged in criminal activity” sufficient to warrant denial of admission.” *Id.* at 3. A housing owner may only “make an adverse housing decision based on the conduct underlying an arrest if the conduct indicates that the individual is not suitable for tenancy and the PHA or owner has sufficient evidence other than the fact of arrest that the individual engaged in the conduct,” “such as police reports detailing the circumstances of the arrest, witness statements, and other relevant documentation to assist them in making a determination that disqualifying conduct occurred.” *Id.* at 3-4. This requirement that housing owners look at conduct is specific to arrests: “reliable evidence of a conviction for criminal conduct that would disqualify an individual for tenancy may also be the basis for determining that the disqualifying conduct in fact occurred.” *Id.* at 3.



This guidance is not a product of notice-and-comment and is neither binding, *Ctr. for Auto Safety v. Nat'l Highway Traffic Safety Admin.*, 452 F.3d 798, 807 (D.C. Cir. 2006), nor entitled to *Chevron* deference. *Christensen v. Harris Cty.*, 529 U.S. 576, 587 (2000) (“ Interpretations contained in policy statements... do not warrant *Chevron*-style deference.”) (citing *Chevron U.S.A. Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984)). Rather, this guidance is accorded weight according to *Skidmore v. Swift & Co.*, 323 U.S. 134 (1944). *Id.* “Under *Skidmore*, the weight [courts] accord an agency interpretation depends upon “the thoroughness evident in its consideration, the validity of its reasoning, its consistency with earlier and later pronouncements, and all those factors which give it power to persuade.” *Boykin v. KeyCorp*, 521 F.3d 202, 208 (2d Cir. 2008) (quoting *Skidmore*, 323 U.S. 134); see also *United States v. Mead Corp.*, 533 U.S. 218, 228 (2001).

Here, the Court finds that the November 2, 2015 HUD Guidance is persuasive: it is thorough, synthesizing a review of the relevant case law, a review of the specifics of the governing regulations, and relevant governmental statistics regarding arrests. *Id.* at 3-4. Its reasoning is careful, drawing a distinction between relying on an arrest record itself and other evidence of the conduct underlying the arrest. And it is consistent with later pronouncements, particularly the April 4, 2016 HUD Guidance. Therefore, the Court finds that the November 2, 2015 Guidance undermines RPS’s claim that 15 U.S.C. § 1681c and 42 U.S.C. § 13661(c) establish the time limits during which a pending arrest charge or an old conviction alone may be the basis for a housing application denial.



With regard to empirical evidence, RPS provides that the federal Bureau of Justice Statistics has found that 83% of released prisoners are arrested again within 9 years, with an average of 5 arrests per released prisoner. [Dkt. 114-1 ¶59]. 18% of violent victimizations took place in the victim's home, 16% took place near the victim's home, and 9% took place at a friend's, neighbor's, or relative's home. *Id.* ¶ 60. In response, Dr. Lila Kazemian, one of Plaintiff's offered experts, stated that "anybody who has their name already in the system becomes more likely to have more contacts with the criminal justice system," such that individuals who were previously arrested have elevated statistical levels of re-arrest. [Dkt. 129-1 ¶14]. She also states that, based on her review of the relevant academic literature, "[t]here is no compelling empirical evidence to suggest that old criminal records are predictive of future offending" because "the more time that passes since the last crime, the less likely it is that the individual will engage in the crime in the future." [Dkt. 118-1 ¶95].

This evidence puts into dispute whether individuals with old convictions may be excluded to protect health and safety, especially since the term "old conviction" remains undefined and is used to mean convictions from five to ninety-nine years old. But none of this evidence supports the proposition that individuals with pending arrests are threats to health and safety. The evidence from the Bureau of Justice Statistics does not speak to the dangerousness of individuals who have been arrested, but not charged. Dr. Kazemian's comments only beg the question of the dangerousness of arrestees: the fact that someone who has been arrested once is more likely than others to be arrested again only demonstrates that



whatever characteristics are associated with being arrested likely persist over time—and many characteristics, including implicit bias, cultural incompetence, race and place of residence, persist over time.<sup>18</sup>

This evidence demonstrates that there is a material dispute of fact as to whether there is a business justification for screening for old convictions, that is, whether the justifications offered by RPS, with the support offered by RPS, demonstrate that screening for old convictions is “necessary” to achieve one or more substantial, legitimate, nondiscriminatory interests. But, in light of the HUD Guidance and empirical evidence cited, no reasonable fact finder could find that there is a business justification for screening solely on the basis that someone has a pending arrest, in the absence of the details of the arrest.

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<sup>18</sup> Neither party presents any evidence of the percentage of arrests that lead to convictions or other measurements of risk. But, as an aside, the Court notes that state and local government data demonstrate that conviction rates have changed over time and that they vary considerably depending on the charge. *Compare* Brian A. Reaves, Bureau of Justice Statistics, U.S. Dep’t of Justice, *Felony Defendants in Large Urban Counties, 2009*, at 22, Table 21 (2013), <http://www.bjs.gov/content/pub/pdf/fdluc09.pdf> (in the 75 largest counties in the United States in 2009, approximately one-third of felony arrests did not result in conviction, with about one-quarter of all cases ending in dismissal.), *cited by* U.S. H.U.D., Office of Public and Indian Housing, *Guidance for Public Housing Agencies (PHA) and Owners of Federally-Assisted Housing on Excluding the Use of Arrest Records in Housing Decisions*, (PIH 2015-19; Nov. 2. 2015) at 3 n. 8, *with*, Issa Kohler-Hausmann, *Misdemeanorland: Criminal Courts and Social Control in an Age of Broken Windows Policing* 68-69 (2018) (author’s analysis of data from New York State Department Division of Criminal Justice Services showing that, in New York City between 2010 and 2015, more than 50 percent of misdemeanor arrests were dismissed, an increase from the 1985 dismissal rate), *with*, Malcolm Feeley, *The Process is the Punishment: Handling Cases in a Lower Criminal Court* at xxviii, 127 (1979) (author’s analysis of 1970s New Haven Court of Common Pleas dispositions).



The offered evidence is especially insufficient in the face of the bedrock principle of our legal system that a person who is arrested is presumed innocent – and that innocence alone does not undermine probable cause to arrest. See *Schware v. Bd. of Bar Exam'rs*, 353 U.S. 232, 241 (1957) (“The mere fact that a man has been arrested has very little, if any, probative value in showing that he has engaged in any misconduct. An arrest shows nothing more than that someone probably suspected the person apprehended of an offense.”); *United States v. Di Re*, 332 U.S. 581, 595 (1948) (“the presumption of innocence is not lost or impaired by neglect to argue with a policeman”); *Coffin v. United States*, 156 U.S. 432 (1895) (“the principle that there is a presumption of innocence in favor of the accused is the undoubted law, axiomatic and elementary, and its enforcement lies at the foundation of the administration of our criminal law.”); *Illinois v. Wardlow*, 528 U.S. 119, 126 (2000) (“Indeed, the Fourth Amendment accepts that risk in connection with more drastic police action; persons arrested and detained on probable cause to believe they have committed a crime may turn out to be innocent.”); *Panetta v. Crowley*, 460 F.3d 388, 395–96 (2d Cir. 2006) (“an officer's failure to investigate an arrestee's protestations of innocence generally does not vitiate probable cause” to arrest).

And even if RPS had demonstrated that screening for old convictions indisputably contributes to safety, a dispute remains whether CrimSAFE, which characterizes and *categorizes* criminal records, allows property managers to more quickly and accurately screen for these safety risks. Compare [Dkt. 120 (Jay Kacirk Decl.) at 3, 6, 9, 11] & [Dkt. 128-3 ¶26] (applicants dispute RPS's tenant screening



reports in less than 1% of instances), *with, e.g.*, [Dkt. 116-31 (Ex. 28: Kazemian Rep.) at 2] (estimating that industry-wide, approximately 30% of criminal history reports contain inaccuracies). The parties also dispute whether CrimSAFE helps to remove potential explicit or implicit bias at the individual property manager level, or whether it gives individual property managers more information. *Compare* [Dkt. 114-2 (Kayani Decl.) ¶¶18, 19], *with id.* at Ex. C at p. 4 (CrimSAFE result listing a “race” category, but listing Mr. Arroyo’s race as “unknown”).

Finally, RPS makes two additional arguments: first that the Court should not rely solely on statistics, as some crimes, though low probability, may have dramatic consequences on a community; and second, that the Court should consider the liability for failing to review criminal records that housing providers might face. [Dkt. 129 at 38-39]. But, as the Court will go on to note, the alternative to CrimSAFE is returning more detailed reports of criminal records to line staff decisionmakers, rather than not returning criminal records reports at all. This alternative does not ignore the possibility of a low probability event, but allows for it, and the Court sees no reason why the alternative would necessarily lead to worse community consequences or greater housing provider liability.

For these reasons, Court finds that RPS and Plaintiffs provide sufficient facts to demonstrate the existence of a material dispute as to whether there is a business purpose for screening for convictions and denies the parties’ motions for summary judgment on that basis. But the Court finds that the Plaintiffs have shown that there is no business justification for screening applicants on the basis of the fact of a pending arrest alone.



### **3. *Less Discriminatory Alternatives***

After a defendant has shown a legitimate business interest for its facially neutral practice, the burden shifts to the Plaintiffs to show that there is a “less discriminatory alternative,” which must be 24 C.F.R. § 100.500(c)(3). “[A] less discriminatory alternative must serve the respondent's or defendant's substantial, legitimate nondiscriminatory interests, must be supported by evidence, and may not be hypothetical or speculative.” Implementation of the Fair Housing Act's Discriminatory Effects Standard, 78 Fed. Reg. at 11,473 (Feb. 15, 2013); see also *Inclusive Communities Project*, 135 S. Ct. at 2518 (stating that before rejecting a business or public interest, “a court must determine that a plaintiff has *shown* that there is ‘an *available* alternative . . . practice that has less disparate impact and serves the [entity's] legitimate needs” (emphases added)).

In their motion for summary judgment, Plaintiffs advance four less discriminatory alternatives to achieve the goals of protecting safety and property: (1) RPS could exclude arrests that have not or did not result in a conviction from being considered as a basis for a CrimSAFE decision; (2) RPS could set a “reasonable, evidence-based” cap on the lookback period for convictions, and exclude older arrests from being considered as a basis for a CrimSAFE decision; (3) RPS could evaluate each criminal record on an individualized basis by considering the record and relevant mitigating circumstances outside the criminal record itself to determine the actual risk to safety before reporting a housing provider that the applicant is disqualified; and (4) RPS could provide the underlying information about the criminal history to the housing provider without providing a



leasing decision the landlord can do an individualized assessment. [Dkt. 118 at 29-31].

RPS first argues that the first two alternatives are precluded under Rule 37(c) because plaintiffs did not disclose these “alternatives” during discovery. [Dkt. 129 at 41-42]. Rule 37(c)(1) states that “[i]f a party fails to provide information or identify a witness as required by Rule 26(a) or (e), the party is not allowed to use that information or witness to supply evidence on a motion, at a hearing, or at a trial, unless the failure was substantially justified or is harmless.” Fed. R. Civ. P. 37. Rule 26(e)(1) states: “A party who has made a disclosure under Rule 26(a)—or who has responded to an interrogatory, request for production, or request for admission—must supplement or correct its disclosure or response in a timely manner. . . .” Fed. R. Civ. P. 26(e)(i).

This argument is unavailing. Far from sandbagging RPS, Plaintiff produced all relevant information during discovery. When RPS asked Plaintiffs to “describe ... the factual basis of your [Complaint’s] allegation that there exist ‘less discriminatory alternatives’,” Plaintiffs responded that RPS “has available to it the less discriminatory alternative of . . . consideration of such factors as the ... *the outcome or disposition of the case*” and “*the amount of time since the criminal activity occurred*” (emphasis added). [Dkt. 136-1 (Pl.’s Reply Facts) ¶¶ 47, 109]. In addition to the interrogatory response, Plaintiffs disclosed expert reports to RPS, which specifically included that “arrest[s] ... should not even be included” in CrimSAFE.”, *id.* ¶ 14, and that an appropriate “guideline for policy” based on the



empirical studies is “five to nine years” provided this is considered “in conjunction with some of the other factors” the expert had discussed. *Id.*

Although RPS argues that the Rule 26(e) burden applies to “theories,” in addition to information, it cites only *Agence France Presse v. Morel*, 293 F.R.D. 682, 686 (S.D.N.Y. 2013), in support. See [Dkt. 129 at 41-42]. But, there the “theory” at issue was a damages calculation, *Morel*, 293 F.R.D. at 686, and Rule 26 specifically requires parties to disclose “a computation of each category of damages claimed by the disclosing party.” There is no corresponding Rule or regulation requiring discovery disclosure of less discriminatory alternative theories. So, the Court considers the alternatives on their merits.

First, the Court finds that it is undisputed that RPS could cease considering arrests that do not result in conviction. However, since disputes of fact remain as to whether this would diminish the disparate impact caused by excluding such people, this is not a basis in and of itself for a grant of summary judgment.

As to the second alternative, a “reasonable, evidence-based” cap on the lookback period for conviction is not sufficient to win Plaintiffs’ summary judgment as too many disputed facts remain. First, Plaintiffs do not specify what an “evidenced-based” number of years, and Plaintiffs’ expert could not specify what she thought was an “evidence-based” lookback period for any particular CrimSAFE category of crime. [Dkt. 132 at 228-29]. The Court cannot find that RPS could undertake an alternative the outline of which even Plaintiffs do not know. Second, the number of years is in dispute in light of the BJS study discussed above.



Plaintiffs' third alternative fails because, as RPS points out, RPS does not have the majority of the information that would lead to a leasing decision. It receives an applicants' identifying information. [Dkt. 118-1 ¶14]. It then returns information about the applicant's offense record, if any. *Id.* ¶19. But it does not have other information, and so it could not itself undertake a holistic individualized review of the applicant. Since there is no evidence that RPS's clients would give RPS such information, it is speculative and not truly available. See *ICP* at earlier cite; *Allen v. City of Chicago*, 351 F.3d 306, 313-14 (7th Cir. 2003) (On appeal of summary judgment, "Without any evidence that the officers' alternative of increasing merit promotions would lead to a workforce substantially equally qualified, we cannot accept the officers' alternative as substantially equally valid.").

Plaintiffs' fourth alternative is not a satisfactory basis for summary judgment in their favor. At a minimum, RPS provides its clients with the option to view the underlying criminal report information, though the client may choose suppress that information from on-site managers and other levels of administrators. [Dkt. 118-3 at ARROYO0001750]. The parties submit dueling evidence on whether RPS always provides at least one person in the client company with access to the full records, or whether RPS may prevent everyone at the company from accessing the full records, so it is disputed. *Compare id.* (From 2016 training, "Consider the Backup Reports setting on this screen as the "MAIN SWITCH" for making backup reports viewable. When unchecked, NO USERS will have access to criminal backup reports, not even administrators." ) *with* [Dkts. 129-2 (Kayani Decl.) at ¶¶ 11 ("The CrimSAFE section of a report is always accompanied by another portion of the



report that displays the full public data of any record(s) identified via CrimSAFE, including the date the offense was committed, the severity level, and its current status.... The administrative version of the report, with the full details of any records found by the CrimSAFE product, is made available to the identified supervisor(s) at the customer simultaneous with the leasing-agent version of the report via hyperlink., 24, Ex. D (Arroyo BackUp Report)] and [Dkt. 129-3 (Dacthler Decl.) at 18]. While RPS responds that CrimSAFE should include the full criminal history with every report, and eliminate the features that enable suppression of details, there is, as explained above, a dispute of facts as to whether there is a legitimate business justification for RPS's suppression.

Because of these remaining factual disputes, the Court denies the parties' motions for summary judgment as to Plaintiffs' FHA claim for disparate impact on the basis of race. These claims will proceed to trial.

**C. Fair Housing Act Claim for Disparate Treatment on the basis of Race or National Origin**

RPS argues that Plaintiffs' FHA claim for discriminatory treatment on the basis of race or national origin in Count I must fail because there is no evidence of racial animus because RPS was not aware of Mr. Arroyo's race or ethnicity. [Dkt. 114 at 15-17]. In response, Plaintiffs argue that the Court can and should consider the "totality of the circumstances" to determine the disparate treatment claim on the basis of race [or national origin], and that such evidence suffices for the claims to proceed to trial. [Dkt. 126 at 25-29]. The Court agrees with Plaintiffs.

"Discriminatory intent may be inferred from the totality of the circumstances." *L.C. v. LeFrak Org., Inc.*, 987 F. Supp. 2d 391, 400 (S.D.N.Y. 2013)



(quoting *Reg'l Econ. Cmty. Action Program, Inc. v. City of Middletown*, 294 F.3d 35, 48 (2d Cir.2002)). “A plaintiff can establish a prima facie case of disparate treatment ‘by showing that animus against the protected group was a significant factor in the position taken by the municipal decision-makers themselves or by those to whom the decision-makers were knowingly responsive.’” *Mhany Mgmt., Inc. v. Cty. of Nassau*, 819 F.3d 581, 606 (2d Cir. 2016)(government actor context) (quoting *LeBlanc-Sternberg v. Fletcher*, 67 F.3d 412, 425 (2d Cir. 1995)) “Because discriminatory intent is rarely susceptible to direct proof, a district court facing a question of discriminatory intent must make ‘a sensitive inquiry into such circumstantial and direct evidence of intent as may be available. The impact of the official action whether it bears more heavily on one race than another may provide an important starting point.’” *Ibid.* (2d Cir. 2016) (quoting *Village of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 266, (1977)). “But unless a ‘clear pattern, unexplainable on grounds other than race, emerges,’ ‘impact alone is not determinative, and the Court must look to other evidence.’” *Id.* (quoting *Arlington Heights*, 429 U.S. at 266); see *Columbus Bd. of Ed. v. Penick*, 443 U.S. 449, 464 (1979) (“disparate impact and foreseeable consequences, without more, do not establish a constitutional violation.”).<sup>19</sup> Other relevant considerations for

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<sup>19</sup> See also *Soberal-Perez v. Heckler*, 717 F.2d 36, 42 (2d Cir. 1983) (“while it is true that.... the fact that a particular action has a foreseeable adverse impact may be relevant evidence in proving an equal protection claim... standing alone that fact is insufficient to establish discriminatory intent”); *Washington v. Davis*, 426 U.S. 229, 241-42 (1976 (discriminatory impact alone does not show discriminatory intent but it is a relevant factor to consider along with the totality of relevant facts). See also *United States v. City of New York*, 717 F.3d 72, 82 (2d Cir. 2013); *United States*



discerning a racially discriminatory intent include” “[t]he historical background of the decision ... particularly if it reveals a series of official actions taken for invidious purposes,’ ‘[d]epartures from the normal procedural sequence,’ ‘[s]ubstantive departures,’ and ‘[t]he legislative or administrative history ... especially where there are contemporary statements by members of the decisionmaking body, minutes of its meetings, or reports.’” *Id.* (quoting *Arlington Heights*, 429 U.S. at 266-68). “Questions of subjective intent can rarely be decided by summary judgment.” *United States v. City of New York*, 717 F.3d 72, 82 (2d Cir. 2013) (citing *Harlow v. Fitzgerald*, 457 U.S. 800, 816 (1982)) (claim for disparate treatment in hiring under Title VII).

Here, Plaintiffs point to evidence that, as of mid-April of 2016, RPS was aware that its CrimSAFE screening product’s use of arrest records may have a disproportionate and arbitrary effect on African Americans and Latinos, and that it has not taken affirmative steps to end its screening product’s use of those records.

On April 4, 2016, HUD’s Office of General Counsel published a document titled *Application of Fair Housing Act Standards to the Use of Criminal records by Providers of Housing and Real Estate-Related Transactions*, in which it stated “Nationally, racial and ethnic minorities face disproportionately high rates of arrest and incarceration,” and that, “the fact of an arrest is not a reliable basis upon which to assess the potential risk to resident safety or property posed by a particular

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*v. City of Yonkers*, 96 F.3d 600, 603 (2d Cir. 1996) (post-trial).



individual.” HUD OGC 4/4/2016 Guidance at 3-5. On April 15, 2016—over a week before Mikhail Arroyo’s application—RPS shared with some of its clients an email which highlighted (a) per HUD, arrest records that don’t result in convictions are not reliable bases to assess the potential risk resident safety or property; and (b) “according to HUD, a blanket policy to deny any applicants with a criminal record may have a disparate impact on African Americans and Hispanics.” [Dkt. 125-17 at 2]; see *a/so* [Dkt. 125-18]. The email also stated that RPS was considering changes to its products:

RPS is currently reviewing our products to determine what changes, if any, to make in order to best support our clients in light of this new guidance from HUD. Once this review is complete, any changes will be communicated to clients with enough notice to allow for clients to adjust their processes.

[Dkt. 125-17 at 3]. But, as of September 5, 2019, Stephanie Dacthler, a Relationship Manager for RPS, was not aware of any changes made to CrimSAFE based on the HUD Guidance. [Dkt. 118-8 at 75:18-23].

This scenario is far from one in which “the issue of race was first introduced [to the defendants] upon filing this action.” *Cf. Favourite v. 55 Halley St., Inc.*, 381 F. Supp. 3d 266, 280 (S.D.N.Y. 2019) (granting summary judgment on disparate treatment claim). Instead, there is at least a disputed question of fact as to whether RPS’s decision to continue to allow its housing clients to use CrimSAFE to screen for arrest records in the face of the legal interpretation of HUD’s Office of General Counsel that African Americans and Latinos are disproportionately more likely to be arrested is motivated by discriminatory intent. For this reason, the Court denies



RPS's motion for summary judgment as to the FHA claim for disparate treatment on the basis of race or ethnicity. The claim will proceed to trial.

**D. FCRA Claims**

In Count IV and V of the Complaint, Plaintiffs allege that RPS violated the Fair Credit Reporting Act ("FCRA"), specifically, 15 U.S.C. §§ 1681g and 1681h, by failing to disclose Mikhail Arroyo's file to Carmen Arroyo and by failing to establish reasonable requirements for proper identification, and that such violations were both negligent and "willful."

The FCRA balances protecting individuals from identity theft by requiring the submission of personally-identifying information before disclosure with promoting access to consumer files by minimizing the personally-identifying information required. 15 U.S.C. § 1681g requires that a consumer reporting agency "shall, upon request, and subject to section 1681h(a)(1) of this title, clearly and accurately disclose to the consumer... all information in the consumer's file at the time of the request." Section 1681h(a)(1) in turn provides that "a consumer reporting agency shall require, as a condition of making the disclosures required under section 1681g of this title, that the consumer furnish proper identification."

The FCRA does not define "proper identification," however, and the case law illustrates how the tension between its two goals has frustrated courts' filling in of the gap. In *Howley v. Experian Info. Sols., Inc.*, a court denied the defendant's motion for summary judgment on the plaintiff's § 1681h(a) claim against a consumer reporting agency for disclosing his information to a third party who shared the same first name as the plaintiff and shared all digits but the last of his



social security number. 813 F. Supp. 2d 629 (D.N.J. 2011). There, the court found that there was a question of fact as to whether the agency had disclosed the information without proper identification. 813 F. Supp. 2d 629. *Id.* On the other hand, in *Menton v. Experian Corp.*, a court denied a related defendant's motion to dismiss a plaintiff's § 1681g(a) claim for failing to disclose his file where he had provided a copy of his driver's license, a bank statement with his name and address, his law firm website, and a notarized copy of his signature. No. 02 CIV. 4687 (NRB), 2003 WL 941388, at \*1 (S.D.N.Y. Mar. 6, 2003). There, the court held that there was "no reason that Experian could not have verified Mr. Menton's identity and provided him with his credit report soon after receiving the various alternative forms of identification which he did furnish." *Id.* at 3. By *Menton's* lights, proper identification may include documents whose validity is determined by local state law: for example, state driver's licenses, or notarized documents, such as a power of attorney or written authorization. See, e.g., *id.*

A consumer reporting agency must implement consumer identification requirements that "ensure that the information is sufficient... to match consumers with their files" and "commensurate with an identifiable risk of harm arising from misidentifying the consumer." 12 C.F.R. § 1022.123(a). RPS, a nationwide specialty consumer reporting agency, must implement a file disclosure which "[c]ollect[s] only as much personal information as is reasonably necessary to properly identify the consumer...." 12 C.F.R. § 1022.137(a)(2)(ii). Further, "[i]n the event that a consumer requesting a file disclosure cannot be properly identified in accordance with the FCRA, [a consumer report agency must] provid[e] a statement that the



consumer's identity cannot be verified; and directions on how to complete the request, including what additional information or documentation will be required to complete the request, and how to submit such information,"... or "accept the request." 12 C.F.R. § 1022.137(a)(2)(iii)(C), (e)(1)-(2) (promulgated as an implementation of 15 U.S.C. § 1681g, among others).

Here, the only FCRA violations that Plaintiffs allege arise out of violations of Mikhail Arroyo's FCRA rights, and so RPS can only be liable for damages to him. The FCRA authorizes a third party to "accompany" a consumer to receive disclosures provided that person provides "reasonable identification," which may include the consumer's "written statement granting permission... to discuss the consumer's file in such person's presence." 15 U.S.C. § 1681h(d); see 15 U.S.C. § 1681b(a)(2) ("any consumer reporting agency may furnish a consumer report... in accordance with the written instructions of the consumer to whom it relates."). But 15 U.S.C. 1681g(a) does not give a person "a right to receive information from a third party's file." *Neclerio v. Trans Union LLC*, 983 F. Supp. 2d 199, 219 (D. Conn. 2013) (VLB); see *Oses v. Corelogic Saferent, LLC*, 171 F. Supp. 3d 775, 782 (N.D. Ill. 2016) (same). And third parties do not have remedies under the FCRA—a person who negligently or willfully fails to comply with the FCRA "with respect to any consumer is liable to *that consumer*" for damages including "actual damages sustained *by the consumer*." 15 U.S.C. §§ 1681n(a), 1681o(a) (emphases added).

Plaintiffs argue that RPS violated its duty to make the required consumer disclosures because it did not disclose Mr. Arroyo's information to Ms. Arroyo on behalf of Mr. Arroyo until the start of this litigation. [Dkt. 87 at 9-10]; [Dkt. 105 at 1-



5]. RPS argues that Plaintiffs cannot show damages and because Ms. Arroyo failed to present proper identification. The Court preliminarily addresses RPS's argument regarding damages, and then addresses the parties' arguments regarding disclosure and proper identification.

RPS argues that Plaintiffs cannot show damages based on RPS's conduct throughout the disclosure process because (1) Plaintiffs have not developed testimony from WinnResidential that Ms. Arroyo could have used the file disclosure information to persuade WinnResidential to overlook Mr. Arroyo's criminal history; and (2) such testimony would not be helpful, because WinnResidential already had the criminal record but refused to grant access to housing until it was sued. [Dkt. 114 at 34].

The Court denies RPS summary judgment on this basis because the relevant facts are disputed. Plaintiffs have presented some evidence that WinnResidential might have allowed Mr. Arroyo to move in before June 2017 after Plaintiffs provided WinnResidential with details about Mr. Arroyo's criminal history that WinnResidential had located on their own. *E.g.* [Dkt. 116-35 at Ex. A (6/13/2017 Fact Finding Hearing Transcript)]:<sup>20</sup> Plaintiffs present evidence that they provided WinnResidential with new information about Mr. Arroyo's Pennsylvania arrest after the CHRO Complaint and at the mediation. *Id.* at 68:5-71:10. Plaintiffs present evidence that relevant decision-making WinnResidential employees did not have

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<sup>20</sup> Defendants object that this affidavit is hearsay but, since the Exhibit includes statements by WinnResidential employees with personal knowledge of the events discussed, Court finds that the affidavit is admissible for the purposes of summary judgment. [Dkt. 140-1 (Def'dt's Rule 56(a)(1) Reply Statement of Facts) at ¶87].



this information, and that WinnResidential employees considered “the crux of issue” as to why “Mikhail Arroyo ha[d] not been allowed to move in to ArtSpace at Windham” to be that they had not had that information. *Id.* at 52:14-24, 50:16-25. But, Plaintiffs also present evidence that WinnResidential did not immediately allow Mr. Arroyo to move in once it received his criminal records—WinnResidential went forward with the fact-finding hearing. This is sufficient evidence for a reasonable fact-finder to possibly but not necessarily find that (a) WinnResidential did not have Mr. Arroyo’s criminal history;<sup>21</sup> (b) Mr. Arroyo’s actual criminal record would have changed Winn Residential’s decision; and (c) therefore, if RPS had provided the Arroyos with the file disclosure earlier, Mr. Arroyo would have had a better opportunity to enjoy the housing of his choice. Although RPS objects that WinnResidential only permitted Mr. Arroyo to move into the complex after being sued and settling that lawsuit, [Dkt. 140-1 at ¶87], the objection does not definitively undermine the importance of the Mr. Arroyo’s criminal history: settlement terms

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<sup>21</sup> The parties agree that WinnResidential suppressed the underlying criminal records from the view of its leasing agents since 2015. [Dkt. 126-1 ¶91]. However, the parties dispute whether any other decisionmakers at WinnResidential had Mr. Arroyo’s criminal record, and neither party offers admissible evidence on the question, see Fed. R. Civ. P. 56(c)(2): Dkt. 116-41 (Aff. Ans. of WinnResidential to Administrative Cmplt.) is inadmissible hearsay, see Fed. R. Evid. 802; Dkt. 114-2 (Kayani Decl.) & Dkt. 116-35 (Carmen Arroyo Decl.) were not made on the basis of personal knowledge, see Fed. R. Evid. 602, *Roberts v. Ground Handling, Inc.*, 499 F. Supp. 2d 340, 360 (S.D.N.Y. 2007) (“It is axiomatic that affidavits submitted in support of or in opposition to a summary judgment motion must ‘be made on personal knowledge’”) and [Dkt. 114-2 at Ex. D] cannot be authenticated as a copy of a document that CoreLogic returned to WinnResidential on 4/26/2016 as claimed, as it is a document generated on 5/3/2018, see Fed. R. Evid. 901.



depend on the strength of the parties' positions, for which Mr. Arroyo's criminal history was a factor.<sup>22</sup>

The Court next considers the parties arguments as to "proper identification:" whether, under the FCRA, Ms. Arroyo submitted "proper identification" for herself as conservator for Mr. Arroyo. The Court holds that, on the undisputed facts, she did not. See [Dkt. 101 at 10-14].<sup>23</sup> A conservatorship certificate with an impressed seal is necessary for "proper identification" of a Connecticut conserved person under the FCRA. Where state law defines the validity of an identification document, state law defines "proper identification" under the FCRA. See *Menton*, 2003 WL 941388. Ms. Arroyo was appointed to be Mr. Arroyo's conservator under Connecticut state law. Under Connecticut law, as stated plainly on the face of a conservatorship seal itself, a conservatorship certificate "is not valid without a probate seal impressed." See [Dkt. 125-10 at 3]; *Johnson v. Raffy's Cafe I, LLC*, No. CV106002069S, 2015 WL 2166123, at \*3 (Conn. Super. Ct. Apr. 6, 2015) (finding probate certificate valid for purposes of establishing jurisdiction "after reviewing the probate certificate" and finding "that it contained the raised seal"). The heightened state standard for conservatorship documents is consistent with the FCRA's requirement that proper identification be "commensurate with an

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<sup>22</sup> Plaintiffs also allege damages on the basis of Ms. Arroyo's time and mental annoyance spent following up, [Dkt. 126 at 30-31], but, since the FCRA claim is for the disclosure of Mr. Arroyo's files, and FCRA liability is only to the consumer, 15 U.S.C. §§ 1681n & 1681o, the Court finds that damages to Ms. Arroyo do not support Mr. Arroyo's FCRA claim.

<sup>23</sup> The Court recognizes that, in its motion for summary judgment, RPS does not make this argument on the FCRA claim, [Dkt. 114 at 35-36], but notes that RPS does earlier make this argument as a reason for granting it summary judgment on the FHA disability disparate impact claim. *Id.* at 31.



identifiable risk of harm arising from misidentifying the consumer” in light of the heightened risks of identity theft for a person who would qualify to be conserved under Connecticut law. See Conn. Gen. Stat. §§ 45a-644(c); 45a-650.

Plaintiffs argue that courts have held that the absence of a visible embossed seal on a copy of a document does not make it invalid, as long as the original document carries the seal. See, e.g. [Dkt. 105 at 4-6] (citing *In re Robinson v. Chase Home Fin. LLC*, 403 B.R. 497, 503 (Bankr. S.D. Oh. 2008) (applying Ohio law to mortgage copy held in public records); *Schwab v. GMAC Mortg. Corp.*, 333 F.3d 135, 138 (3d Cir. 2003) (applying Pennsylvania statute regarding mortgage validity, which did not require embossment to be legible on mortgage copy); *Warfield v. Byron*, 137 Fed. App’x 651, 655 (5th Cir. 2005) (finding that absence of embossed seal on photocopy of summons did not invalidate district court’s jurisdiction); *Oliver v. NY State Police*, 2019 WL 453363, at 6 (W.D.N.Y. 2019) (same); *Smith v. Nat’l Credit Sys., Inc.*, 2015 WL 12780446, at \*2 (N.D. Ga. 2015) (lack of visible embossed notary seal on copy of affidavit filed with court did not affect validity of affidavit). But Plaintiffs’ cited cases are simply inapposite: none were decided in Connecticut courts or speak to Connecticut law, none address cases in which the document states on its face that it is not valid without an embossed seal, and none concern proper identification for the purposes of the FCRA. If anything, the cited cases demonstrate that it is commonly understood that impressed seals are not visible on photocopies. See *Schwab*, 33 F.3d at 138 and *Warfield*, 137 Fed. App’x at 655.



The parties agree that Ms. Arroyo submitted copies of her conservatorship certificates in June 2016 and November 2016. [Dkt. 114-1 ¶¶44, 51]. The parties submitted copies of conservatorship certificates with their motions for summary judgment. See [Dkt. 125-10 at 3]; [Dkt. 125-12 at 5]. Upon review, the Court holds that no reasonable factfinder could find that the copies of the certificates demonstrate that the probate seal was impressed. As to Ms. Arroyo's June 2016 submission, in the lower left-hand side of the page, there is a shaded-in circle, through which some white outlines are visible. [Dkt. 125-10 at 3]. White marks which may be the remnants of a shaded-out impressed seal are not themselves an impressed seal. As to Ms. Arroyo's November 2016 submission, there are only some stray marks in the same area, and nothing that establishes the presence of an impressed seal. [Dkt. 125-12 at 5]. "Although the Court can understand [Plaintiffs]' frustration with [RPS]'s extreme attention to detail, it is mindful that [RPS] has a duty to protect the confidentiality and security of [Mr. Arroyo's] information." *Ogbon v. Beneficial Credit Servs., Inc.*, No. 10 CIV. 3760 PAE, 2013 WL 1430467, at \*9 (S.D.N.Y. Apr. 8, 2013).

But the Court goes on to consider whether, having found that Mr. Arroyo could "not be properly identified in accordance with the FCRA," RPS nevertheless violated its duty under 15 U.S.C. § 1681g by failing to "provid[e] a statement that the consumer's identity cannot be verified; and directions on how to complete the request, including what additional information or documentation will be required to complete the request, and how to submit such information." See 12 C.F.R. § 1022.137(a)(2)(iii)(C). The Court finds that Plaintiffs have submitted sufficient



evidence to put into question whether RPS violated this duty: while RPS mailed Mr. Arroyo a letter in June of 2016 asking him to contact RPS to discuss the First Disclosure Request, [Dkt. 114-1 ¶46], it is not clear that they would have instructed her that they could not accept the “conservatorship court paper” because of the seal defect or because of the missing power of attorney. See [Dkt. 114-6 at 11]. Further, when Ms. Arroyo called RPS in September 2016 to discuss the status of the disclosure, [Dkt. 114-1 ¶47], she was instructed that she had to provide a notarized power of attorney. [Dkt. 114-6 (Barnard Decl.) at Ex. B at 3]. The Court finds that these facts are sufficient to put into question whether RPS violated its duty to disclose by providing directions on how to complete a disclosure request for the period starting with RPS’s response to Ms. Arroyo’s first set of documentation and ending with its second call trying to reach Ms. Arroyo. Therefore, the Court grants RPS summary judgment as to Plaintiffs’ FCRA claims before June 30, 2016 and after November 18, 2016, and denies the parties’ motions for summary judgment as to Plaintiffs’ FCRA claims for the period from June 30, 2016 and November 18, 2016.

*i. Willfulness*

“[A] company subject to FCRA does not act in reckless disregard of it unless the action is not only a violation under a reasonable reading of the statute's terms, but shows that the company ran a risk of violating the law substantially greater than the risk associated with a reading that was merely careless.” *Safeco Ins. Co. of Am. v. Burr*, 551 U.S. 47, 69, 127 S. Ct. 2201, 2215 (2007). A company’s interpretation of the statute is objectively unreasonable when courts or the



overseeing regulatory agencies have offered guidance that “might have warned it away from the view it took.” *Id.* at 70. Where there is a “dearth of guidance” and a “less-than-pellucid statutory text,” a misreading of the statute is not objectively unreasonable. *Safeco*, 551 U.S. at 70.

Mr. Arroyo seeks punitive damages for a “willful” violation of the FCRA. [Dkt. 1 at Counts IV and V]. Plaintiffs argue that RPS’s failure to disclose was willful because its alleged policy of requiring a power of attorney was reckless, it failed to correct its erroneous policy despite multiple opportunities, and the necessary correction would have been simple. [Dkt. 87 at 10-13]. RPS argues that not accepting certificates of conservatorship with non-visible impressed seals that state on their face that they are not to be accepted without a seal cannot be considered “willful” because of the lack of specification in the statute and the lack of binding or even apposite case precedent. Plaintiffs reply that there is a disputed question of fact as to willfulness: first, RPS’s failure to accept such certificates is unsupported by law; second, RPS failed to follow reasonable procedures for evaluating disclosure requests by failing to escalate Ms. Arroyo’s request and by informing her that a power of attorney was needed.

The Court finds that, in light of the regulations and facts outlined above, there is a disputed question of fact as to whether RPS acted “objectively unreasonably” in failing to provide accurate directions on how to complete Ms. Arroyo’s request on behalf of Mr. Arroyo, including what additional information or documentation would be required to complete the request, and how to submit such information. Therefore, the Court denies the parties’ motions for summary



judgment as to the Plaintiff's willfulness claims for the period from June 30, 2016 to November 18, 2016, but otherwise grants RPS summary judgment as to Plaintiffs' willfulness claim.

**E. Fair Housing Act Disparate Impact on the Basis of Disability**

In Count II, brought on behalf of all Plaintiffs, Plaintiffs allege that RPS's file disclosure "policy" of refusing to provide disclosures to conservators has a disparate impact on disabled individuals in violation of the Fair Housing Act, 42 U.S.C. §§ 3601 *et seq.*

Liability may be established under the Fair Housing Act where a "practice" "actually or predictably results in an disparate impact on a group of persons or creates, increases, reinforces, or perpetuates segregated patterns because of race, color, religion, sex, handicap, familial status, or national origin." 24 C.F.R. § 100.500(a). The Second Circuit "evaluate[s] claims that a defendant discriminated 'because of' a disability under the burden shifting framework established in *McDonnell Douglas Corp. v. Green*, 411 U.S. 792..." the same three-part burden shifting framework laid out for the Plaintiffs' previous FHA claims. *Rodriguez v. Vill. Green Realty, Inc.*, 788 F.3d 31, 40 n.11 (2d Cir. 2015) (quoting *Mitchell v. Shane*, 350 F.3d 39, 47 (2d Cir.2003) (FHA case)).

Although "statistical proof almost always occupies center stage in a prima facie showing of a disparate impact claim," *Robinson v. Metro-North Commuter R.R.*, 267 F.3d 147, 160 (2d Cir. 2001), to inevitably require statistical proof when a policy categorically applies to a protected class would be to equate what is real with what is measured (not even with what is measurable!). Thus, in *Cripe v. City*



of *San Jose*, 261 F.3d 877, 889-90 (9th Cir. 2001), the Ninth Circuit found that the plaintiffs had shown a prima facie case without statistical analysis for purposes of the Americans with Disabilities Act where the City's policy required all police officers to serve in a beat-patrol assignment before obtaining a specialized assignment, a policy which rendered the class of disabled plaintiffs categorically ineligible for specialized assignments. Statistics are not necessary if a challenged policy categorically applies to a protected class. See 24 C.F.R. § 100.500(a) (disparate impact liability may apply where a policy "predictably results in a disparate impact").

But a plaintiff must "identify the targeted practice with sufficient particularity... that defendants have adequate notice of precisely what actions" are at issue. *Rodriguez v. Bear Stearns Companies, Inc.*, No. 07-CV-1816 (JCH), 2009 WL 5184702, at \*6 (D. Conn. Dec. 22, 2009). In *Inclusive Communities Project, Inc.*, the Supreme Court held, "a disparate-impact claim that relies on a statistical disparity must fail if the plaintiff cannot point to a defendant's policy or policies causing that disparity." 135 S.Ct. at 2523. It reasoned that without such identification, defendants may be "held liable for... disparities they did not create." *Id.* What is true for claims based on a statistical disparity is even more true for claims based on a policy's categorical application to a protected class: if plaintiffs cannot point to a specific policy, then there is no basis for deducing that the policy categorically applies to a protected class, and so there is no basis for the claim at all.



Plaintiffs characterize RPS's process as: "policies and practices of (1) refusing to allow court-appointed conservators or guardians to receive the consumer file of the individual subject to the conservatorship or guardianship; (2) requiring that third-parties, including court-appointed conservators or guardians, submit a "power of attorney" executed by the consumer in order to receive the consumer file; and/or (3) requiring that court-appointed conservators or guardians provide more onerous documentation of their authority than an individual holding a power of attorney designated by a consumer in order to request and receive a consumer file." [Dkt. 1 at ¶165].

The Court finds that the undisputed facts have demonstrated that RPS does not implement the first two policies but does implement the third. RPS processes the disclosure of consumer files to third-party legal guardians acting on the consumer's behalf. [Dkt. 118 at ¶38]. To protect consumer privacy in the situation where a third party is seeking a copy of a consumer's file, RPS's written policies generally require a notarized power of attorney, the consumer's name, proof of the address to where the disclosure should be mailed, and confirmation of the last four digits of the consumer's Social Security number. *Id.* (citing [Dkt. 114-6 (Barnard Decl.)] at ¶ 8 & Ex. A at 3). But, based on RPS's written authentication policy, in "any scenario" where those requirements cannot be fulfilled, the RPS employee who is handling the file disclosure request is required to escalate the request to a "supervisor." [Dkt. 114-1 ¶39]. A situation in which a consumer is disabled and cannot execute a power of attorney would require adjustment of third-party



authentication process and supervisory review. *Id.* (citing [Dkt. 114-6] at ¶ 13 & Ex. A at 3).

The Court finds that Plaintiffs have shown sufficient evidence of a disparate impact to prove a prima facie case. The relevant comparison is between those disabled individuals under a conservatorship who requested disclosure from RPS and all persons who requested disclosure through a third-party. Conserved persons are categorically unable to execute powers of attorney.<sup>24</sup> As RPS acknowledges in its statement of facts, all cases in which a consumer is disabled such that she cannot execute a power of attorney “require... supervisory review,” adding an additional step to the process that conserved persons face. [Dkt. 114-1 ¶39].

Next, the Court considers whether RPS’s third party authentication policy serves a legitimate and statutorily required interest of safeguarding consumer policy. RPS argues that its requirement that a Connecticut conservator submit a valid certificate of conservatorship is mandated by the FCRA, 15 U.S.C. § 1681h(a)(1), and, as explained above, the Court agrees. [Dkt. 114 at 31].

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<sup>24</sup> A probate court may only order an involuntary conservatorship if it is the least restrictive means of intervention to assist the individual in managing his or her affairs and caring for him or herself. Conn Gen. Stat. § 45a-650. Because a power of attorney is significantly less restrictive than a conservatorship, a person with the mental capacity to execute a power of attorney should not be involuntarily conserved. A valid durable power of attorney that a person signed before being conserved may, after October 1, 2016, remain valid as well. See Conn. Gen. Stat. § 45a-650.



The Court therefore considers whether there exists a less-discriminatory alternative to requiring more onerous documentation from conservators. Plaintiffs argue that there is: making the fully visible seal requirement part of a clear documentation policy and readily communicating that requirement to conservators. [Dkt. 126 at 40-42]. But this proposed alternative is not actually an alternative to the RPS's conservator documentation requirement—instead, it is a proposed *addition* to RPS's conservator documentation requirement.

Or, to put it another way: this proposed alternative demonstrates that Plaintiffs' targeted practice is not really RPS's documentation requirement, but instead RPS's *communication* about its documentation requirement. And Plaintiffs have not provided sufficient evidence that RPS's communication about its conservatorship documentation requirement “actually or predictably results in a disparate impact.” Plaintiffs have not provided statistical evidence that RPS invariably fails to communicate its conservatorship requirement, and Plaintiffs have not provided evidence that RPS has a policy that would mean that it would invariably fail to communicate its policy on conservatorship documentation. On the other hand, RPS has provided evidence that, at least once, in November 2016, it did attempt to communicate its conservatorship documentation requirement. [Dkt. 114-1 ¶¶51-53].<sup>25</sup> Therefore, Plaintiffs have not demonstrated an “actual or predictable” disparate impact.

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<sup>25</sup> RPS also argues that a disparate impact claim may not be based on a “one isolated decision.” [Dkt. 140 at 12], [Dkt. 114 at 30] (citing *Reidt v. Cty of Trempealeau*, 975 F.2d 1336, 1341 (7th Cir. 1992)). Plaintiffs are not aware of any



The Court understands Mr. Arroyo's frustration with RPS's 2016 process. However, in light of the undisputed facts, Plaintiffs do not state an FHA claim for disparate impact based on disability. The Court therefore grants RPS's motion for summary judgment as to this claim.

**F. Fair Housing Act Disparate Treatment on the Basis of Disability.**

In Count II of the Complaint, Plaintiffs claim that RPS intentionally discriminated against Mr. Arroyo on the basis of his disability.

The Second Circuit "evaluate[s] claims that a defendant discriminated 'because of' a disability under the burden shifting framework established in *McDonnell Douglas Corp. v. Green*, 411 U.S. 792..." the same three-part burden shifting framework laid out for the Plaintiffs' previous FHA claims." *Rodriguez v. Vill. Green Realty, Inc.*, 788 F.3d 31, 40 n.11 (2d Cir. 2015) (quoting *Mitchell v. Shane*, 350 F.3d 39, 47 (2d Cir.2003) (FHA case)). Where plaintiffs have not "submitted any evidence demonstrating that the non-discriminatory reasons articulated by [the defendant] for [the challenged decisions] were mere pretexts," summary judgment is warranted. *Lee v. ITT Standard*, 268 F. Supp. 2d 315, 346 (W.D.N.Y. 2002), *report*

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other conserved individual who has requested a file disclosure from RPS, and RPS also has no record of any other conserved individual requesting a file disclosure. [Dkt. 114 ¶45] [Dkt. 126-3 (Barnard Dep.) 120:15-124:24]. But the facts of *Reidt* demonstrate its un-persuasiveness in this circuit: Plaintiff Debra Reidt alleged that her employer, a sheriff's department, violated Title VII when it denied her application to a certain position because she was a woman. The court found that the decision was an "isolated" one because she was the only woman who applied to the position. *Id.* at 1339. This kind of reasoning—if a discriminatory policy discourages enough individuals in a protected class, then it is not discriminatory—has been rejected by the Second Circuit. See *E.E.O.C.*, 186 F.3d at 119.



*and recommendation adopted in part sub nom. Estate of Lee v. ITT Standard*, 268 F. Supp. 2d 356 (W.D.N.Y. 2003) (granting motion for summary judgment)

Here, it is undisputed that RPS had in place written policies and procedures for processing consumer file disclosure made by third parties. [Dkt. 114-1 ¶¶38]. It is undisputed that RPS processed Mr. Arroyo's claim in the way that it did because the claim was brought by a third party, Ms. Arroyo. *Id.* ¶¶41, 46, 48-50. It is also undisputed that RPS's decision to deny Ms. Arroyo access to Mr. Arroyo's consumer file was based on the documentation submitted, and that the decision was made after multiple levels of review by the legal and compliance teams. *Id.* ¶¶44, 46, 48-50, 52. Plaintiffs have not presented any evidence that RPS's application of its third-party disclosure guidelines was a mere pretext, and in fact, has not opposed their motion for summary judgment on this claim. Therefore, the Court grants RPS summary judgment as to this claim.

**G. Fair Housing Act Failure to Accommodate Claim**

In Count III, brought on behalf of the Arroyos, Plaintiffs allege that RPS refused to make a "reasonable accommodation" to allow Ms. Arroyo access to Mr. Arroyo's consumer file in violation of 42 U.S.C. § 3604(f)(2) and (f)(3).

"To prove a failure-to-accommodate claim, a plaintiff must show (1) that the plaintiff or a person who would live with the plaintiff had a handicap within the meaning of § 3602(h); (2) that the defendant knew or reasonably should have been expected to know of the handicap; (3) that the accommodation was likely necessary to afford the handicapped person an equal opportunity to use and enjoy



the dwelling; (4) that the accommodation requested was reasonable; and (5) that the defendant refused to make the requested accommodation.” *Olsen v. Stark Homes, Inc.*, 759 F.3d 140, 156 (2d Cir. 2014).

Plaintiffs argue that Mr. Arroyo had a handicap, that RPS knew of the handicap, that the accommodation was likely necessary to afford him equal access to housing, that his requested accommodation, that Ms. Arroyo as conservator request and receive Mr. Arroyo’s consumer file on his behalf, was reasonable, and that RPS refused the accommodation. [Dkt. 87 at 14-18]. Defendants argue Plaintiffs’ reasonable accommodation claim fails for two reasons. First, Defendants argue that Plaintiffs fail to show that, but for the accommodation, they likely were denied an equal opportunity to enjoy the housing of their choice, as (a) RPS has no authority to override any housing decision by WinnResidential and (b) Plaintiffs have not supported their claim with any testimony from WinnResidential. [Dkt. 114 at 32]. Second, Defendants argue that Plaintiffs did not request a reasonable accommodation, because the request that RPS ignore the requirement of a fully visible seal on the conservatorship form is not reasonable. [Dkt. 114 at 33]. After evaluating the evidence, the Court grants summary judgment on the basis of RPS’s second argument.

“Requested accommodations are reasonable where the cost is modest and they do not pose an undue hardship or a substantial burden on the housing provider.” *Olsen v. Stark Homes, Inc.*, 759 F.3d 140, 156 (2d Cir. 2014). RPS argues that Mr. Arroyo’s request that RPS ignore its requirement of a fully visible seal on the conservatorship form is not reasonable, as the authenticating features are



there for the protection of the conserved person and are legally required. [Dkt. 114 at 33] and [Dkt. 140 at 12-14]. Plaintiffs respond that a fully visible seal on the conservatorship form is not necessary to establish “proper identification,” which is all that is required under the FCRA, and that the seal on the forms Ms. Arroyo submitted was visible enough. As discussed above, the Court finds that an impressed seal on the conservatorship form is necessary to establish “proper identification” under the FCRA, so the request to waive that requirement is not reasonable. The Court therefore grants RPS summary judgment on this claim.

#### **H. CUTPA Claim**

Plaintiffs plead a claim under CUTPA, Conn. Gen. Stat. § 42-110b(a) in Count VI of the Complaint.

CUTPA prohibits “unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce.” See Conn. Gen. Stat. § 42-110b. A CUTPA claim may be brought by “[a]ny person who suffers any ascertainable loss of money or property.” See Conn. Gen. Stat. § 42-110g(a). When analyzing the first element, whether plaintiffs alleged an unfair act, the Court must apply the “cigarette rule” which considers whether the act: (1) “offends public policy as it has been established by statutes, the common law, or otherwise”; (2) is “immoral, unethical, oppressive, or unscrupulous”; or (3) “causes substantial injury to consumers.” See *Harris v. Bradley Memorial Hosp. and Health Ctr., Inc.*, 296 Conn. 315, 351 (2010).

All three criteria do not need to be satisfied to support a finding of unfairness. A practice may be unfair because of the degree to which it meets one of the criteria or because to a lesser extent it meets all three



. . . Thus a violation of CUTPA may be established by showing either an actual deceptive practice or a practice amounting to a violation of public policy.

*Caires v. JP Morgan Chase Bank, N.A.*, 880 F. Supp. 2d 288, 299 (D. Conn.

2012) (internal citation and quotation marks omitted). Consumers may prove a CUTPA violation using either the unfairness standard or the deception standard. See, e.g., *Caldor, Inc. v. Heslin*, 215 Conn. 590, 577 A.2d 1009 (1990) (deception); *Conaway v. Prestia*, 191 Conn. 484, 493, 464 A.2d 847, 852 (1983) (unfairness).

Plaintiffs move for summary judgment on the basis that undisputed facts establish that RPS's CrimSAFE product constitutes an unfair practice because it is against public policy, causes substantial injury, and facilitates discrimination, [Dkt. 118 at 32-42], and that RPS's file disclosure policies violate the FCRA. [Dkt. 87 at 18 - 19]. RPS moves for summary judgment on the basis that (1) Plaintiffs' claim based on CrimSAFE must fail because there is no evidence that it has engaged in "unfair" or "deceptive acts; and (2) Plaintiffs' claim on the basis of file disclosure must fail because file disclosure is not part of "trade" or "commerce," and there is no evidence of any damages alleged caused by RPS. [Dkt. 118 at 36-38]. RPS further opposes Plaintiffs' CrimSAFE claim on the grounds that (a) Plaintiffs cannot prove a violation of the FHA, (b) RPS does not "facilitate" discriminatory conduct, and (c) the Connecticut state legislature recently failed to pass a 2019 legislative proposal to "limi[t] criminal records lookback period that a landlord may use when evaluating the housing application of a prospective tenant," was defeated in the Connecticut state legislature. CT. S.B. No. 54 (2019).[Dkt. 129 at 44-46].

#### **1. File Disclosure**



The Court denies the parties' motions for summary judgment as to Plaintiff's CUTPA claim on the basis of file disclosure, as there is a disputed question of material fact regarding whether RPS's file disclosure policies did violate 15 U.S.C. § 1681g. And, as the Court has previously stated, RPS's conduct is sufficiently related to its business to established relationship to trade or commerce. See Dkt. 41 at 32-33 (Order on Mot. to Dismiss); *Nastro v. D'Onofrio*, 263 F. Supp. 2d 446, 457-58 (D. Conn. 2003) (denying motion to dismiss CUTPA claim where defendants' property transfers were sufficiently related to their underlying business to establish a relationship to trade or commerce); see also *Macomber v. Travelers Prop. & Cas. Corp.*, 261 Conn. 620, 643 (2002) (explaining that CUTPA does not require a consumer relationship). Finally, the Court has established that there is a question of material fact as to whether Plaintiffs suffered any damages from RPS's actions in not disclosing Mr. Arroyo's file. See *supra* Section III.F.

## 2. *CrimSAFE*

### *i. Public Policy & Facilitation*

The Court finds that there remains a material question of fact as to whether RPS violated CUTPA "through its CrimSAFE product, violating the Fair Housing Act to the detriment of housing applicants with criminal records, who are disproportionately likely to be African American or Hispanic." See [Dkt. 1 (Compl) ¶ 226.g.].

Conduct that violates the FHA offends Connecticut public policy and is actionable under CUTPA. See *Green v. Konover Residential Corp.*, No. 95CV1984, 1997 WL 736528, at \*7 (D. Conn. Nov. 24, 1997) ("The Connecticut courts have read



CUTPA broadly enough to encompass the claims of plaintiffs, which include . . . violations of the Fair Housing Act by virtue of defendants' discriminatory repair practices.”). Connecticut has adopted the public policy goals of the FHA. In its Constitution, Connecticut provides that “no person shall be... subjected to segregation or discrimination in the exercise or enjoyment of his civil ... rights because of ... race, color, ancestry or national origin.” Connecticut Constitution, Sec. 20. And, in 1990, Connecticut passed comprehensive fair housing legislation modelled after the FHA. See Conn. Gen. Stat. § 46a-64b, *et seq*; see *also* Statement of Senator Blumenthal, 33 S. Proc., Pt. 11, 1990 Sess. 3494 (“[t]his is landmark legislation ... that sets out a separate fair housing act with all the standards and assurances that exist under Federal law. Indeed, it incorporates the federal standards into our state statute ....”). Connecticut courts construct Connecticut’s FHA consistent with the federal courts’ interpretation of the analogous provisions of the FHA. *Comm’n on Human Rights & Opportunities v. Savin Rock Condo. Ass’n, Inc.*, 273 Conn. 373, 384-85, 870 A.2d 457, 463 (2005).

The Court cannot determine as a matter of law that RPS did or did not violate the FHA. See *Section III.B., supra*. For the same reasons that there is a question of whether RPS violated the FHA, there is a question of whether RPS violated CUTPA as a matter of public policy or facilitation of housing providers’ discrimination: CrimSAFE may be, but is not necessarily as a matter of law, a proximate cause of housing discrimination against African Americans and Latinos, including Mr. Arroyo.



Finally, RPS argues that the Connecticut state legislature recently failed to pass a 2019 legislative proposal to “limi[t] criminal records lookback period that a landlord may use when evaluating the housing application of a prospective tenant.” [Dkt. 129 at 44-46] (citing CT. S.B. No. 54 (2019)). But, of course, “it is at best treacherous” to rely on “congressional silence,” and there are any number of reasons such a measure might have failed to pass. *United States v. Wells*, 519 U.S. 482, 496 (1997).

*ii. Substantial Injury*

For the same reason the Court finds that there is a question as to RPS’s proximate cause of housing denials generally, see *supra* Section II.B.1.i, the Court finds that there is a question of whether RPS caused Mr. Arroyo’s housing denial. Therefore, the Court denies Plaintiffs’ motion for summary judgment as to this claim.

*iii. Ascertainable Loss*

Because the Court denies Plaintiffs’ motion for summary judgment as to its CUTPA claim based on CrimSAFE on other grounds, the Court does not address the question of ascertainable loss.

*I. CFHC’s Damages Claim*

Alleging that a particular defendant’s actions have “frustrated the organization [plaintiff]’s [services], with a consequent drain on resources” suffices to allege organizational injury-in-fact.” *Havens Realty Corp. v. Coleman*, 455 U.S. 363, 369 (1982). The CFHC seeks compensatory damages consisting of



“frustration of mission” and “diversion of resources.” RPS moves for the Court to grant it summary judgment dismissing these claims. RPS argues that the claims are not compensable because (1) CFHC’s contemplated educational marketing campaign is prospective and undeveloped; (2) CFHC has not demonstrated the link between the diverted resources and RPS; and (3) any damages have been offset by third-party awards. [Dkt. 114 at 38-44]. CFHC responds that prospective damages may be compensated, that they have provided sufficient evidence to put into question RPS’s responsibility for the diversion, and that third-party grants are “collateral sources” that should not be setoff against RPS’s damages. [Dkt. 126 at 47-53]. The Court agrees with the Plaintiffs.

In the Second Circuit, an organization’s expenses for investigation of a particular defendant’s conduct and advocacy against that particular defendant, including litigation expenses, demonstrate injury-in-fact through diversion of resources. See *Mental Disability Law Clinic, Touro Law Ctr. v. Hogan*, 519 F. App’x 714, 717 (2d Cir. 2013) (citing *Ragin v. Harry Macklowe Real Estate Co.*, 6 F.3d 898, 904 (2d Cir.1993)) (affirming litigation expenses demonstrate diversion-of-resources injury in fact); *Olsen v. Stark Homes, Inc.*, 759 F.3d 140, 158 (2d Cir. 2014) (affirming that investigation and advocacy on behalf of specific clients demonstrates diversion-of-resources injury in fact). But, “there must be evidence directly tying these damages to the defendant’s alleged wrongdoing.” *Miami Valley Fair Hous. Ctr., Inc. v. Connor Grp.*, No. 3:10-cv-83, 2015 WL 853193, at \*9 (S.D. Ohio Feb. 26, 2015) (citing *Ragin*, 6 F.3d at 909). While CFHC may have received



compensation, the sufficiency of that compensation is not established, particularly given the fact that litigation continues long thereafter.

Further, the Fair Housing Act authorizes the Court to award “such affirmative action as may be appropriate.” 42 U.S.C. § 3613(c)(1); see *United States v. Hylton*, 944 F. Supp. 2d 176, 194 (D. Conn. 2013), *aff’d*, 590 F. App’x 13 (2d Cir. 2014).<sup>26</sup> The Court must tailor such relief to vindicate “the statute’s goals of preventing future violations and removing lingering effects of past discrimination.” *United States v. Space Hunters, Inc.*, 2004 U.S. Dist. LEXIS 23699, at \*22 (S.D.N.Y. Nov. 22, 2004), *aff’d in part, vacated and remanded in part on other grounds*, 429 F.3d 416, 421 (2d Cir. 2005). “To recover, a fair housing organization must establish that expenditures in education, counseling and/or outreach are necessary to counterbalance the effects of a defendant's discriminatory practices.” *Fair Hous. of Marin v. Combs*, No. C 97-1247 MJJ, 2000 WL 365029, at \*4 (N.D. Cal. Mar. 29, 2000). The Fair Housing Act is a remedial statutory scheme designed to rid the nation of costly and destructive discriminatory housing practices and the work of entities like CFHC is instrumental to the fulfilment of its objectives.

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<sup>26</sup> RPS cites two out-of-circuit cases on injury-in-fact for the purposes of standing for the proposition that CFHC cannot recover damages for its future work. [Dkt. 114 at 38-39]. (citing *Fair Hous. Council of Suburban Philadelphia v. Montgomery Newspapers*, 141 F.3d 71, 77 (3d Cir. 1998), and *Chesapeake Climate Action Network v. Exp.-Imp. Bank of the United States*, 78 F. Supp. 3d 208, 232 (D.D.C. 2015)). Neither are persuasive in light of the apposite statutory and in-circuit authority.



CFHC claims \$82,639.93 in diversion of resources, up to \$350,000 for an educational marketing campaign to inform the public that blanket bans are illegal, and its attorneys' fees. [Dkt.114-5 at Ex. H]. Of its \$82,639 in claimed diversion damages, \$9,447 is for CFHC's work advocating for the Arroyos against RPS; the remainder is for "education and outreach," "testing," "testing costs," "client work," and "grant writing." [Dkt. 114-5 at Ex. G ].

The Court finds that CFHC has introduced sufficient evidence for its damages claims to go forward. CFHC may recover for prospective damages. See *Hylton*, 944 F. Supp. 2d at 194. CFHC has demonstrated clear ties between the litigation expenses for this case and the \$9,447 "CoreLogic" tab of its diversion log to RPS to support its claim. As to the proposed marketing campaign and the remainder of the \$82,639 in diverted expenses, CFHC has introduced sufficient evidence to demonstrate a dispute of fact as to whether those expenses "are necessary to counterbalance the effects of a defendant's discriminatory practices," in light of its evidence of RPS's marketing efforts, its evidence that housing providers have reached out to it for guidance, [Dkt. 125-21 at 98:19-24], its evidence that it has changed its public trainings and presentations to account for RPS's policies, *id.* at 97-111, and its evidence that it has consulted with an advertising company on how such a campaign would be conducted, *id.* at 140:7-141:21.

Finally, RPS argues that any damages owed to CFHC should be offset by the \$380,000 in grant funding CFHC has received to address criminal record tenant screening in the housing application process. [Dkt. 114-1 ¶65]. The parties disagree about whether the grant funds CFHC has received are better characterized as



“recovery” for the same injury or as “collateral sources.” On the one hand, “a plaintiff may not recover twice for the same injury.... When a plaintiff receives a payment from one source for an injury, defendants are entitled to a credit of that amount against any judgment obtained by the plaintiff as long as both payments represent common damages.” *Phelan v. Local 305 of United Ass'n of Journeymen, & Apprentices of Plumbing & Pipefitting Indus. of U.S. & Canada*, 973 F.2d 1050, 1063 (2d Cir. 1992). On the other hand, “[t]he weight of common law authority is that collateral sources are not deductible from a tort damage award.” *Equal Employment Opportunity Comm'n v. Enterprise Ass'n Steamfitters Local No. 638*, 542 F.2d 579, 591 (2d Cir.1976). On this basis, a Connecticut district court found in a Fair Housing Act Case that the funds a plaintiff received from a state agency and tax credit “were collateral sources and that the defendants are not entitled to a set off of those amounts in the event of an award of damages by the Court in plaintiffs' favor,” although they “in part, defrayed expenses that are claimed as damages suffered by plaintiff.” *Valley Hous. LP v. City of Derby*, No. 06-CV-1319 TLM, 2011 WL 2144633, at \*2-3 (D. Conn. May 31, 2011).

Here, CFHC did not receive the grant funding from another “source of the injury,” so Plaintiffs argue that the grant funding is from a “collateral source,” and does not offset any damages that RPS may owe. This Court finds that reasoning compelling. Funds allocated for systemic or programmatic endeavors beneficial to the constituency of the recipient as a whole should not be diverted to the advocacy on behalf of a single person or subset of the constituency of the entity.



RPS also separately argues that CFHC's recovery in this case should be offset by CFHC's \$13,000 recovery from the settlement with WinnResidential. [Dkt. 114 at 42] (citing SUMF 64).<sup>27</sup> But, as Plaintiffs point out, this money was not "in settlement of the administrative action," but rather represented attorneys' fees for CFHC's representation of the Arroyos, work that has not been claimed as diversionary damages. [Dkt. 125-13 (Ex. 11 to Pls.' Opp: Kemple Decl.) at ¶¶ 3-5.]. Therefore, it also does not offset any damages that RPS may owe for, particularly for efforts which post-dated the services the award was made to compensate.

For the reasons given above, the Court denies RPS summary judgment as to CFHC's compensatory damages.

#### IV. Conclusion

For the reasons stated above, the Court holds as follows:

Carmen Arroyo does have standing to bring claims under the FHA and under CUTPA.

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<sup>27</sup> RPS does not cite any law regarding offsetting settlements, but it is a nuanced question. To the question of whether non-settling defendant's damages should be offset by a settlement, the Second Circuit applies a three-party standard to determine: "First, if federal law is neither deficient nor inapplicable, it will apply. Second, if federal law does not apply, state law does apply, unless, third, state law would be inconsistent with the Constitution and laws of the United States." *Restivo v. Hessemann*, 846 F.3d 547, 582 (2d Cir. 2017). Further, here, CFHC did not sue RPS and WinnResidential in the same action, so there is less of an argument for applying any settlement as an offset.



The Court denies both parties summary judgment as to the FHA claims on the basis of race and disability, and as to the CUTPA claims. These claims will proceed to trial.

The Court grants RPS's motion for summary judgment as to the FHA claim for disparate claim on the basis of disability, the FHA claim for disparate treatment on the basis of disability, and the FHA failure to accommodate claim. The Court grants RPS's motion for summary judgment as to Mr. Arroyo's FCRA claims for the period from April 26, 2016 to June 30, 2016, and after November 18, 2016. The Court denies the parties' motions for summary judgment as to Mr. Arroyo's FCRA claims for the period from June 30, 2016 to November 18, 2016, and also denies the parties' motions for summary judgment as to whether its actions were "willful" under the FCRA for this period. These claims will proceed to trial.

The Court denies RPS summary judgment as to CFHC's compensatory damages, so their claims will proceed to trial.

SO ORDERED.

\_\_\_\_\_/s/\_\_\_\_\_  
Hon. Vanessa L. Bryant  
United States District of Connecticut

Dated: August 7, 2020 at Hartford, Connecticut



AO 187 (Rev. 7/87) Exhibit and Witness List

## UNITED STATES DISTRICT COURT

DISTRICT OF

CONNECTICUT

CT Fair Housing Ctr, et al.

## EXHIBIT LIST

V.

CoreLogic Rental Property Solutions

Case Number: 3:18-cv-705-VLB

PRESIDING JUDGE V. Bryant					PLAINTIFF'S ATTORNEY Kazerounian-Webber-Dunn-Gerleman	DEFENDANT'S ATTORNEY Hanson-O'Toole-St. George-Wingfield
TRIAL DATE (S) 3-14,15; 10-24,25,28; 11-2,3,4,7,8-22					COURT REPORTER F. Velez/A. Gaskins, ECRO	COURTROOM DEPUTY J. Shafer
PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
37		3/14/2022	Y	Y	Full Lease Agreement Between Carmen Arroyo and ArtSpace Windham	
28		3/14/2022	Y	Y	Mikhail Arroyo File Disclosure Request, Received June 27, 2016	
25		3/14/2022	Y	Y	CoreLogic 6/30/16 letter to Mikhail Arroyo	
	BE	3/14/2022	Y	N	*ID ONLY* Disclosure Request Timeline: 2016	
26		3/14/2022	Y	Y	Mikhail Arroyo File Disclosure Request, November 15, 2016	
	AK	3/14/2022	Y	Y	Apr. 20, 2017 Notice from the York County Court to M. Arroyo	
24		3/14/2022	Y	Y	Screenshot of notes from AS400 System used by CoreLogic RPS re Mikhail Arroyo	
49		3/14/2022	Y	Y	CHRO Carmen Arroyo et al v. Artspace Windham LP et al, Conciliation Agreement	
	V	3/14/2022	Y	N	*ID ONLY* Adverse Action Letter for M. Arroyo	
	AH	3/14/2022	Y	N	*ID ONLY* Sticky note from ArtSpace to C. Arroyo	
	T	3/14/2022	Y	N	*ID ONLY* AS400 Notes	
	AY	3/14/2022	Y	Y	CFHC Notes on envelope	
	O	3/14/2022	Y	Y	June 27, 2016 Consumer Disclosure Request Form	
	P	3/14/2022	Y	Y	June 30, 2016 Letter from RPS to C. Arroyo	
	AX	3/14/2022	Y	Y	CFHC Notes	
	Q	3/14/2022	Y	Y	November 15, 2016 Consumer Disclosure Request Form	
	AO	3/14/2022	Y	Y	Unit Transfer Request Form for two-bedroom apartment	
	BA	3/14/2022	Y	Y	Notes from Carmen Arroyo regarding leases	
	BU	3/14/2022	Y	N	*ID ONLY* Plaintiff's Amended Damages Analysis July 2019	
	AL	3/14/2022	Y	Y	Dec. 28, 2016 Draft letter from C. Arroyo to the York County Court	
7		3/14/2022	Y	Y	Proposal to Winn incl. attachments, Aug. 2015, (aka Response to Winn RFP)	
30		3/14/2022	Y	Y	Mikhail Arroyo CrimSAFE Lease Decision and Adverse Action Letter dated 4-26-2016	

\* Include a notation as to the location of any exhibit not held with the case file or not available because of size.



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**EXHIBIT AND WITNESS LIST – CONTINUATION**

Conn. Fair Housing Ctr, et al. vs. CoreLogic Rental Property Solutions					CASE NO. 3:18-cv-705-VLB
PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS AND WITNESSES
8		3/14/2022	Y	Y	CrimSAFE configuration page (Manage CrimSAFE)
43		3/15/2022	Y	Y	S. Dachtler 2-3-2019 email to WinnResidential staff re CoreLogic Meeting Recap & Follow-up
	F	3/15/2022	Y	Y	4-1-2016 HUD Guidance Client Alert Email
98		3/15/2022	Y	Y	HUD Guidance on Application of FHA Standards to Use of Criminal Records by Housing Providers
	G	3/15/2022	Y	Y	April 2016 email from Lynn Bora to Stacie Dachtler
	AN	3/15/2022	Y	N	*ID ONLY* ArtSpace Windham Tenant Selection Plan
81B		3/15/2022	Y	Y	CV of Christopher Wildeman
81A		3/15/2022	Y	Y	*seperated on 11-8-2022 into 3 parts* Tables to Expert Report of Christopher Wildeman
93A		3/15/2022	Y	N	*ID ONLY* Table 4 to Christopher Wildeman Declaration
	BN	3/15/2022	Y	N	*ID ONLY* Dr. Wildeman's Cumulative Risks of Incarceration & Dr. Huber's Standard Errors
88B		3/15/2022	Y	Y	CV of Allen Parnell
47		3/15/2022	Y	Y	Zip codes of properties using CrimSAFE in Connecticut
88A		3/15/2022	Y	Y	Tables and figures to Expert Report of Allen Parnell
	BV	3/15/2022	Y	N	*ID ONLY* Steno pad on Elmo during Wildeman
102		10/24/2022	Y	N	*ID ONLY* Table 12 markup on Elmo during Parnell
	BW	10/24/2022	Y	N	*ID ONLY* Social Sciences website printout
	BO	10/24/2022	Y	N	*ID ONLY* Dr. Wildeman's Cumulative Risks of Incarceration & Dr. Huber's Standard Errors
	BP	10/24/2022	Y	N	*ID ONLY* Wildeman (2019a) Table 1 with Confidence Limits
80A		10/24/2022	Y	Y	CV of Dr. Lila Kazemian
1		10/24/2022	Y	Y	CrimSAFE Configuration Form, 2012
	A	10/24/2022	Y	Y	CrimSAFE Configuration Instructions
	AC	10/24/2022	Y	Y	2018 Update on Prisoner Recidivism: A 9 Year Follow-Up Period (2005 - 2014)
	AZ	10/24/2022	Y	Y	CT OPM "Recidivism in CT"
	AD	10/24/2022	Y	Y	Bureau of Justice Statistics - Location
	BX	10/24/2022	Y	N	*ID ONLY* Social Sciences website printout
29		10/25/2022	Y	Y	Email 5/8/2017, Cunningham to Lindenfelzer w/ attachment of Mikhail Arroyo docket
9		10/25/2022	Y	Y	CoreLogic RPS's 2018 training provided to WinnResidential



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**EXHIBIT AND WITNESS LIST – CONTINUATION**

CT Fair Housing Ctr, et al. vs. CoreLogic Rental Property Solutions					CASE NO. 3:18-cv-705-VLB
PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS AND WITNESSES
48		10/25/2022	Y	Y	CHRO, Carmen Arroyo et al v. Artspace Windham LP et al, Respondents' Answer to Complaint
	V	10/25/2022	Y	Y	Adverse Action Letter for M. Arroyo
	AJ	10/25/2022	Y	Y	Dec. 12, 2016 letter from M. Cuerda to M. Cunningham
	BY	10/25/2022	Y	Y	Dec. 12, 2016 letter with attachment
	AP	10/25/2022	Y	Y	Pre- Determination Conciliation Agreement
11		10/28/2022	Y	Y	2016 CrimSAFE marketing Registry CrimSAFE product sheet
12		10/28/2022	Y	Y	CrimSAFE marketing Criminal Search Services packet
44		10/28/2022	Y	Y	2005 Registry CrimSAFE product sheet
50		10/28/2022	Y	Y	Screenshot taken 3-12-2018 of Corelogic RPS webpage "Resident Screening"
52		10/28/2022	Y	Y	3-2011 article "Are You Gambling With the Consistency of Your Criminal Screening Decisions "
53		10/28/2022	Y	Y	Screenshot taken 2-26-2018 of CoreLogic RPS website "Criminal Screening"
54		10/28/2022	Y	Y	Screenshot of 2002 SafeRent webpage "SafeRent Criminal Recommendation"
55		10/28/2022	Y	Y	Registry SafeRent Criminal Search Services E-Brochure, (c) 2004
56		10/28/2022	Y	Y	Screenshots of 2006 CoreLogic RPS websites
57		10/28/2022	Y	Y	2006 Brochure "Registry Criminal Search Services"
58		10/28/2022	Y	Y	Screenshots of 2008 Corelogic RPS websites "Registry CrimCHECK" "Registry and CrimSAFE"
59		10/28/2022	Y	Y	Screenshots of 2009 CoreLogic RPS websites
60		10/28/2022	Y	Y	2011 article "Are You Gambling With the Consistency of Your Criminal Screening Decisions "
61		10/28/2022	Y	Y	CrimSAFE Tri-State Maryland-DC-Virginia product sheet
62		10/28/2022	Y	Y	Screenshot of 2014 CoreLogic RPS website "SafeRent Criminal Screening"
	AM	10/28/2022	Y	Y	CFHC Executive Director's Report
	BZ	10/28/2022	Y	N	*ID ONLY* Guide for Housing Providers
	AF	10/28/2022	Y	Y	Corelogic Third Party Authentication Procedures
	T	10/28/2022	Y	Y	AS400 Notes
	N	10/28/2022	Y	Y	AS400 Notes
45		10/28/2022	Y	Y	CrimSAFE Authentication Procedures (Revision 4.0, March 2016)
76		10/28/2022	Y	Y	Email providing conservatorship certification, S. Kazerounian to T. St. George, 2-6-2019



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**EXHIBIT AND WITNESS LIST – CONTINUATION**

CT Fair Housing Ctr, et al. vs. CoreLogic Rental Property Solutions					CASE NO. 3:18-cv-705-VLB
PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS AND WITNESSES
77		10/28/2022	Y	Y	Email stating file disclosure being processed, T. St. George to S. Kazerounian, 4-5-2019
46		10/28/2022	Y	Y	CoreLogic RPS Criminal Searching Training for sales and account managers
	AU1	11/2/2022	Y	Y	CV of Dr. William Huber and case list
	Z	11/3/2022	Y	Y	Number of Properties using CrimSAFE in CT
	C	11/3/2022	Y	Y	CrimSAFE Category Descriptions
	AW	11/3/2022	Y	Y	National Incident Based Reporting System FA webpage
	B	11/3/2022	Y	Y	CrimSAFE Configuration Matrix
27		11/3/2022	Y	Y	Arroyo Lease Recommendation Report generated by CoreLogic RPS on 4-26-2016
3		11/3/2022	Y	Y	CrimSAFE Category Descriptions
2		11/3/2022	Y	Y	CrimSAFE Category Description and Details
38		11/3/2022	Y	Y	CrimSAFE Decisions Reports Subject to Decline, 1-1-16 to 7-9-2019 at multiple properties
	S	11/3/2022	Y	Y	Super-Admin Version of M. Arroyo Report
34		11/3/2022	Y	N	*ID ONLY* Number of clients using CrimSAFE and number of properties, Jan. 2009 to May 2019
78		11/3/2022	Y	Y	Defendant's Objections and Responses to Plaintiffs' First Set of Requests for Production
39		11/3/2022	Y	Y	CrimSAFE Decline Decisions by Race, July 2016 to July 2019, CT Residents
40		11/3/2022	Y	Y	CrimSAFE Decline Decisions by Race, July 2016 to July 2019, CT Properties
35		11/3/2022	Y	Y	CrimSAFE "Record(s) Found" decisions where race was associated with record, July '16-April '19
5		11/3/2022	Y	Y	Hudson Cook presentation to CoreLogic RPS on HUD Guidance
6		11/3/2022	Y	Y	Corelogic RPS email to clients re CoreLogic Response to New HUD Guidance, 4-16-2016
	BN	11/3/2022	Y	Y	Dr. Wildeman's Cumulative Risks of Incarceration & Dr. Huber's Standard Errors
	BP	11/3/2022	Y	N	*ID ONLY* Wildeman (2019a) Table 1 with Confidence Limits
	B	11/3/2022	Y	N	*ID ONLY* Wildeman (2019a) Table 1 with Confidence Limits (Four-year lookback period)
	BS	11/3/2022	Y	N	*ID ONLY* Dr. Wildeman's Disparity Ratios & Dr. Huber's Standard Errors
31		11/4/2022	Y	Y	Commonwealth of Penn. v. Mikhail Jesus Arroyo, Notice of Withdrawal of Charges (4-20-2017)
34		11/4/2022	Y	Y	Number of clients using CrimSAFE and number of properties, Jan. 2009 to May 2019
42		11/4/2022	Y	Y	CoreLogic RPS certificate alleging FCRA compliance & FHA compliance
79		11/4/2022	Y	Y	Def't's Objections and Responses to Pltfs' First Set of Requests for Admission



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**EXHIBIT AND WITNESS LIST – CONTINUATION**

CT Fair Housing Ctr, et al. vs. CoreLogic Rental Property Solutions					CASE NO. 3:18-cv-705-VLB
PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS AND WITNESSES
85		11/4/2022	Y	Y	Defendant's Responses to Plaintiff's Second Set of Requests for Production
86		11/4/2022	Y	Y	Printout taken 12-6-19 of Huduser.gov website "FY 2019 Income Limits Documentation System"
	A	11/4/2022	Y	Y	Responses to RPS's RFAs
	AR	11/4/2022	Y	Y	Responses to RPS's ROGs Nos. 10-11
	CA	11/4/2022	Y	Y	Defendant's marked version of Exhibit BP
93A		11/4/2022	Y	Y	Table 4 to Christopher Wildeman Declaration
102		11/4/2022	Y	Y	Table 12 markup shown on projector
99		11/4/2022	Y	Y	Graph, Lifetime risk of all youth with known income in 2015, by region (NLSY data)
88		11/4/2022	Y	N	*ID ONLY* Expert Report of Allen Parnell (corrected)
	AU	11/4/2022	Y	N	*ID ONLY* Rebuttal expert report of Dr. William Huber
104		11/4/2022	Y	Y	Plaintiffs' marked version of Exhibit BN
97		11/4/2022	Y	Y	Using American Comm. Survey Estimates and Margins of Error (Census Bureau presentation)
93		11/4/2022	Y	N	*ID ONLY* Rebuttal Decl. of Christopher Wildeman
100		11/4/2022	Y	Y	Understanding and Using American Community Survey data (excerpts)
	AT1	11/7/2022	Y	Y	CV of Jay Kacircik and case list
	J	11/7/2022	Y	Y	Screening Service Agreement between RPS and WinnResidential
	I	11/7/2022	Y	Y	Screening Service Agreement-Policies and Procedures Applicable to End Users
	E	11/7/2022	Y	Y	Advisory Board Criminal Records Screening Presentation
	K	11/7/2022	Y	Y	CrimSAFE Settings March 2016
	H	11/7/2022	Y	Y	May 2016 Email from Lynn Bora to Stacie Dachtler with Attachment
41		11/7/2022	Y	Y	CoreLogic RPS staff email to WinnResidential staff re "Corelogic: Meeting Follow-up" 8-27-2017
	AB	11/7/2022	Y	Y	Manage CrimSAFE
	Y	11/7/2022	Y	Y	Screenshot of M. Arroyo Background Screening Report
32		11/7/2022	Y	Y	CrimSAFE Lease Recommendation report for Mikhail Arroyo, April 26, 2016
10		11/8/2022	Y	Y	Corelogic RPS's 2017 training provided to WinnResidential
	M	11/8/2022	Y	Y	M. Arroyo Record
81A1		11/8/2022	Y	N	*ID ONLY* Tables to Expert Report of Christopher Wildeman







**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

Connecticut Fair Housing Ctr, <i>et al.</i>	:	
	:	
Plaintiffs,	:	No. 3:18-cv-705-VLB
	:	
v.	:	
	:	July 20, 2023
CoreLogic Rental Property Solutions, LLC,	:	
	:	
Defendant.	:	

**MEMORANDUM OF DECISION AND ORDER**

Following a serious accident that left Mikhail Arroyo severely disabled and unable to care for himself, his mother, Carmen Arroyo, became his court appointed conservator. Ms. Arroyo applied for Mr. Arroyo to move in with her in the apartment complex where she lived. Mr. Arroyo’s application was denied because, a year before his accident, he was arrested in another state and charged with minor theft. The leasing staff did not tell Ms. Arroyo why Mr. Arroyo’s application was denied. Rather, the leasing staff told Ms. Arroyo to obtain Mr. Arroyo’s background report directly from the screening company. She tried, but her efforts fell short. Ms. Arroyo sought help from a local non-profit housing advocacy group, Connecticut Fair Housing Center (“CFHC”). Together, they brought a complaint before the Commission on Human Rights and Opportunities (“CHRO”) against the housing provider who denied Mr. Arroyo’s application. Thereafter, the housing provider changed its decision and accepted Mr. Arroyo’s application.

Before the Court is the case brought by CFHC and Ms. Arroyo, both for herself and as conservator for Mr. Arroyo (the “Plaintiffs”), against CoreLogic



Rental Property Solutions, LLC (“CoreLogic”), the background screening company that the housing provider used to check Mr. Arroyo’s criminal history and creditworthiness. The Plaintiffs allege CoreLogic’s use and advertisement of its criminal background screening product, CrimSAFE, (1) has a disproportionate adverse impact on Latinos and African Americans as compared to similarly situated whites; (2) has the intention of discriminating on the basis of national origin and race; and (3) intentionally encourages, facilitates, and assists housing providers’ with unlawful discrimination, all in violation of the Fair Housing Act, 42 U.S.C. §§ 3601 *et seq.* (“FHA”) and the Connecticut Unfair Trade Practice Act, Conn. Gen. Stat. §§ 42-110a *et seq.* (“CUTPA”). The Plaintiffs also allege that CoreLogic violated the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 *et seq.* (“FCRA”), in failing to disclose Mr. Arroyo’s consumer report upon request, by failing to establish reasonable requirements for proper identification, and by placing unreasonable preconditions on the disclosure of a consumer report.

The Court conducted a ten-day bench trial. Having considered the evidence and arguments submitted at trial and in the parties’ written submissions, the Court rules in favor of CoreLogic on the Plaintiffs’ FHA and CUTPA claims and rules in favor of Mr. Arroyo on the FCRA claim.

Below are the Court’s findings of fact and conclusions of law.<sup>1</sup>

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<sup>1</sup> See Fed. R. Civ. P. 52(a)(1) (“In an action tried on the facts without a jury or with an advisory jury, the court must find the facts specially and state its conclusions of law separately.”).



**I. FINDINGS OF FACT**

**A. The Parties**

1. Mikhail Arroyo, a plaintiff in this action, is a Latino male.<sup>2</sup> (SOF ¶ 13.) In July 2015, Mr. Arroyo was in a serious accident that caused a traumatic brain injury, left him completely unable to walk or talk, and rendered him in need of assistance with all activities of daily living and mobility. (SOF ¶ 16.) Mr. Arroyo was hospitalized following the accident until early 2016, when he was transferred to a nursing home where he could continue to recover. (SOF ¶ 19; Tr. 3/14/2022 6:3–4.) In April 2016, Mr. Arroyo was authorized to be discharged from the nursing home to live with his mother, who will be his primary caregiver. (SOF ¶ 20.)
2. Mr. Arroyo’s mother is Carmen Arroyo, who is also a plaintiff in this action. Ms. Arroyo serves as one of Mr. Arroyo’s court-appointed conservators. (SOF ¶ 18; Tr. 3/14/2022 4:14–16.)
3. The Connecticut Fair Housing Center is a housing advocacy non-profit organization. CFHC aids individuals it believes have been victimized by housing discrimination in asserting their rights by taking actions that include bringing lawsuits on their behalf. (Tr. 10/28/2022 747:3–21.) In addition, CFHC provides education programs for victims and housing providers, and is involved in public policy formation. (Tr. 10/28/2022 747:22–748:6.) In late November 2016, Ms.

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<sup>2</sup> The Plaintiffs use “Latino” and “Hispanic” interchangeably to identify Mr. Arroyo’s ethnicity. (SOF ¶ 13; Tr. 3/14/2022 6:11–12.) The Court will use the term “Latino” for the sake of this decision.



Arroyo reached out to CFHC for assistance in her efforts to move Mr. Arroyo into her apartment with her. (Tr. 3/14/2022 20:16–21:1; Tr. 10/25/2022 at 720:6–8.)

4. CoreLogic is a tenant screening company that offers multi-family housing providers a number of tenant screening products and services, including credit and criminal history screening. (SOF ¶¶ 1, 4.) CoreLogic provides these products and services to customers nationwide, including more than 20 customers in the State of Connecticut. (SOF ¶ 3.)

5. Though not a party, WinnResidential plays a central role in this litigation. WinnResidential is a multi-family owner and manager of apartment buildings throughout the country, managing over 120,000 units nationwide. (Tr. 3/14/2022 126:3–8.) During relevant times, WinnResidential managed 16 properties in Connecticut, including ArtSpace Windham—an apartment complex in Windham, Connecticut. (SOF ¶¶ 10–11.) Artspace Windham is the apartment complex where Ms. Arroyo lived while Mr. Arroyo was in the nursing home recovering after his accident and where Ms. Arroyo applied for Mr. Arroyo to live when he was cleared to leave. (Tr. 3/14/2022 6:23–7:4.) WinnResidential has been a customer of CoreLogic since 2006 and used its tenant screening products from 2008 until 2020. (SOF ¶ 9.) In March 2010, CoreLogic’s predecessor, First Advantage SafeRent, and WinnResidential entered into a Screening Service Agreement. (Ex. J.) The agreement provides that WinnResidential is solely and exclusively responsible for complying with all laws as they relate to use of consumer reports. (*Id.*) The agreement also provides that CoreLogic is not an agent of WinnResidential. (*Id.*)



**B. CoreLogic's Tenant Screening Products**

6. CoreLogic offers a criminal history screening product called CrimSAFE.

(SOF ¶ 4.)

7. CoreLogic's criminal history products, like CrimSAFE, are web-based software programs that match criminal records and generate reports of data from CoreLogic's large criminal records database. The database contains criminal records from over 800 jurisdictions throughout the nation with over half a billion criminal records collected and categorized pursuant to CoreLogic's record classification criteria. (Tr. 11/3/2022 17:5–16.)

8. CoreLogic's classifications for categorizing criminal records in its database largely mirror classification criteria used by the Federal Bureau of Investigation in its National Incident-Based Reporting System. (Tr. 11/3/2022 19:9–15; Tr. 11/7/2023 64:1–5; Ex. AW.) All records fall within three primary categories: (1) "Crimes Against Property," (2) "Crimes Against Persons," and (3) "Crimes Against Society." (SOF ¶ 5.) Within these categories are more specific sub-categories totaling 36 sub-categories. (SOF ¶ 5.) The subcategories for "Crimes Against Persons," for example, include: "assault related offenses," "family related offenses, nonviolent," "homicide related offenses," "kidnapping/abduction related offenses," "sex related offenses, forcible," "sex related offenses, nonforcible," and "all other person related offenses." (Ex. 3.)

9. CoreLogic has a similar background screening product called CrimCHECK. CrimCHECK provides users with unfiltered access to any and all criminal records within CoreLogic's criminal records database that match the tenant applicant's



identification information. (Tr. 11/3/2022 17:2–4; Tr. 11/7/2022 62:23–63:2, 87:16–25.)

10. CrimSAFE, like CrimCHECK, matches records from the CoreLogic criminal records database to a tenant applicant. Unlike CrimCHECK, CrimSAFE filters out records that the housing provider deemed irrelevant for their housing decision. (Tr. 11/7/2022 62:1–64:11.) CrimSAFE filters out records based on three criteria (1) type of offense, (2) severity/disposition, and (3) age of offense.<sup>3</sup> (*Id.*)

11. In practice, CrimSAFE filters out a large number of criminal records from housing provider consideration. During the same period of time involving the same applicant pool, CrimCHECK reported 14% of applicants had a criminal record, where CrimSAFE reported only 6% of applicants with criminal records. (Tr. 11/3/2022 29:14–30:1)

12. By filtering out records a housing provider deems irrelevant to their housing decision, CrimSAFE increases the number of automatic acceptances for individuals that have older and minor criminal histories. This unburdens the housing provider's staff and provides faster processing of tenant applications. The filtering function is an added feature, which is why CrimSAFE is more expensive than CrimCHECK. (Tr. 11/7/2022 245:5–8.)

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<sup>3</sup> The Court will address the filtering function in greater detail in a later portion of this decision. The filtering function is mentioned at this point in the decision to demonstrate the difference between CrimCHECK and CrimSAFE.



### **CrimSAFE Advertising**

**13. CoreLogic advertises its tenant screening products to housing providers.**

**In one of CoreLogic’s product briefs on CrimSAFE issued in or around 2016 (the “2016 Product Brief”) CoreLogic describes CrimSAFE as follows:**

**Registry CrimSAFE® automates the evaluation of criminal records. Registry CrimSAFE is designed for clients who want CoreLogic® SafeRent® to process criminal history records and notify the leasing staff when criminal records are found that do not meet the criteria established by your community. Registry CrimSAFE helps you implement consistent decisions, which improves Fair Housing compliance and frees your staff from interpreting criminal records.**

**(Ex. 11.)**

**14. The 2016 Product Brief lists the benefits of CrimSAFE as: “Maintain[ing] a safer community for residents, guests, and staff,” “Reduc[ing] potential liability from criminal acts,” “Improv[ing] Fair Housing compliance by helping you screen applicants consistently,” and “Sav[ing] time for leasing staff.” (Ex. 11.)**

**15. The 2016 Product Brief also lists the features of CrimSAFE as: “Flexible configuration – more than 30 criminal categories allow you to determine precisely how to handle different types of offenses,” “Administrative control – powerful set up tool to configure and change your settings,” and “Comprehensive reporting – management reports allow you to monitor property performance and provide feedback on offenses found.” (Ex. 11.)**

**16. The 2016 Product Brief contains a sample screenshot of CrimSAFE’s customer interface when criminal records are matched to an applicant. (Ex. 11.) The example shows the program displaying the following message: “Record(s) Found,” “Based upon your community CrimSAFE settings and the results of this search, disqualifying records were found. Please verify the applicability of these**



records to your applicant and proceed with your community's screening policies." (Ex. 11.) The screenshot sample in the advertisement also contains a section titled "Agent Decision," with a dropdown option for an agent to select when an applicant was accepted or declined. (Ex. 11.)

17. In a "Request for Proposal" CoreLogic issued on August 10, 2015, CoreLogic described CrimSAFE as follows:

CoreLogic SafeRent is the only company that offers Registry CrimSAFE®, a robust tool that relieves your staff from the burden of interpreting criminal search results and helps ensure consistency in your decision process. You set the policies for accepting or declining categories of criminal offenses. Then, criminal record search results are evaluated using our own advanced, proprietary technology and an accept/decline leasing decision is delivered to your staff. With CrimSAFE, your policies are consistently implemented, Fair Housing compliance is optimized and your community enjoys an improved level of safety. Registry CrimSAFE works in conjunction with all of our criminal checking services, whether you use our multi-state, statewide, county searches or Multi-State Sex Offender Search.

(Ex. 7, 12; Tr. 10/25/2022 606:4–607:15.)

#### **CrimSAFE Purchase and Initial Configuration**

18. When a customer, particularly a large customer, decides to purchase CrimSAFE, CoreLogic assigns a Senior Account Manager to help the housing provider with the initial configuration of their CrimSAFE settings. (Tr. 11/7/2022 48:24–49:3, 50:25–51:3.)

19. CoreLogic and the housing provider enter into a "Screening Service Agreement." Typically, the Screening Service Agreement provides that the housing provider is solely and exclusively responsible for complying with all federal, state, and local laws as it relates to use of consumer reports. (Tr.



11/7/2022 56:7–18; Ex. J.) The agreement also provides that CoreLogic and the customer are not agents of the other. (Tr. 11/7/2022 57:3–12.)

20. When a new customer purchases CrimSAFE, they must complete an initial configuration of their CrimSAFE settings. (Tr. 11/7/2022 71:11–18.) A housing provider can submit their initial configuration in one of two ways. They can submit the forms to the Senior Account Manager assigned to their account and that manager will input the data into CrimSAFE. (Tr. 3/14/2022 137:9–22; Exs. 1, 8.) Alternatively, the housing provider can input the configuration directly into CrimSAFE themselves. (Tr. 3/14/2022 137:9–22; Exs. 1, 8.)

21. The CrimSAFE configuration platform contains a section titled “MANAGE CRIMINAL ACCEPTANCE DECISIONS.” (Ex. 8.) Under this title is the following text: “For each criminal category, enter the minimum number of years that your community wants to decline an applicant for the specified type of crime. Please note that applicants whose criminal record are older than the number of years for the specified crime will result in an accept for your community.” (Ex. 8.) The “minimum number of years,” as used above, is known as the “lookback period.” Following this instruction is a configuration matrix. (Ex. 8.) The rows of the configuration matrix are the criminal offense subcategories that CoreLogic uses to organize its criminal records database. See (FF ¶ 8). The configuration matrix has four columns representing different crime severities and dispositions: (1) felony conviction, (2) other felony charge, (3) other conviction, and (4) other criminal charge. (Ex. 8.) The intersection between the rows and columns—i.e., the matrix elements—represent the lookback period, which again is the number



of years after which criminal records will not match with the applicant. (Ex. 8.)

The lookback periods for all convictions can be between zero and 99 years. (Ex.

8.) The lookback periods for all charges can be between zero and seven years.

(Ex. 8.)

22. In training materials on CrimSAFE configuration, CoreLogic used the term “Decline” to describe when criminal records were matched to an applicant.

(11/7/2022 240:7–11, 244:4–9.) For example, in a PowerPoint presentation on how to configure CrimSAFE settings, the slide states “All crime categories must be configured with the client’s criteria – Failure to configure will result in high declines.” (Ex. 48 § 4.8.)

23. In 2012, CoreLogic used a paper configuration form that instructed the formfiller to: “[e]nter number of years counting backward from today that will cause an application decline.” (Ex. 1.) The older forms also include decision messages—which is the language used in the tenant screening reports—of either “accept” or “decline.” (Ex. 1.)

24. During the initial configuration stage, some housing providers ask the CoreLogic sale and account managers for advice about selecting lookback periods under each category. (Tr. 10/25/2022 579:25–581:6, 583:17–24.)

CoreLogic managers respond by sharing choices made by its other housing provider customers. (Tr. 3/15/2022 164:24–165:10; Tr. 10/25/2022 589:13–23, 603:9–11; Tr. 11/7/2022 121:5–11.) CoreLogic does not make a recommendation on what the housing providers should choose and expressly tells housing



providers that the ultimate decision is theirs. (Tr. 10/25/2022 590:8–9, 603:9–11, 637:14–21; Tr. 11/7/2022 121:18–19.)

25. CrimSAFE provides two levels of access to criminal record reports: one that shows all available data on criminal records found and one that displays a suppressed version only showing that records were found but not the actual records found. Each new user is, by default, authorized to receive the full data. (Tr. 11/7/2022 80:21–22, 115:3–4, 248:10–19; Ex. 46.) CrimSAFE does not limit how many users can have full access. (Tr. 11/7/2022 81:17–19.)

26. Some housing providers, including WinnResidential, configure their CrimSAFE to give selected senior level managers full access to criminal records and to deny access to onsite leasing staff. (Tr. 3/15/2022 151:16–25, 153:1–7; Tr. 10/25/2022 604:14–23; Ex. 7 at p.14.) A WinnResidential executive explained that they suppress reports from onsite staff because they fear the staff will use personal interests (such as leasing commissions) in making a leasing decision that the executives believe should be made by someone in a more elevated position. (Tr. 3/15/2022 156:3–12, 186:1–13.) To limit access to criminal records, housing providers must affirmatively go into the CrimSAFE configuration settings and uncheck a box for “backup data.” (Tr. 10/25/2022 603:22–12; Tr. 11/3/2022 60:18–20; Ex. 8.)

27. CrimSAFE affords housing providers the ability to customize the language that populates in the tenant screening reports they request. (Tr. 10/25/2022 587:6–588:9; Tr. 11/7/2022 73:24–74:14; Ex. 8.) For example, the housing provider can adjust the language in the screening reports when disqualifying records are



found. (*Id.*; Tr. 10/25/2022 609:25–610:3.) The default language for when disqualifying records are found is “Record(s) Found.” (Tr. 11/3/2022 32:12–17; Tr. 11/7/2022 73:8–12, 78:17–23.) Some CoreLogic customers have changed this default language to say: “further review.” (Tr. 11/7/2022 79:2–11.) Housing providers can also customize text providing instructions to the onsite leasing staff for when records were matched with an applicant. In the case of WinnResidential’s screening report settings at the time Mr. Arroyo applied for tenancy, the language that accompanied the “Record(s) Found” message was: “Please verify the applicability of these records to your applicant and proceed with your community’s screening policies.” (Ex. 30.) The instruction to consult community screening policies is a topic covered in the CoreLogic training program as discussed below. This language is similar to the default language provided by the program. (Tr. 11/7/2022 79:8–24.)

#### **CrimSAFE Training and Use**

28. Once a customer’s CrimSAFE settings are configured, CoreLogic provides training on how to use CrimSAFE to the housing provider’s staff, including onsite leasing staff who typically submit applicant screening information into CrimSAFE. (Tr. 10/25/2022 594:16–23; Tr. 11/7/2022 157:8–13.)

29. When submitting an applicant’s information for screening, the housing provider staff access the CrimSAFE web-based software program and input the applicant’s name, date of birth, and current address. (SOF ¶ 6.) The program then uses CoreLogic’s proprietary matching process to identify criminal public records of the applicant. (SOF ¶ 7.) Almost instantly, the CrimSAFE program



generates a tenant screening report. (Tr. 10/25/2022 591:16–21; 608:4–10.)

CoreLogic does not interact with applicants during the application stage. (SOF ¶ 8.)

30. The tenant screening report has three sections: “Report Information,” “Lease Decision,” and “Screening Details.” (Ex. 30.)

a. “Report Information” includes information about the screening transaction itself, such as the applicant’s name, who performed the screening (meaning the onsite leasing agent), and when the report was generated. (*Id.*)

b. “Lease Decision,” includes a summary of the credit score and a criminal history decision. (*Id.*) For a credit score decision, an applicant can be “accepted,” “accepted with conditions,” or “declined,” depending on their credit score. (*Id.*) For a criminal history decision, an applicant can be accepted or, in Mr. Arroyo’s case, the report says “Record(s) Found,” “Please verify the applicability of these records to your applicant and proceed with your community’s screening policies.” (*Id.*) As explained above, the housing provider selects the language that appears when criminal records are matched with an applicant and what records will trigger a report.

c. “Screening Details,” include several subsections for “Applicant Information,” “Reports,” and “Letters.” (*Id.*) Included in “Reports” is a “CrimSAFE Report,” which contains a section titled “CRIMSAFE RESULTS.” (*Id.*) Under the title is the following statement: “BASED UPON YOUR COMMUNITY CRIMSAFE SETTINGS AND THE RESULTS OF THIS SEARCH, DISQUALIFYING RECORDS WERE FOUND. PLEASE VERIFY THE APPLICABILITY OF THESE



**RECORDS TO YOUR APPLICANT AND PROCEED WITH YOUR COMMUNITY'S SCREENING POLICIES.” (*Id.*)**

**31. In the case of Mr. Arroyo’s tenant screening report, the “CRIMSAFE RESULTS” only showed that Mr. Arroyo had a “CRIMINAL COURT ACTION” out of Pennsylvania. (*Id.*) After the record is boilerplate language about confirming that the information used to generate the report is correct. (*Id.*) This section ends with: “Remember, you must comply with your obligations under the federal Fair Credit Reporting Act, your Service Agreement, and the other applicable federal, state and local laws.” (*Id.*)**

**32. A user with access to the full backup data, as explained above, would also have access to the Multi-State Criminal Search Report. (Tr. 11/3/2022 153:11–14; Ex. 27.) This report provides a summary for each record found, such as: the reporting agency, case number, file date, offense, disposition and sentence (if available). (*Id.*) The report does not show what offense category, (FF ¶ 8), the conduct fell within the CoreLogic criminal records database. (Tr. 11/3/2022 178:20–23.) A user denied full access to the criminal records by the housing provider would be unable to view the Multi-State Criminal Search Report and would otherwise not have access to specific information about the criminal record. (Tr. 11/7/2022 201:25–202:17.)**

**33. CoreLogic trains housing provider’s onsite leasing staff to review the criminal records to confirm they are attributable to the applicant and to refer to the housing provider’s tenant selection plans with respect to any criminal records found through CrimSAFE. (Tr. 11/7/2022 163:13–16.) CoreLogic is not involved in**



the decision. (Tr. 3/14/2022 127:16–22; Tr. 10/25/2022 623:11–624:7.) CoreLogic trains housing providers to designate someone to receive the records, but the housing provider decides who within their organization has access to the full criminal reports and whether the records are in fact reviewed as CoreLogic advises. (Tr. 10/25/2022 634:3–6.)

34. If the housing provider decides to accept an applicant, it can report in CrimSAFE the acceptance notwithstanding any matched criminal records. (Tr. 11/3/2022 145:1–2, 145:25–146:1; Tr. 11/7/2022 151:7–17, 173:5–174:7.)

35. If a housing provider decides to decline an application or set additional conditions of tenancy, they typically provide an applicant with an Adverse Action Letter.<sup>4</sup> CrimSAFE has a letter-generating function that inserts an applicant's contact information into a template adverse action letter composed by the housing provider. (Tr. 11/3/2022 115:3–17.) CrimSAFE contains a sample adverse action letter that the housing provider can review in composing their own letter, which they can change at any time. (Tr. 11/3/2022 49:8–11; 115:5–6.)

36. The adverse action letter generated for Mr. Arroyo states: "At this time we are unable to approve your application." (Ex. 30.) It then states that the decision was based on information contained in a consumer report generated by CoreLogic and provides CoreLogic's contact information. (*Id.*) The letter states:

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<sup>4</sup> An adverse action letter is provided in compliance with a legal requirement under the FCRA, which "requires, among other things, that 'any person [who] takes any adverse action with respect to any consumer that is based in whole or in part on any information contained in a consumer report' must notify the affected customer." *Safeco Ins. Co. of America v. Bur*, 551 U.S. 47, 52 (2007). "The notice must point out the adverse action, explain how to reach the agency that reported on the consumer's credit, and tell the consumer that he can get a free copy of the report and dispute its accuracy with the agency." *Id.* at 53.



In evaluating your application, information obtained from and through CoreLogic SafeRent, LLC, which may include credit information or consumer information from one or more of the credit bureaus or consumer reporting agencies, may have influenced our decision in whole or in part. These consumer reporting agencies and/or credit bureaus did not make the decision to take adverse action and are unable to provide specific reasons why adverse action was taken.”

(*Id.*)

37. CoreLogic trained housing provider onsite leasing staff on how to access an adverse action letter in CrimSAFE. (Tr. 11/7/2022 157:17–158:7.) The staff was trained to give the letter to an applicant when the housing provider decides to accept an applicant “with conditions” or decline for any reason. (Tr. 11/7/2022 157:17–158:7.) However, it is up to the housing provider on whether, and if so when, to give the adverse action letter to an applicant. (Tr. 10/25/2022 632:8–13.)

38. CrimSAFE can be configured to send adverse action letters via email to housing applicants. (Tr. 11/8/2022 40:2–7.) The release of the email is delayed, during which time the housing provider can cancel the letter. (Tr. 11/8/2022 40:7–12.) The delay affords housing providers the opportunity to assess the applicant’s qualifications consistent with their own community standards, as advised in the CoreLogic training. WinnResidential used the email function for a period of time, but not for ArtSpace Windham. (Tr. 11/8/2022 40:18–24.)

39. CoreLogic trains housing providers how to receive daily emails containing the CrimSAFE decision reports for applicants with records found. (Tr. 11/7/2022 84:5–85:5.) A user with authorization to view the full backup data can access these reports at any time. (Tr. 11/7/2022 85:6–16.)

40. CoreLogic had quarterly meetings with WinnResidential executives to review the screening process and data generated during the preceding quarter.



(Tr. 3/15/2022 159:18–160:6; Tr. 10/25/2022 627:16–24.) In a summary from January 30, 2019, CoreLogic provided statistical reports for 2018. (Ex. 43 at p.8.) The summary shows that in 2018, 762 searches (representing 2.2% of all applicants) yielded disqualifying criminal records matched based on WinnResidential’s CrimSAFE configuration. (*Id.*) This was .6% less than the previous year. (*Id.*) The meeting summary also says: “If having issues with criminal element at the properties, possibly increase:” and provides a list of WinnResidential’s current configuration settings. (*Id.* at pp.8–9.)

**C. Mikhail Arroyo’s Application Process**

41. On November 20, 2015, Carmen Arroyo entered into a lease contract with ArtSpace for a one-bedroom apartment for a lease period of November 24, 2015 through October 31, 2016. (Tr. 3/14/2022 7:5–7, 7:14–16, 43:23–25; Ex. 37.)

42. Partway through the lease term, in July 2015, Ms. Arroyo’s son, Mikhail Arroyo, was involved in a serious accident and was hospitalized until moved to a nursing home in early 2016. (FF ¶ 1.)

43. In April 2016, Mr. Arroyo was ready to be discharged from the nursing home to live with Ms. Arroyo as his primary caregiver. (*Id.*)

44. On April 4, 2016, the United States Department of Housing and Urban Development (“HUD”) issued the “Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions.” (Ex. 98.) The HUD Office of General Counsel begins the Guidance by discussing the overrepresentation of African Americans and Hispanics in the criminal justice



system. (*Id.* 1–2.) The Guidance goes on to provide the general legal framework for disparate impact liability, which includes evaluating whether a criminal history policy or practice has a discriminatory effect, then whether it is necessary to achieve a substantial, legitimate, nondiscriminatory interest. (*Id.* 2–8.) In addressing whether there is a substantial, legitimate, nondiscriminatory interest in exclusions based on arrests, the Guidance states, “A housing provider with a policy or practice of excluding individuals because of one or more prior arrests (without any conviction) cannot satisfy its burden of showing that such policy or practice is necessary to achieve a substantial, legitimate, nondiscriminatory interest.” (*Id.* 5.) The Guidance explains that “arrest records do not constitute proof of past unlawful conduct and are often incomplete (e.g., by failing to indicate whether the individual was prosecuted, convicted, or acquitted) . . . .” (*Id.*) As to convictions, the Guidance provides that a criminal history practice or policy that “fails to consider the nature, severity, and recency of criminal conduct is unlikely to be proven necessary to serve a ‘substantial, legitimate, nondiscriminatory interest’ of the provider.” (*Id.* 7.) The Guidance identifies one statutory exemption from FHA liability in cases involving individuals with prior convictions for manufacturing or distributing controlled substances as defined in the Controlled Substances Act. (*Id.* 8.) The Guidance states that housing providers conduct an individualized assessment of an applicant’s criminal history rather than using a blanket ban. (*Id.* 10.)

45. On April 15, 2016, 11 days after the HUD Guidance was released, CoreLogic sent an email to its active customers with the subject line: “CoreLogic Response



to New HUD Guidance,” which informed customers of the new guidance and provided a hyperlink to the guidance. (Tr. 11/3/2022 55:11–56:15, 57:16–18; Tr. 11/7/2022 96:23–25; Ex. F.) In the email, CoreLogic summarized the guidance. (*Id.*) The email stated:

The Registry CrimSAFE® tool can help with categorization of criminal records, but it is the responsibility of each customer to set their own criteria for making tenancy decisions. CoreLogic recommends that our clients work with their legal counsel to review their eligibility requirements and related policies around the use of criminal background data to ensure compliance with all federal and state laws.

(*Id.*)

46. CoreLogic’s senior account manager on the WinnResidential account contacted WinnResidential directly to confirm they received the email notifying customers of the HUD guidance. (Tr. 11/7/2022 103:19–104:18.) On April 16, 2016, Lynn Bora, a vice president for WinnResidential, responded stating that she received the email and will have a call with their internal legal department to discuss the approach they will take. (Ex. G.) CoreLogic’s account manager had several communications with WinnResidential, where she conveyed some strategies her other customers were taking, such as implementing review boards. (Tr. 11/7/2022 104:19–21.) CoreLogic also engaged outside legal counsel, who conducted a training course for CoreLogic’s largest clients on the new HUD guidance. (Tr. 11/7/2022 100:19–103:10.)

47. In April 2016, Ms. Arroyo, then living in a one-bedroom apartment, informed the onsite property manager at ArtSpace, Melissa Dejardins, that she wanted to move from her one-bedroom apartment to a two-bedroom apartment with her son, Mr. Arroyo. (Tr. 3/14/2022 8:8–12, 8:17–19, 48:23–49:6, 64:1–3.) Ms. Arroyo



informed Ms. Dejardins that Mr. Arroyo was disabled. (Tr. 3/14/2022 103:24–8.) Ms. Dejardins told Ms. Arroyo to submit paperwork so WinnResidential could conduct a background check of Mr. Arroyo, which Ms. Arroyo did. (SOF ¶ 21; Tr. 3/14/2022 8:17–23.)

48. On April 26, 2016, Ms. Dejardins entered Mr. Arroyo’s identification information into the CrimSAFE program and received a screening report. (Ex. 30.) The report indicated that the “Score Decision,” which as explained above reflects his credit history, said “Accept with Conditions.” (*Id.*) The report also provided under the “Crim Decision”: “Record(s) Found.” (*Id.*) Under the “Record(s) Found” message, the report directed the reader to “Please verify the applicability of these records to your applicant and proceed with your community’s screening policies.” (*Id.*) The adverse action letter composed by WinnResidential in CrimSAFE stated “we are unable to approve your application . . . this decision was based on information contained in consumer report(s) obtained from and through CoreLogic RPS SafeRent, LLC.” (SOF ¶ 24.) The letter informed that Mr. Arroyo had a right to obtain the information in his consumer file. (SOF ¶ 24.) The adverse action letter also stated that CoreLogic “did not make the decision to take adverse action.” (SOF ¶ 24.) The decision to send the adverse action letter was made by WinnResidential. (SOF ¶ 25.)

49. Ms. Dejardins did not have access to the specific criminal record that CrimSAFE matched with Mr. Arroyo because WinnResidential did not give this level of access to onsite leasing staff. (Tr. 3/15/2022 155:20–23.) However,



WinnResidential executives did have access to the full criminal report. (Tr. 3/15/2022 153:1–7.)

50. Ms. Dejardins verbally told Ms. Arroyo that Mr. Arroyo's application was denied and gave Ms. Arroyo CoreLogic's phone number on a sticky note. (Tr. 3/14/2022 68:8–16.) Ms. Arroyo did not receive the adverse action letter, (Tr. 3/14/2022 67:10–68:7), even though Artspace had a tenant selection plan that required onsite staff to notify every denied applicant in writing about a denial. (Tr. 10/25/2022 704:14–15.)

51. After learning of the denial, Ms. Arroyo had numerous conversations with WinnResidential in 2016 and 2017, in which she informed WinnResidential that Mr. Arroyo was disabled and asked for further details on the denial of his application. (SOF ¶ 26.) WinnResidential did not immediately provide her with information nor did it reverse its decision at that time. (SOF ¶ 26.) During this time, WinnResidential's regional manager, Michael Cunningham, became involved and escalated the issue to WinnResidential vice presidents. (Tr. 10/25/2022 654:22–25, 669:5–25.)

52. Ms. Arroyo moved forward with transferring from her one-bedroom apartment to a two-bedroom apartment at Artspace. On November 1, 2016, Ms. Dejardins completed a Unit Transfer Request Form, which requested that only Ms. Arroyo be transferred to a two-bedroom unit effective November 15, 2016. (Ex. AO.)

53. In November 2016, the exact date not shown, Ms. Arroyo moved into a two-bedroom unit in ArtSpace. (Tr. 3/14/2022 35:20–22, 45:6–10.) Ms. Arroyo testified



that she did not seek to move sooner because Mr. Arroyo's application was denied. (Tr. 3/14/2022 35:12–36:13.)

54. On November 28, 2016, a CFHC representative contacted Mr. Cunningham, Ms. Dejardin's supervisor, about Mr. Arroyo's application. (Tr. 10/25/2022 at 720:6–8.) On December 12, 2016, CFHC sent a letter via email to Mr. Cunningham seeking a reasonable accommodation for Mr. Arroyo in light of his disability. (Tr. 10/25/2022 718:22–719:14.)

55. On or before December 28, 2016, after CFHC became involved, Ms. Arroyo learned that the reason Mr. Arroyo was denied was because of a criminal record. (Tr. 3/14/2022 21:6–18; Ex. AL (letter dated December 28, 2016 discussing the charges).) The pending charge was for "Retail Theft-Take [Merchandise]" in violation of Pennsylvania law 18 Pa.C.S.A. § 3929. (Ex. AK.) After learning of the pending charge, Ms. Arroyo spoke with a court in Pennsylvania and was told to submit Mr. Arroyo's medical history, which she did. (Tr. 3/14/2022 23:19–21.)

56. In February 2017, with CFHC's assistance, Ms. Arroyo filed a complaint with the CHRO against WinnResidential and ArtSpace Windham seeking a reasonable accommodation for Mr. Arroyo. (SOF ¶ 29; Tr. 3/14/2022 22:8–23:12, 52:17–19.)

57. WinnResidential submitted an "Answer" to the CHRO complaint, which Mr. Cunningham signed, that states:

Respondents [(WinnResidential)] are not privy to the exact details as to the denial of each applicant. Respondents pay for this third-party screening service and are provided with a report which they make their acceptance or denial decision. This is the same report that the complain[ant]s have and Connecticut Fair Housing Center has. Every denied applicant has the ability to contact CoreLogic to obtain more



information and Respondents give applicants the information to contact CoreLogic when requested.

(Tr. 10/25/2022 692:8–693:8; Ex. 48 at p.4.) The Answer also states that “Respondents have admitted that they do not know the facts behind the criminal background findings, however they hire a third-party vendor to perform the checks, and trust in the results they are given and therefore make their decisions based on these results.” (Ex. 48 at p.5.) The Answer is inconsistent with Mr. Cunningham’s testimony that WinnResidential did have a way of obtaining the criminal record details. (Tr. 10/25/2022 740:21–22.) Further, any claim that WinnResidential did not have access to the full report may arguably be true as to some but not all WinnResidential employees, a fact to which WinnResidential’s executive vice president testified. (See *supra*, FF 26.)

58. On April 20, 2017, a letter was sent to Ms. Arroyo from a Pennsylvania court informing her that the charge against Mr. Arroyo was withdrawn. (SOF ¶ 27; Tr. 3/14/2022 23:22–24:14; Ex. AK.)

59. On June 13, 2017, the CHRO conducted a factfinding hearing. (Tr. 3/14/2022 56:21–57:3.) Ten days later, on June 23, 2027, WinnResidential accepted Mr. Arroyo’s application to move into ArtSpace. (SOF ¶ 30; Tr. 3/14/2022 57:4–6.) CoreLogic was not involved in the decision to allow Mr. Arroyo to move in, nor was CoreLogic involved in the CHRO action. (Tr. 10/25/2022 736:4–18.)

60. The CHRO action resulted in a settlement. (Tr. 3/14/2022 54:25–55:4.) The settlement agreement was executed on August 9, 2017, wherein WinnResidential



and ArtSpace agreed to pay \$50,000 to the claimants and to train its staff on fair housing compliance. (Ex. 49.)

**D. Consumer Report Disclosure**

61. The following section discusses Ms. Arroyo's efforts to obtain a copy of Mr. Arroyo's consumer report, which was the basis for denying his application. Many of the events detailed below occurred during the events discussed above.

62. CoreLogic is a consumer reporting agency as defined under the FCRA.<sup>5</sup> (SOF ¶ 2.)

63. CoreLogic has a consumer relations department that is responsible for processing consumer report requests. (SOF ¶¶ 33–34.)

64. CoreLogic maintains written policies and procedures for granting consumers access to their consumer file, including specific policies governing third parties acting on behalf of consumers. (SOF ¶ 34.) Section 2.3 of the policy is titled "Third Party Authentication," which has as a general rule that CoreLogic will not release a consumer report to a third party unless the consumer provides third-party authorization. (Ex. AF.) The section then provides an exception to the general rule for consumer authorization, which provides for disclosure of the consumer report if the third party can produce specific information on the consumer and a "Valid (including notariz[ed]) Power of Attorney, or Limited

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<sup>5</sup> The Court will address the legal implications of being a "consumer reporting agency" in the Conclusions of Law section of this decision. For the purpose of framing the following findings of facts, it is important to understand that a consumer reporting agency, like CoreLogic, is generally obligated to provide consumers with "all information in the consumer's file at the time of the request." 15 U.S.C. § 1681g. The consumer reporting agency is required to set as a condition of disclosure that the consumer "furnish proper identification." 15 U.S.C. § 1681h(a)(1).



Power of Attorney authorizing the third party to discuss the matter.” (*Id.*) The policy explains that if a third party is unable to provide the necessary information, the customer service representative must conduct a conference call with both the consumer and the third party. (*Id.*) Further, the policy has a section titled “Note,” which instructs the representative to call a supervisor for any scenarios not covered, “including how to determine if [a Power of Attorney] is valid.” (*Id.*) All customer service representatives are trained on the written policies and undergo on-the-job training directly from a supervisor or leader. (Tr. 10/28/2022 889:20–890:1.) CoreLogic rarely receives requests from third parties. (Tr. 10/28/2022 888:23–889:1.)

65. As stated above, after Ms. Arroyo was told by the ArtSpace onsite leasing agent that Mr. Arroyo’s application was denied, she was given CoreLogic’s phone number and instructed to call that number to request a copy of Mr. Arroyo’s consumer report. (Tr. 3/14/2022 9:13–15.) On April 27, 2016, the day after Mr. Arroyo’s application was denied, Ms. Arroyo called CoreLogic and told them she was Mr. Arroyo’s conservator. (Tr. 3/14/2022 9:17–18; Ex. 24.) CoreLogic told Ms. Arroyo they would send her a consumer disclosure form for her to complete and send back. (Tr. 3/14/2022 9:17–18; Ex. 24.) Two days later, on April 29, 2016, CoreLogic mailed the forms to Ms. Arroyo. (Ex. 24.)

66. On June 24, 2016, approximately two months after the forms were mailed to Ms. Arroyo, she mailed back a partially completed form. (Ex. 28.) The form indicates that Mr. Arroyo’s current address was 745 Main Street, East Hartford,



Connecticut, which is the address for the nursing home where he resided at the time. (*Id.*; Tr. 3/14/2022 6:3–4.)

67. In many ways, the June 24, 2016 form was incomplete. Ms. Arroyo was required to list Mr. Arroyo’s social security number, but she did not list it. (Ex. 28.) Ms. Arroyo was required to provide a tax or utility bill when the current address for the consumer is different than their photo ID—which was the case for Mr. Arroyo—but no such bill was attached. (*Id.*) Ms. Arroyo was required to list all of Mr. Arroyo’s prior addresses for the last seven years, but she did not list the address on Mr. Arroyo’s drivers license that was issued within seven years of the request. (*Id.*) Lastly, Ms. Arroyo included with her paperwork a purported State of Connecticut Probate Court Certificate of Conservatorship. (*Id.*) The certificate says it is “NOT VALID WITHOUT COURT OF PROBATE SEAL IMPRESSED,” and there was no impressed seal. (*Id.*) The certificate was not valid on its face.

68. CoreLogic received the packet on June 27, 2016. (*Id.*)

69. One June 30, 2016, three days after receiving the initial forms, CoreLogic sent a letter to Ms. Arroyo. (Ex. 25.) The June 30, 2016 letter requested Ms. Arroyo contact the CoreLogic Customer Service Center about her request. (Ex. 25.) The letter was addressed to 745 Main Street, East Hartford, (*id.*), which was the address on the June 24, 2016 form submitted by Ms. Arroyo. (Ex. 28.)

70. The June 30, 2016 letter was returned to CoreLogic on July 28, 2016 with “WRONG ADDRESS RETURN TO SENDER” written across the envelope. (Ex. 25.) According to CoreLogic’s internal record system, the request was deemed incomplete because CoreLogic would need a power of attorney for Mr. Arroyo to



process his consumer report request. (Ex. 24.) The internal notes state that CoreLogic could not accept an appointment of conservatorship. (Ex. 24.)

71. CoreLogic's consumer operations team manager, Angela Barnard, testified during the trial about Ms. Arroyo's efforts to obtain Mr. Arroyo's consumer file. (Tr. 10/28/2022 881:25–950:13.) Ms. Barnard did not have any direct communications with Ms. Arroyo, but rather read notes maintained in CoreLogic's internal call logs and formed opinions about what happened from those notes.<sup>6</sup>

72. On September 7, 2016, Ms. Arroyo called CoreLogic to determine the status of her request. (Tr. 3/14/2022 15:21–16:3; Ex. 24.) A CoreLogic representative told Ms. Arroyo she would need to submit a power of attorney. (Tr. 3/14/2022 16:3–8; Ex. 24.)

73. Mr. Arroyo lacks capacity to designate a power of attorney. (SOF ¶ 15.) Thus, CoreLogic's customer service team required Ms. Arroyo to provide a legal document she could not possibly obtain. (See *infra*.)

74. After the September 2016 call, Ms. Arroyo spoke with a probate lawyer, who told her CoreLogic does not need a power of attorney because the conservatorship affords Ms. Arroyo more rights than a power of attorney. (Tr. 3/14/2022 16:11–14.)

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<sup>6</sup> The Court does not credit Ms. Barnard's interpretation of the internal notes because she was not the author of any of the notes and several of her characterizations were directly inconsistent with the plain statements made in the notes. The Court will determine what was stated during the calls based on the notes.



75. Ms. Arroyo called CoreLogic on November 1, 2016 to inform them of what the probate attorney told her. (Tr. 3/14/2022 16:18–17:2; Ex. 24.)

76. Ms. Arroyo's request was internally escalated to a team lead, Tina Marie Santos,<sup>7</sup> to determine why they are not able to accept the conservatorship paperwork. (Ex. 24; Tr. 10/28/2022 902:11–18.) The matter was then escalated to CoreLogic's legal department. (Ex. 24.)

77. On November 4, 2016, a CoreLogic representative called Ms. Arroyo to let her know they were still waiting on a response from their legal team. (Ex. 24.)

78. On November 14, 2016, Ms. Santos spoke with Ms. Arroyo informing her that she needed to submit corrected forms, including a new conservatorship certificate with a visible seal. (Ex. 24.)

79. On November 15, 2016, Ms. Arroyo faxed proof of her address, a completed Consumer Disclosure Request Form (that contained Mr. Arroyo's social security number and prior address in Pennsylvania), and a purported conservatorship certificate, again, without an impressed seal. (Ex. 26.)

80. On November 16, 18, and December 19, 2016, Ms. Santos left messages for Ms. Arroyo to call her back. (Ex. 24.) Ms. Arroyo did not respond to these messages. (*Id.*)

81. Ms. Arroyo contacted CFHC to see if they could help her. (Tr. 3/14/2022 20:21–21:1.) On December 20, 2016, Maria Cuerda from CFHC called CoreLogic and spoke with Ms. Santos, who told her what CoreLogic needed to complete the

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<sup>7</sup> Ms. Santos was unable to testify as she is deceased. (Tr. 10/28/2022 903:5–8.)



consumer report request. (Ex. 24.)<sup>8</sup> There was no evidence presented at trial when, if ever, Ms. Arroyo or her representatives provided CoreLogic with a conservatorship certificate with a visible seal.

**E. Procedural History**

82. On April 24, 2018, the Plaintiffs commenced this action against CoreLogic raising the following causes of action: (1) national origin and race discrimination in violation of the FHA, 42 U.S.C. §§ 3601 *et seq.* on behalf of all Plaintiffs; (2) disability discrimination in violation of the FHA, 42 U.S.C. §§ 3601 *et seq.* on behalf of all Plaintiffs; (3) disability discrimination in violation of the FHA, 42 U.S.C. §§ 3601 *et seq.* on behalf of the Arroyo Plaintiffs; (4) violation of the FCRA, 15 U.S.C. § 1681g on behalf of Mr. Arroyo only; (5) violation of the FCRA, 15 U.S.C. § 1681h on behalf of Mr. Arroyo only; and (6) violations of CUTPA on behalf of the Arroyo Plaintiffs. (Compl., ECF No. 1.)

83. CoreLogic filed a motion to dismiss all claims raised by CFHC for lack of standing, and Counts I, II, III, and IV for failure to state a claim. (Dec. on Mot. to Dismiss, ECF No. 41.) The Court denied the motion to dismiss finding the Plaintiffs sufficiently alleged CFHC's standing and claims under Counts I, II, III, and IV. (*Id.*)

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<sup>8</sup> The Court does not recall any evidence presented during the trial on exactly when the consumer file was ultimately turned over to Ms. Arroyo, however, the Court was left with the impression it was some time after this litigation began. When the report was ultimately turned over is of no consequence to this decision as explained in the Conclusions of Law. The Court mentions it solely for the purpose of closing out the narrative.



84. After the close of discovery, the parties filed cross motions for summary judgment and partial summary judgment. (Dec. on Mot. for Summ. J., ECF No. 194.) At the summary judgment phase, where the Court is required to construe the evidence in the light most favorable to the non-moving party, the Court found Article III standing for Ms. Arroyo, and permitted the following claims to proceed to trial: (1) the FHA disparate impact claim on the basis of race or ethnicity, (2) the FHA disparate treatment claim on the basis of race or ethnicity, (3) the FCRA claim for the time period from June 30, 2016 and November 18, 2016, and (4) the CUTPA claim. (*Id.*) Based on the evidence presented on summary judgment, there was a genuine, now inexplicable, dispute of material fact as to whether housing providers had access to the full information on criminal records matched to an applicant. (*Id.*) The Court granted summary judgment for CoreLogic on the FHA disparate impact and treatment claims on the basis of disability. (*Id.*)

85. Prior to trial, the parties were given the opportunity to and did file motions in limine. (ECF No. 209.) The parties both tried to introduce last minute evidence, which was rejected by the Court because the proffered evidence was voluminous, inexcusably beyond the deadline for such submissions, and would have delayed trial due to the objections the parties made to the other's proposed submissions. (ECF No. 251.) Then, the case was finally ready for trial.

86. The trial took place over ten days between March 14, 2022 and November 8, 2022.



## II. CONCLUSIONS OF LAW

In a bench trial, the “judge acts both as determiner of whether a case meets the legal requirements for decision by a fact-finder and as a fact-finder.” *Cabrera v. Jakobovitz*, 24 F.3d 372, 380 (2d Cir. 1994). “[I]t is the Court’s job to weigh the evidence, assess credibility, and rule on the facts as they are presented;” if the “evidence is equally divided . . . ‘the party with the burden of proof loses.’” *Mann v. United States*, 300 F. Supp. 3d 411, 418–19 (N.D.N.Y. 2018). “It is axiomatic that in a civil action, the plaintiff bears the burden of proving all essential elements of a claim.” *Birdsall v. City of Hartford*, 249 F. Supp. 2d 163, 169 (D. Conn. 2003) (citing to *Ruggiero v. Krzeminski*, 928 F.2d 558, 562 (2d Cir. 1991)). The Plaintiffs must prove their allegations by a preponderance of the evidence, which “requires the trier of fact to believe that the existence of a fact is more probable than its nonexistence.” *C=Holdings B.V. v. Asiarim Corp.*, 992 F. Supp. 2d 223, 232 (S.D.N.Y. 2013) (citing to *Metro. Stevedore Co. v. Rambo*, 521 U.S. 121, 137 n.9 (1997)).

The Court must now determine whether the Plaintiffs have met their burden to prove (1) the FHA disparate impact claim on the basis of race or ethnicity, (2) the FHA disparate treatment claim on the basis of race or ethnicity, (3) the FCRA claim for the time period June 30 through November 18, 2016, and (4) the CUTPA claim. The Court begins with the FHA claims.

### A. FHA Claims

Count I of the Complaint alleges CoreLogic’s policies and practices: (1) have a disproportionate adverse impact on Latinos and African Americans as



compared to similarly situated Whites; (2) have the intention to discriminate on the basis of national origin and race; and (3) intentionally encourages, facilitates, and assists housing providers' unlawful discrimination in violation of the FHA. The complaint alleges this conduct violates the FHA as codified in sections 3604(a) and (b) of Title 42 of the United States Code.

Before addressing the substance of the Plaintiffs' arguments, the Court will begin with the societal context and legislative history of the FHA, as described by the Supreme Court in *Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc.*, 576 U.S. 519 (2015). On July 29, 1967, President Lyndon B. Johnson established through executive order the National Advisory Commission on Civil Disorders, commonly known as the Kerner Commission. *Id.* at 529; Exec. Order No. 11365, 32 FR 11111 (1966-1970 Comp.). The Commission was tasked with investigating and making recommendations in response to then-recent major civil disorders in the nation's cities. Exec. Order No. 11365.

On February 29, 1968, seven months after its establishment, the Kerner Commission issued an extensive 424-page report defining the civil disorders it was tasked to investigate, why they happened, and what could be done about it.<sup>9</sup> “[T]he Commission identified residential segregation and unequal housing and economic conditions in the inner cities as significant, underlying causes of social unrest.” *Inclusive Communities*, 576 U.S. at 529. The Commission recommended

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<sup>9</sup> Report of the National Advisory Commission on Civil Disorders (1968), available at <https://www.ojp.gov/ncjrs/virtual-library/abstracts/national-advisory-commission-civil-disorders-report>.



enacting “a comprehensive and enforceable open-occupancy law making it an offense to discriminate in the sale and rental of any housing . . . on the basis of race, creed, color, or national origin.” *Id.* at 529–30 (citing to Report of the National Advisory Commission on Civil Disorders 91 at 263 (1968)).

In the week following Dr. Martin Luther King, Jr.’s assassination, Congress swiftly passed the Civil Rights Act of 1968, which was signed by President Johnson on April 11, 1968. *Inclusive Communities*, 576 U.S. at 530. Title VIII of the Act, known as the Fair Housing Act of 1968, “was enacted to eradicate discriminatory practices within [the housing] section of our Nation’s economy.” *Inclusive Communities*, 576 U.S. at 539.

Under the FHA, it is “unlawful—(a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, or national origin.” 42 U.S.C. § 3604(a). In addition, it is unlawful “To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status, or national origin.” 42 U.S.C. § 3604(b). In recognition of the pervasive and insidious problem of housing discrimination, the Supreme Court found the “language of the Act is broad and inclusive,” and Congress’s priority can only be carried out “by a generous construction.” *Trafficante v. Metropolitan Life Ins. Co.*, 409 U.S. 205, 209, 212 (1972). See also *Cabrera*, 24 F.3d at 388 (“The provisions of 42 U.S.C. § 3604 are to be given broad and liberal construction.”).



As an initial matter, the Court cannot address the discriminatory impact and discriminatory treatment claims without deciding whether CoreLogic is subject to the FHA. The relevant statutory language requires the Plaintiffs to prove that CoreLogic, “make[s] unavailable or den[ies]” housing and/or sets “terms, conditions, or privileges of sale or rental of a dwelling.” §§ 3604(a)–(b); see *also* 24 C.F.R. § 100.70(b) (“It shall be unlawful, because of race, color, . . . or national origin, to engage in any conduct relating to the provision of housing or of services and facilities in connection therewith that otherwise makes unavailable or denies dwellings to persons.”) The Plaintiffs have not met their burden in showing that CoreLogic in any way sets the terms, conditions, or privileges of rental.

Accordingly, the central question is whether CoreLogic “makes unavailable or denies” housing. “Congress’ use of the phrase ‘otherwise make unavailable’ refers to the consequences of an action rather than the actor’s intent.” *Inclusive Communities*, 576 U.S. at 534. “[T]he word ‘make’ has many meanings, among them [t]o cause to exist, appear, or occur.” *Id.* (citing *United States v. Giles*, 300 U.S. 41, 48 (1937)).

Courts have found that a defendant ‘otherwise makes [housing] unavailable’ under the Fair Housing Act when the defendant engages in a series of actions that imposes burdens on or constitutes harassment of a protected class of residents or intended residents, making it more difficult for the members of the protected class to obtain housing or conveying a sense that the members of the protected class are unwanted.

*Gilead Cmty. Servs., Inc. v. Town of Cromwell*, 432 F. Supp. 3d 46, 72 (D. Conn. 2019) (citing to cases involving landlord-defendants).



Traditional forms of discrimination prohibited by the FHA include circumstances where landlords discriminate against individuals based on their protected status by outright refusing to rent to them, adopting burdensome procedures and delay tactics, or claiming there are no units available when there are. See *Schwemm, Robert*, Housing Discrimination Law and Litigation, § 13:2 Traditional discrimination: Refusals to sell, rent, and negotiate (Aug. 2022); see also *Robinson v. 12 Lofts Realty, Inc.*, 610 F.2d 1032, 1033, 1039 (2d Cir. 1979) (defendant-apartment cooperative, may be liable under the FHA for putting a Black applicant through a burdensome screening process that it did not put a similarly situated White applicant through); *United States v. Hylton*, 944 F. Supp. 176, 187 (D. Conn. 2013) (defendant reneged on agreement to sublet to the plaintiff only after learning her race); *Thurmound v. Bowman*, 211 F. Supp. 3d 554, 564–65 (W.D.N.Y. 2016) (defendant-landlord liable for refusing to rent to the plaintiff because she had two young children). Other forms of discrimination prohibited by the FHA include steering,<sup>10</sup> exclusionary zoning,<sup>11</sup> and redlining.<sup>12</sup>

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<sup>10</sup> Racial steering is the “directing [of] prospective home buyers interested in equivalent properties to different areas according to their race.” *Gladstone Realtors v. Village of Bellwood*, 441 U.S. 91, 94 (1979) (addressing standing of residents and a village to raise an FHA claim against real estate brokers and sales personnel for steering prospective home buyers to different residential areas according to race, in violation of the FHA).

<sup>11</sup> The term “exclusionary zoning” encompassed “all exclusionary land-use action by governmental authorities.” *Schwemm*, § 13:8 n.1. This includes confining subsidized housing in primarily minority areas. See *United States v. Yonkers Bd. of Ed.*, 837 F.2d 1181 (2d Cir. 1987).

<sup>12</sup> “Redlining” means “mortgage credit discrimination based on the characteristics of the neighborhood surrounding the would-be borrower’s dwelling.” *Cartwright v. Am. Sav. & Loan Ass’n*, 880 F.2d 912, 914 n. 1 (7th Cir. 1989)



*Schwemm*, § 13:4 Traditional discrimination: Refusals to sell, rent, and negotiate. See also *Mhany Management, Inc. v. County of Nassau*, 819 F.3d 581, 600 (2d Cir. 2016) (“The phrase ‘otherwise make unavailable’ has been interpreted to reach a wide variety of discriminatory housing practices, including discriminatory zoning restrictions . . . .”); *Lynn v. Village of Pomona*, 373 F. Supp. 2d 418, 426–27 (S.D.N.Y. 2005) (“[T]he prohibition against making a residence unavailable has been applied to situations where government agencies take actions to prevent construction of housing when the circumstances indicate a discriminatory intent or impact against anticipated future residents who are members of a class protected . . . .”); *Mitchell v. Shane*, 350 F.3d 39, 49–50 (2d Cir. 2003) (defendant-broker could be liable under the FHA for discriminating against minority prospective purchasers if he violated local custom by failing to disclose the existence of a competing offer to bidders because of their race); *Wheatley Heights Neighborhood Coal. v. Jenna Resales Co.*, 429 F. Supp. 486, 488 (E.D.N.Y. 1977) (finding that the FHA prohibits racial steering). All of these scenarios share a common characteristic: that the defendants took affirmative steps to make housing unavailable.

To state succinctly, before the Court can evaluate whether the Plaintiffs have met their burden on the elements of their disparate impact and treatment claims, the Plaintiffs must prove that CoreLogic denies or otherwise makes housing unavailable.<sup>13</sup> 42 U.S.C. § 3604(a).

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<sup>13</sup> The Plaintiffs here are not raising a claim of vicarious liability against CoreLogic for the conduct of housing providers. See *Hylton*, 944 F. Supp. 2d at 190 (discussing vicarious liability under the FHA). Nor could they, because the record does not show an agency relationship between CoreLogic and its housing



The Plaintiffs raise two theories for how CoreLogic's use of CrimSAFE denies or makes housing unavailable. First, the Plaintiffs claim CrimSAFE automatically and without an individualized assessment determines and reports to a housing provider that an applicant is disqualified for rental housing based on the existence of a criminal record. (Compl. ¶¶ 194–95.) Second, the Plaintiffs claim CrimSAFE prevents housing providers from conducting an individualized assessment of relevant mitigation information, which encourages, facilitates, and assists housing providers in violating the FHA. (Compl. ¶ 196.) Based on the facts presented during trial, the Court concludes that neither of the Plaintiffs' theories of liability are supported by a preponderance of the evidence.

*i. Whether CrimSAFE Disqualifies Applicants*

The Plaintiffs did not prove their first theory: that CrimSAFE disqualifies applicants. The Court finds that the evidence at trial establishes CrimSAFE matched applicants with data, but it was the housing provider—not CrimSAFE—that decided whether an applicant is qualified for housing. The housing provider controls the disqualification process by making four key decisions in how it uses CrimSAFE: (1) who within their organization receives criminal reports, (2) what criminal records are relevant for their decision, (3) how to review the records, and (4) when to accept an applicant.

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provider customers. *Id.* (agency relationship requires: “(1) the manifestation by the principal that the agent shall act for him; (2) the agent’s acceptance of the undertaking; *and* (3) the understanding of the parties that the principal is to be in control of the undertaking.”) (citing to *Cleveland v. Caplaw Enterprises*, 448 F.3d 518, 522 (2d Cir. 2006)).



Beginning with the first decision, the housing provider alone decides who within their organization receives the full criminal reports. CrimSAFE defaults to allowing everyone to receive the report, which can only be overridden by the affirmative action of the housing provider. The Plaintiffs have not presented a persuasive argument that a housing provider violates the FHA when it limits which staff members have access to criminal records. Nor is such conduct inherently wrong. A housing provider may justifiably limit access if the goal is to prevent local onsite staff from taking adverse action against an applicant where it is inappropriate to take such action against. A housing provider may wish to leave the individualized assessment up to one or more people who are specially trained to conduct a fair and unbiased individualized assessment. Also, it is not uncommon for business organizations to limit what type of information some employees have to protect its customers' privacy interests. However, even if it was unlawful, the Plaintiffs have not presented persuasive argument on how a housing provider's choice to manage its staff's access to company records can be imputed to CoreLogic.

Moving on to the second decision, the housing provider decides what criminal records are relevant to their assessment of an applicant's qualification.<sup>14</sup> The housing provider configures the look back periods with no significant input from CoreLogic. The mere fact that CoreLogic provides some housing providers

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<sup>14</sup> To the extent the Plaintiffs are trying to argue that reporting any criminal history is a violation of the FHA, they have failed to prove this. The HUD Guidance that the Plaintiffs heavily rely on does not go so far as to say that providing criminal history information violates the FHA. Rather, the Guidance warns that it is what the housing provider does with that information that can cause an FHA violation.



with samples of other-housing provider configurations does not mean that CrimSAFE disqualifies applicants. This is particularly true where CoreLogic staff expressly tells housing providers that they are not providing an opinion or recommendation as to what lookback periods are appropriate. Housing providers have the power, at any point and without involvement of CoreLogic, to change their configuration. This shows that CoreLogic does not play a significant role in deciding what configuration the housing providers use.

As for the third decision, the housing providers decides how the criminal records are reviewed. The housing providers control this process in several ways. They determine what language populates in the CrimSAFE report for when criminal records are matched to an applicant. The housing provider also sets their own community screening policies. CoreLogic plays no role in the drafting, reviewing, training, or enforcing of the housing provider's community screening policy. CoreLogic trains the housing provider staff to consult their organizations tenant screening policies. The fact that some housing provider staff members fail to comply with their training is not wrongful conduct that can be imputed to CoreLogic.

The final decision made by housing providers is the ultimate one: whether to accept or decline an applicant based on a criminal history. The fact that WinnResidential employees used CrimSAFE in a way that was contrary to CoreLogic's training and their community policies is not conduct that can be imputed to CoreLogic. This is especially true because there is no agency between CoreLogic and WinnResidential. See *supra* n.13. The housing provider



also decides when, and if so how, to convey its decision to decline an applicant. That housing providers use the adverse action letter function in CrimSAFE does not demonstrate any exercise of discretion or action by CoreLogic. The housing providers, not CoreLogic, composes the letter and decides if, when, and how the letter is to be sent to applicants. CoreLogic plays no appreciable role in the adverse action letter process other than having a letter generating function in CrimSAFE.

Next, no housing provider who uses CrimSAFE could reasonably believe that CoreLogic makes housing decisions for them. CoreLogic training instructs the housing provider to use its own community standards to assess an applicant's qualification for housing. The Court recognizes that some of the advertising materials used terms such as "Decline," seeming to suggest that CrimSAFE makes decline decisions for housing providers. However, many of the advertising materials that used "Decline" terminology were older and in conflict with more recent materials. The screening report and adverse action letter generated for Mr. Arroyo's application did not use decline terms. More recent materials demonstrated that CoreLogic advertised CrimSAFE's value as the filtering function, because it filters out records that housing providers would find irrelevant to a housing decision. This is why customers pay more for CrimSAFE than CrimCHECK.

CrimSAFE also uses default language clearly indicating to housing providers that the housing provider makes the ultimate decision on housing. For example, the screening report default language when criminal records have been



found that match the housing providers configuration criteria is “Record(s) Found,” and “Please verify the applicability of these records to your applicant and proceed with your community’s screening policies.” By contrast, the results of the credit screening, which are next to the results from the criminal screening, does use the term “decline.” By juxtaposing credit results’ “Decline” language with criminal results’ “Record(s) Found” language, CoreLogic demonstrates that the “Record(s) Found” was not meant to and could not be read to demonstrate a decision being made. Rather, “Record(s) Found” alerts the housing provider to review the records and decide an applicant’s admission. CrimSAFE also has a function allowing housing providers to report when an applicant is accepted even when the applicant has criminal records. The fact that the housing provider can unilaterally report an accept decision when criminal records are matched to an applicant proves that no reasonable user would think CrimSAFE makes a housing decision for the housing provider.

The adverse action letter sample provided in CrimSAFE also states expressly that CoreLogic “did not make the decision to take adverse action and are unable to provide specific reasons why adverse action was taken.” (Ex. 30.) Housing providers who use the CrimSAFE adverse action email option should reasonably understand that in the time between when the screening report matches a criminal record to an applicant and when the letter is scheduled to be emailed to the applicant, they are to conduct their assessment. The fact of the delay anticipates and affords a housing provider the opportunity to review their community standards as CoreLogic advises in its written material and training



sessions. Further, simply because an applicant receives an adverse action letter does not mean that the application for tenancy has been denied. This is because the adverse action letter is sent to applicant's with accepted applications if the acceptance is made conditional, such as requiring a higher deposit for an applicant who has a poor credit history.

CrimSAFE customers were also required to sign a contract, acknowledging that CoreLogic is not an agent of the housing provider, and the housing provider had the obligation to follow the FHA. CoreLogic also provides CrimSAFE customers training on how to use the CrimSAFE program reminding the housing providers that they are solely responsible for complying with all FHA requirements. CoreLogic provided training to customer onsite staff to consult with their own community standards when criminal records are found. Thus, it would be unreasonable for a housing provider to think that CrimSAFE makes housing decisions or in any way impedes on a housing providers ability to make an individualized assessment.

The Court does not find Mr. Cunningham's testimony that he believes CrimSAFE decided whether an applicant was qualified for housing credible because Mr. Cunningham was unsure about most of his answers and seemed to have almost no memory of the events involving the Arroyos. To the extent his memory was clear, the Court does not find persuasive Mr. Cunningham's understanding of CrimSAFE because Mr. Cunningham gave responses that were inconsistent with more credible testimony from a more senior WinnResidential employee, WinnResidential's executive vice president Lynn Bora.



To be clear, the Court is not saying that CoreLogic needs to be the ultimate decisionmaker to be found liable under the FHA. An entity can be liable under the FHA even when they are not the ultimate decisionmaker, such as with exclusionary zoning and racial steering. In *Mhany Management, Inc. v. County of Nassau*, 819 F.3d 581 (2d Cir. 2016), an affordable housing developer sued a city and the county in which it was located alleging they violated the FHA. Specifically, the developer argued that the city's action in rezoning land for single-family homes rather than multi-family homes was racially discriminatory and the county failed to prevent it. *Id.* at 598. On summary judgment, the district court allowed the claims against the city to proceed to a bench trial. *Id.* But, the district court entered judgment for the county concluding that the county "was not causally responsible for the alleged discriminatory conduct of" the city. *Id.* On appeal, the Second Circuit affirmed judgment for the county, finding a lack of evidence to establish a genuine issue of fact that the county was legally responsible for the rezoning by the city. *Id.* at 620. The Second Circuit found that "even if disapproving potentially discriminatory actions by municipalities does fall within the ambit of the Commission authority, the County's role in the ultimate decision is to tenuous." *Id.* at 621. *Mhany* teaches that, while an entity other than a landlord or property seller can be liable for violating the FHA (such as the city), the FHA does not reach entities whose involvement is "tenuous" (such as the county). *Id.*

Here, the connection between CoreLogic and the decision on housing availability is as tenuous, if not more, than the county in *Mhany Management*. In



*Mhany Management*, the county had some power over the city's conduct that violated the FHA. They could have intervened, requiring the city to take additional steps to override the county. The county did not do that, and yet, they still were not found causally connected to the city's FHA violation. CoreLogic does not have any power to intervene over its housing provider customers. It cannot direct a housing provider to accept an applicant; it is not even part of the discussion when a housing provider decides to accept an applicant. CoreLogic is not the agent or supervisor of their housing provider customers. CoreLogic has no say in whether housing providers accept or decline applicants, it merely provides the housing provider with publicly available information. Thus, the Plaintiffs have shown only a tenuous connection between CoreLogic and the housing provider's decision, which is not enough to find CoreLogic "makes unavailable or denies" housing.

Another example of non-ultimate-decisionmaker liability under the FHA is in *Cabrera*, where the Second Circuit affirmed in relevant part a jury verdict against landlords and a real estate brokerage firm for racial steering.

Racial steering is a practice by which real estate brokers and agents preserve and encourage patterns of racial segregation in available housing by steering members of racial and ethnic groups to buildings occupied primarily by members of such racial and ethnic groups and away from buildings and neighborhoods inhabited by primarily members of other races or groups.

*Cabrera* 24 F.3d at 378 n.2. In *Cabrera*, the plaintiffs were "testers" of different races that would pose as a prospective renter for the purpose of collecting evidence of racial steering. *Id.* at 377–79. The Black testers were told there were no apartments available by the real estate brokers and by the landlord directly,



when White testers were told there were. *Id.* The jury found, and the Second Circuit affirmed, liability against the individual brokers—directly, as agents for the realty company, and as agents for the landlords. *Id.* at 379. *Cabrera* teaches that individuals who do not make the ultimate decision on housing may be liable if they engage in conduct that directly results in fewer housing opportunities on the account of race (such as refusing to show available housing options). *Id.* at 390. By contrast, CoreLogic’s computer program categorizes information as programmed by the housing provider and instructs the housing provider to review that information in light of the housing provider’s own community standards in accordance with the law. The housing provider determines whether to make housing available or not. Thus, unlike *Cabrera*, there is no direct connection.

*ii. Whether CrimSAFE Prevents Individualized Assessment*

The Plaintiffs also claim that CoreLogic violates the FHA by preventing housing providers from conducting individualized assessments. The Plaintiffs have not proven this. While there was some testimony that the program may allow a housing provider to decide to suppress the reports from all users within an organization, there was also testimony that this is not the default setting, and no customer has done that. This hypothetical is too speculative to justify liability. CoreLogic trained housing providers to designate someone to receive records and how to do that unilaterally in the program. To the extent the Plaintiffs are arguing that CrimSAFE’s feature limiting full report access to some of an organization’s staff is a violation of the FHA, the Court is unpersuaded as



explained above. Because CrimSAFE gives the housing provider the power to limit access to the full criminal record, the feature can hardly serve the role of decisionmaker where the program's default provides unlimited access.

## **2. Conclusion**

In summary, CoreLogic provides to its housing provider customers a fully customizable criminal records reporting program. The housing provider decides what criminal records are relevant to their decision on an applicant's qualifications, how to convey when disqualifying records are found, who within their organization will have access to the full records, whether to accept an applicant after considering their own community standards, and how they will convey to an applicant when the application has been denied. The CrimSAFE marketing materials, the CoreLogic training, and the CrimSAFE sample and default language all inform CrimSAFE users that CoreLogic does not decide whether an applicant is qualified for housing; rather, the decision lies with the housing provider alone. For these reasons, the Court finds in favor of CoreLogic on the FHA claims because the Plaintiffs have failed to prove by a preponderance of the evidence that CoreLogic's use of CrimSAFE denies or otherwise makes unavailable housing pursuant to section 3604(a).

### **B. Fair Credit Reporting Act Claims**

Counts IV and V of the Complaint allege that CoreLogic violated the FCRA as to Mikhail Arroyo.<sup>15</sup> In Count IV, Mr. Arroyo claims that CoreLogic violated

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<sup>15</sup> Third parties do not have remedies under the FCRA—a person who negligently or willfully fails to comply with the FCRA “with respect to any consumer is liable to *that consumer*” for damages including “actual damages sustained *by the*



section 1681g of Title 15 of the United States Code in failing to disclose his consumer report upon proper request. Count V raises two theories of liability under the FCRA. First, Mr. Arroyo claims CoreLogic violated section 1681h by failing to establish reasonable requirements for proper identification so as to enable consumers subject to a conservatorship or guardianship and/or consumers with disabilities without the legal capacity to execute a power of attorney to receive a copy of their consumer file. Second, Mr. Arroyo claims CoreLogic violated section 1681h by placing unreasonable preconditions on the disclosure of consumer files to consumers subject to a conservatorship or guardianship and/or consumers with disabilities without the legal capacity to execute a power of attorney.

The FCRA claims raised in this case are applicable only to “consumer reporting agencies.” The parties have stipulated CoreLogic is a consumer reporting agency. Under the FCRA, “Every consumer reporting agency shall, upon request, and subject to section 1681h(a)(1) of this title, clearly and accurately disclose to the consumer” their consumer report. 15 U.S.C. § 1681g(a). Section 1681h(a)(1) requires consumer reporting agencies only disclose the consumer report if the customer gives “proper identification.” In other words, a consumer reporting agency is required to disclose to a consumer their consumer report if the consumer (1) requests it and (2) furnishes proper identification. The key dispute in this case centers on the proper identification requirement.

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*consumer.*” 15 U.S.C. §§ 1681n(a), 1681o(a) (emphasis added). Thus, the only plaintiff alleging damages under the FCRA is Mr. Arroyo.



The FCRA does not define “proper identification” and there is very little case law on what constitutes proper identification. See *Howley v. Experian Info. Sols., Inc.*, 813 F. Supp. 2d 629 (D.N.J. 2011) (denying summary judgment to a defendant finding an issue of fact of whether the consumer reporting agency had proper identification triggering its obligation to disclose); *Menton v. Experian Corp.*, No. 02 CIV 4687 (NRB), 2003 WL 941388 (S.D.N.Y. Mar. 6, 2003) (finding a consumer furnished proper identification triggering the obligation to disclose by sending a copy of his driver’s license, a bank statement with his name and address, his law firm website, and a notarized copy of his signature).

Regulations promulgated pursuant to the FCRA require consumer reporting agencies to “develop and implement reasonable requirements for what information consumers shall provide to constitute proof of identity.” 12 C.F.R. § 1022.123(a). The regulations also require consumer reporting agencies to ensure the information is sufficient to enable the consumer reporting agency to match consumers to files and “[a]djust the information to be commensurate with an identifiable risk of harm arising from misidentifying the consumer.” 12 C.F.R. § 1022.123(a). Reasonable information requirements for proof of identity might include, for example, a “consumer file match” to full name, address, social security number, and/or date of birth, or additional proof of identity such as government issued identification documents, utility bills, or methods such as “answering questions to which only the consumer might be expected to know the answer.” 12 C.F.R. § 1022.123(b).



**1. 12 C.F.R. § 1022.137(a)(2)(iii)(C)**

On summary judgment, the Court held that Ms. Arroyo did not submit proper identification because she did not submit a conservatorship certificate with an impressed seal, which is necessary for proper identification of a Connecticut conserved person under the FCRA. Notwithstanding Ms. Arroyo's failure to submit proper identification, the Court allowed the FCRA claims to proceed finding the Plaintiffs submitted sufficient evidence to overcome summary judgment on a theory that CoreLogic violated its duty under 15 U.S.C. § 1681g by failing to comply with the requirements set forth in 12 C.F.R. § 1022.137(a)(2)(iii)(C).

Pursuant to 1022.137(a)(2)(iii)(c),

[a]ny nationwide specialty consumer reporting agency shall have a streamlined process for accepting and processing consumer requests for annual file disclosures. The streamlined process required by this part shall: . . .

(2) Be designed, funded, implemented, maintained, and operated in a manner that: . . .

(iii) Provides clear and easily understandable information and instructions to consumers, including but not necessarily limited to: . . .

(C) In the event that a consumer requesting a file disclosure cannot be properly identified in accordance with the FCRA, section 610(a)(1), 15 U.S.C. 1681h(a)(1), and other applicable laws and regulations, providing a statement that the consumers identity cannot be verified; and directions on how to complete the request, including what additional information or documentation will be required to complete the request, and how to submit such information.

CoreLogic raises three arguments as to why the FCRA claims fail as a matter of law. First, CoreLogic argues that Mr. Arroyo did not properly raise a claim under 12 C.F.R. § 1022.137(a)(2)(iii)(C) in the complaint. CoreLogic notes



that the only time this regulation was raised in this litigation prior to the Court's summary judgment ruling was in the Plaintiffs' reply brief to CoreLogic's opposition to the Plaintiffs' motion for summary judgment. Second, CoreLogic argues that the regulation does not confer a private right of action and is not traceable to the FCRA claims raised under sections 1681g and 1681h. Third, CoreLogic argues that this regulation does not create a private right of action. The Plaintiffs have not responded to CoreLogic's arguments, rather they rely on the Court's summary judgment ruling finding that this regulation applies.

Upon further consideration, the Court agrees with CoreLogic on its arguments as to the applicability of 12 C.F.R. § 1022.137(a)(2)(iii)(C). The regulation was not raised as a cause of action in the complaint. See *Mediavilla v. City of New York*, 259 F. Supp. 3d 82, 106 (S.D.N.Y. 2016) ("It is well settled that a litigant may not raise new claims not contained in the complaint in opposition to a motion for summary judgment."). Rather, the regulation was only raised for the first time in a reply brief without any meaningful analysis of its application to the facts of this case. See *Knipe v. Skinner*, 999 F.2d 708, 711 (2d Cir. 1993) ("Arguments may not be made for the first time in a reply brief."). In addition, this regulation only applies to "nationwide specialty consumer reporting agenc[ies]," which is defined under the FCRA as "a consumer reporting agency that compiles and maintains files on consumers on a nationwide basis relating to-- (1) medical records or payments; (2) residential or tenant history; (3) check writing history; (4) employment history; or (5) insurance claims." 15 U.S.C. § 1681a(x). The Plaintiffs did not present evidence establishing that CoreLogic is a nationwide



specialty consumer reporting agency. Finally, even if the Plaintiffs raised this regulation as a basis for finding liability and the claim was supported by evidence, the Plaintiffs have presented no legal authority or argument that this regulation establishes a private right of action. See *Lussoro v. Ocean Fin. Fed. Credit Union*, 456 F. Supp. 3d 474, 492 (E.D.N.Y. 2020) (“A regulation, by itself, may not create a private right of action.”).

Therefore, the Court finds the Plaintiffs have failed to establish that 12 C.F.R. 1022.137(a)(2)(iii)(c) confers a private right of action; and in the absence of such a right, there can be no liability. Notwithstanding the Court’s finding that 12 C.F.R. § 1022.137(a)(2)(iii)(c) does not apply, the Court still must determine if CoreLogic violated the FCRA for the reasons properly raised in the Complaint and argued at trial.

## **2. Violation of 15 U.S.C. §§ 1681g, 1681h**

As stated above, the FCRA requires a consumer reporting agency, like CoreLogic, to disclose to a consumer their consumer report if the consumer (1) requests it and (2) furnishes proper identification. 15 U.S.C. §§ 1681g, 1681h(a)(1). Mr. Arroyo argues that Ms. Arroyo did furnish proper identification. Alternatively, Mr. Arroyo argues that CoreLogic violated the FCRA by failing to establish reasonable requirements for proper identification and placed unreasonable preconditions on providing proper identification.

On summary judgment, the Court concluded that, based on the undisputed evidence, Ms. Arroyo never submitted proper identification for herself as a conservator for Mr. Arroyo. (Summ. J. Dec. 73.) The document she submitted to



prove she was a conservator for Mr. Arroyo, which could prove she was entitled to request a copy of Mr. Arroyo's consumer report on his behalf, was facially invalid. The certificate of conservatorship states on its face it is not valid without a court impressed seal. Ms. Arroyo never sent a copy of the certificate with a court impressed seal. Meaning, Ms. Arroyo never sent a valid certificate of conservatorship proving she was legally authorized to make the consumer report request for Mr. Arroyo. Thus, the Court finds Mr. Arroyo has failed to prove that proper identification was furnished.

However, even though Ms. Arroyo never furnished proper identification as required under the FCRA, this does not end the inquiry into CoreLogic's liability. CoreLogic may be liable for violating the FCRA by making it impossible for a consumer to exercise its rights to their consumer file. A consumer reporting agency cannot circumvent its legal obligation to disclose a consumer report by making it impossible for a consumer to properly request it. This is consistent with the purpose of the FCRA, which is "to require reporting agencies to adopt reasonable procedures for meeting the needs of commerce for consumer credit, personnel, insurance, and other information in a manner which is fair and equitable to the consumer, with regard to the confidentiality, accuracy, relevancy, and proper utilization of such information in accordance with the requirements" of the FCRA. 15 U.S.C. § 1681(b).

The Court finds that CoreLogic violated the FCRA by making it impossible for Ms. Arroyo to request a consumer report for Mr. Arroyo. CoreLogic created the impossibility on June 30, 2016, when it set as a condition for obtaining Mr.



Arroyo's consumer report the furnishing of a power of attorney. Furnishing a power of attorney is legally impossible for Mr. Arroyo, who was severely disabled and under a conservatorship. See *Beaucar v. Bristol Fed. Sav. & Loan Ass'n*, 6 Conn. Cir. Ct. 148, 157–58 (1969) (“A person who is not in a mental condition to contract and conduct his business is not in a condition to appoint an agent for that purpose. . . . One who is *non compos mentis* is incapable of executing a valid power of attorney.”). CoreLogic required Ms. Arroyo to produce a power of attorney *after* she proffered what was ostensibly a conservatorship appointment, albeit without a seal. While CoreLogic may have questioned the authenticity of the conservatorship appointment, it did not direct Ms. Arroyo to submit one with an original seal. Instead, CoreLogic required Ms. Arroyo to produce a document that she legally could not produce, thereby making it impossible for her to obtain her conserved son's consumer report.

CoreLogic did not rescind this impossible condition until November 14, 2016, when it ultimately told Ms. Arroyo that a valid conservatorship certificate would constitute proper identification. Thus, the time period during which CoreLogic set an impossible condition for Ms. Arroyo to request a consumer report on Mr. Arroyo's behalf, and thus violating the FCRA, was between June 30, 2016 and November 14, 2016.

### 3. *Damages*

Now that the Court has found CoreLogic violated the FCRA, the Court must determine damages. The FCRA has two remedial provisions, one for willful



noncompliance and one for negligent noncompliance. Mr. Arroyo claims that CoreLogic's conduct amounts to willful noncompliance.

Willful noncompliance under the FCRA includes both known and reckless violations. *SafeCo Ins. Co. of America v. Burr*, 551 U.S. 47, 57 (2007). Proving recklessness for establishing willful noncompliance is subject to the same standards for proving recklessness in common law civil cases. *Id.* at 68–69. The conduct must violate “an objective standard,” meaning an “action entailing ‘an unjustifiably high risk of harm that is either known or so obvious that it should be known.’” *Id.* at 68. Objectively reasonable misinterpretations of one's obligations under the FCRA do not amount to willful noncompliance. See *SafeCo Ins. Co. of America*, 551 U.S. at 69–70 (finding a violation that was not reckless because the defendant's reading of the statute had a foundation in the statutory text and was sufficiently convincing to the district court that ruled in favor of the defendant's erroneous reading); *Shimon v. Equifax Info. Services, LLC*, 994 F.3d 88, 94 (2d Cir. 2021) (finding a lack of recklessness where the defendant's understanding was reasonable, even if ultimately wrong).

Here, the Court finds that CoreLogic's FCRA violation amounts to willful noncompliance. It was objectively unreasonable for CoreLogic to think that setting a condition entirely blocking a consumer's ability to exercise their right to their consumer report is a fair reading of the FCRA disclosure requirements. See *SafeCo Ins. Co. of America*, 551 U.S. at 69–70. Setting such a condition does not just set a high risk of harm, it ensures harm will come to people who are subject to conservatorships or guardianships. This case is unlike *SafeCo* and *Shimon*



where there was a fair, but ultimately erroneous, interpretation of the FCRA. Here, no reasonable person reading the FCRA could interpret it to allow a consumer reporting agency to completely thwart a consumer from obtaining their consumer report by setting conditions for disclosure that could never be met.

This is not a one-off circumstance involving one or two employees who made a mistake. The CoreLogic written policies, which reasonably were the product of time and consideration, supported the position by the consumer representatives that they needed a power of attorney. The policy only identifies a power of attorney as a means of validating a third party's agency over a consumer. Nothing in the policy identifies circumstances such as Mr. Arroyo's—when someone suffers from a lack of capacity to designate an agent. This is an entirely foreseeable circumstance as many people are subject to conservatorships (also known as guardianships in some states).<sup>16</sup> In many cases, including Mr. Arroyo's, a person can lack physical and/or mental capacity to make a valid power of attorney. CoreLogic's written policies entirely overlooked this group of people with the effect of denying Mr. Arroyo his right to his consumer report.

Therefore, the Court finds that CoreLogic is subject to liability for willful noncompliance with the FCRA.

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<sup>16</sup> See *Eyewitness News Investigations finds alarming issues in Tri-State's adult guardianship systems*, ABC7NY (Jan. 18, 2023), available at <https://abc7ny.com/investigation-adult-guardianship-law/12712558>.



### **Damages Calculation**

**Section 1681n, provides that willful noncompliance results in liability**

**in an amount equal to the sum of—(1)(A) any actual damages sustained by the consumer as a result of the failure or damages of not less than \$100 and not more than \$1,000 . . . (2) such amount of punitive damages as the court may allow; and (3) in the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney’s fees as determined by the court.**

#### **i. Actual Damages**

**The Court starts with actual damages. CoreLogic argues that Mr. Arroyo has failed to prove any actual damages because there was no evidence at trial that, had Ms. Arroyo received Mr. Arroyo’s consumer report sooner, Mr. Arroyo could have moved sooner. The Court agrees that Mr. Arroyo has not proven actual damages stemming from the FCRA violation. Two reasons support this conclusion.**

**First, the evidence does not show whether, and if so when, Ms. Arroyo would have furnished proper identification for the consumer report had CoreLogic not violated the FCRA as found above. There were significant delays attributable to Ms. Arroyo in the processing of her request for the consumer report. It took her approximately two months after CoreLogic sent the forms to her for her to complete and return them to CoreLogic. Her submission was clearly deficient as detailed above. It took her approximately two more months to follow up with CoreLogic on the status of her request after the forms were submitted. Thereafter, when she was clearly and plainly told that she needed to furnish proper identification in the form of a valid conservatorship certificate, she failed to provide the required documentation. CoreLogic called her three times**



over the course of the following month, and she did not return any of those phone calls. There was no evidence presented that she ever furnished proper identification even after she knew what was needed. Thus, the Court cannot determine the effect of CoreLogic's violation on when Ms. Arroyo would have furnished proper identification, if ever.

Second, even if the Court could determine if and when Ms. Arroyo would have given proper identification to CoreLogic and received Mr. Arroyo's consumer report, the Court cannot determine how receipt of that report would have changed Mr. Arroyo's ability to move into ArtSpace. There was no credible testimony on whether a two-bedroom unit was available when she applied.<sup>17</sup> Nor was there credible evidence that WinnResidential would have allowed Ms. Arroyo to breach her lease agreement six-months early to move into one of their two-bedroom units. If the Court assumed there was a unit available and WinnResidential would have allowed the breach, the Court would then need to assume that WinnResidential would have accepted Mr. Arroyo's application sooner. However, the Court cannot make that assumption because there was no evidence why WinnResidential ultimately accepted Mr. Arroyo's application. The Court may be able to infer that bringing the CHRO action was at least a cause for WinnResidential changing its decision and that, if the action was brought sooner, then WinnResidential would have changed its decision sooner. However, there

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<sup>17</sup> It is unclear whether Mr. Arroyo could have lived with Ms. Arroyo in her one-bedroom unit. Ms. Arroyo simply testified that her son was not going to move into the one-bedroom unit with her, which is why she was looking to transfer to a two-bedroom unit. (Tr. 3/14/2022 at 8:8–10. (“ Q: How was Mikhail going to live with you in a one bedroom apartment? A: He wasn't. I was looking into a two bedroom.”))



was no evidence showing why the CHRO action was filed when it was filed. The CHRO action was filed approximately two months after Ms. Arroyo knew the reason WinnResidential denied Mr. Arroyo's application. The Court cannot discern on its own that this delay was a typical pre-litigation progression or if some other justification supported filing in February 2017 rather than any month prior. There are simply too many unanswered questions for the Court to find by a preponderance of the evidence that WinnResidential would have accepted Mr. Arroyo's application sooner had Ms. Arroyo received Mr. Arroyo's consumer report sooner.

Accordingly, the Court does not find any actual damages attributable to CoreLogic's violation of the FCRA.

**ii. Statutory Damages**

Section 1681n provides for statutory damages of not less than \$100 and not more than \$1,000. The Court finds that \$1,000 in statutory damages are warranted based on the seriousness and obviousness of CoreLogic's violation, as detailed above.

**iii. Punitive Damages**

Section 1681n also provides that the Court may grant punitive damages. "The purpose of punitive damages under the FCRA . . . is deterrence." *Northrop v. Hoffman of Simsbury, Inc.*, 12 Fed. Appx. 44, 51 (2d Cir. 2001). Again, for the reasons detailed above, the Court finds punitive damages are warranted due to the seriousness and obviousness of CoreLogic's violation. The Court finds the appropriate punitive damages are three times the statutory damages—\$3,000.



iv. Attorneys' Fees

When it comes to attorney's fees, it has long been held that the "American Rule" governs: "that each party in a lawsuit ordinarily shall bear its own attorney's fees unless there is express statutory authorization to the contrary." *Hensley v. Eckerhart*, 461 U.S. 424, 429 (1983). Mr. Arroyo has succeeded in his FCRA claim but not his FHA claims. As mentioned above, section 1681n of the FCRA states, "in the case of any successful action to enforce any liability under this section," the plaintiff may recover "the costs of the action together with reasonable attorney's fees as determined by the court." 15 U.S.C. § 1681n(a)(3). Mr. Arroyo is therefore statutorily entitled to reasonable attorney's fees.

Mr. Arroyo is permitted to submit a motion for reasonable attorney's fees, supported by a memorandum of law and evidence of reasonable attorney's fees incurred *for the FCRA portion of this suit*. See generally *Hensley*, 461 U.S. at (addressing reasonable attorney's fees under 42 U.S.C. § 1988 and explaining, "Where the plaintiff has failed to prevail on a claim that is distinct in all respects from his successful claims, the hours spent on the unsuccessful claim should be excluded in considering the amount of a reasonable fee"). The Court recognizes that some of the legal work may be indivisible between the two claims, see *id.* at 435, but also notes that the Supreme Court has advised "[t]he applicant should exercise 'billing judgment' with respect to hours worked ... and should maintain billing time records in a manner that will enable a reviewing court to identify distinct claims," *id.* at 437. If a motion is filed, it must be accompanied by



detailed billing records showing the time spent, work performed, and hourly rate charged in six-minute increments. Mr. Arroyo may file his motion within 35 days of this order. CoreLogic is afforded 21 days to respond to any such motion. Mr. Arroyo is afforded 14 days to reply to CoreLogic's response.

To summarize, the Court finds no actual damages, statutory damages in the amount of \$1,000, punitive damages in the amount of \$3,000, and reasonable attorney's fees to be determined.

**C. Connecticut Unfair Trade Practices Act Claim**

The Plaintiffs' raised a claim under CUTPA in their complaint under multiple theories of liability relating to CoreLogic's use of CrimSAFE and Mr. Arroyo's file disclosure. In their pre-trial proposed findings of fact and conclusions of law, the Plaintiffs have asserted a single theory of liability relating to CoreLogic's use of CrimSAFE. For the same reasons that the FHA claims failed, the CUTPA claims relating to the use of CrimSAFE fail. All of the CUTPA theories of liability relating to CrimSAFE require the Court to find that CrimSAFE causes housing unavailability. As explained above, the Plaintiffs have not met their burden and thus the theories of CUTPA liability premised on this claim fail as well.

The Plaintiffs have abandoned their CUTPA claims as they relate to Mr. Arroyo's file disclosure because the Plaintiffs did not set forth the legal framework for such a claim in its trial submissions and did not make specific arguments during trial. See *United States v. Livecchi*, 605 F. Supp. 2d 437, 451



(W.D.N.Y. 2009) (finding the failure to discuss claim in trial briefing constitutes abandonment) (collecting similar cases).

Therefore, the Court rules in favor of CoreLogic on the CUTPA claims.

#### **CONCLUSION**

For the foregoing reasons, the Court finds in favor of CoreLogic on the Plaintiffs' FHA and CUTPA claims and finds for Mr. Arroyo on his FCRA claim for \$1,000 in statutory damages, \$3,000 in punitive damages, and reasonable attorneys fees in an amount to be determined.

**IT IS SO ORDERED.**

/s/  
**Hon. Vanessa L. Bryant**  
**United States District Judge**

**Dated this day in Hartford, Connecticut: July 20, 2023**



UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

CONNECTICUT FAIR HOUSING  
CENTER and CARMEN ARROYO,  
individually and as next friend for  
Mikhail Arroyo

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NO. 3:18-cv-705-VLB

v.

CORELOGIC RENTAL PROPERTY  
SOLUTIONS, LLC

JUDGMENT

This action having come before the Court on a bench trial before the Honorable Vanessa L. Bryant, Senior United States District Judge; and the Court having already granted in part (Dkt. 194) defendant's motion for summary judgment as to the FHA disparate impact and treatment claims on the basis of disability, the FHA failure to accommodate claim, and the FCRA claims for the period from April 26, 2016 to June 30, 2016, and after November 18, 2016; and the issues having been tried and the Court having considered the full record of the case including applicable principles of law, and on July 20, 2023, issuing a Memorandum of Decision and Order (Dkt. 317) following the bench trial finding in favor of defendant on the FHA and CUTPA claims and finding for plaintiffs on the FCRA claim for \$1,000 in statutory damages, \$3,000 in punitive damages, and reasonable attorneys' fees in an amount to be determined; it is hereby

ORDERED, ADJUDGED and DECREED that judgment be and is hereby entered and this case is closed.

EOD: 7-21-2023



**Dated at Hartford, Connecticut, this 21st day of July, 2023.**

**DINAH MILTON KINNEY, Clerk**

**By /S/ Jeremy J. Shafer  
Jeremy Shafer  
Deputy Clerk**



UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

CONNECTICUT FAIR HOUSING CENTER  
*et al.*,

*Plaintiffs,*

v.

CORELOGIC RENTAL PROPERTY  
SOLUTIONS, LLC,

*Defendant.*

No. 3:18-CV-705 (VLB)

**NOTICE OF APPEAL**

Notice is hereby given that the Connecticut Fair Housing Center, Carmen Arroyo, and Mikhail Arroyo, Plaintiffs in the above-named case, hereby appeal to the United States Court of Appeals for the Second Circuit from the final judgment entered in this case on July 21, 2023 (ECF 318), encompassing:

1) Those portions of this Court's July 20, 2023, Memorandum of Decision and Order (Dkt. No. 317) which dismissed the Plaintiffs' claims for race and national origin discrimination under the Fair Housing Act and unfair practices in violation of the Connecticut Unfair Trade Practices Act, and that found no actual damages for violation of the Fair Credit Reporting Act; and

2) The portion of this Court's August 7, 2020, Memorandum of Decisions on Motions for Summary Judgment (Dkt. No. 194) that dismissed the Plaintiffs' claims for disability discrimination under the Fair Housing Act.



Dated: August 4, 2023

Respectfully submitted,

/s/ Christine E. Webber

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Christine E. Webber (PHV)

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 4, 2023, a copy of foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by email to all parties by operation of the Court's electronic filing system as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF system.

/s/ Christine E. Webber  
Christine E. Webber (PHV)  
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UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

CONNECTICUT FAIR HOUSING CENTER

and

CARMEN ARROYO, individually and  
as next friend for Mikhail Arroyo,

*Plaintiffs,*

-v-

CORELOGIC RENTAL PROPERTY  
SOLUTIONS, LLC,

*Defendant.*

Case No. 3:18-cv-00705-VLB

DEFENDANT CORELOGIC RENTAL PROPERTY  
SOLUTIONS, LLC'S NOTICE OF APPEAL

PLEASE TAKE NOTICE that Defendant CoreLogic Rental Property Solutions, LLC ("Defendant") cross-appeals to the United States Court of Appeals for the Second Circuit from this Court's Judgment entered on July 21, 2023 (ECF 318), with the associated Memorandum of Decision and Order filed July 20, 2023 (ECF 317).

Plaintiffs filed a notice of appeal from this Court's Judgment and Order on August 4, 2023. (ECF No. 320); see Fed. R. App. P. 4(a)(3) (providing for "Multiple Appeals"); Fed. R. App. P. 28.1 ("Cross-Appeals").

Defendant cross-appeals from the portions of this Court's Judgment, Memorandum of Decision, and Order finding in favor of Plaintiffs on the Fair Credit Reporting Act claim and awarding \$1,000 in statutory damages, \$3,000 in punitive damages, and reasonable attorneys' fees (in an amount to be determined).



**Dated: August 14, 2023**

**Respectfully submitted,**

**/s/ Timothy St. George**

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***Counsel for Defendant CoreLogic Rental  
Property Solutions, LLC***



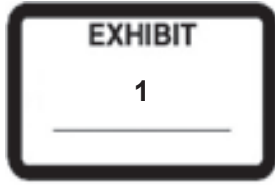
**CERTIFICATE OF SERVICE**

I hereby certify that on August 14, 2023, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

**/s/ Timothy St. George**

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## CRIMSAFE™ CONFIGURATION FORM

Instructions: Enter number of years counting backwards from today that will cause an application decline. Felony Convictions Only cannot be set at a value (number of years) that is less than Any Felony Charges and Other Convictions. Other Criminal Charges cannot be set at a value greater than Other Convictions. All "number of years" fields must be completed.		Felony Convictions Only (0-99 years)*	Other Felony Charges (0-7 years)*	Other Convictions (0-99 years)*	Other Criminal Charges (0-7 years)*
<b>Crimes Against Persons</b>	<b>Assault-Related Offenses</b> General Definition: An unlawful attack by one person upon another.	99 ____ yrs.	7 ____ yrs.	5 ____ yrs.	2 ____ yrs.
	<b>Family-Related Offenses, Nonviolent</b> General Definition: Unlawful, nonviolent acts by a family member (or legal guardian) that threaten the physical, mental, or economic well-being or morals of another family member and that are not classifiable as other offenses, such as Assault, Incest and Statutory Rape, etc.	10 ____ yrs.	7 ____ yrs.	1 ____ yrs.	1 ____ yrs.
	<b>Homicide-Related Offenses</b> General Definition: The killing of one human being by another.	99 ____ yrs.	7 ____ yrs.	99 ____ yrs.	7 ____ yrs.
	<b>Kidnapping/Abduction-Related Offenses</b> General Definition: The unlawful seizure, transportation, and/or detention of a person against his/her will or of a minor without the consent of his/her custodial parent(s) or legal guardian.	99 ____ yrs.	7 ____ yrs.	99 ____ yrs.	7 ____ yrs.
	<b>Sex-Related Offenses, Forcible</b> General Definition: Any sexual act directed against another person, forcibly and/or against that person's will, or not forcibly or against the person's will in instances where the victim is incapable of giving consent.	99 ____ yrs.	7 ____ yrs.	99 ____ yrs.	7 ____ yrs.
	<b>Sex-Related Offenses, Nonforcible</b> General Definition: Unlawful, nonforcible sexual intercourse, excluding prostitution offenses.	99 ____ yrs.	7 ____ yrs.	99 ____ yrs.	7 ____ yrs.
	<b>All other Person-Related Offenses</b> General Definition: Any offense committed against another person which causes harm to a person which does not meet specific categories previously outlined as person-related offenses.	10 ____ yrs.	7 ____ yrs.	1 ____ yrs.	1 ____ yrs.

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ARROYO000003

JA-385



Categories		Felony Convictions Only (0-99 years) *	Other Felony Charges (0-7 years)*	Other Convictions (0-99 years)*	Other Criminal Charges (0-7 years)*
Crimes Against Property	<b>Arson-Related Offenses</b> General Definition: To unlawfully and intentionally damage or attempt to damage any real or personal property by fire or incendiary device.	99 ____ yrs.	7 ____ yrs.	99 ____ yrs.	7 ____ yrs.
	<b>Bad Checks-Related Offenses</b> General Definition: Knowingly and intentionally writing and/or negotiating checks drawn against insufficient or nonexistent funds, excluding Counterfeited Checks or Forged Check offenses.	10 ____ yrs.	5 ____ yrs.	1 ____ yrs.	0 ____ yrs.
	<b>Burglary/Breaking and Entering-Related Offenses</b> General Definition: The unlawful entry into a building or other structure with the intent to commit a felony or a theft.	99 ____ yrs.	7 ____ yrs.	10 ____ yrs.	5 ____ yrs.
	<b>Motor Vehicle Theft-Related Offenses</b> General Definition: The theft of a motor vehicle.	10 ____ yrs.	7 ____ yrs.	5 ____ yrs.	2 ____ yrs.
	<b>Counterfeiting/Forgery-Related Offenses</b> General Definition: The altering, copying, or imitation of something, without authority or right, with the intent to deceive or defraud by passing the copy or thing altered or imitated as that which is original or genuine or the selling, buying, or possession of an altered, copied, or imitated thing with the intent to deceive or defraud.	20 ____ yrs.	5 ____ yrs.	5 ____ yrs.	2 ____ yrs.
	<b>Embezzlement/Bribery-Related Offenses</b> General Definition: The unlawful misappropriation by an offender to his/her own use or purpose of money, property, or some other thing of value entrusted to his/her care, custody, or control.	20 ____ yrs.	5 ____ yrs.	1 ____ yrs.	1 ____ yrs.
	<b>Extortion/Blackmail-Related Offenses</b> General Definition: To unlawfully obtain money, property or any other thing of value, either tangible or intangible, through the use or threat of force, misuse of authority, threat of criminal prosecution, threat of destruction of reputation or social standing or through other coercive means.	20 ____ yrs.	5 ____ yrs.	1 ____ yrs.	1 ____ yrs.
	<b>Fraud-Related Offenses</b> General Definition: The intentional perversion of the truth for the purpose of inducing another person or other entity in reliance upon it to part with something of value or to surrender a legal right, excluding Counterfeiting/Forgery and Bad Check offenses.	10 ____ yrs.	5 ____ yrs.	3 ____ yrs.	1 ____ yrs.
	<b>Robbery-Related Offenses</b> General Definition: The taking or attempting to take anything of value under confrontational circumstances from the control, custody, or care of another person by force or threat of force or violence and/or by putting the victim in fear of immediate harm.	20 ____ yrs.	7 ____ yrs.	10 ____ yrs.	3 ____ yrs.

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JA-386



Categories	Felony Convictions Only (0-99 years) *	Other Felony Charges (0-7 years)*	Other Convictions (0-99 years)*	Other Criminal Charges (0-7 years)*
Crimes Against Society	<b>Stolen Property-Related Offenses</b> General Definition: Receiving, buying, selling, possessing, concealing, or transporting any property with the knowledge that it has been unlawfully taken, as by Burglary, Embezzlement, Fraud, Larceny, Robbery, etc.	5 yrs.	2 yrs.	1 yrs.
	<b>Larceny/Theft Related-Offenses</b> General Definition: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another person.	15 yrs.	3 yrs.	1 yrs.
	<b>Destruction / Damage / Vandalism of Property Offenses</b> General Definition: To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having the custody or control of it, excluding arson offenses.	10 yrs.	5 yrs.	1 yrs.
	<b>All other Property-Related Offenses</b> General Definition: Any offenses that cause property or monetary damage to another that do not fit into specific categories previously outlined as property- related offenses	5 yrs.	1 yrs.	0 yrs.
	<b>Purposely Obstructs, Impairs or Perverts the Law</b> General Definition: A person who purposely obstructs, impairs or perverts the administration of law or discharge of government duties or the carrying out of other governmental functions.	5 yrs.	5 yrs.	0 yrs.
	<b>Disorderly Conduct-Related Offenses</b> General Definition: Any behavior that tends to disturb the public peace or decorum, scandalize the community, or shock the public sense of morality.	5 yrs.	3 yrs.	0 yrs.
	<b>Drug/Narcotic-Related Offenses</b> General Definition: The violation of laws prohibiting the product, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use, excluding DUI offenses.	20 yrs.	7 yrs.	1 yrs.
	<b>Drunkenness-Related Offenses</b> General Definition: To drink alcoholic beverages to the extent that one's mental faculties and physical coordination are substantially impaired, excluding DUI offenses.	0 yrs.	0 yrs.	0 yrs.
	<b>Driving Under the Influence-Related Offenses</b> General Definition: Driving or operating a motor vehicle or common carrier while mentally or physically impaired as the result of consuming an alcoholic beverage or using a drug or narcotic.	0 yrs.	0 yrs.	0 yrs.

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JA-387



Categories	Felony Convictions Only (0-99 years) *	Other Felony Charges (0-7 years)*	Other Convictions (0-99 years)*	Other Criminal Charges (0-7 years)*
<b>Crimes Against Society (cont.)</b>				
<b>Liquor Law-Related Offenses</b> General Definition: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, excluding DUI and drunkenness offenses.	0 yrs.	0 yrs.	0 yrs.	0 yrs.
<b>Pornography/Obscene Material-Related Offenses</b> General Definition: The violation of laws or ordinances prohibiting the manufacture, publishing, sale, purchase, or possession of sexually explicit material, e.g. literature or photographs.	99 yrs.	7 yrs.	99 yrs.	7 yrs.
<b>Prostitution-Related Offenses</b> General Definition: To unlawfully engage in or promote sexual activities for profit.	99 yrs.	7 yrs.	99 yrs.	7 yrs.
<b>Sex Offender Registrant</b> General Definition: Identification of a registration by the applicant as a registered sex offender in one or more jurisdictions covered by the search. (Note that requirements for registration vary by locale and may require the individual to actively register themselves by law in some states. Some states prohibit discrimination on the basis of registration as a sex offender.)	99 yrs.	7 yrs.	99 yrs.	7 yrs.
<b>Traffic Violations While Operating a Motor Vehicle</b> General Definition: A person who commits a traffic violation while operating a motor vehicle, e.g. speeding, failure to yield right of way, running a red light.	0 yrs.	0 yrs.	0 yrs.	0 yrs.
<b>Trespass of Real Property-Related Offenses</b> General Definition: To unlawfully enter land, a dwelling, or other real property.	10 yrs	5 yrs	0 yrs	0 yrs
<b>Weapons Law-Related Offenses</b> General Definition: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.	99 yrs	5 yrs	5 yrs	2 yrs
<b>Drug/Narcotic-Related Offenses: Manufacture or Distribution Indicated</b> General Definition: The violation of laws prohibiting the production, distribution, or trafficking of certain controlled substances and the equipment or devices utilized in their preparation and/or use. <u>Offenses contained in this category specifically indicate manufacture or distribution.</u>	99 yrs	7 yrs	99 yrs	7 yrs
<b>Peeping Tom-Related Offenses</b> General Definition: The violation of peeping tom-related laws and ordinances.	99 yrs	7 yrs	10 yrs	5 yrs
<b>All other Society-Related Offenses</b> General Definition: Any offense committed which violates laws, norms, or conventions that negatively impact on society, as a whole, and does not meet specific categories previously outlined as society-related offenses.	0 yrs	0 yrs	0 yrs	0 yrs

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JA-388



\*Note: You can only enter up to the maximum number of years listed for this field. If you enter a year higher than the maximum year allowed, this offense will default to the maximum year listed. If you do not want to include this offense in your leasing decision, please enter a 0. If you leave any field blank, the field will default to 0 and this offense will not be considered for a decline.

**Decision Messages**

A decision is printed on the CrimSAFE report and is customizable for Approve and Decline decisions. The following default text is provided unless otherwise noted.

Decision	Decision Message
<b>Approve</b>	<i>Default Text:</i> The results for this search indicate that the applicant meets your community's CrimSAFE standards.
<input type="checkbox"/> Customize	Write exact text below that will appear on the CrimSAFE report. (Maximum 180 characters).
<b>Decline</b>	<i>Default Text:</i> The results for this search indicate that the applicant fails to meet your community's CrimSAFE standards.
<input type="checkbox"/> Customize	Write exact text below that will appear on the CrimSAFE report. (Maximum 180 characters).
<input checked="" type="checkbox"/>	<b>View CrimSAFE Back-up Data.</b> This allows your users to view the criminal report.

☒ CrimSAFE configuration applies only to Account #: \_\_\_\_\_.

☐ This configuration applies to additional accounts, other than this Account #. (If so, you must fill out the Account List on page 7 and submit with this package.)

**CrimSAFE Terms and Conditions**

The following are terms of a legal agreement. By accessing, browsing, and/or using the CrimSAFE™ products or services, you acknowledge that you have read, understood, and agree to be bound by the following CrimSAFE™ Terms & Conditions.

**LIMITS ON USE & ACCEPTANCE:** By accessing and using the CrimSAFE™ products, services or any portion of this Website, you agree that your access to, and use of, CrimSAFE™ is subject to the following Terms & Conditions in addition to the limitations and obligations in your service agreement. We reserve the right to change these Terms & Conditions at any time, at our sole discretion and without notice. We also reserve the right to seek all remedies available by law and in equity for any violation of these Terms & Conditions and any rights not expressly granted herein are reserved. These Terms & Conditions are governed by, and interpreted pursuant to, the laws of the state of Maryland, without reference to its choice of law rules and provisions. If any provision of this Agreement is held to be invalid or unenforceable, such provision shall be struck and the remaining provisions shall be enforced. Headings of sections are for reference purposes only and in no way define, limit, construe or describe the scope or extent of such section.

**DESCRIPTION OF SERVICES:** CrimSAFE™ categorizes criminal report records from various state and federal jurisdictions and was developed with reference to the National Incident-Based Reporting System (NIBRS). Using the customer's own pre-determined decision standards, CrimSAFE™ is designed to enhance a rental housing provider's ability to treat comparable applicants similarly. Information from criminal history records used in CrimSAFE™ is generally obtained from state court administrative offices and departments of corrections and is provided subject to obsolescence and reinvestigation limitations in applicable law and practice. CoreLogic SafeRent, LLC. maintains the rights to change, modify, or add to the Terms & Conditions herein or any part of the CrimSAFE™ information, categorizations, products and services without notice.

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CONFIDENTIAL

I certify that I am a duly authorized representative of my organization and that I have express authority to configure the CrimSAFE settings for my organization's account(s).

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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# SUBSIDIARY ACCOUNT LIST

(The following must match headquarters account information from first page.)

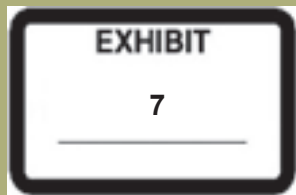
Account Number: \_\_\_\_\_ Account Name: \_\_\_\_\_

Settings from previous page would only apply to accounts listed below.

<u>Account Number</u>	<u>Property Name</u>
1.	
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30.	

*If you have additional accounts to list, you may reprint this page and list the information for each of your additional accounts on the separate sheet of paper.*





## CoreLogic SafeRent Response to Resident Screening Services for:

### WINNRESIDENTIAL

August 10, 2015

**PRESENTED BY:**

CoreLogic SafeRent, LLC  
2101 Gaither Road, Suite 400  
Rockville, MD 70850-4037

**POINT-OF-CONTACT:**

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Senior Northeast Account Executive  
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## Qualifications and Experience

### Background

CoreLogic SafeRent, LLC ("CoreLogic SafeRent") is the nation's foremost provider of business information management strategies, internet-based risk control systems and applicant screening services for the multi-family housing industry. We make use of our widespread experience and technological acumen-developed from nearly 30 years serving the multi-family industry, delivering practical yet cutting-edge products for rental housing operators including WinnResidential. Our market leading statistically validated scoring model, unique datasets and time-tested customer service help differentiate CoreLogic SafeRent and the experience our customers enjoy. More than 35 thousand properties with more than six million apartment units nationwide rely on CoreLogic SafeRent every day to assist them in screening residents to meet their community standards and maximize profitability.

Our comprehensive product line, our vast experience in screening applicants for the multi-family housing industry and our ongoing relationship with WinnResidential makes CoreLogic SafeRent uniquely positioned to partner with you to address your ongoing screening needs. Our compliance expertise helps WinnResidential and its customers operate under the Fair Credit Reporting Act (FCRA) and other applicable federal, state and local screening and data privacy requirements, including mandated U.S. Department of Housing and Urban Development (HUD) screening regulations for affordable housing providers. Our representatives are experienced and well-trained in the industry and are particularly knowledgeable in the geographic areas and product lines they represent.

CoreLogic SafeRent has been in the resident screening business since the early 1980s, collecting public records of court actions in jurisdictions across the United States. We were the first company of our kind to provide local housing providers with a means to identify applicants who had been chronically evicted or who otherwise failed to fulfill their lease agreements satisfactorily. From that modest beginning, we have grown into the nation's largest and most experienced information management company for the multi-family housing industry, specializing in total decision services and risk management expertise for resident screening of rental applicants.

CoreLogic SafeRent, LLC is a subsidiary of CoreLogic, Inc., a publicly traded company listed on the New York Stock Exchange under the ticker symbol, CLGX. As part of the CoreLogic family of companies, we have the resources and stability to service and manage your account. CoreLogic is a leading provider of consumer, financial and property information, CoreLogic combines public, contributory, and proprietary data to develop comprehensive data repositories, predictive decision analytics and offers a wide range of business services, with a focus on all aspects of an individual property. Our capabilities are empowered by some of the nation's largest and most comprehensive public record, mortgage application, fraud, loan performance, automotive credit reporting, property tax, valuation, flood determinations and geospatial datasets. CoreLogic, headquartered in Irvine, CA, has more than 4,800 employees globally with 2014 revenues of \$1.4 billion.

Based upon the experience and capabilities described herein, we are confident that CoreLogic SafeRent is most qualified to fulfill the needs of this initiative.



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## Commitment to Excellence

Our comprehensive data sources, advanced screening technology and powerful, easy to use, decision tools make CoreLogic SafeRent the choice of savvy housing providers nationwide. We believe we provide the most accurate, current and versatile resident screening resources available anywhere in the United States today.


We are highly regarded across the country and are a member of many well-respected national and regional industry organizations. Some of these affiliations include: Greater Boston Real Estate Board Rental Housing Association (GBREB); California Apartment Association (CAA), Real Estate Board of New York (REBNY); Apartment Association of Greater Memphis (AAGM); Property Management Association (PMA); National Affordable Housing Management Association (NAHMA), Consumer Data Industry Association (COIA), National Multi-Housing Council (NMHC), National Association of Residential Property Managers (NARPM), National Multi-Housing Resident Information Council (NMRIC), National Apartment Association (NAA) and National Association of Housing and Re-development Officials (NAHRO). A more extensive list of our industry memberships is available at <http://corelogic.saferent.com/about/index.php>.

Our reputation as the industry leader is confirmed through various industry awards such as the: Multi-Housing News "Top Technology Providers: Resident Screening"; Apartment Finance Today "Readers Choice Award: Best Leasing/Tenant Screening"; Journal of Property Management "Readers Choice Award: Consulting and Resident Screening"; National Apartment Association Units Magazine "#1 of Top 3 Award for "Excellence in Advertising" and Multi-Housing News "Most Influential Executives" Award.

Our clients include some of the largest and most prestigious multi-family housing providers in the country including:

- WinnResidential
  - CoreLogic SafeRent is the current screening provider for the majority of the WinnResidential properties
- AvalonBay
  - AvalonBay owns and/or manages more than 80,000 apartment units
- Home Properties
  - Home Properties owns and/or manages 44,000 apartment units
- WRH Realty
  - WRH Realty own and/or manages more than 16,000 apartment units
- Related Management L.P.
  - Related Management L.P. owns and/or manages more than 40,000 apartment units
- Landmark Apartment Trust (LAT)
  - Landmark Apartment Trust owns and/or manages 32,000 apartment units





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## Commitment to Service

Ultimate client satisfaction is a top-tier value. CoreLogic SafeRent products are supported by a nationwide network of expert multi-family professionals who collaborate with you to design a screening program that addresses both your occupancy goals and your risk tolerance and continue to work with you as your needs change. We have 117 employees, including 18 Sales and Account Executives. The Sales and Account Management teams are backed by additional customer facing staffers that can assist with questions and client issues by telephone and email.

## Commitment to Integrity

CoreLogic SafeRent is dedicated to the highest standards of professionalism and integrity. We are compliant with and closely follow any changes for reporting laws for all 50 states; including compliance with state specific statutes for reporting certain types of crimes and statutes for reporting Landlord Tenant Court Records.

## Software Integrations

CoreLogic SafeRent has developed software integrations with major property management software, including Yardi Voyager®. Our Yardi interface has been available for more than 10 years; more than 5,000 properties currently enjoy the convenience of our Yardi Integration. The interface allows you to go directly from the Yardi Guest Card to the CoreLogic SafeRent screening site without having to enter your applicant's information twice. The Yardi Voyager and CoreLogic SafeRent 2-Way Multi-family Information and Transactions Standards (MITS) Compliant Interface processes screening reports from within Voyager and returns the ScorePLUS® decision, which populates in Voyager. Applicants that receive a decline screening decision are restricted from the move-in process by Voyager. This feature is commonly referred to as Move-In Security.

All screening reports requested in the transaction can be viewed and/ or printed by the user from within Yardi Voyager for 60 days. Our integration with Yardi Voyager has always supported screening multiple applicants and/or roommates in one transaction

## Implementation Experience

As we did with our initial launch for WinnResidential, we take a controlled, team approach to implementing services to our clients. The dedicated team of Regional Executives, Account Managers and Support Staff is experienced and accomplished in handling onboarding and training for large national portfolios. We have rolled out more of the Top 50 Multi-Family Providers in the country than anyone else in the resident screening industry.

Each rollout is tailored to the unique needs of the specific organization. A typical service implementation involves a multi-phase process in which our support team works with your staff each step of the way.

The initial phase begins with Senior Management. We establish the services, options, user-functionality, levels of authority and framework for the implementation. In addition, we establish the rollout timeframes and communication channels to keep everyone abreast of the process.



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In the second phase, we work with the client to communicate the services, processes, functionality and guidelines to their organization's Regional Management. In addition, we review the portfolio composition to ensure the risk levels are appropriately set for their communities. This involves a review of the property type (Conventional, Tax Credit, Project Based, Mixed Use, etc.), along with location, tenant traffic, rents, occupancy, waitlists and other elements necessary in assessing the properties position.

We then coordinate regional and/or group trainings for the client's staff members through a mixture of webinars and regional group meetings. The training plan is customized to ensure all users fully understand the services and processes. We also make sure everyone is aware of the communication channels and support resources to which questions or concerns can be directed.

The next phase involves managing the process. We regularly check property performance to ensure the client's goals are being met. We track the activity and results and communicate these findings to management, enabling them to follow the process. We also review the questions and comments from the staff to see if there are standard concerns that need monitoring or reeducation.

In the next phase, CoreLogic SafeRent provides ongoing maintenance, support, training and adjustments. We will schedule regular regional reviews to communicate activity and solicit feedback. We assist in adding and/or deleting properties within the portfolio. We design and deploy training programs for new hires and monitor processes to ensure new employees are properly trained while exiting employees are removed from the system.

Paramount to the entire implementation process is clear communication. We make certain that communication channels are established and escalation processes are in place. We incorporate this belief into all of our customer relationships. We have serviced the majority of the WinnResidential portfolio for eight years and continue to manage these processes and standards extremely efficiently.

## The CoreLogic SafeRent and WinnResidential Partnership

We have been proud to service a portion of the WinnResidential portfolio for the past eight years. We earned your business in 2008 with our world-class client service and the best data and analytics in the industry. We hope these factors and your experiences doing business with us, will lead you to choose us as your partner for this pending initiative.

From June 1, 2014 through June 30, 2015, WinnResidential ran 24,243 screening reports through our system. Using National RegistryCHECK™, our proprietary database of landlord and/or tenant litigation and other related data, WinnResidential learned that 3,532 of those applicants had been sued by their prior landlords. This equates to finding that 14.55 percent of your screening applicants were sued by their prior landlords. Had you not had access to this exclusive data, you may have made leasing decisions that proved detrimental to your business. In addition, we found 5,573 of these 24,243 applicants had criminal records. This accounts for 23 percent of all your screened applicants. In addition, Landlord Tenant (LT) Collections Alert uncovered \$1,259,912 in open LT Collections. In a recent head-to-head trial, another client shared that our results in identifying LT Collections was 50 percent better than other resident screening service providers. The depth of our data has kept your communities safer.



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## References

Our customizable product line, first-class customer service and competitive pricing earn us the respect of industry stakeholders and our clients, as any of our business references will attest. Below we have provided as references names of a few clients with large portfolios that are currently utilizing our applicant screening services. Each of these customers utilizes a package of our screening products customized to its specific needs. Additional references are available upon request.

- Company Name: The Related Management, L.P.  
Address: 423 West 55<sup>th</sup> Street, 9<sup>th</sup> Floor New York, NY 10019  
Contact: Jeffrey Bond, Vice President Ancillary Services  
Phone: 212.319.1200  
Email: JBond@Related.com
- Company Name: AvalonBay Communities, Inc.  
Address: 671 N. Glebe Road, Suite 800, Arlington, VA 22203  
Contact: Melanie K. Jones, Operations Manager  
Phone: 256.486.3478  
Email: Melanie\_Jones@avalonbay.com
- Company Name: Landmark Apartment Trust  
Address: 3505 E. Frontage Rd. Suite 150, Tampa, FL 33607  
Contact: Stephanie Bishop, Director of Property Applications  
Phone: 813.281.2907 x362  
Email: SBISHOP@latapts.com
- Company Name: WRH Realty Services, Inc.  
Address: 3030 Hartley Road, #320, Jacksonville, Florida 32257  
Contact: Brian Davies, Regional Vice President  
Phone: 904.504.6975  
Email: bdavies@wrhrealty.com

## Product and Service Delivery Approach

### Coverage and Data Sources

With coverage in 50 states, CoreLogic SafeRent can offer you the strength and stability of a national company combined with an understanding of and commitment to the needs of your local community and organization

Our screening products utilize a wide variety of data sources, including some of the largest proprietary databases in the industry. CoreLogic SafeRent offers the industry's most comprehensive criminal search services. We use our extensive criminal data sources to provide products that enable you to simplify screening, comply with FCRA and Fair Housing requirements, build safer communities and maximize your bottom line. We have access to specialized government databases in order to obtain much of the criminal data that we provide. Our ability to understand the specifics of various court systems makes it possible for us to offer an instant criminal search of our proprietary database that consists of data from 45 states and the District of Columbia. We also maintain sex offender registration information for all 50 states and the



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District of Columbia. In addition, we are the only company that can offer National RegistryCHECK™; our proprietary database of landlord and/or tenant litigation and other information crucial to making an informed rental decision. Our nationwide network of court researchers, collects data throughout the country every business day and our data professionals are constantly reviewing available sources of data to further enhance our instant database as state agencies make records available.

## Our Products

Our market-leading statistically validated scoring model, unique data sets and time-tested customer service help differentiate CoreLogic SafeRent and the experience our customers enjoy. Our core product recommendation to WinnResidential is the RegistryINSIGHT® package with Multi-StatePLUS™ Criminal and Sex Offender Searches. This standard package (itemized below) combines instant results with best-in-class data depth and statistical lease risk modeling. In certain regions, we may also recommend additional criminal screening products.

To ensure WinnResidential properties enjoy the best predictive modeling, CoreLogic SafeRent does not recommend a FICO score. Because the FICO score lacks key lease-predictive data and because the FICO score was not modeled against rental housing lease outcomes, its inferior ability to predict lease performance puts its users at a disadvantage. In addition, using FICO skills can impose additional compliance requirements under the Dodd-Frank Act. WinnResidential will avoid these key weaknesses in the FICO score by using the rental-specific data and modeling found in the ScorePLUS score.

Criminal history is not included in the scoring model. However, criminal history evaluation can be automated using our unique CrimSAFE® product.

## RegistryINSIGHT

RegistryINSIGHT combines the most essential screening services into one powerful easy-to-use decision tool. This product utilizes Registry ScorePLUS®, National RegistryCHECK™, a consumer credit report, an accept/decline/conditional decision based on standards that you set and AppALERT™ to provide the most complete picture you can get of potential residents. RegistryINSIGHT allows you to see how your community is performing with a host of reports that characterize your leasing trends and identify growth opportunities. In short, RegistryINSIGHT gives you more information than ever available before in one easy-to-use product. And better information means better decisions.

## Registry ScorePLUS®

This product is included in the RegistryINSIGHT package, is the industry's only results-based statistical scoring model that includes substantial landlord tenant records and unique, predictive consumer subprime data. Registry ScorePLUS analyzes multiple data sources to deliver an accept/decline/conditional decision based on your predetermined decision points.

From the leading provider of subprime and alternative credit data, Registry ScorePLUS includes 37 million consumer records from payday loan companies, rental purchase stores and other non-traditional credit companies. This data used by CoreLogic SafeRent on high-risk consumer information is only available with Registry ScorePLUS; it is not typically included in a credit report. During a one year period, WinnResidential would have uncovered \$544,860 in subprime debt owed by the applicants screened through CoreLogic SafeRent debt that would have not been reported in standard credit reports. Registry





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ScorePLUS® is the only screening model that includes this lease predictive consumer information, making Registry ScorePLUS more powerful and predictive than other screening scoring models. This superior data makes for the most accurate risk assessment and the best possible outcomes. The bottom line is an objective, statistically derived score that-when compared to Rule of Thumb (ROT) models reduces end-of-lease debt.

CoreLogic gic SafeRent Registry ScorePLUS analyzes multiple data sources to deliver an accept/decline/conditional decision based on the WinnResidential predetermined decision points. Uniquely tailored for the multi-family housing industry, Registry ScorePLUS looks at more than 600 attributes with predictive value on the lease outcome, including the applicant credit history report, any landlord and/or tenant court data, landlord specific debt provided by a consortium of Collection firms not typically reported on the credit file and any subprime and/or alternative credit history as well as additional data elements, including the property unit details of each property.

Our statistical lease screening model uses a "consistent measuring stick" to characterize the national renter quality distribution on a 200 to 800 lease performance risk scale, rank-ordered in terms of their likelihood to default on their lease, with a score of 200 equating to a high risk application and 800 equating to a low risk application.

Through our understanding of the national renter population, lease performance outcomes were rigorously sampled and analyzed, across all grades of properties, to understand the behaviors of those who rent and tell what makes a good renter. Our statistically validated scoring model, developed with Experian decision analytics, uses regression analysis to determine what data elements are "statistically significant" and then rank them in groupings of variables, identifying which variables, as well as the relationship between variables, that are most predictive of future renter behavior.

The CoreLogic SafeRent Registry ScorePLUS statistical lease screening model delivers a rank ordered "continuous" score to show how an applicant ranks in comparison to other applicants within the property traffic or within a management company's traffic, across all properties in their portfolio. Registry ScorePLUS is particularly effective in distinguishing between applicants scoring in the "marginal" or "gray area", to allow a property to make a risk-based decision and select the best quality applicants from their available traffic.

Registry ScorePLUS scores substantially all property traffic. Market and affordable applicants are scored on the same 200 to 800 risk scale, since the model has been risk-adjusted to enable comparison of leases scored on the Market Model with those score on the Affordable Model. Registry ScorePLUS Affordable is derived from actual affordable properties lease outcomes.

Registry ScorePLUS delivers a score for non-standard rental applicants, who have no Social Security Number, no credit history, light credit or no trade lines such as foreign applicants, students and young renters. Because CoreLogic SafeRent analyzed deeper information across larger datasets of the national renter population, containing resident histories for those who did not bring all of the data elements into a lease that standard applicants would have and the behaviors of these non-standard renters was modeled; Registry ScorePLUS can deliver a score for these types of applicants. By scoring thin-file applicants that other models cannot, Registry ScorePLUS helps customers qualify more applicants from the same renter traffic. More information on this product can be referenced in Attachment A.

Unlike Fair Isaac and credit bureau risk scores used for credit screening, Registry ScorePLUS is not subject to potentially burdensome credit score disclosure obligations under the Dodd-Frank Act. For more information on the Dodd-Frank Act and scoring products, please refer to Attachment B.



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## National RegistryCHECK<sup>□</sup>

This is included in the RegistryINSIGHT<sup>®</sup> package – Filings in our database are collected from approximately 2,200 courthouses by our employees operating across the country. National RegistryCHECK is a search against our proprietary database consisting of more than 34 million landlord tenant public court records for suits involving evictions, unlawful detainers, failure to pay rent and property damage. Other services may claim to have eviction records, but only National RegistryCHECK offers exclusive access to the industry's largest database. In addition to civil court activity this database contains valuable information reported directly by landlords. National RegistryCHECK is a critical tool for predicting whether an applicant will pay the rent.

Credit bureau reports are typically the source of eviction court records provided by other resident screening firms CoreLogic SafeRent regularly encounters. In our experience from head-to-head trials, these sources often lack filings that are substantially predictive of lease outcomes. Realizing that many eviction actions are never reduced to judgment, CoreLogic SafeRent collects both filings and judgments to obtain a uniquely deep picture of one key aspect of renter history.

From June 1, 2014 through June 30, 2015, WinnResidential properties currently using CoreLogic SafeRent products received 3,532 "hits" on the National RegistryCHECK database, alerting WinnResidential that 14.55 percent of their applicants had previously been named in landlord and/or tenant litigation

## Collections Alert<sup>SM</sup>

Collections Alert helps identify applicants that have recently skipped or left a rental property owing money and is factored into the score when used with Registry ScorePLUS<sup>®</sup>. This unique data set contains millions of records and the balances reported through the Collections Alert are for amounts owed on multi-family debt that have generally not been reported to the credit bureaus. Landlord Tenant Collections Alert uncovered \$1,259,912 in open Landlord Tenant Collections for WinnResidential applicants.

The CoreLogic Landlord Tenant Records database includes records as described below in addition to our Collections Alert data described herein and data contained on a consumers credit file. Landlord Tenant Court Records are searched by name and U.S. address and combined into the Registry ScorePLUS model. The CoreLogic SafeRent model assigns a statistical score to an applicant based on the total body of evidence presented in the credit report, collections data and landlord tenant court records. This means that both positive and negative resident performance attributes are selected, weighted and assessed according to their statistical significance in explaining lease performance risk. Customers also have the ability to customize exclusions as they relate to landlord tenant records.

## Credit Report

This is included in the RegistryINSIGHT package – Credit information regarding an applicant's credit accounts, payment history, collections, tax liens, wage garnishments and inquiries obtained from any of the three major national credit bureaus (Experian<sup>®</sup>, TransUnion<sup>®</sup> and Equifax<sup>®</sup>). Although we can provide reports from multiple bureaus, Registry ScorePLUS is designed to deliver best-in-class screening decisions using a single-bureau report, eliminating the need to incur the expense of accessing additional bureaus. Credit report address information may be viewed and printed separately from credit data.



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### AppALERT<sup>SM</sup> (OFAC)

This is included in the RegistryINSIGHT<sup>®</sup> package – AppALERT automatically screens applicants' rental occupants against a list of known terrorists and wanted fugitives provided by more than a dozen federal agencies. It instantly returns report results if a subject matches nationwide "wanted" database records from the Office of Foreign Assets Control (OFAC), the Federal Bureau of Investigation (FBI), the Department of Justice, U.S. Customs Services, U.S. Drug Enforcement Administration and other agencies, as well as numerous state and local wanted fugitives lists. With a renewed focus on national security and FBI advisory warnings concerning terrorism, it is more important than ever to implement and maintain an effective screening program to uncover U.S. Government-identified terrorists, drug kingpins and other specially designated nationals — and to help prohibit them from engaging in U.S. business transactions.

### Our National Criminal Reporting Products

Utilizing our criminal screening services will increase WinnResidential's ability to maintain safer communities for residents, guests and staff; ensure compliance with state and federal consumer reporting and housing laws; reduce potential liability from criminal acts; ensure consistent, fair treatment of all applicants and expedite leasing decisions.

WinnResidential properties using CoreLogic SafeRent criminal screening received 5,573 criminal "hits", alerting that 23 percent of all applicants WinnResidential screened between June 1, 2014 and June 30, 2015 had a history of criminal activity.

Our ability to understand the specifics of various court systems is illustrated by the launch of our proprietary criminal record search and reporting product, which offers instant access reports in 45 states. Our ability to expand our criminal reporting product on a national level is based on our expertise in merging cutting-edge technology and our understanding of court data into one comprehensive process or system. Records are also reviewed internally on a consistent basis and cases are purged for incompleteness, inaccuracy, obsolescence, statutory or other reasons.

We have access to specialized government databases in order to obtain much of the criminal data that we provide. With respect to the completeness of data used in the record search, CoreLogic SafeRent maintains one of the country's largest public court records databases. We also maintain sex offender registration information for all 50 states and the District of Columbia.

CoreLogic SafeRent can search the following type of criminal information utilizing our Internet Delivery System (IDS) for submission of report requests:

### Multi-StatePLUS<sup>□</sup> Criminal Check

Unlike most background checks that run simple name based searches, our Multi-StatePLUS criminal check utilizes CoreLogic SafeRent IDentify<sup>™</sup> to reveal past addresses, aliases (maiden names, nicknames, etc.), reported dates of birth and other information that may have not been provided by the applicant. This information is fed into our criminal search engine, which searches all statewide and county criminal databases maintained by CoreLogic SafeRent. This search currently encompasses over 400 million offender records from 45 states and the District of Columbia.

Due to varying state laws and reporting practices, there are regional differences in availability and content of criminal data. This proprietary database contains information from the Department of Corrections and/or



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the Administrative Office of the Courts in many states. Record details will vary based on the state agency that ultimately provides the data. For states that refuse to release AOC or DOC records, CoreLogic SafeRent endeavors to include records from alternate sources. For example, the Multi-StatePLUS™ contains Massachusetts criminal data collected from 45 police department databases in the major metro areas. More information regarding data sources and coverage can be referenced in Attachment C.

Although no completely comprehensive nationwide criminal report is commercially available in the United States, CoreLogic SafeRent offers the largest available multi-jurisdictional criminal history search. This search works in tandem with CrimSAFE® and results are available instantly online.

Because many states have transient populations and crimes are often committed in states not listed on the application, we recommend this search for every applicant.

### CoreLogic SafeRent IDentify

IDentify can return information on past addresses and movement patterns that an applicant may not have disclosed. These search results may confirm or conflict with information provided on a rental application. IDentify is included in the Multi-StatePLUS Criminal Search at no additional charge and designed to enhance that search.

### Multi-State Sex Offender (MSSO)


CoreLogic SafeRent currently offers a sex offender reporting product covering all 50 states, plus Guam, Puerto Rico and the District of Columbia. Our extensive search capabilities check registered sex offender data sources nationwide, such as Departments of Public Safety, State Police, Bureaus of Investigation and other law enforcement agencies. This easy to read report includes offense information and conviction details. MSSO reports include sex offenders' name and aliases and, in some instances, photos of the registered offender. MSSO reports are returned within seconds through our online IDS.

### Other Criminal Reporting Products

In addition to instant criminal and sex offender searches performed on our proprietary database, CoreLogic SafeRent offers additional State, County and Regional searches including delayed searches from state and county jurisdictions, which are unable or unwilling to supply bulk data to commercial enterprises. CoreLogic SafeRent is constantly reviewing available sources of data and seeks to supplement our instant database as state agencies make records available in bulk. In jurisdictions that do not allow access to data for inclusion in our Multi-StatePLUS product, your Account Manager may recommend statewide or regional searches.

In addition, CoreLogic SafeRent is the only company that offers Registry CrimSAFE®, a robust tool that relieves your staff from the burden of interpreting criminal search results and helps ensure consistency in your decision process. You set the policies for accepting or declining categories of criminal offenses. Then, criminal record search results are evaluated using our own advanced, proprietary technology and an accept/decline leasing decision is delivered to your staff. With CrimSAFE, your policies are consistently implemented, Fair Housing compliance is optimized and your community enjoys an improved level of safety. Registry CrimSAFE works in conjunction with all of our criminal checking services, whether you use our multi-state, statewide, county searches or Multi-State Sex Offender Search.





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The following searches can also be submitted through our IDS and results returned through our secure online system.

### Registry CrimSAFE®

Registry CrimSAFE analyzes criminal history public records and notifies your staff when criminal records are found that do not meet the criteria you establish. Registry CrimSAFE ensures consistent criminal leasing decisions, improves Fair Housing compliance and relieves your staff of the task of interpreting criminal public records. Registry CrimSAFE works in conjunction with all of our criminal checking services, whether you use our multi-state, statewide, county searches or Multi-State Sex Offender Search. Attachment D provides additional information regarding this product.

### Statewide Criminal

This product provides court record information from a specified state and is available from nearly all 50 states. Record information may include felony and misdemeanor offenses, including drug related offenses filed. For some states, this product is also available instantly online, while other states may experience a one to two day delay. For those Massachusetts sites that are Criminal Offender record Information (CORI)-certified, CoreLogic SafeRent has automated access to CORI. The turn-around-time (TAT) for CORI depends on the state; Massachusetts gives the current TAT for these reports as four to six days.

### County-by-County Criminal

This offering is a single county court search available for every county in the United States. The county chosen for each search is based on the applicant or tenant's current and/or previous address. Records returned include felony offenses filed and often, misdemeanor offenses filed, depending on the court level (Superior, Municipal or District) and whether or not those courts maintain misdemeanor data. Although these reports can be ordered and results viewed on our IDS, county-by-county searches are conducted manually and thus require a two to three day TAT frame. A court surcharge may apply. Those counties carrying surcharges are listed in the Pricing Proposal.

## Other Screening Products

CoreLogic SafeRent offers a full line of screening products. The following additional products were specified in the RFP.

### Driver License Reports

This search will verify if the license is valid, when it was issued and return a record of any violations. These searches are processed online. TAT varies depending on the state and some states do require specific releases. Some states charge an access fee to return Department of Motor Vehicles (DMV) records; in these cases the fee is passed through to the customer. This search is an ideal search to review the driving record of an applicant. If WinnResidential requested this product to help verify identity and prevent fraud, please allow us to suggest alternatives.

### Social Search



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A quick and effective way to obtain identifying information associated with a specific SSN as reported from Experian, one of the three major national credit bureaus. Our Social Search product returns any aliases and address information associated with the SSN provided by any applicant.

## Report Format

Our reports are returned in user friendly easy to read format. The reports look the same whether viewed online or printed. A sample report is included as Attachment F.

Users who choose to have their rental decisions automated using ScorePLUS® and CrimSAFE® may suppress the full reports from the view of their on-site staff. WinnResidential currently uses this option and the site managers view a decision report. A sample of the decision screen can be referenced in Attachment G. WinnResidential controls access to the full report and may access levels for their Regional Managers which allow them to view the back-up data.

Our decision products are flexible and can be customized to meet WinnResidential's needs.

Our ScorePLUS model allows risk levels to be adjusted by property. Other customizable features within our statistical model include:

- Adjusting Rent to Income Ratios
- Automatic Declines for Housing Court Violations
- Accept with Conditions for applicants without any credit
- Automatic Declines for applicants with housing court collections

Our CrimSAFE product can be customized to accept or decline applicants based on 36 FBI categories of crimes, allowing WinnResidential to establish their own criminal guidelines.

## Report Delivery

CoreLogic SafeRent makes extensive provisions to protect privacy and ensure that only authorized vendors and clients can access our file data, in accordance with applicable state and federal law. Our guidelines, procedures, and contract requirements for file maintenance are specifically tailored to comply with the provisions of the FCRA and other applicable state and federal laws governing resident screening, privacy and data safeguarding. Our physical files from any consumer, or information obtained from courts or housing providers are always maintained in a secure, locked file room. Obsolete files are shredded or otherwise destroyed, and electronic files containing personally identifiable information are completely erased and rendered permanently unrecoverable according to procedures that meet or exceed applicable law. We also require Information Security and FCRA training for our employees on an annual basis.

With an "all-in-one" resident and/or applicant screening system, screening reports can be obtained in real-time through our automated IDS that is available 24 hours a day, seven days a week, except during brief times of scheduled system maintenance.

Our IDS makes report ordering and retrieval simple and secure. On a fully automated basis, we can provide criminal, credit and eviction history background checks within the U.S. The equipment needed to access our IDS is minimal. You need only a personal computer (PC) with a standard internet browser and an internet connection. CoreLogic SafeRent supports the browsers Internet Explorer® and Firefox® on the





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Windows platform. Customers on the Macintosh (MAC) platform can also use Firefox version 10 or above. The CoreLogic SafeRent site is also compatible with Google Chrome®.

Many reports are returned almost instantaneously; for those reports that require additional processing, you can receive email notification when the report is ready. Our reports are simple to read and understand. Reports obtained by IDS are available, after successful authentication, to the client by easy web access for 60 days, and may be printed or downloaded to PDF format, should you wish to retain a copy beyond that point. After 60 days the reports are archived by CoreLogic SafeRent. We offer 24 months online archive access to designated users.

To maximize security of our IDS, CoreLogic SafeRent web sites utilize industry recognized encryption protocols. CoreLogic SafeRent also employs a third-party vendor to scan and test layers of our web sites for security vulnerabilities on a monthly basis.

To protect our customers from an interruption in service, CoreLogic SafeRent maintains a full Backup and Recovery System. This back-up system is located across the country from our primary system, so as to be unaffected in the case of severe weather or other natural disaster in the region where our primary system is located.

## Privacy and Internet Security

CoreLogic SafeRent makes extensive provisions to protect privacy and ensure that only authorized vendors and clients can access our file data, in accordance with applicable state and federal law. Our guidelines, procedures and contract requirements for file maintenance are specifically tailored to comply with the provisions of the FCRA and other applicable state and federal laws governing resident screening, privacy and data safeguarding. Our physical files from any consumer, or information obtained from courts or housing providers are always maintained in a secure, locked file room. Obsolete files are shredded or otherwise destroyed and electronic files containing personally identifiable information are completely erased and rendered permanently unrecoverable according to procedures that meet or exceed applicable law. We also require Security and FCRA training for our employees.

All CoreLogic SafeRent web sites require Secure Socket Layer (SSL) encryption protocols and go through a monthly vendor security update cycle. We also utilize a third-party vendor to scan and test all layers of our web sites for ICSA certification on a quarterly basis.


To protect our customers from an interruption in service, CoreLogic SafeRent maintains a full Back-up and Recovery System (BRS) and almost a mirror image of our production system. This back-up system is located across the country from our primary system, so as to be unaffected in the case of severe weather or other natural disaster in the region where our primary system is located.

## Response Times

Many of our screening reports are available almost instantly. Specific TAT for each product are discussed in the product descriptions. Our website clearly displays the status of each report, so you can tell at a glance if a report is pending or complete. Individual reports can be viewed as they are completed. When a report is not instantly available, you can also receive an email notification when the report is complete.

Should questions or concerns regarding response time ever arise, our Client Service department or your Account Manager will resolve these issues.





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## Customer Support

### Support Team

In addition to award winning technology and online assistance, we have a team of people uniquely qualified to service your account. We take pride in employing individuals who not only possess outstanding understanding of our industry, but those with excellent communication and interpersonal skills as well.

CoreLogic SafeRent products are supported by a nationwide network of expert service representatives who collaborate with you to create effective solutions for your organization. With over 200 employees nationwide, our staff can offer a level of industry knowledge and commitment that is unmatched. Our experienced team will be available to meet all of your screening needs, including providing all necessary training.

**Bob Lindenfelzer** is the New England Executive that will be the key contact for the WinnResidential portfolio. He has been with the company for 13 years and is an expert in the background screening field. He has serviced the WinnResidential portfolio since joining the company. He has a great understanding of WinnResidential's processes, standards, staffing and portfolio and has developed very strong working relationships with many of your employees. He will lead the CoreLogic SafeRent team's negotiation, training and implementation and ongoing process.

**Stacie Dachtler**, Strategic Account Manager, has a long standing career in the multi-family industry. She has been with CoreLogic SafeRent for ten years and is responsible for account management to national multi-family operators. Prior to working with CoreLogic SafeRent, Stacie worked for the Northeast Ohio Apartment Association for five years.

**Michael Brown**, Director of Strategic Sales, has nineteen years of knowledge and experience in the multi-family screening space and is considered a subject matter expert at CoreLogic SafeRent. Today, Mike manages the sales efforts for national strategic accounts.

### Client Support Services

As well as our Account Management team, our national Client Services staff is accessible between the hours of 8:30 a.m. and 8:00 p.m. ET, Mondays through Fridays and 9:30 a.m. to 3:00 p.m. on Saturdays, via a toll-free phone line. Client Services, among their many duties, will research and resolve day-to-day client concerns, provide technical account support services and perform product-specific training. Should any customer service issue require escalation, the Client Services Management will respond promptly.

### Consumer Relations (Resources for Applicants)

As a resource for your applicants and in compliance with applicable state and federal laws, our automated Consumer Relations Response Line is available 24 hours per day, 7 days per week. Our Consumer Relations staff is available for consumer inquiries, disclosure and reinvestigation requests during the hours of 9:00 a.m. to 5:00 p.m. (ET), Mondays through Fridays. The staff will reinvestigate consumer disputes initiated by applicants and, if appropriate, correct such information where public record or criminal report information is found to be incomplete or inaccurate. Under state and federal mandate, we are required to complete the reinvestigation within 30 days after receipt of the request.



## Sales Team Structure

Our sales division is a multi-layer organization that has evolved to support the needs of our clients. Each region of the company is comprised of a combination of Director of Sales, Regional Executives, Account Managers, Inside Sales Representatives and Sale Support Representatives.

Bob Lindenfelzer handles the sales activity responsibilities for the Northeast. Stacie Dachtler handles the Account Management responsibilities for WinnResidential. They will be the primary ongoing contacts for the account. Bob and Stacie will lead all implementation, training, account review and ongoing support efforts for the portfolio and are the key corporate contacts.

We are the largest tenant screening provider in the nation largely because we built our organization to be able to handle the complexities of large companies. Our multi-layered approach enables us to maintain consistent processes nationwide while also providing localized knowledge, support and education. It also enables us to consistently and effectively communicate throughout all layers of a large company without confusion.

## Interacting with WinnResidential

On a daily basis our Sales and Support staff will be available to provide service and support to WinnResidential. Our client support is customer driven; we will customize support and training to suit your organization, to meet your needs and exceed your expectations.

We anticipate two major parts to our total support plan: The roll-out process for Registry ScorePLUS<sup>®</sup> and the Yardi Integration and the ongoing maintenance of the portfolio.

After the Registry ScorePLUS and Yardi Integration roll-out, The Executive team and Account Management group will continue to focus on analytical reviews, property occupancy goals and any issues raised by management group.

As an example, CoreLogic SafeRent Account Executive, Bob Lindenfelzer and Strategic Account Manager, Stacie Dachtler offer the following case history from the WinnResidential portfolio:

"Michelle Tomasetti has reached out to Bob Lindenfelzer several times for key demographic information in areas where WinnResidential is trying to secure new business. Bob has been able to provide Michelle with our Regional Performance reports in Orlando, Hopkinton, Norwood, East Boston, Saugus and Plymouth. This has given Michelle a key advantage over other competitors in those markets. Michelle has told Bob these reports are extremely valuable for her presentation."

"Lacy Chivers and Amanda Lewis have had a few new properties come on board and need monitoring. We scheduled calls every two weeks to review the three properties, discussed not only acceptance percentages, deposit options and cancelations but also the use of Marketing Source and ZIP Code reports to fine tune marketing and outreach plans to attract a better quality applicant to the properties. We have gotten the properties to a place where acceptance percentages are at a good range and deposits are not causing issues with cancellations."

Our Account Management team aims to meet with your executive team three to four times a year, in person, to review the portfolio at an executive level, introduce new services and reports and educate on any changes affecting the resident screening industry. We also aim to meet with your regional managers, either in person, or via conference call or webinar, every six months to review their portfolio performance, review new reports and educate them on any changes affecting the resident screening industry.





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Our support staff communicates with the leasing staff on a more frequent basis. Our Client Service team is available Monday through Saturday to answer questions and assist with routine matters such as password resets and billing questions. Usually these issues are handled instantly but if any escalation is needed, they will be addressed by Bob Lindenfelzer and/or Stacie Dachtler.

## Ongoing Portfolio Management

As the preferred screening vendor for WinnResidential, we are currently on the WinnResidential distribution list for property activity (additions and/or deletions). This email is sent to Bob Lindenfelzer. On an ongoing basis, he will review the information (property type, size, contacts and location) and notify our team of the change. In addition, he will forward the information to the sales support team that will coordinate the activation with the designated WinnResidential representative. Once activated, all parties are notified and training is scheduled.

## Proposed Strategy for Ongoing Marketing and Promotion

As the nation's leader in tenant screening and analytics, we are at the forefront of industry information and changes in the marketplace.

We post pop-up educational messages on our website alerting our clients to useful information including regulatory changes affecting our clients. Every employee that screens an applicant will see these messages.

During our regular reviews we update management on changes in the industry. We have provided Fair Housing Compliant Certificates to WinnResidential for display in their offices. We also make press releases available as appropriate.

## Management Reports

More than 20 types of Management Reports can be viewed online and can be downloaded in PDF or Excel formats for printing or emailing. Our online Insight Center also allows authorized users to create subscriptions that deliver management reports on a selected schedule to individuals and groups within your organization.

These reports can help WinnResidential:

- ☐ Rank marketing sources by effectiveness and location
- ☐ Adjust decision criteria in response to market conditions
- ☐ Track operator usage to ensure compliance with company screening policies and limit applicant fraud
- ☐ Provide transaction history for audit purposes and consumer inquiries
- ☐ Evaluate property outliers within the portfolio whose applicant quality or volume trends deserve attention

Our suite of Management Reports is available to screening clients at no extra charge. A sample, score distribution report, sample marketing source report and a sample transaction history report are three of the more popular of the various reports available in the Insight Center and referenced in Attachment I.





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As well as "on demand" reports, we can create several subscription reports that track the performance of the portfolio so the regional managers can get compiled reports that track their group's activity on a monthly basis.

To round out our suite of management reports, we have custom reports that can be provided on a regular basis to our clients such as:

- Business Impact Scenario Report – to provide insights into a client's ending balance by score, the impact overrides have on bad debt and collections results by score
- Benchmark Report – provides monthly property statistics and compares to benchmarks (competitors) in the area with like rent structures
- Regional Performance Report – Ordered by WinnResidential when taking over or looking to win a management deal in a new area to provide insight into average rents, incomes, scores, etc. in a specific ZIP code or MSA

## Transition and/or Implementation

We are proposing a controlled, team approach to implementing Registry ScorePLUS® and the Yardi Integration for WinnResidential. A majority of the WinnResidential portfolio currently utilizes CoreLogic SafeRent services and relationships already exist between the CoreLogic SafeRent Account Management team and many of your regional managers. Because of this, we anticipate a very smooth rollout process.

In the initial phase, we suggest a meeting with Senior Management to create the framework for the implementation and establish a timeframe for the rollout. Some of the items that we hope to address at the initial meeting include:

- Establish communication channels and contact names
- Confirm Property list for each roll-out group. Identify property type (Market, Affordable, Mixed use).
- Yardi Integration – Establish a WinnResidential IT contact
- Develop and agree upon rollout schedule and time lines

In phase two, we will provide training for your staff, through a mixture of webinars or regional meetings. Our goal is to ensure that all users understand the services and processes. We will make sure everyone is aware of communication channels so that any issues that arise can be properly addressed.

In the next phase, your buildings will "go live" with Registry ScorePLUS® and Yardi Integration. We will manage the process by regularly checking property performance, on a 30/60/90 day schedule to ensure the process is working properly. We will track the activity and results and communicate these findings to management. We also track the questions and comments from the staff to see if there are standard concerns that need monitoring or reeducation.

This will flow into post roll-out meetings with regional management, the purpose of which is to review the results, elicit feedback and make adjustments accordingly. We will communicate with WinnResidential senior management and, if necessary, make recommendations for any procedural or process changes.

Finally, we will provide ongoing maintenance, support, training and adjustments. We will continue to train new employees and add and delete properties from the screening portfolio and establish regular regional reviews to communicate activity and solicit feedback.



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## Service Agreement

CoreLogic would suggest adding the services contemplated under this RFP to the existing Service Agreement between Winn Companies and CoreLogic SafeRent, LLC (the "Agreement"). We are deeply discounting our service rates based upon a two year agreement and your companies transaction volume. We respectfully request to memorialize the services to the Agreement as this will greatly expedite the contracting process and would be mutually beneficial to both parties.





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## **Attachment A: Registry ScorePLUS<sup>®</sup> Product Brief**





## Registry ScorePLUS®

### Make the Most of Every Lease Opportunity

Longer leases. Higher rents. With Registry ScorePLUS® from CoreLogic® SafeRent®, three proven predictive digits can make or break your bottom line.

Instability in the real estate market has led to a dramatic increase in renters. New construction has stalled. Baby boomers want to downsize. And for many, homeownership is simply unaffordable. Which means the pool of rental applicants is changing and growing year-by-year. You are more uniquely positioned than ever to enjoy sustained revenue growth. The opportunity now exists to maximize each and every lease opportunity by selecting the best applicants—with Registry ScorePLUS.

### The Right Residents, the Right Returns

As the industry's only statistically validated scoring model, Registry ScorePLUS evaluates potential renters throughout the country using sophisticated data and analytics pulled from reliable, up-to-date sources. Each applicant is thoroughly analyzed and evaluated, then assigned an easy-to-understand three-digit score—from 200 to 800. This statistical score is proven to predict the lease performance of your applicants and improves your ability to measure the credit quality of residents so you can select the best available applicants with consistency and confidence.

This smart screening solution enables each property to control the risk levels that are acceptable. Decision points are set for each property in your portfolio in response to economic conditions, vacancy rates, and occupancy and operating goals. In addition, the Registry ScorePLUS Insight Center provides operators with web accessed and easy-to-understand traffic quality reports to help you adjust your community's acceptance criteria to changing market conditions.



There's more to candidates than what you see on their credit reports. Registry ScorePLUS examines records from multifamily rental debt, non-prime credit data, eviction history and more. Our three-digit statistical lease score tells you which applicants are likely default on their leases, and who is likely to stay longer, protect your property and better able to absorb potential rent increases.

## RESIDENT SCREENING



### Applicants Don't Come with Nametags.

But They Do Come with Predictive Scores.

Use Registry ScorePLUS to:

- Select candidates better able to absorb rent increases by choosing applicants with higher credit quality
- Increase occupancy by better understanding the risk of each lease application relative to both your property's application traffic and current residents
- Reduce end-of-lease balances by adjusting your acceptance criteria—decision points—to align with your tolerance for renter risks on a month-by-month basis
- Grow Net Operating Income (NOI) with a validated statistical score that is proven predictive of lease default and is based on high-quality and reliable data
- Assure Fair Housing compliance by treating all applicants consistently
- Track overall property performance and renter traffic quality with our easy to understand Insight Center management reports

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### Forewarned is Forearmed

Thin credit file? Hard-to-find collections records? Not a problem. Registry ScorePLUS factors in millions of records not typically included in the resident screening process, including more than 34 million landlord-tenant and 40 million non-traditional and alternative database records. These proprietary data sources are not available from other screening companies. Plus, since current rent collection data is often missing from bureau reports, Collections Alert is an added feature that allows you to predict future default risk with unprecedented accuracy. Know instantly if an applicant has recently skipped or left a rental property owing money—before they become your next rental default.

### What You Don't Know Can't Help You

Take the guesswork out of resident screening decisions today! Apply the best intelligence available to help you and your property managers successfully manage your rental property portfolio. To learn more, call 855.241.9841.

FOR MORE INFORMATION PLEASE CALL 855-241-9841

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1-REGSCPLS-1011E-02



[corelogic.com/saferent](http://corelogic.com/saferent)

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## **Attachment B: Dodd-Frank Act Memo**





## MEMORANDUM

August 1, 2011

### **Impact of Dodd-Frank Act on SafeRent Resident Screening Scores**

#### ***What is the Dodd-Frank Act?<sup>1</sup>***

The Dodd-Frank Wall Street Reform and Consumer Protection Act (DFA), signed by President Obama in July, 2010, mandated new credit score disclosure rules in connection with certain types of adverse action. The Federal Reserve Board and the Federal Trade Commission promulgated implementing regulations earlier this month and the new score disclosure requirements became effective July 21, 2011.

Under the new rules, lenders who take adverse action against a consumer through the use of a “credit” score must disclose to the consumer, in addition to previous disclosure requirements:

- the numerical score used in the adverse decision;
- the range of possible scores under the model; and
- certain key factors negatively impacting the credit score.

#### ***Are Registry ScorePLUS<sup>®</sup> and RegistrySCOREX<sup>®</sup> by CoreLogic<sup>®</sup> SafeRent<sup>®</sup> scores subject to the new disclosure requirements?***

Our proprietary resident screening scores are not subject to the new requirements. Under the new requirements, only scores that are used by lenders to predict creditworthiness are required to be disclosed. According to the Federal Trade Commission and Federal Reserve Board, “scores not used to predict the likelihood of certain credit behaviors ..., such as insurance scores or scores used to predict the likelihood of false identity, are not credit scores by definition, and thus are not required to be disclosed.” Registry ScorePLUS and RegistrySCOREX were not developed to predict the likelihood of credit behaviors but, rather, were each developed exclusively for the multifamily housing industry for resident screening purposes to predict a landlord’s risk of loss in connection with a tenant relationship. Therefore, these scores do not meet the definition of a ‘credit score’ and need not be disclosed to consumers in adverse action notices. When these proprietary scores are used by landlords and property managers to qualify applicants for residency, no change relative to the adverse action notifications provided to consumers under DFA is required.

#### ***Are Experian<sup>®</sup>, TransUnion<sup>®</sup>, Equifax<sup>®</sup> & FICO<sup>®</sup> Scores accessed through SafeRent affected by the new regulations?\****

Experian<sup>®</sup>, TransUnion<sup>®</sup>, Equifax<sup>®</sup> & FICO<sup>®</sup> scores may meet the definition of a ‘credit score’ under the DFA requirements, and landlords and property managers who use

<sup>1</sup> This Memorandum is provided for general informational purposes only, and is not intended as legal advice. SafeRent recommends that readers consult with experienced counsel to determine their legal obligations

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these scores may need to disclose these scores and the accompanying information in their adverse action notifications. We encourage you to consult with qualified legal counsel for additional information about obligations with respect to the disclosure of Experian®, TransUnion®, Equifax® & FICO® scores.

The proprietary resident screening score, Registry ScorePLUS, is an empirically derived scoring model designed for the multifamily housing industry. It was developed through careful statistical analysis of tenant performance information of hundreds of thousands of apartment residents from across the country, Registry ScorePLUS is an objective and efficient tool for qualifying applicants for rental housing.

If you would like to learn more about our proprietary resident screening scoring model or would prefer to change from your existing use of scores produced by alternative sources, we would be glad to assist you. Please do not hesitate to contact your sales representative or alternatively contact Client Services at 800-811-3495.

As always we appreciate your continued support and business.

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## **Attachment C: Multi-StatePLUS™ Coverage and Data Sources**





## CRIMINAL SCREENING

### Multi-StatePLUS™

Automated Tool to Uncover Alias, Past Addresses and Reported Dates of Birth for a More Comprehensive Criminal Screening

Before signing a rental agreement, it's important for property managers and owners to verify that the applicant does not pose a risk to the community or property. Multi-StatePLUS™ from CoreLogic® SafeRent® provides a comprehensive criminal screening search across 45 states to help ensure that your applicant has not obscured or omitted identifying information—data relevant to your community's safety or preservation of your property. Protect your community with Multi-StatePLUS, which uncovers applicant criminal activity that is difficult to find using traditional criminal screening with self-reported applicant data.

Whereas most background checks run simple name-based checks, Multi-StatePLUS goes a step beyond to uncover aliases, past addresses and reported dates of birth associated with the applicant's Social Security number (SSN). This information helps provide a more comprehensive and confident criminal background check.

#### Why Enhance Your Criminal Check?

Known criminals in your community can pose a danger to residents and staff exposing you to risks that can have lasting effects on resident satisfaction and property condition, both of which can drag down price and occupancy. While many think traditional criminal screening is enough, neither of these services delve into criminal records that include in-depth applicant identity information not immediately accessible with self-reported application data. Additional addresses or information listed under an alias may not appear on a credit report.



Sample Multi-StatePLUS Report  
(see reverse for full-size view)

#### At A Glance:

- Uncovers alias, past addresses and additional identifiers that may have not been provided by the applicant
- Enhances applicant identity data to uncover previously unidentified criminal activity
- Improves criminal screening using more than 350 unique sources
- Provides instant, easy-to-read report summarizing all criminal screening results

Multi-StatePLUS uses SafeRent IDentify™ to uncover past addresses, aliases (maiden names, nicknames, etc.), reported dates of birth and other information that may have not been provided by the applicant. This information is fed into our criminal search engine, which searches over 350 unique sources and over 400 million offender records\*, including:

- ▶ Departments of Corrections
- ▶ Administrative Offices of the Courts
- ▶ Departments of Public Safety

With Multi-StatePLUS, you gain quick, actionable intelligence about your applicants.

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## SAMPLE MULTI-STATEPLUS REPORT

**MULTI-STATEPLUS CRIMINAL SEARCH REPORT** Page 214 of 227

**REPORT INFORMATION**

Property ID:	10010	Phone:	301-891-1400
Property Name:	TEST	Fax:	301-891-7312
Request Date:	05/10/2023	Request Type:	Criminal
Request ID:	08731240	Forensic Purpose:	Resident Screening
Process Date:	05/10/2023 14:32:04		

**APPLICANT INFORMATION**

Name:	TEST	Suffix:	
SSN:	xxxxxx-4748	DOB:	05/25/1971
Address:	123 EAST ST ROCKVILLE, MD 20850	Request State:	MD
		Request County:	---

**REPORT SUMMARY**

Report ID:	089800007	Status:	RECORD FOUND
RECORD: 1 of 1		Record Type:	CORREAL COURT ACTION
Full Name:	TEST		
Address:	123 East Street, Rockville, MD 20850		
DOB:	05/25/1971		
SSN:	xxxxxx-4748		
Jurisdiction:	MD00C000		
Reporting Agency:	MD DCC		
Case Number:			
Other Tracking:	DOC # 123456789		
Sex:	Male	Height:	
Race:		Weight:	
Complexion:		Eye Color:	
		Hair Color:	

**Offense - 1**

File Date:	02/16/2010
Offense:	PRINCIPAL BURGLARY 2ND DEGREE
Offense Severity:	Felony
Disposition:	CONVICTED
Disposition Date:	02/02/2010
Restraint:	
Restraint Date:	01/26/2010
Comment:	PRISON

Additional Names and DOB used in Multi-Stateplus search

**SAFERENT IDENTIFY™** Page 215 of 227

Transaction Number:	089800007	Request Number:	08731240
INPUT SSN VALIDATION:	SSN ALERT - SSN FOR ST 3 DIGITS HAVE NOT BEEN ISSUED		
Report Status:	RECORD FOUND		

Record 1 of 2

Name:	Testing1	Street Address:	123 East Street
SSN:	123456789	City:	Rockville
DOB:	02/02/2010	State/ZIP:	MD 20850
Phone:	---	County:	Montgomery
		Residency:	09/2010 -

Record 2 of 2

Name:	Testing2	Street Address:	234 West
SSN:	987654321	City:	FREDNO
DOB:	02/02/2010	State/ZIP:	CA 97723
Phone:	---	County:	FREDNO
		Residency:	10/2017 -

(Report Disclaimer portion omitted)

FOR MORE INFORMATION PLEASE CALL 855-241-9841

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## CRIMINAL SCREENING

# MultiState Criminal Search

Identify criminals moving between states

Are dangerous criminals finding a home in your community? Known criminals in your community can pose a danger to residents and staff, lower the quality of life, and expose you to unnecessary business risk. Criminals can disrupt—and even endanger—the entire neighborhood. The MultiState Criminal Search, available from CoreLogic® SafeRent®, can help protect your community from the risks posed by known criminals who move outside of the state where they have committed a crime.

Our MultiState Criminal Search is an instant, easy-to-read report of statewide felony, and where available, misdemeanor records for 45 states plus Washington, D.C.

### Benefits

- Provides our most comprehensive view of criminal history as compared to county or single statewide searches
- Helps you maintain a safer community for residents, guests, and staff by facilitating a more thorough criminal search
- Reduces potential owner liability from criminal acts by using a more widespread and deeper set of data
- Fast turn-around provides you with the ability to make a quick leasing decision



States Covered in MultiState Criminal Search

### Features

- Criminal data collected from multiple sources, including these most common state agencies:
  - Department of Corrections (DOC): records include state prison and incarcerations
  - Administrative Office of the Courts (AOC): includes records for criminal events that resulted in a court case being filed. Depending on when the criminal report was requested it may or may not contain a final judgment
- Coverage currently in 45 states and Washington, D.C.\*
- Quick and easy—information is entered into a web application and a report is delivered in seconds
- Works in conjunction with all of our screening services.

\*Coverage may change over time.

### Know the facts about criminal search products:

- There is no private or public criminal record database that includes all records from all jurisdictions and agencies in the United States.
- A customized CoreLogic SafeRent criminal search solution can help you select the right records and searches to protect your community, minimize risk and maximize profitability.

FOR MORE INFORMATION PLEASE CALL 855-241-9841

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JA-421





WinnResidential  
CoreLogic SafeRent Response to Resident Screening Services  
August 10, 2015

## **Attachment D: Registry CrimSAFE® Product Brief**





## CRIMINAL SCREENING

# Registry CrimSAFE®

Registry CrimSAFE® automates the evaluation of criminal records. Registry CrimSAFE is designed for clients who want CoreLogic® SafeRent® to process criminal history records and notify the leasing staff when criminal records are found that do not meet the criteria established for your community. Registry CrimSAFE helps you implement consistent decisions, which improves Fair Housing compliance and frees your staff from interpreting criminal reports.

### Benefits

- ▶ Maintains a safer community for residents, guests, and staff
- ▶ Reduces potential liability from criminal acts
- ▶ Improves Fair Housing compliance by helping you screen applicants consistently
- ▶ Saves time for leasing staff

### Features

- ▶ **Flexible configurability** – more than 30 criminal categories allow you to determine precisely how to handle different types of offenses
- ▶ **Administrative control** – powerful setup tool to configure and change your settings
- ▶ **Comprehensive reporting** – management reports allow you to monitor property performance and provide feedback on offenses found

The screenshot displays a 'Name Decision' interface. It includes a 'RECORD(S) FOUND' notification with a red banner. Below this, there is a section for 'AGENT DECISION' with a 'Select' dropdown menu and an 'Apply' button. The interface also shows various filters and search options on the left side.

Registry CrimSAFE sample report

### How it works

1. Choose the types of criminal searches you want to run on your applicants.
2. Use the easy, online tool to establish your policies for records that fall into categories of criminal offenses.
3. Search results are evaluated using our advanced, proprietary technology.
4. Your staff is notified if criminal records are found that do not meet your criteria.

It's that easy. Registry CrimSAFE works in conjunction with all of our Registry CrimCHECK services, whether you use our multi-state, statewide, or county searches, or our MultiState Sex Offender Search.

FOR MORE INFORMATION PLEASE CALL 855-241-9841

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August 10, 2015

## **Attachment E: Collections Alert Product Brief**





## RESIDENT SCREENING

# Collections Alert

Collections Alert from CoreLogic® SafeRent® helps you single out applicants that have recently skipped or left a rental property owing money—before they move in. Our unique data set contains millions of records identifying renters that collections agencies are currently pursuing for unpaid balances on multifamily lease obligations. This data, predictive of lease default, provides a comprehensive picture of prior rental performance history so you can make more informed leasing decisions.

*Collections Alert quickly delivers multifamily collection records, as well as rent collections contained in credit bureau reports, for timely, actionable intelligence about your applicants.*

We draw our information directly from rent collection data sources, so that you receive more information from more sources and faster than you can obtain through traditional credit bureau reports. Collection agency reports often take 30 to 90 days to appear on traditional credit reports and many collection firms do not report at all. Since residents sent to collections often secure the next lease within days, Collections Alert bridges a critical gap. Rather than wait weeks or months for information to appear on credit reports, if it appears at all, you receive immediate alerts about prospective applicants before lease signing.

### How Collections Alert Works

Once you opt to receive Collections Alert, you'll continue to screen applicants through your existing process. On the Lease Decision page, you'll receive a notification when there are alerts for the applicant. When you review the screening details, the report will identify the debtor and the collection agency holding the debt. Registry ScorePLUS® users can include Collections Alert records in their score calculation and recommended applicant decision.

### Benefits

- ▶ **Smart** – Helps reduce the risk of future rental default by alerting you to applicants that have failed to pay rent in the past
- ▶ **Comprehensive** – Provides access to millions of multifamily-specific collection records exclusive to CoreLogic SafeRent
- ▶ **Flexible** – Allows you to determine if applicants meet acceptance guidelines based on your occupancy goals
- ▶ **Safe** – Reduces the likelihood of accepting an applicant that recently skipped or left a property owing money but has no rental collection history with any credit bureau

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CoreLogic SafeRent Response to Resident Screening Services  
August 10, 2015

## Attachment F: Sample Reports





# Experian Credit Sample Report

## Experian Credit Report Sample

TCA1 RTS 3122250X1J CONSUMER,VARDOS,BENSON 548003388;

SMITH/NANCY CHRISTINE 526002333;  
CA-10655 NORTH BIRCH STREET/BURBANK CA 91502, PH-714.555.1111,DL- CA 9876543;  
PA- 1314 SOPHIA LANE AAPT #3/SANTA ANA CA 92708-5678, Y-1951, T-04048060;  
E- AJAX HARDWARE/2035 BROADWAY SUITE 300/LOS ANGELES CA 90019

PAGE 1 DATE 1-31-98 TIME 9:56:09 PHP26 V306 TNJ1  
VARDOS,BENSON J SS: 548-00-3388 E: TMS CORP  
\*5617 HOLLY ST DOB: 11/09/521952 4040 AVERY RD  
FAIRFAX VA 22039 ROCKVILLE MD 20852  
RPTD 06-97 TO 1-98 U 3X RPTD 1-96 I  
LAST SUB: 1220855  
123 REDLAND RD E: US GOV  
BETHESDA MD 20817 1600 PENNSYLVANIA AV  
RPTD 04/97 TO 6-97 U WASHINGTON DC 20015  
RPTD 10-94 I

\*1195 OAKLAND ST  
RICHMOND VA 23223  
RPTD 06-95 TO 1-98 I  
\*BENNY VARDOS, BENJAMINE VARDIS, BEN VARDIS JR

===== PROFILE SUMMARY =====

				CNT 05/01/04/21			
PUBLIC RECORDS	3	PAST DUE AMT	700	INQUIRIES	3	STATIS ACCTS	1
INSTALL BAL	0	SCH/EST PAY	288	INQS/6 MO	2	NOW DEL / DRG	1
R ESTATE BAL	0	R ESTATE PAY	N/A	TRADELINE	3	WAS DEL / DRG	0
REVOLVING BAL	\$3395	REVOLVING AVAIL	34%	PAID ACCT	0	OLD TRADE	2-84

===== PUBLIC RECORDS =====

MD DIST COURT ANNAPOLIS	11-92	7-01-95	99228370	\$535	COLLECTION
D# 773002	I	DR JONES		\$300 -B	
MD DIST COURT ANNAPOLIS	05-89	01-92	22283918237	\$500	CIVIL JUDGMENT
D#86868999		PAID		\$ 0-BAL	
MC MD DISTRICT COURT	07-88	00-00	111777116	\$ 25600-L	BK-11
D#453657				\$ 10,500-A	VOLUN

===== TRADES =====

SUBSCRIBER	KOB	TYP	TRM	ECOA	OPEN BALDATE	AMT-TYP1 BALANCE	AMT-TYP2 PYMT LEVEL	ACTCOND MOS REV	PYMT STATUS
ACCOUNT#					LAST PD	MONTH PAY	PAST DUE	MAXIMUM	BY MOUNTH
*CREDIT AND COLLECTION					9-94	\$500-O			*COLLACCT
3980999	YC	UNK	UNK	2	4-05-96	\$250	4-94	(20)	GGGGGGGGGGGGGGG
98E543182136							\$250		GGGGGGGGG
ORIGINAL CREDITOR: DR. JOHYN KILDARE/MEDICAL-HEALTH CARE									
**ACCOUNT INFORMATION DISPUTED BY CONSUMER**									
**DEBIT BEING PAID THROUGH INSURANCE**									
HEMLOCKS					2-95	\$1,000-O		OPEN	CURR ACT
2313849	DV	ISC	024-D	3	6-01-96	\$1,000	2-95	(17)	NNNNNNNNNNNNNNN
8285103111261									NNNN
DEFERRED PAYMENT START DATE:07-30-1999									
*MOUNTAN					3-93	\$43,225-O		OPEN	30 3 TIMES
1119999	BI	SEC	60	2	12-17-96	\$19,330	22-96	(39)	1CCCCC1CCCCC
3562A0197325					11096	\$956	\$956	9-94/1	CCCCCCCCCCCC
PURCHASED PORTFOLIO FROM: SOUTHWEST BANK									
HOME FINANCU					5-90	\$400,000-O		OPEN	CURR ACT
5935250	FM	R/E	30Y	2	1-12-98	\$234,000	5-90	(92)	CCCCCCCCCCCCC
240098500012					12-97	\$3,128			CCCCC000CCCC
MIN: 123456789									

===== INQUIRES =====

BURDINES DEPT STORE	11-29-97	2313849	DC
FRIEDMANS	10-12-97	2390446	DC
BEN COLLECTIONS	12-14-96	2240679	CA
HEMLOCKS	12-05-97	2313849	DC
BAY COMPANY	12-03-97	2390446	DC
MLLSIDE BANK	10-21-96	2240679	BC

END - EXPERIAN CREDIT REPORT

Note: Information shown in reports is a bureau test case.

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JA-427





# Multi-State Sex Offender Sample Report

Sample  
Report

Multi-state Sex Offender -	Account No.:	Invoice No.
----------------------------	--------------	-------------

06/18/2007 10:41:52 MultiState Sex-Offender Search Report by Crimcheck A

## MEMBER INFORMATION

Account Number.....: [REDACTED]  
 Member Name.....: [REDACTED]  
 Phone Number.....: [REDACTED]  
 Fax Number.....: [REDACTED]  
 Request Date.....: 06/18/2007  
 Request Number.....: [REDACTED]  
 Request Type.....: Sex-Offender

## APPLICANT INFORMATION

First Name.....: [REDACTED]  
 Last Name.....: [REDACTED]  
 Suffix.....: [REDACTED]  
 SSN.....: \*\*\*-\*\*-\*\*\*\*  
 DOB.....: 08/04/1964  
 Address.....: [REDACTED] OXON HILL MD 20745  
 Requested State.....: MultiState

## REPORT SUMMARY

### ITEM 01

=====

Full Name.....: [REDACTED]  
 DOB.....: 08/04/[REDACTED]  
 SSN.....: [REDACTED]  
 Address.....: [REDACTED] OXON HILL MD 20745  
 Jurisdiction.....: MD  
 Record Type.....: Sex Offender Registration  
 Tracking Number(s):  
 File Date.....: 06/14/2007  
 Offense.....: CT1-Registered Sex Offender  
 Disposition.....: CT1-Registered  
 Disposition Date...: CT1-00/00/0000  
 Comments.....: CT1-ASSAULT W/I RAPE

Photo



saferent.com

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JA-428



## Sample Report

Internet Explorer - "Crimcheck America Explorer"

Address <http://www.crimcheck.com>

Back Forward Stop

MultiState Sex-Offender Account No.: Invoice No.:

06/18/2007 10:41:52 MultiState Sex-Offender Search Report by Crimcheck America

MEMBER INFORMATION

Account Number.....1 60 [REDACTED]  
 Member Name.....1 [REDACTED] Apco  
 Phone Number.....1 [REDACTED]  
 Fax Number.....1 [REDACTED]  
 Request Date.....1 06/18/2007  
 Request Number.....1 [REDACTED]  
 Request Type.....1 Sex-Offender

APPLICANT INFORMATION

First Name.....1 [REDACTED]  
 Last Name.....1 [REDACTED]  
 Suffix.....1  
 SSN.....1 \*\*\*-\*\*- [REDACTED]  
 DOB.....1 08/04/19 [REDACTED]  
 Address.....1 [REDACTED] OH  
 Requested State.....1 MultiState

REPORT SUMMARY

ITEM 01

Full Name.....1 [REDACTED]  
 DOB.....1 08/04/ [REDACTED]  
 SSN.....1 [REDACTED]  
 Address.....1 [REDACTED] AVE COON HILL RD 10745  
 Jurisdiction.....1 MD  
 Record Type.....1 Sex Offender Registration

Done Internet

Print Close

**JA-429**





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CoreLogic SafeRent Response to Resident Screening Services  
August 10, 2015

## **Attachment G: Sample Management Reports**



Report Name  
Property Group Name  
Property Name

Decisions by Marketing Source Report  
N/A Time period Year of 2015  
Windridge Apartments Property ID 1E301

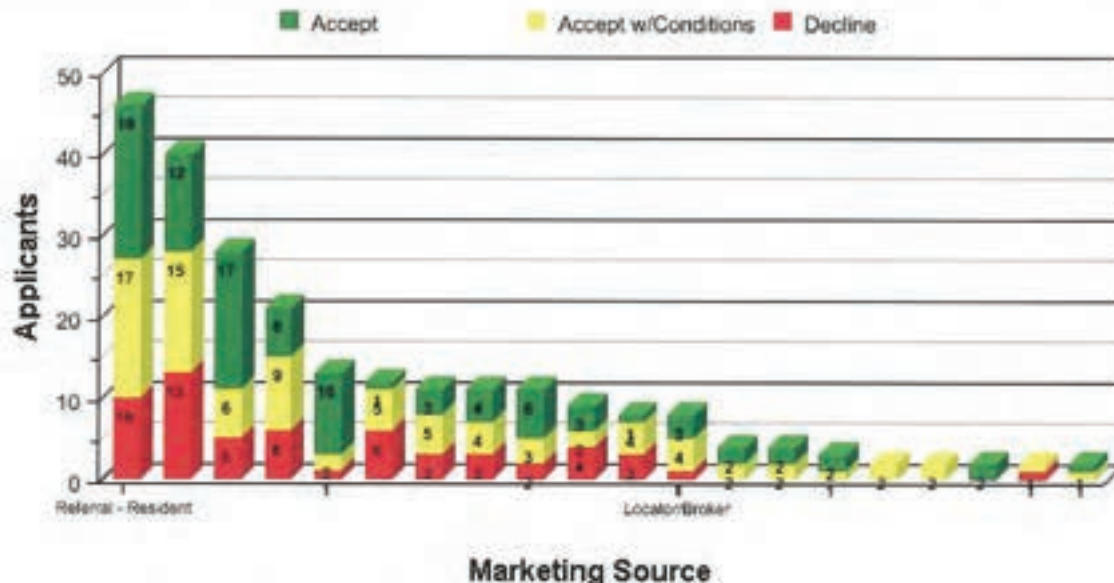
Community type  
Generated by Nicole Stone  
Generated on 8/5/2015, 3:04pm

Market Decision Points: 100 - 160

Total Applicants: 242

## Report Data

Marketing Source	Applicants #	Applicants %	Avg Applicant Score	Accept		Accept w/Conditions		Decline		Aggregate Acceptance
				#	%	#	%	#	%	
3329 - Referral - Resident	46	19.0%	139	19	7.9%	17	7.0%	10	4.1%	14.9%
4293 - Signs/Drive By	40	16.5%	122	12	5.0%	15	6.2%	13	5.4%	11.2%
6392 - Locator/Realtor	28	11.6%	161	17	7.0%	6	2.5%	5	2.1%	9.5%
3108 - Word of Mouth	21	8.7%	132	6	2.5%	9	3.7%	6	2.5%	6.2%
5708 - Walk-in/Drive-by	13	5.4%	168	10	4.1%	2	0.8%	1	0.4%	5.0%
4213 - Apartment Finder.com	12	5.0%	105	1	0.4%	5	2.1%	6	2.5%	2.5%
3899 - Walk-in	11	4.5%	153	3	1.2%	5	2.1%	3	1.2%	3.3%
3003 - Apartment Finder	11	4.5%	126	4	1.7%	4	1.7%	3	1.2%	3.3%
3011 - Apartments.com	11	4.5%	147	6	2.5%	3	1.2%	2	0.8%	3.7%
4058 - Internet	9	3.7%	123	3	1.2%	2	0.8%	4	1.7%	2.1%
3849 - Referral - Family	8	3.3%	116	1	0.4%	4	1.7%	3	1.2%	2.1%
5689 - Locator/Broker	8	3.3%	145	3	1.2%	4	1.7%	1	0.4%	2.9%
3005 - ApartmentGuide.com	4	1.7%	164	2	0.8%	2	0.8%	0	0.0%	1.7%
3289 - Property Website	4	1.7%	147	2	0.8%	2	0.8%	0	0.0%	1.7%
6560 - Winn Companies	3	1.2%	155	2	0.8%	1	0.4%	0	0.0%	1.2%
6083 - trulia.com	2	0.8%	134	0	0.0%	2	0.8%	0	0.0%	0.8%
6264 - Other Online Listing	2	0.8%	144	0	0.0%	2	0.8%	0	0.0%	0.8%
6556 - Local Area Publication	2	0.8%	184	2	0.8%	0	0.0%	0	0.0%	0.8%
3004 - Apartment Guide	2	0.8%	127	0	0.0%	1	0.4%	1	0.4%	0.4%
5477 - realtor.com	2	0.8%	149	1	0.4%	1	0.4%	0	0.0%	0.8%
3016 - Billboard	1	0.4%	128	0	0.0%	1	0.4%	0	0.0%	0.4%
3083 - Rent.com	1	0.4%	121	0	0.0%	1	0.4%	0	0.0%	0.4%
3103 - ApartmentFinder.com	1	0.4%	144	0	0.0%	1	0.4%	0	0.0%	0.4%
<b>TOTAL</b>	<b>242</b>	<b>100.0%</b>	<b>138</b>	<b>94</b>	<b>38.8%</b>	<b>90</b>	<b>37.2%</b>	<b>58</b>	<b>24.0%</b>	<b>76.0%</b>



IMPORTANT! Please note that only the first 20 marketing source codes from the report table are displayed in this graph.

CoreLogic SafeRent Insight Center

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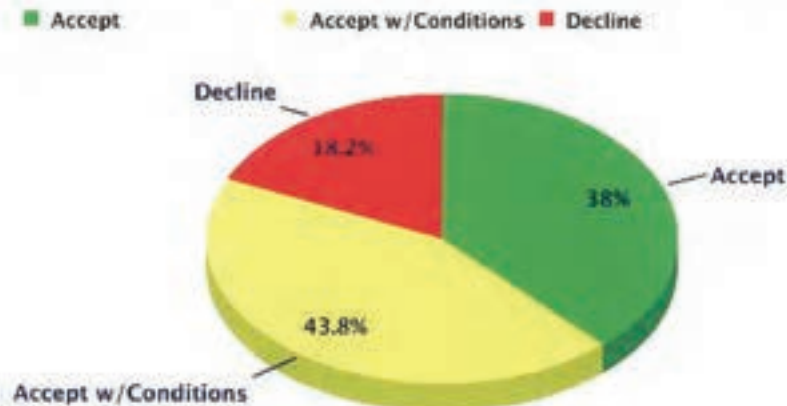


Report Name	RegistrySCOREX <sup>SM</sup> Distribution Report	Single Property - With	Community type	Market
Property Group Name	N/A	Time period	Year of 2015	Generated by
Property Name	Windridge Apartments	Property ID	1E301	Generated on
				8/5/2015, 3:03pm

Score Range	Applicants	% of Total	Cumulative % of Total	Decision	
200-More	0	0.0%	0.0%	A	
195-199	0	0.0%	0.0%	A	
190-194	0	0.0%	0.0%	A	
185-189	0	0.0%	0.0%	A	
180-184	0	0.0%	0.0%	A	
175-179	1	0.4%	0.4%	A	
170-174	2	0.8%	0.8%	A	
165-169	6	2.2%	3.2%	A	
160-164	8	3.3%	7.5%	A	
155-159	13	5.4%	12.2%	A	
150-149	7	2.9%	15.1%	A	
145-149	14	5.8%	21.9%	A	
140-139	19	7.8%	29.8%	A	
135-139	20	9.3%	38.8%	A	
<hr/>					
130-139	24	9.9%	47.9%	R	
140-149	25	10.3%	58.3%		
120-129	21	8.7%	66.9%		
120-129	14	5.8%	72.7%		
110-119	15	6.2%	78.9%		
100-109	7	2.9%	81.8%	D	
<hr/>					
90-99	11	4.5%	86.4%		
80-89	2	0.9%	87.2%		
70-79	0	0.0%	87.2%		
60-69	1	0.4%	87.6%		
50-59	0	0.0%	87.6%		
Below 43	30	12.4%	100.0%		

## Summary

Status	Applicants	Percent of Total	Decision Point	Average Score
Accept	92	38.0%	160 and above	189
Accept w/Conditions	106	43.8%	100 - 159	135
Decline	44	18.2%	99 and below	40
Total Applicants	242	100.0%	N/A	138



CoreLogic SafeRent Insight Center

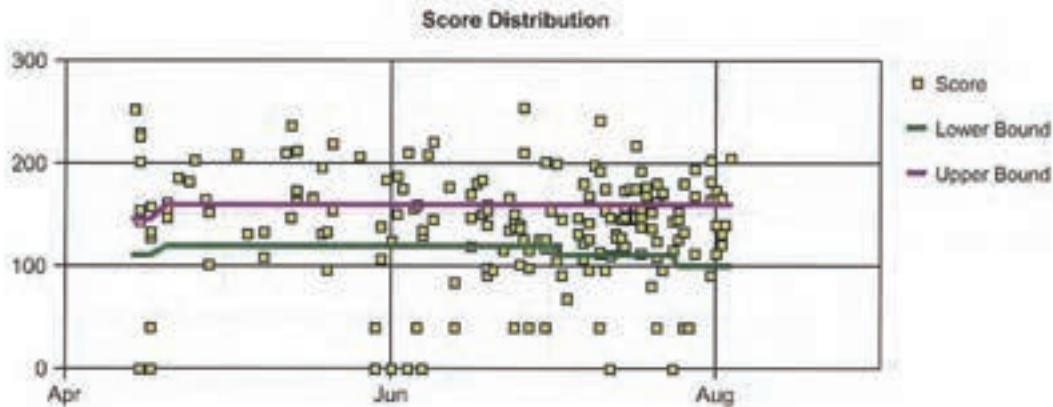
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Report Name	RegistrySCOREX <sup>SM</sup> Distribution Report		Single Property - With	Community type	Market
Property Group Name	N/A	Time period	Year of 2015	Generated by	Nicole Stone
Property Name	Windridge Apartments	Property ID	1E301	Generated on	8/5/2015, 3:03pm



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# **Volume 2**

## **Part 2**



Transaction Date	Property Name	Applicant First Name	Applicant Last Name	Applicant City	Applicant State	Applicant Zip	Income - Annual	Applicant Score	Applicant Score Decision	Decision Points	Future Rent	Marketing Source
5/1/2015	Windridge Apartments	ALFONSO	AVENGAO	DALLAS	TX	75218	\$34,000.00	208	Approve	120 - 160	\$605.00	Word of Mouth
5/1/2015	Windridge Apartments	ELSA	GOHNEZALEZ	DALLAS	TX	75211	\$34,000.00	131	Approve with Conditions	120 - 160	\$680.00	Sign/Drive By
5/1/2015	Windridge Apartments	FRANCISCA	ERREWOOD	FORT WORTH	TX	76112	\$17,400.00	131	Approve with Conditions	120 - 160	\$680.00	Sign/Drive By
5/1/2015	Windridge Apartments	VANESSA	WIMM	DALLAS	TX	75211	\$34,000.00	134	Approve with Conditions	120 - 160	\$610.00	Apartment Finder.com
5/1/2015	Windridge Apartments	JACQUELINE	LOWELL	FORT WORTH	TX	76133	\$28,800.00	108	Decline	120 - 160	\$680.00	Apartment Guide
5/1/2015	Windridge Apartments	BRANDON	SMITH	IRVING	TX	76011	\$43,920.00	211	Approve	120 - 160	\$1,010.00	Apartment.com
5/1/2015	Windridge Apartments	CHRISTOPHER	CAMPBELL	IRVING	TX	76011	\$68,000.00	211	Approve	120 - 160	\$1,010.00	Apartment.com
5/1/2015	Windridge Apartments	MARIA	GONZALEZ	DALLAS	TX	75208	\$41,910.00	148	Approve with Conditions	120 - 160	\$1,010.00	Referral - Family
5/1/2015	Windridge Apartments	MARIA	GONZALEZ	DALLAS	TX	75208	\$41,910.00	148	Approve with Conditions	120 - 160	\$1,010.00	Referral - Family
5/1/2015	Windridge Apartments	GARY	ROGERS	GRAND PRairie	TX	75051	\$46,000.00	217	Approve	120 - 160	\$775.00	Referral - Resident
5/1/2015	Windridge Apartments	CLAUDIA	ROGERS	GRAND PRairie	TX	75051	\$46,000.00	217	Approve	120 - 160	\$775.00	Referral - Resident
5/1/2015	Windridge Apartments	KATELYN	CUNNINGHAM	DALLAS	TX	75248	\$34,700.00	163	Approve	120 - 160	\$685.00	Walk-in
5/1/2015	Windridge Apartments	JUSTIN	SMITH	FORT WORTH	TX	76112	\$18,400.00	173	Approve	120 - 160	\$640.00	Apartment Finder
5/1/2015	Windridge Apartments	BRITTANY	MILLER	FORT WORTH	TX	76112	\$12,000.00	173	Approve	120 - 160	\$740.00	Apartment Finder
5/1/2015	Windridge Apartments	THU	MILLER	GRAND PRairie	TX	75050	\$2,000.00	213	Approve	120 - 160	\$680.00	Sign/Drive By
5/1/2015	Windridge Apartments	CARLOS	LOPEZ	GRAND PRairie	TX	75050	\$54,000.00	213	Approve	120 - 160	\$680.00	Sign/Drive By
5/1/2015	Windridge Apartments	MYCEL	EVANS	LANCASTER	TX	75134	\$36,000.00	167	Approve	120 - 160	\$905.00	Property Website
5/1/2015	Windridge Apartments	CHRISTINA	ROBINSON	LANCASTER	TX	75134	\$36,000.00	167	Approve	120 - 160	\$905.00	Property Website
5/1/2015	Windridge Apartments	TRAVIS	SAUDAMHIDA	SEAGOVILLE	TX	75159	\$19,200.00	131	Approve with Conditions	120 - 160	\$680.00	Walk-in
5/1/2015	Windridge Apartments	JENNIFER	PEN	IRVING	TX	75038	\$23,000.00	196	Approve	120 - 160	\$600.00	Sign/Drive By
5/1/2015	Windridge Apartments	LARRY	WILKESON	GRAND PRairie	TX	75051	\$46,000.00	97	Decline	120 - 160	\$600.00	Sign/Drive By
5/1/2015	Windridge Apartments	LUEMAN	ALAMO	ARLINGTON	TX	76010	\$2,000.00	134	Approve with Conditions	120 - 160	\$825.00	Referral - Family
5/1/2015	Windridge Apartments	VINCENT	VANCE	DALLAS	TX	75238	\$36,000.00	135	Approve with Conditions	120 - 160	\$795.00	Referral - Resident
5/1/2015	Windridge Apartments	THADDEUS	DEANREDA	KEMP	TX	75143	\$14,400.00	220	Approve	120 - 160	\$610.00	Local Area Publication
5/1/2015	Windridge Apartments	LINDA	DEANREDA	KEMP	TX	75143	\$46,410.00	220	Approve	120 - 160	\$610.00	Local Area Publication
5/1/2015	Windridge Apartments	CHASE	ADAMS	ARLINGTON	TX	76013	\$34,000.00	207	Approve	120 - 160	\$910.00	Referral - Resident
5/1/2015	Windridge Apartments	SAM	LARS	GRAND PRairie	TX	75052	\$43,200.00	40	Decline	120 - 160	\$978.00	Apartment Finder.com
5/1/2015	Windridge Apartments	LAMARUS	JACKSON	DALLAS	TX	75224	\$15,084.00	0	Decline	120 - 160	\$978.00	Apartment Finder.com
5/1/2015	Windridge Apartments	AGRIANA	JACKSON	DALLAS	TX	75224	\$15,084.00	0	Decline	120 - 160	\$978.00	Apartment Finder.com
5/1/2015	Windridge Apartments	TROTHCOLLA	WILLIAMS	GRAND PRairie	TX	75052	\$30,000.00	138	Approve with Conditions	120 - 160	\$655.00	Sign/Drive By
5/1/2015	Windridge Apartments	MARION	BONOS	FORT WORTH	TX	76123	\$38,400.00	107	Decline	120 - 160	\$620.00	Sign/Drive By
5/1/2015	Windridge Apartments	KRISTIN	HOBSON	DESOTO	TX	75115	\$47,000.00	184	Approve	120 - 160	\$1,028.00	Local Area Publication
5/1/2015	Windridge Apartments	JUSTIN	HOBSON	DESOTO	TX	75115	\$47,000.00	184	Approve	120 - 160	\$1,028.00	Local Area Publication
5/1/2015	Windridge Apartments	ISAAC	VALENTINE	GRAND PRairie	TX	75050	\$32,400.00	124	Approve with Conditions	120 - 160	\$675.00	Sign/Drive By
5/1/2015	Windridge Apartments	BRANDY	BLAIR	VIRGINIA BEACH	VA	23462	\$49,991.00	0	Decline	120 - 160	\$2,095.00	Apartment Finder
5/1/2015	Windridge Apartments	LAUREN	MUGHES	ARLINGTON	TX	76006	\$31,200.00	0	Decline	120 - 160	\$705.00	Apartment Finder
5/1/2015	Windridge Apartments	APRIL	SULLIVAN	GRAND PRairie	TX	75052	\$48,000.00	187	Approve	120 - 160	\$770.00	Apartment Finder
5/1/2015	Windridge Apartments	JENICE	PRESTER	DESOTO	TX	75115	\$31,200.00	150	Approve with Conditions	120 - 160	\$715.00	Sign/Drive By
5/1/2015	Windridge Apartments	BRITTANY	CAMPUS	ARLINGTON	TX	76016	\$30,000.00	175	Approve	120 - 160	\$715.00	Sign/Drive By
5/1/2015	Windridge Apartments	CRAG	HAWTHORNE	CELEBRITY	TX	75104	\$31,000.00	0	Decline	120 - 160	\$745.00	Sign/Drive By
5/1/2015	Windridge Apartments	MAYRA	GRAYSON	YPSILANTI	MI	48137	\$35,000.00	210	Approve	120 - 160	\$705.00	Internet
5/1/2015	Windridge Apartments	DOUGLAS	HOUGH	DALLAS	TX	75208	\$35,668.00	210	Approve	120 - 160	\$705.00	Internet
5/1/2015	Windridge Apartments	JESUS	ESCOBEDO	ARLINGTON	TX	76006	\$25,100.00	157	Approve with Conditions	120 - 160	\$978.00	Sign/Drive By
5/1/2015	Windridge Apartments	JOSEFINA	ESCOBEDO	ARLINGTON	TX	76006	\$18,720.00	157	Approve with Conditions	120 - 160	\$978.00	Sign/Drive By
5/1/2015	Windridge Apartments	JOHN	RELIANT	DALLAS	TX	75211	\$28,000.00	40	Decline	120 - 160	\$720.00	Referral - Resident
5/1/2015	Windridge Apartments	JOHN	RELIANT	DALLAS	TX	75211	\$28,000.00	40	Decline	120 - 160	\$720.00	Referral - Resident
5/1/2015	Windridge Apartments	ANDREA	MCNEFF	GRAND PRairie	TX	75050	\$26,400.00	160	Approve	120 - 160	\$813.00	Referral - Resident
5/1/2015	Windridge Apartments	HECTOR	MORIMO	GRAND PRairie	TX	75050	\$19,750.00	160	Approve	120 - 160	\$813.00	Referral - Resident
5/1/2015	Windridge Apartments	STEPHANIE	KEIMER WADSTAFF	ARLINGTON	TX	76018	\$28,800.00	135	Approve with Conditions	120 - 160	\$790.00	Word of Mouth
5/1/2015	Windridge Apartments	JESSICA	NAMSEY	LANCASTER	TX	75134	\$31,200.00	130	Approve with Conditions	120 - 160	\$795.00	Referral - Resident
5/1/2015	Windridge Apartments	GARY	CROSS	DUNCANVILLE	TX	75137	\$36,000.00	0	Decline	120 - 160	\$795.00	Referral - Resident
5/1/2015	Windridge Apartments	ALBERTO	GUITE PRIZ GUERRA	DALLAS	TX	75211	\$49,500.00	208	Approve	120 - 160	\$615.00	Referral - Resident
5/1/2015	Windridge Apartments	USHEL	SALVADOR	HELSBORO	TX	76445	\$2,000.00	221	Approve	120 - 160	\$1,010.00	Sign/Drive By
5/1/2015	Windridge Apartments	JAVIER	SALVADOR	HELSBORO	TX	76445	\$38,000.00	178	Approve	120 - 160	\$630.00	Internet
5/1/2015	Windridge Apartments	LOUIS	PEREZ	HALTOM CITY	TX	76117	\$37,632.00	144	Approve with Conditions	120 - 160	\$1,028.00	Sign/Drive By
5/1/2015	Windridge Apartments	NAMISA	NATEA	GRAND PRairie	TX	75050	\$46,400.00	178	Approve	120 - 160	\$630.00	Word of Mouth
5/1/2015	Windridge Apartments	DANIEL	WILSON	DUNCANVILLE	TX	75116	\$30,000.00	40	Decline	120 - 160	\$665.00	Word of Mouth
5/1/2015	Windridge Apartments	CATHERINE	GLAVAN	DALLAS	TX	75216	\$31,860.00	85	Decline	120 - 160	\$785.00	Referral - Resident
5/1/2015	Windridge Apartments	JOSEPH	JEFFREY	FOREST HILL	TX	76140	\$28,000.00	279	Approve	120 - 160	\$785.00	Referral - Resident
5/1/2015	Windridge Apartments	ELLIA	JEFFREY	FOREST HILL	TX	76140	\$12,000.00	148	Approve with Conditions	120 - 160	\$680.00	Sign/Drive By
5/1/2015	Windridge Apartments	MCNICA	MALTON	HOUSTON	TX	77055	\$38,640.00	181	Approve	120 - 160	\$565.00	Local Area Publication
5/1/2015	Windridge Apartments	RAYMOND	YICOW	IRVING	TX	75039	\$46,394.00	184	Approve	120 - 160	\$675.00	Internet
5/1/2015	Windridge Apartments	MARION	REMANOZ	GRAND PRairie	TX	75050	\$46,394.00	150	Approve with Conditions	120 - 160	\$675.00	Internet

CONFIDENTIAL ARROYO0000306

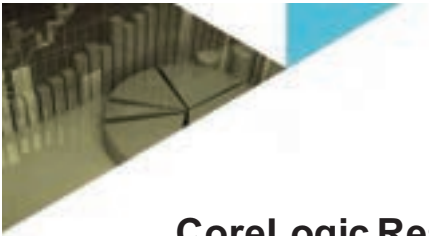




WinnResidential  
CoreLogic SafeRent Response to Resident Screening Services  
August 10, 2015

## **Attachment H: Offer and Acceptance Form**





WinnResidential  
August 5, 2015

## CoreLogic Response to Offer and Acceptance Form

If CoreLogic SafeRent, LLC is the successful bidder, it will present its standard Screening Service Agreement and pricing addendum for review and execution by WinnResidential, which terms and conditions shall govern the services to be delivered.



RESIDENT SCREENING SERVICES  
PROPOSAL DUE AUGUST 10, 2015

## V. OFFER AND ACCEPTANCE

### TO WinnResidential:

The undersigned hereby offers to furnish the products and services contained in its proposal, which is incorporated by reference as if fully set forth herein on the terms and conditions set forth in the RFP, as modified by the proposal offered by Offeror as subsequently amended, if at all, in writing by Offeror and the Company.

For clarification of this offer, contact:

CoreLogic SafeRent, LLC  
Offeror Company Name  
  
6 Concourse Parkway  
Address

Name: Bob Lindenfelzer

Title: Senior Account Executive

Phone: (617) 481-5711

Atlanta GA 30328  
City State Zip

E-mail: rlindenfelzer@corelogic.com

  
Signature of Person Authorized to Sign

James Kinney  
Printed Name

VP, Sales & Operations  
Title

### ACCEPTANCE OF OFFER

The Offer is hereby accepted. The Offeror is now bound to sell the products and services specified in its proposal on the terms and conditions set forth in the RFP, as modified by the proposal offered by Offeror as subsequently amended, if at all, in writing by Offeror and the Company. This agreement shall be referred to as 2015 WINNRESIDENTIAL RESIDENT SCREENING AGREEMENT.

WinnResidential

Awarded this \_\_\_\_ day of \_\_\_\_\_, 2015

\_\_\_\_\_  
John Tarrant, Vice President, Procurement and Sustainability

WinnCompanies – Confidential

Page 14 of 14



CONFIDENTIAL

ARROYO000309

JA-437



```
05/03/2018          The Registry          CS0007R
10:50 AM          Consumer Relation Remarks Edit      MSCULLY

Display Mode
CS Record #: 20160427183          Social Security Number: 8831
Last Name: ARROYO          First Name: MIKHAIL
Date: 4/27/2016   Time: 13:26:51   User: VSALGADO

Comment:
NO AUTH COMP; REQ MAN AUTH; SF TICKET: CRT-201604-76617 - CONSUMER'S MOM CALLED
IN STATING THAT SHE HAS CONSERVATORSHIP OVER HIS SON'S INFORMATION; ADVISED THE
PROCESS - CONSUMER WILL FAX IN MAN AUTH FORM WITH COURT PAPERS AND COPY OF ID'S

F1=Help   F3=Exit   F5=Refresh   F12=Cancel

HA  A 01/001
```

```
05/03/2018          The Registry          CS0007R
10:51 AM          Consumer Relation Remarks Edit      MSCULLY

Display Mode
CS Record #: 20160427183          Social Security Number: 8831
Last Name: ARROYO          First Name: MIKHAIL
Date: 4/29/2016   Time: 12:01:38   User: HESILVA

Comment:
NOT AUTHENTICATED. MAILED CONSUMER DISCLOSURE REQUEST PACKET.

F1=Help   F3=Exit   F5=Refresh   F12=Cancel

HA  A 01/001
```

EXHIBIT

24

JA-438

ARROYO000452



```
05/03/2018          The Registry          CS0007R
10:51 AM          Consumer Relation Remarks Edit      MSCULLY

Display Mode
CS Record #: 20160427183          Social Security Number: 8831

Last Name: ARROYO          First Name: MIKHAIL

Date: 6/30/2016    Time: 18:24:24    User: DTHEVENOT

Comment:
NOT AUTHENTICATED. MAILED CONSUMER CALL BACK LETTER.

**PLEASE SEND A "CALL BACK" LETTER AND MAN AUTH FORM. NEED POA AND SON'S SIGNATURE. CAN NOT ACCEPT CONSERVATORSHIP COURT PAPER.

F1=Help    F3=Exit    F5=Refresh    F12=Cancel

MA  A 01/001
```

```
05/03/2018          The Registry          CS0007R
10:52 AM          Consumer Relation Remarks Edit      MSCULLY

Display Mode
CS Record #: 20160427183          Social Security Number: 8831

Last Name: ARROYO          First Name: MIKHAIL

Date: 6/30/2016    Time: 15:18:59    User: SCHM

Comment:
SR-RECEIVED CONSUMER DISCLOSURE REQUEST FORM. NOT AUTHEN. CREATED CRT-201606-86780. PLEASE SEND A CALL BACK LETTER AND MAN AUTH FORM. PLEASE SEND A "CALL BACK" LETTER AND MAN AUTH FORM. NEED POA AND SON'S SIGNATURE. PER JESSICA AND MIKE WE CAN NOT ACCEPT CONSERVATORSHIP COURT PAPER.

F1=Help    F3=Exit    F5=Refresh    F12=Cancel

MA  A 01/001
```



```
05/03/2018          The Registry          CS0007R
10:52 AM          Consumer Relation Remarks Edit      MSCULLY

Display Mode
CS Record #: 20160427183          Social Security Number: 8831

Last Name: ARROYO          First Name: MIKHAIL

Date: 9/07/2016   Time: 13:29:31   User: MONJOHNSON

Comment:
CONSUMER MOTHER CALLED BACK, ASKED IF WE RECEIVED FAX DOCS FROM 06-2016. ADVISED
YES AND PER MANGEMENT UNABLE TO USE INFORMATION. PER SOP NEED POWER OF ATTORNEY
OR LIMITED POWER OF ATTORNEY. ITEMS MUST BE NOTARIZED AS WELL.

F1=Help   F3=Exit   F5=Refresh   F12=Cancel

MA  A 01/001
```

```
05/03/2018          The Registry          CS0007R
10:53 AM          Consumer Relation Remarks Edit      MSCULLY

Display Mode
CS Record #: 20160427183          Social Security Number: -8831

Last Name: ARROYO          First Name: MIKHAIL

Date: 11/01/2016   Time: 10:00:35   User: BSALAZAR

Comment:
CCI CHECKING ON WHY WE ARE NOT ABLE TO ACCEPT THE CONSERVATORSHIP COURT PAPER
SINCE HER ATTORNEY STATES ITS HIGHER THEN A POA. TRANSF CALL TO TINAMARIE

F1=Help   F3=Exit   F5=Refresh   F12=Cancel

MA  A 01/001
```



```
05/03/2018          The Registry          CS0007R
10:53 AM           Consumer Relation Remarks Edit      MSCULLY

Display Mode
CS Record #: 20160427183      Social Security Number: -8831

Last Name: ARROYO           First Name: MIKHAIL

Date: 11/01/2016   Time: 11:15:11   User: TSANTOS

Comment:
SUP CALL: CONSUMER'S MOTHER (CARMEN ARROYO) CALLED TO CONFIRM WE REC'D DOC REGAR
DING CONSERVATORSHIP FOR HER SON AND TO GET A COPY OF THE REPORT: ADVISED WE DID
HOWEVER WE HAVE TO GET LEGAL'S APPROVEAL BEFORE WE COULD SEND OUT THE REPORT: ON
CE LEGAL APPROVES DOCS WE CAN SEND OUT THE REPORT
WALKING DOCS OVER TO LEGAL TODAY

F1=Help   F3=Exit   F5=Refresh   F12=Cancel

HA  A 01/001
```

```
05/03/2018          The Registry          CS0007R
10:54 AM           Consumer Relation Remarks Edit      MSCULLY

Display Mode
CS Record #: 20160427183      Social Security Number: -8831

Last Name: ARROYO           First Name: MIKHAIL

Date: 11/04/2016   Time: 15:53:20   User: TSANTOS

Comment:
CALLED CONSUMER'S MOTHER LETTING HER KNOW WE ARE STILL WAITING FOR A RESPONSE FR
OM LEGAL (959-929-4046)

F1=Help   F3=Exit   F5=Refresh   F12=Cancel

HA  A 01/001
```



```
05/03/2018      The Registry      CS0007R  
10:54 AM        Consumer Relation Remarks Edit      MSCULLY  
  
Display Mode  
CS Record #: 20160427183          Social Security Number: [REDACTED] 8831  
  
Last Name: ARROYO              First Name: MIKHAIL  
  
Date: 11/16/2016    Time: 14:04:44    User: TSANTOS  
  
Comment:  
CALL MS. ARROYO (MOTHER OF CONSUMER) TO LET HER KNOW WE REC'D THE AUTH FORM, PRO  
OF OF ADDRESS AND CONSERVATORSHIP DOCS. I HAD TO LEAVE A MESSAGE REQUESTING HER  
TO CALL ME.  
NOTE>>>>>>>>> CONSERVATORSHIP DOCS I HAD TO SEND TO LEGAL TO VERIFY THE SEAL O  
N DOCUMENT WAS SUFFIENT, SIGNATURE~~~~~ SHE NEED TO SIGN HIS NAME FIRST THEN HER  
NAME FOLLOWED BY CONSERVATOR: ADDRESS ~~~~ NEED PROOF OF ADDRESS:  
SEE ONBASE  
  
F1=Help      F9=Exit      F5=Refresh      F12=Cancel  
  
HA  R 01/00
```



```
05/03/2018      The Registry      CS0007R
10:55 AM      Consumer Relation Remarks Edit      MSCULLY

Display Mode
CS Record #: 20160427183      Social Security Number: 8831

Last Name: ARROYO      First Name: MIKHAIL

Date: 11/18/2016      Time: 14:06:12      User: TSANTOS

Comment:
I CALLED MS ARROYO REGARDING THE CONSERVATORSHIP: I HAD TO LEAVE A MESSAGE ON HE
R VOICE MAIL (959-929-4046) REQUESTING HER TO CALL ME DIRECTLY

F1=Help      F3=Exit      F5=Refresh      F12=Cancel

MA      A      01/001
```

```
05/03/2018      The Registry      CS0007R
10:56 AM      Consumer Relation Remarks Edit      MSCULLY

Display Mode
CS Record #: 20160427183      Social Security Number: 8831

Last Name: ARROYO      First Name: MIKHAIL

Date: 12/19/2016      Time: 12:54:06      User: TSANTOS

Comment:
LEFT A MESSAGE FOR MARIA Q AT (860-263-0727 CONSUMER'S ATTY) ATTY REQUESTING A C
OPY OF THE CONSUMER REPORT: LETTING HER KNOW WE A PDA >>> MAN AUTH FORM >>> PROO
F OF ID AND ADDRESS FOR MIKHAIL ARROYO.
NOTE: WHEN THE ATTY CALL BACKS PLEASE VERIFY THE ADDRESS WHERE WE NEED TO MAIL TH
E MAN AUTH FORM

F1=Help      F3=Exit      F5=Refresh      F12=Cancel

MA      A      01/001
```



```
05/03/2018          The Registry          CS0007R
10:56 AM           Consumer Relation Remarks Edit      MSCULLY

Display Mode
CS Record #: 20160427183          Social Security Number: 8831

Last Name:  ARROYO          First Name: MIKHAIL

Date: 12/20/2016   Time: 12:04:49   User: TSANTOS

Comment:
REC'D CALL FROM CONSUMER'S ATTY (MS. MARIA CUERDA) WENT OVER WHAT SHE NEEDED TO
FX OR EMAIL RPS TO GET A COPY OF THE CONSUMER'S COPY: I CONFIRMED WITH JFAHN IT
WAS OK TO SEND AN EMAIL TO THE ATTY LETTING HER KNOW WHAT WE REQUIRE FOR A 3RD P
ARTY TO REC'D A CONSUMER'S REPORT
1. POA SIGNED AND NOTARIED >>>> RPS MAN AUTH SEE CRT 201612-114344 >>>> PROOF OF
ID AND ADDRESS

F1=Help   F3=Exit   F5=Refresh   F12=Cancel

MA  A 01/001
```

```
05/03/2018          The Registry          CS0007R
10:57 AM           Consumer Relation Remarks Edit      MSCULLY

Display Mode
CS Record #: 20160427183          Social Security Number: 8831

Last Name:  ARROYO          First Name: MIKHAIL

Date: 12/21/2016   Time: 12:04:28   User: GJACOB

Comment:
Sent manual auth form to consumer.

F1=Help   F3=Exit   F5=Refresh   F12=Cancel

MA  A 01/001
```





P.O. Box 509124  
San Diego, CA 92150

RETURN SERVICE REQUESTED

MIKHAIL ARROYO  
745 MAIN STREET  
EAST HARTFORD, CT 06108

*By Mail*

EXHIBIT

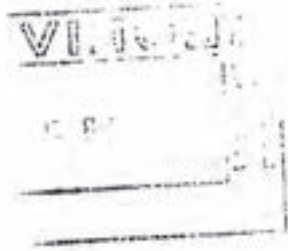
25



ARROYO000466

JA-445





ARROYO000467





**CoreLogic<sup>®</sup>**  
**SafeRent<sup>™</sup>**

PO Box 509124  
San Diego, CA 92150  
(888) 333-2413  
Fax (800) 237-6526

6/30/2016

MIKHAIL ARROYO  
745 MAIN ST  
EAST HARTFORD, CT 06108

**Re: Call Back**

Dear Consumer:

Thank you for the inquiry regarding your credit report. In order to serve you better we request that you contact our Customer Service Center and speak to one of our trained Customer Service Associates who can accurately provide information you need.

You can contact our Customer Service Department Monday through Friday between the hours of 6:00am and 5:00 pm (Pacific Standard Time) at (888) 333-2413 Ext: \_\_\_\_\_.

Sincerely,  
CoreLogic SafeRent

**ARROYO000468**

**JA-447**





ARROYO000469





CoreLogic  
SafeRent

## CONSUMER DISCLOSURE INSTRUCTIONS

Form CRD-001

Please read the following instructions carefully. Failure to follow these instructions may delay processing of your request.

### OBTAINING YOUR CONSUMER FILE

1. Under the Fair Credit Reporting Act (FCRA), you are entitled to a free copy of the information contained in your consumer file, if, within 60 days prior to your request, you have been notified of an adverse action taken towards you based upon information appearing in your consumer file, such as:
  - a. Denial of your housing application
  - b. Required to have a deposit not required by another applicant
  - c. Required to have a cosigner/guarantor
  - d. Assessed a higher rental rate than another applicant
  - e. Denied employment or a promotion
  - f. Reassigned or terminated
2. Under the FCRA, you are entitled to one free copy of your consumer file in any twelve month period. You are also entitled to a free copy of your consumer file if you certify in writing that you:
  - a. Have been notified of an adverse action, as set forth in the preceding paragraph;
  - b. Are unemployed and intend to apply for employment in the 60-day period beginning on the day you make the certification;
  - c. Are a recipient of public welfare assistance; or
  - d. Have reason to believe that your file at the consumer reporting agency contains inaccurate information due to fraud.
3. To help expedite your disclosure request, please complete and sign attached Form **CRD-001** "Consumer Disclosure Request", with legible print in blue or black ink.
4. Please provide one (1) of the following forms of identification, along with your completed request form:
  - Photocopy of a valid driver's license, non-driver's license OR state, federal or military government-issued photo ID.

Alternately, you may provide a photocopy of two (2) of the following pieces of identification:

  - Social Security Card or ITIN
  - Non-Government issued photo ID (such as Employment ID or Student ID)
  - Recent Utility Bill (electric, gas or telephone bill)

If you are requesting a copy of a credit report for a minor, in addition to the items in step 4, you will also need to provide the following pieces of information on the minor:

- Birth Certificate
- Social Security Card

5. MAIL the signed and completed form to:

**CoreLogic SafeRent, LLC.**  
**Consumer Relations Department**  
**P.O. Box 509124**  
**San Diego, California 92150**

Disclosure of your CoreLogic SafeRent consumer file will be sent to you within 5 business days of receipt of your completed Disclosure Request Form.

Mail is the preferred method for sending your completed Consumer Disclosure Request form; however, if you wish to FAX your completed form to us, please make sure you sign your Disclosure Request Form and include a photocopy of your government-issued photo ID, such as a valid driver's license, non-driver's license or passport to 1-800-237-6526. Disclosure of your CoreLogic SafeRent Confidential Consumer file will be provided within 3 business days from receipt of your FAX. To contact the Consumer Relations Department, please call 1-800-815-8664.

### OBTAINING YOUR CREDIT FILE

Your credit bureau file is not maintained by CoreLogic SafeRent. To obtain a copy of your credit bureau report, or for information regarding your credit file, including trade-line accounts such as credit cards, utility bills and bankruptcy information, please contact the national credit reporting agencies (CRAs) listed below.

If a copy of your credit report was obtained through CoreLogic SafeRent in conjunction with your application for housing or employment we will provide you with a copy of the report that was obtained if your request is received within 60 days from the date it is obtained by us. If your credit report was obtained more than 60 days prior to your request, please contact the credit bureau(s) to obtain a current copy of your credit report.

To dispute information contained in your Experian, Equifax or TransUnion credit reports, please contact the credit bureau(s) directly. In accordance with the FCRA, if your credit file was obtained through CoreLogic SafeRent, you may forward reinvestigation requests to the CoreLogic



SafeRent Consumer Relations Department, which will in turn be forwarded to the appropriate credit bureau(s) for reinvestigation. Please do not submit credit bureau disputes to CoreLogic SafeRent which have already been initiated through the credit bureau(s). We cannot assist you with a credit dispute if we did not access your credit file on behalf of our clients.

To receive your credit file from a national CRA, you may do the following:

1. Request a copy through the CRA's automated system via the toll free phone numbers below.
2. Submit your request in writing to the CRA via the addresses below. Prior to submitting your request contact the CRA via the toll free phone numbers below to obtain specific information that you should include with your written request.
3. Request a copy through the CRA's web site.
4. Request a copy through [www.annualcreditreport.com](http://www.annualcreditreport.com) or by calling 1(877) 322-8228.

#### CRA CONTACT INFORMATION

**Experian National Consumer Assistance Center**  
PMB 2104 - Allen, Texas 75013-2104  
Telephone: 1(888) 397-3742; Website:  
[www.experian.com](http://www.experian.com)

**Equifax Information Service Center**  
PMB 740241 - Atlanta, Georgia 30374-0241  
Telephone: 1(800) 685-1111; Website:  
[www.equifax.com](http://www.equifax.com)

**Trans Union LLC**  
PO Box 2000 - Chester, Pennsylvania 19022-2000  
Telephone: 1(800) 888-4213; Website:  
[www.transunion.com](http://www.transunion.com)

**TeleCheck Consumer Service Office**  
PMB 4513 - Houston, TX 77210-4513  
Telephone: 1(800)366-2425; Website:  
[www.telecheck.com](http://www.telecheck.com)

**FACTA Central Source**  
Disclosure of credit file website:  
[www.annualcreditreport.com](http://www.annualcreditreport.com)  
Telephone 1(877) 322-8228 or 1(877) FACT-ACT





## CONSUMER DISCLOSURE REQUEST FORM

Form CRD-001

(Please print legibly in blue or black ink)

### SECTION A: Type of Request

(Check one of the following. Refer to the Instructions on page 1, item #1-#3 for assistance.)

1. ☐ I qualify for a free copy of my consumer file because: (See item #2 of the Instructions)

Check one of the following:

- (a) ☐ I am requesting my free annual consumer file disclosure under the Fair Credit Reporting Act (FCRA).  
 (b) ☐ I reside where state laws entitle me to one or more free copies per year, and under such law, I qualify for another free copy of my consumer file. (See instructions sheet for states.)  
 (c) ☐ I have been notified of an adverse action based on information in my consumer file and have enclosed the qualifying information. (Proceed to section B)  
 (d) ☐ I suspect my file may contain fraudulent information or I may be the victim of identity theft.  
 (e) ☐ I can certify in writing that I am unemployed or currently receiving public assistance. I have enclosed the qualifying information.  
 (f) ☐ I am requesting a copy of a consumer file for a minor. (Complete All of Section C Below)

### SECTION B: Where/With Whom You Applied

(Complete this section if you checked boxes #1 and (b) above)

Housing/Employment Application Date: \_\_\_\_\_

Prospective Landlord/Employer Name: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone Number: (\_\_\_\_) \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

### SECTION C: Consumer Identifying Information

A legible copy of a valid and verifiable government-issued photo identification

(i.e. driver's license, passport, etc.).

Full Name: First: \_\_\_\_\_ Middle: \_\_\_\_\_ Last: \_\_\_\_\_

Check one if applicable: ☐ Jr. ☐ Sr. Date of Birth: \_\_\_\_\_

List Maiden or Other Names Used: \_\_\_\_\_

Social Security or Individual Tax Identification Number (ITIN): \_\_\_\_\_

Phone Numbers: Home(\_\_\_\_) \_\_\_\_\_ Work (\_\_\_\_) \_\_\_\_\_ Cell (\_\_\_\_) \_\_\_\_\_

Minor's Name: First: \_\_\_\_\_ Middle: \_\_\_\_\_ Last: \_\_\_\_\_

Check if applicable: ☐ Jr. Date of Birth: \_\_\_\_\_

Social Security or Individual Tax Identification Number (ITIN): \_\_\_\_\_

List all addresses where you have resided over the past seven years: (Information will be mailed to current address).

If your current address is different from the address listed on your photo ID, please include a recent tax bill, or utility bill for proof of address (i.e. phone bill, cable bill, electric bill etc.).

1. Current Street Address: \_\_\_\_\_ Apt.#: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

(Form continues on next page)



2. Previous Street Address: _____	Apt.#: _____
City: _____ State: _____	Zip: _____
3. Previous Street Address: _____	Apt.#: _____
City: _____ State: _____	Zip: _____
4. Previous Street Address: _____	Apt.#: _____
City: _____ State: _____	Zip: _____
5. Previous Street Address: _____	Apt.#: _____
City: _____ State: _____	Zip: _____
6. Previous Street Address: _____	Apt.#: _____
City: _____ State: _____	Zip: _____
7. Previous Street Address: _____	Apt.#: _____
City: _____ State: _____	Zip: _____

BY SUBMITTING THIS FORM, I AGREE THAT I AM THE PERSON NAMED ABOVE AND I UNDERSTAND THAT IT MAY BE A VIOLATION OF FEDERAL AND/OR STATE LAW TO OBTAIN A CONSUMER REPORT ON ANY PERSON OTHER THAN MYSELF, AND THAT UNDER THE FAIR CREDIT REPORTING ACT, ANY PERSON WHO KNOWINGLY AND WILLFULLY OBTAINS INFORMATION ON A CONSUMER FROM A CONSUMER REPORTING AGENCY UNDER FALSE PRETENSES SHALL BE FINED UNDER TITLE 18, UNITED STATES CODE, IMPRISONED FOR NOT MORE THAN 2 YEARS, OR BOTH.

**I swear, under penalty of law, that to the best of my knowledge, the information provided above is true and correct.**

Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



Para información en español, visite [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) o escriba a la Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.

#### A Summary of Your Rights Under the Fair Credit Reporting Act

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under the FCRA. For more information, including information about additional rights, go to [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) or write to: Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.

- **You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address, and phone number of the agency that provided the information.
- **You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer reporting agency (your “file disclosure”). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:
  - a person has taken adverse action against you because of information in your credit report;
  - you are the victim of identity theft and place a fraud alert in your file;
  - your file contains inaccurate information as a result of fraud;
  - you are on public assistance;
  - you are unemployed but expect to apply for employment within 60 days.

In addition, all consumers are entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) for additional information.

- **You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.
- **You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate, and report it to the consumer reporting agency, the agency must investigate unless your dispute is frivolous. See [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) for an explanation of dispute procedures.
- **Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information.** Inaccurate, incomplete or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.
- **Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.
- **Access to your file is limited.** A consumer reporting agency may provide information about you only to people with a valid need – usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.
- **You must give your consent for reports to be provided to employers.** A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore).
- **You may limit “prescreened” offers of credit and insurance you get based on information in your credit report.** Unsolicited “prescreened” offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt-out with the nationwide credit bureaus at 1-888-567-8688.
- **You may seek damages from violators.** If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.



- Identity theft victims and active duty military personnel have additional rights. For more information, visit [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore).

States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. For information about your federal rights, contact:

TYPE OF BUSINESS:	CONTACT:
1.a. Banks, savings associations, and credit unions with total assets of over \$10 billion and their affiliates.	a. Consumer Financial Protection Bureau 1700 G Street NW Washington, DC 20552
b. Such affiliates that are not banks, savings associations, or credit unions also should list, in addition to the CFPB:	b. Federal Trade Commission: Consumer Response Center – FCRA Washington, DC 20580 (877) 382-4357
2. To the extent not included in item 1 above:	
a. National banks, federal savings associations, and federal branches and federal agencies of foreign banks	a. Office of the Comptroller of the Currency Customer Assistance Group 1301 McKinney Street, Suite 3450 Houston, TX 77010-9050
b. State member banks, branches and agencies of foreign banks (other than federal branches, federal agencies, and Insured State Branches of Foreign Banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act.	b. Federal Reserve Consumer Help Center P.O. Box 1200 Minneapolis, MN 55480
c. Nonmember Insured Banks, Insured State Branches of Foreign Banks, and insured state savings associations	c. FDIC Consumer Response Center 1100 Walnut Street, Box #11 Kansas City, MO 64106
d. Federal Credit Unions	d. National Credit Union Administration Office of Consumer Protection (OCP) Division of Consumer Compliance and Outreach (DCCO) 1775 Duke Street Alexandria, VA 22314
3. Air Carriers	Asst. General Counsel for Aviation Enforcement & Proceedings Aviation Consumer Protection Division Department of Transportation 1200 New Jersey Avenue, S.E., Washington, DC 20590
4. Creditors Subject to Surface Transportation Board	Office of Proceedings, Surface Transportation Board Department of Transportation 395 E Street, S.W. Washington, D.C. 20423
5. Creditors Subject to Packers and Stockyards Act, 1921	Nearest Packers and Stockyards Administration area supervisor
6. Small Business Investment Companies	Associate Deputy Administrator for Capital Access United States Small Business Administration 409 Third Street, SW, 8 <sup>th</sup> Floor Washington, DC 20416
7. Brokers and Dealers	Securities and Exchange Commission 100 F Street, N.E. Washington, DC 20549
8. Federal Land Banks, Federal Land Bank Associations, Federal Intermediate Credit Banks, and Production Credit Associations	Farm Credit Administration 1501 Farm Credit Drive McLean, VA 22102-5090
9. Retailers, Finance Companies, and All Other Creditors Not Listed Above	FTC Regional Office for region in which the creditor operates or Federal Trade Commission: Consumer Response Center – FCRA Washington, DC 20580 (877) 382-4357



Para información en español, visite [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) o escriba a la Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.

### Remedying the Effects of Identity Theft

You are receiving this information because you have notified a consumer reporting agency that you believe that you are a victim of identity theft. Identity theft occurs when someone uses your name, Social Security number, date of birth, or other identifying information, without authority, to commit fraud. For example, someone may have committed identity theft by using your personal information to open credit card account or get a loan in your name. For more information, visit [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) or write to: Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.

The Fair Credit Reporting ACT (FCRA) gives you specific rights when you are, or believe that you are, the victim of identity theft. Here is a brief summary of the rights designed to help you recover from identity theft.

1. **You have the right to ask the nationwide consumer reporting agencies place "fraud alerts" in your file to let potential creditors and others know that you may be a victim of identity theft.** A fraud alert can make it more difficult for someone to get credit in your name because it tells creditors to follow certain procedures to protect you. It also may delay your ability to obtain credit. You may place a fraud alert in your file by calling just one of the three nationwide consumer reporting agencies. As soon as that agency processes your fraud alert, it will notify the other two, which then also must place fraud alerts in your file.

- Equifax: 1-800-525-6285; [www.equifax.com](http://www.equifax.com)
- Experian: 1-888-397-3742; [www.experian.com](http://www.experian.com)
- TransUnion: 1-800-680-7289; [www.transunion.com](http://www.transunion.com)

An initial fraud alert stays in your file for at least 90 days. An extended alert stays in your file for seven years. To place either of these alerts, a consumer reporting agency will require you to provide appropriate proof of your identity, which may include your Social Security number. If you ask for an extended alert, you will have to provide an identity theft report. An identity theft report includes a copy of a report you have filed with a federal, state, or local law enforcement agency, and additional information a consumer reporting agency may require you to submit. For more detailed information about the identity theft report, visit [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore).

2. **You have the right to free copies of the information in your file (your "file disclosure").** An initial fraud alert entitles you to a copy of all information in your file at each of the three nationwide agencies, and an extended alert entitles you to two free file disclosures in a 12-month period following the placing of the alert. These additional disclosures may help you detect signs of fraud, for example, whether fraudulent accounts have been open in your name or whether someone has reported a change in your address. Once a year, you also have the right to a free copy of the information in your file at any consumer reporting agency, if you believe it has inaccurate information due to fraud, such as identity theft. You also have the ability to obtain additional free file disclosures under other provisions of the FCRA. See [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore).
3. **You have the right to obtain documents relating to fraudulent transactions made or accounts opened using your personal information.** A creditor or other business must give you copies of applications and other business records relating to transactions and accounts that resulted from the theft of your identity, if you ask for them in writing. A business may ask you for proof of your identity, a police report, and an affidavit before giving you the documents. It also may specify an address for you to send your request. Under certain circumstances, a business can refuse to provide you with these documents. See [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore).
4. **You have the right to obtain information from a debt collector.** If you ask, a debt collector must provide you with certain information about the debt you believe was incurred in your name by an identity thief - like the name of the creditor and the amount of the debt.
5. **If you believe information in your file results from identity theft, you have the right to ask that a consumer reporting agency block that information from your file.** An identity thief may run up bills in your name and not pay them. Information about the unpaid bills may appear on your consumer report. Should you decide to ask a consumer reporting agency to block the reporting of this information, you must identify the information to block, and provide the consumer reporting agency with proof of your identity and a copy of your identity theft report. The consumer reporting agency can refuse or cancel your request for a block if, for example, you don't provide the necessary documentation, or where the block results from an error or a material misrepresentation of fact made by you. If the agency declines or



rescinds the block, it must notify you. Once a debt resulting from identity theft has been blocked, a person or business with notice of the block may not sell, transfer, or place the debt for collection.

6. **You also may prevent businesses from reporting information about you to consumer reporting agencies if you believe the information is a result of identity theft.** To do so, you must send your request to the address specified by the business that reports the information to the consumer reporting agency. The business will expect you to identify what information you do not want reported and to provide an *identity theft report*.

To learn more about identity theft and how to deal with its consequences, visit [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore), or write to the Consumer Financial Protection Bureau. You may have additional rights under state law. For more information, contact your local consumer protection agency or your state Attorney General.

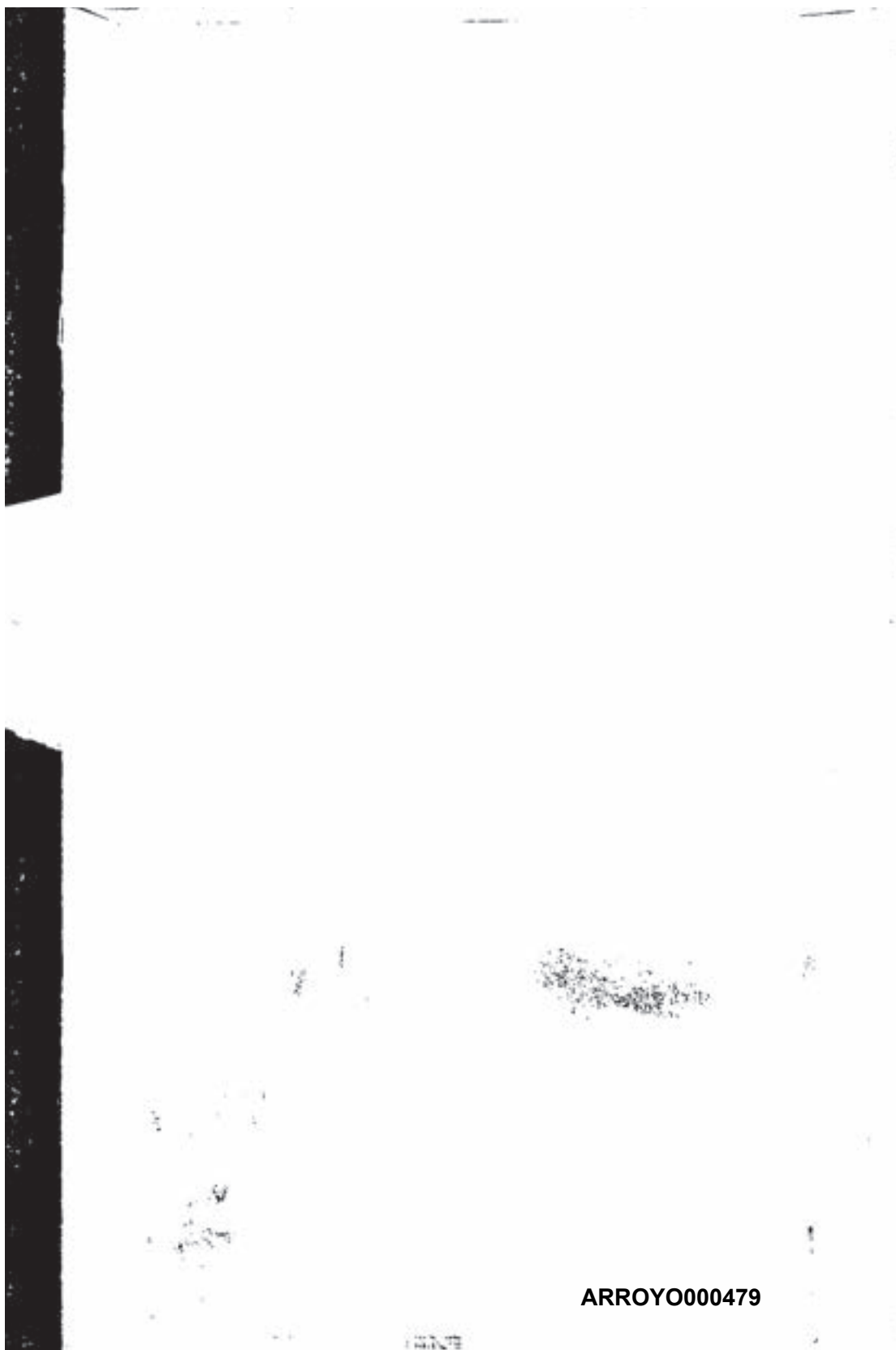
In addition to the new rights and procedures to help consumers deal with the effects of identity theft, the FCRA has many other important consumer protections. They are described in more detail at [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore).

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WAIM

PAGE 01

## WAIM

PO Box 221  
Willimantic, CT 06226  
860-456-7270 ext. 12

To: <u>Tina Marie</u>	From: <u>Carmen Arroyo</u>
Fax: <u>1-800-237-6526</u>	Pages: <u>5</u>
Phone:	Date: <u>11/15/16</u>
Re: <u>Credit Check</u>	CC:
<input type="checkbox"/> Urgent <input checked="" type="checkbox"/> For Review <input type="checkbox"/> Please Comment <input type="checkbox"/> Please Reply <input type="checkbox"/> Please Recycle	

EXHIBIT

26

ARROYO000480

JA-459



**ARROYO000481**



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WAIM

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## CONSUMER DISCLOSURE REQUEST FORM

Form CRD-001

(Please print legibly in blue or black ink)

### SECTION A: Type of Request

(Check one of the following. Refer to the Instructions on page 4, Item #1-#3 for assistance.)

1. ☒ I qualify for a free copy of my consumer file because: (See item #2 of the Instructions)

Check one of the following:

- (a) ☐ I am requesting my free annual consumer file disclosure under the Fair Credit Reporting Act (FCRA).  
 (b) ☒ I reside where state laws entitle me to one or more free copies per year, and under such law, I qualify for another free copy of my consumer file. (See instructions sheet for states.)  
 (c) ☐ I have been notified of an adverse action based on information in my consumer file and have enclosed the qualifying information. (Proceed to section B)  
 (d) ☐ I suspect my file may contain fraudulent information or I may be the victim of identity theft.  
 (e) ☐ I can certify in writing that I am unemployed or currently receiving public assistance. I have enclosed the qualifying information.

### SECTION B: Where/With Whom You Applied

(Complete this section if you checked boxes #1 and (b) above)

Housing/Employment Application Date: \_\_\_\_\_

Prospective Landlord/Employer Name: ARTSPACE of Windham

Contact Person: \_\_\_\_\_ Phone Number: (\_\_\_\_) \_\_\_\_\_

Street Address: 480 main stCity: willimantic State: CT Zip: 06226

### SECTION C: Consumer Identifying Information

Include a copy of your valid and verifiable, government-issued photo identification (i.e. driver's license, passport, etc.).

Full Name: First: Mikhail Middle: Jesus Last: ARROYOCheck one if applicable: ☐ Jr. ☐ Sr. Date of Birth: FEB 15 1994

List Maiden or Other Names Used: \_\_\_\_\_

Social Security or Individual Tax Identification Number (ITIN): 8 8 3 1Phone Numbers: Home (\_\_\_\_) \_\_\_\_\_ Work (\_\_\_\_) \_\_\_\_\_ Cell (959) 929-4046

List all addresses where you have resided over the past seven years: (Information will be mailed to current address).

If your current address is different from the address listed on your photo ID, please include a recent tax bill, or utility bill for proof of address (i.e. phone bill, cable bill, electric bill etc.).

1. Current Street Address: 745 main st Apt.#: \_\_\_\_\_City: East Hartford CT State: CT Zip: 061082. Previous Street Address: 24 CAREY ST Apt.#: \_\_\_\_\_City: willimantic State: CT Zip: 062263. Previous Street Address: 819 Donnelly ST Apt.#: \_\_\_\_\_City: York P.A State: PA Zip: 17401

(Form continues on next page)

3 of 8

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WAIM

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4. Previous Street Address: \_\_\_\_\_ Apt.#: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

5. Previous Street Address: \_\_\_\_\_ Apt.#: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

6. Previous Street Address: \_\_\_\_\_ Apt.#: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

7. Previous Street Address: \_\_\_\_\_ Apt.#: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

BY SUBMITTING THIS FORM, I AGREE THAT I AM THE PERSON NAMED ABOVE AND I UNDERSTAND THAT IT MAY BE A VIOLATION OF FEDERAL AND/OR STATE LAW TO OBTAIN A CONSUMER REPORT ON ANY PERSON OTHER THAN MYSELF, AND THAT UNDER THE FAIR CREDIT REPORTING ACT, ANY PERSON WHO KNOWINGLY AND WILLFULLY OBTAINS INFORMATION ON A CONSUMER FROM A CONSUMER REPORTING AGENCY UNDER FALSE PRETENSES SHALL BE FINED UNDER TITLE 18, UNITED STATES CODE, IMPRISONED FOR NOT MORE THAN 2 YEARS, OR BOTH.

I swear, under penalty of law, that to the best of my knowledge, the information provided above is true and correct.

Printed Name: Mikhail J Arroyo

Signature: [Signature] Date: NOV 15 2016

Carmen M Arroyo - mother / Conservator

Carmen M ARROYO - Conservator

NOV 15 2016 - Tad Stimson } - Co-Conservator.  
[Signature]



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FIDUCIARY'S PROBATE  
CERTIFICATE/CONSERVATORSHIP  
PC-450C REV. 10/14STATE OF CONNECTICUT  
COURT OF PROBATE

COURT OF PROBATE, Windham - Colchester Probate Court		DISTRICT NO. PD28
ESTATE OF/IN THE MATTER OF		DATE OF CERTIFICATE
Mikhail J. Arroyo (15-00319)		August 8, 2016
FIDUCIARY'S NAME AND ADDRESS	FIDUCIARY'S POSITION OF TRUST	DATE OF APPOINTMENT
Carmen Arroyo, P.O. Box 900, Willimantic, CT 06226	Co Conservator of person and estate	August 12, 2015
Jad Stimson, P. O. Box 344, Scotland, CT 06264	Co-Conservator of person and estate	August 5, 2016

*The undersigned hereby certifies that the fiduciary in the above-named matter has accepted appointment, is legally authorized and qualified to act as such fiduciary, and the appointment is unrevoked and in full force as of the above date of certificate.*

**This certificate is valid for one year from the date of the certificate.**

*The fiduciary has been granted the following duties and authority: Each conservator of person and of estate may act individually/severally.*

The Court assigns the conservators of the person the following duties and authorities that are the least restrictive means of intervention necessary to meet the needs of the conserved person:

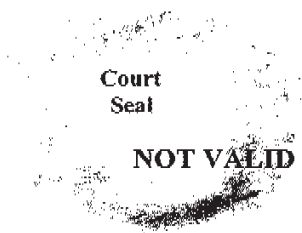
1. Make decisions regarding general custody of the conserved person;
2. Establish the conserved person's residence within the state, subject to the provisions of C.G.S. §45a-656b
3. Give consent for the conserved person's medical and other professional care, counsel, treatment or services; and
4. Provide for the care, comfort and maintenance of the conserved person

## CONSERVATOR OF ESTATE:

1. Manage the estate, property and finances of the of the conserved person (includes banking transactions), including but not limited to, the authority to collect and receive all funds and benefits to which the conserved person is entitled to, such as by way of example, but not limited to Social Security benefits and any other governmental benefits and income and/or distributions in any form to which the conserved person may be entitled to receive from time to time;
2. Apply the estate of the conserved person to support the conserved person;
3. Pay legal debts and obligations of the conserved person; and
4. Apply for such benefits as the conserved person may be entitled to, including but not limited to, disability, Title XIX, Social Security and other similar governmental benefits or governmental programs, if she is not already receiving said benefits or programs, and to take whatever action is necessary to maintain such benefits and/or programs.

The conservator of the person shall immediately determine whether the conserved person owns or has access to firearms, ammunition or electronic defense weapons, and take immediate steps to secure them.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of this court on the above date of certificate.

Court  
Seal

*Kelley J. Clairmont*  
Kelley J. Clairmont, Chief Clerk

NOT VALID WITHOUT COURT OF PROBATE SEAL IMPRESSED

ARROYO000484

FIDUCIARY'S PROBATE CERTIFICATE/CONSERVATORSHIP

PC-450C



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WAIM

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Make your check payable to Eversource. Please consider adding 11 for Operation Fuel. To add more visit [www.eversource.com](http://www.eversource.com)

# EVERSOURCE

Account Number XXXXXXXXXX      Statement date Nov 4, 2016      Total amount due \$40.71      Amount Enclosed

The "Total amount due" must be received by Dec 2, 2016 to avoid a 1.00 % late payment charge.

CARMEN M ARROYO  
APT 312  
480 MAIN ST  
WILLIMANTIC CT 06226-3161

Eversource  
PO Box 550032  
Dallas, TX 75255-0032

0000040712 0000040712

0000040712 0000040712 0000040712

0000040712 0000040712 0000040712

DSS SCANNING CENTER

P.O. BOX 1320

MANCHESTER CT 06045-1320

STATE OF CONNECTICUT  
DEPARTMENT OF SOCIAL SERVICES

Page 1  
04-007797  
024036

Date: 10 26 2016

0000040712 0000040712 0000040712

CARMEN ARROYO  
FOR MIKHAIL ARROYO  
480 MAIN ST  
APT 312  
WILLIMANTIC CT 06226-3161

Client ID: XXXXXXXXXX

To contact us please call  
Monday-Friday 7:30-4:00  
DSS Benefit Center  
Phone: 1-855-6-Connect  
Toll Free: 1-855-626-6632

ARROYO0000485

Mikhail J Arroyo  
Nov 15 2016  
Carmen M Arroyo  
Conservatorship of  
Mikhail Arroyo

JA-464



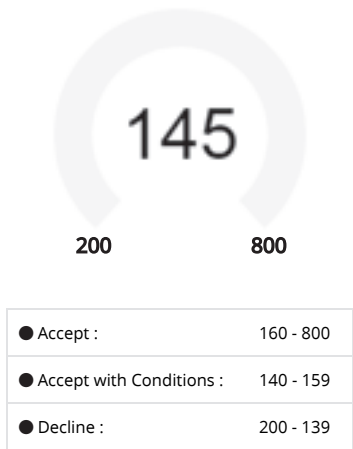
# Lease Recommendation

## Report Information

Transaction No.	0046398130	Performed by	MELISSACURRY
Property	M6360 - ArtSpace Windham - Willimantic CT 06226	Performed on	Tuesday April 26, 2016 / 10:33:58 EST

## LEASE RECOMMENDATION - 145

🚩 ALERT: Review alerts for the applicant(s) listed below.



SCORE RECOMMENDATION

✓

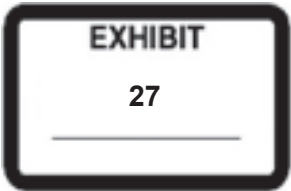
ACCEPT WITH CONDITIONS

Decision Message - Applicant letter regarding credit history. Proof of payment arrangements to creditors (not medical).

CRIMSAFE RECOMMENDATION

Record(s) Found

Please verify the applicability of these records to your applicant and proceed with your community's screening policies.



ARROYO000534



Applicant 1

Applicant Information

Applicant Name:	MIKHAIL ARROYO	SSN:	***-**-8831
Monthly Income	\$1000	DOB	█/1994
Phone	0000000000	Email	
Current Address	745 MAIN ST, EAST HARTFORD CT 06108	Previous Address	

Lease Information

Monthly Rent	\$800	Security Deposit	\$800
Total Income	\$1000/month	Lease Term	12 Months
Bed Rooms	1	Client Reference	
Marketing Source			

Reports

The following services were used in this transaction:

RegistrySCOREX	Complete	Experian Credit	Complete
RegistryCHECK	Complete	Multi-state Criminal Search	Record Found
CrimSAFE - Search Report	Record Found		
Credit Report Address Information			

Letters

Adverse Action

Custom Letters and Documents

Custom Letters and Documents

ARROYO000535



<b>REGISTRYSCOREX REPORT</b>		<b>May 3, 2018</b> <b>12 : 22 PM</b>	
<b>REPORT INFORMATION</b>			
<b>Transaction No:</b>	0046398130	<b>Performed By:</b>	MELISSACURRY
<b>Performed On:</b>	Tuesday April 26, 2016 / 10:34: 2 EST	<b>Property:</b>	M6360 - ArtSpace Windham
<b>Request ID:</b>	M4412515		
<b>APPLICANT INFORMATION</b>			
<b>Name:</b>	MIKHAIL ARROYO	<b>SSN:</b>	***-**-8831
<b>Monthly Income:</b>	\$1000	<b>DOB:</b>	■■■■/1994
<b>Phone:</b>	0000000000	<b>Email:</b>	
<b>Current Address:</b>	745 MAIN ST, EAST HARTFORD CT 06108	<b>Previous Address:</b>	
<b>YOUR COMMUNITY'S DECISION</b>			
<b>Applicant Decision:</b>	ACCEPT WITH CONDITIONS - 145 Applicant letter regarding credit history. Proof of payment arrangements to creditors (not medical).		
YOUR MANAGEMENT COMPANY ESTABLISHES CRITERIA (DECISION POINTS) APPROPRIATE FOR APPROVAL OF APPLICANTS TO YOUR COMMUNITY. QUESTIONS REGARDING THESE CRITERIA SHOULD BE DIRECTED TO YOUR MANAGEMENT COMPANY.			
<b>ALERT INFORMATION</b>			
Refer to your management company's policy for handling of specific alerts.			
<b>Credit Alert:</b>	The information reported by the selected credit bureau shows that the credit file for this applicant is less than three years old.		
<b>SCORE ATTRIBUTE</b>			
If improved, the following items could positively impact this applicant's score.			
** Credit			
** Application Data			
<b>LEASE INFORMATION</b>			
<b>Monthly Rent:</b>	\$800	<b>Security Deposit:</b>	\$800
<b>Total Income:</b>	\$1000	<b>Lease Term:</b>	12 Months
<b>Bedrooms:</b>	1	<b>Marketing Source:</b>	Other Online Listing
<b>Client Reference:</b>		<b>Rent/Income:</b>	80 %
<p>REGISTRY SCOREX (TM) is designed as a useful predictor tool, but is not a guarantee of the future performance of an applicant. WARNING: A person must have permissible purpose under the Fair Credit Reporting Act (FCRA; 15 U.S.C. 1681-1681y) to obtain a consumer report. The FCRA provides that any person who knowingly and willfully obtains a consumer report under false pretenses may face criminal prosecution, including fines and possible imprisonment. A consumer reporting agency may not prohibit users from disclosing the contents of the report directly to the consumer, however the FCRA under most instances does not require users to do so. It is recommended that users refer all consumer inquiries regarding the information contained in this report directly to CoreLogic SafeRent, Inc. The Federal Trade Commission has said that consumer report users must consult the relevant provisions of the FCRA for details about their obligations under the FCRA. More information about consumer report user's obligations is available at <a href="http://www.ftc.gov/credit">www.ftc.gov/credit</a>.</p>			

ARROYO000536



EXPERIAN CREDIT REPORT		May 3, 2018 12 : 22 PM	
<b>REPORT INFORMATION</b>			
<b>Property ID:</b>	M6360	<b>Phone:</b>	860-423-1283
<b>Property Name:</b>	ArtSpace Windham	<b>Fax:</b>	860-423-1285
<b>Request Date:</b>	04/26/2016	<b>Request Type:</b>	Credit
<b>Request ID:</b>	M4412515	<b>Permissible Purpose:</b>	Resident Screening
<b>Process Date:</b>	04/26/2016 10:34:01		
<b>APPLICANT INFORMATION</b>			
<b>Name:</b>	MIKHAIL ARROYO	<b>Suffix:</b>	
<b>Current Address:</b>	745 MAIN ST EAST HARTFORD, CT 06108	<b>SSN:</b>	xxx-xx-8831
<b>Drivers License#:</b>		<b>Drivers License State:</b>	

EXPERIAN CREDIT REPORT	
TNA1 GAM 1952648 ARROYO,MIKHAIL xxxxx8831;CA-745 MAIN/EAST HARTFORD CT 06108; Y-1994;T-29.....;U-ARTSPACE WINDHAM,RR-BOTH1,H-Y;V-07;PARSED;PSUM	
PAGE 1 DATE 4-26-2016 TIME 9:34:01 V901 TCTB	
*MIKAIL J ARROYO SS: xxx-xx-8831 E: DICKS SPORTING GOODS *819 DONNELLY ST RPTD: 9-14 I YORK PA 174031776 RPTD: 9-14 I LAST SUB: 3205930	
----- PROFILE SUMMARY -----	
CNT 00/00/00/02	
PUBLIC RECORDS-----0 PAST DUE AMT-----\$1,830 INQUIRIES---1 SATIS ACCTS---0	
INST/OTH BAL-----\$1,830 SCH/EST PAY------\$0 INQS/6 MO---0 NOW DEL/DRG---2	
R ESTATE BAL-----N/A R ESTATE PAY-----N/A TRADELINE---2 WAS DEL/DRG---0	
TOT REV BAL-----N/A TOT REV AVAIL-----N/A PAID ACCT---0 OLD TRADE--9-15	
----- TRADES -----	
SUBSCRIBER OPEN AMT-TYP1 AMT-TYP2 ACCTCOND PYMT STATUS	
SUB# KOB TYP TRM ECOA BALDATE BALANCE PYMT LEVEL MOS REV PYMT HISTORY	
ACCOUNT # LAST PD MONTH PAY PAST DUE MAXIMUM BY MONTH	
*PENN CREDIT CORPORATIO 11-15 \$229-0 COLLACCT	
xxxxx15 YC COL 1 1 2-04-16 \$229 2-16 ( 1) G	
Cxxxxx66002112315 \$229	
ORIGINAL CREDITOR: MEDICAL PAYMENT DATA	
*PENN CREDIT CORPORATIO 9-15 \$1,601-0 COLLACCT	
xxxxx15 YC COL 1 1 12-03-15 \$1,601 12-15 ( 1) G	
Cxxxxx66001092115 \$1,601	
ORIGINAL CREDITOR: MEDICAL PAYMENT DATA	
----- INQUIRIES -----	
WF CRD SVC 9-11-14 3205930 BC	
END -- EXPERIAN	
--- End of Experian Report ---	

ARROYO000537



<b>REGISTRYCHECK REPORT</b>		<b>May 3, 2018</b> <b>12 : 22 PM</b>	
<b>REPORT INFORMATION SECTION</b>			
<b>REPORT INFORMATION</b>			
<b>Property ID:</b>	M6360	<b>Phone:</b>	860-423-1283
<b>Property Name:</b>	ArtSpace Windham	<b>Fax:</b>	860-423-1285
<b>Request Date:</b>	04/26/2016	<b>Request Type:</b>	Landlord Tenant
<b>Request ID:</b>	M4412515	<b>Permissible Purpose:</b>	Resident Screening
<b>Process Date:</b>	04/26/2016 10:34:01		
<b>APPLICANT INFORMATION</b>			
<b>Name:</b>	MIKHAIL ARROYO	<b>Suffix:</b>	
<b>Current Address:</b>	745 MAIN ST EAST HARTFORD, CT 06108	<b>SSN:</b>	xxx-xx-8831

<b>REPORT SUMMARY</b>			
<b>Report ID:</b>	0046398130	<b>Status:</b>	Completed
<b>COURT RECORDS ON FILE</b>			
No Court Records Found			
<b>Screened BY AppALERT(SM)</b>			

WARNING: A PERSON MUST HAVE PERMISSIBLE PURPOSE UNDER THE FAIR CREDIT REPORTING ACT (FCRA) TO OBTAIN A CONSUMER REPORT. THE FCRA IMPOSES PENALTIES AGAINST ANYONE WHO KNOWINGLY AND WILLFULLY OBTAINS INFORMATION ON A CONSUMER FROM A CONSUMER REPORTING AGENCY UNDER FALSE PRETENSES, INCLUDING FINES, UP TO TWO YEARS IN PRISON OR BOTH. A CONSUMER REPORTING AGENCY MAY NOT PROHIBIT YOU FROM DISCLOSING THE CONTENTS OF THE REPORT DIRECTLY TO THE CONSUMER. IT IS RECOMMENDED THAT YOU REFER ALL INQUIRIES REGARDING THE INFORMATION CONTAINED IN THIS REPORT DIRECTLY TO THE CORELOGIC SAFERENT CONSUMER REQUEST LINE: 1-888-333-2413.

ARROYO000538



<b>MULTI-STATE CRIMINAL SEARCH REPORT</b>				<b>May 3, 2018</b>	
				<b>12 : 22 PM</b>	
<b>REPORT INFORMATION</b>					
<b>Property ID:</b>	M6360	<b>Phone:</b>	860-423-1283		
<b>Property Name:</b>	ArtSpace Windham	<b>Fax:</b>	860-423-1285		
<b>Request Date:</b>	04/26/2016	<b>Request Type:</b>	Criminal		
<b>Request ID:</b>	M4412516	<b>Permissible Purpose:</b>	Resident Screening		
<b>Process Date:</b>	04/26/2016 10:34:02				
<b>APPLICANT INFORMATION</b>					
<b>Name:</b>	MIKHAIL ARROYO	<b>Suffix:</b>			
<b>SSN:</b>	xxx-xx-8831	<b>DOB:</b>	■■■■/1994		
<b>Address:</b>	745 MAIN ST EAST HARTFORD, CT 06108	<b>Request State:</b>	**		
		<b>Request County:</b>	**		

<b>REPORT SUMMARY</b>							
<b>Report ID:</b>	0046398130		<b>Status:</b>	RECORD FOUND			
RECORD - 1 of 1			<b>Record Type:</b>	CRIMINAL COURT ACTION			
<b>Full Name:</b>	MIKHAIL JESUS ARROYO						
<b>Address:</b>	,YORK PA 17403						
<b>DOB:</b>	■■■■/1994						
<b>SSN:</b>							
<b>Jurisdiction:</b>	YORK,PA						
<b>Reporting Agency:</b>	PA AOC Supplemental						
<b>Case Number:</b>	MJ-19203-NT-0000507-2014 YORK						
<b>Other Tracking:</b>	Case#: MJ-19203-NT-0000507-2014 YORK County ODN: P95804833 Court Office Code: MDJ-19-2-03						
<b>Sex:</b>	M	<b>Race:</b>	UNKNOWN	<b>Height:</b>	<b>Weight:</b>	<b>Eye Color:</b>	<b>Hair Color:</b>
<b>Comments:</b>							
<b>Offense - 1</b>							
<b>File Date:</b>	07/18/2014						
<b>Offense:</b>	RETAIL THEFT-TAKE MDSE						
<b>Offense Severity:</b>							
<b>Disposition:</b>	CASE FILED						
<b>Disposition Date:</b>	00/00/0000						
<b>Sentence:</b>							
<b>Sentence Date:</b>	00/00/0000						
<b>Comments:</b>	Statute: 18/3929.A1 Offense Date: 20140716						
<b>COURT DISCLAIMER</b>							
<b>Administrative Office of Pennsylvania Courts Disclaimer:</b> The data or information provided is based upon information received by the Administrative Office of Pennsylvania Courts ("AOPC"). AOPC makes no representation as to the accuracy, completeness or utility, for any general or specific purpose, of the information provided and as such, assumes no liability for inaccurate or delayed data, errors or omissions. Use of this information is at your own risk. AOPC makes no representations regarding the identity of any persons whose names appear in the records. User should verify that the information is accurate and current by personally consulting the official record reposing in the court wherein the record is maintained.							
<b>REPORT DISCLAIMER</b>							

ARROYO000539



WARNING: THE ACCURATE INPUT OF NAME, SSN, DATE OF BIRTH AND ADDRESS IS REQUIRED TO IMPROVE THE RETRIEVAL OF INFORMATION RELATING TO THE APPLICANT. DUE TO THE NATURE OF PUBLIC RECORDS AND/OR THE NATURE OF THE QUERY, (I) LISTINGS ABOVE MAY NOT PERTAIN TO THE INDIVIDUAL APPLICANT IN QUESTION OR (II) THERE WILL BE INSTANCES WHERE NO CRIMINAL INFORMATION IS REPORTED WITH REGARD TO PERSONS WHO IN FACT HAVE CRIMINAL RECORDS. RECORDS ARE SELECTED ON THE BASIS OF PERSONAL IDENTIFIER(S) INFORMATION MATCH(ES) WITH THE APPLICANT (IF AND WHEN AVAILABLE). THERE IS A WIDE DIVERSITY IN THE TYPES OF CRIMINAL RECORDS MADE AVAILABLE BY VARIOUS JURISDICTIONS AND IN THE CONTENT OF SUCH RECORDS AND DUE TO THE ORGANIZATION OF CRIMINAL RECORDS AND/OR THE NATURE OF THE QUERY, THERE WILL BE INSTANCES WHERE IDENTIFYING INFORMATION APPEARS TO MATCH THE APPLICANT ON WHICH A REPORT IS SOUGHT, WHICH INFORMATION MAY NOT PERTAIN TO THE APPLICANT. YOU SHALL TAKE INDEPENDENT VERIFICATION OF THE INFORMATION CONTAINED IN THIS REPORT TO ENSURE THAT IT PERTAINS TO THE APPLICANT BEFORE YOU TAKE ANY ADVERSE ACTION AGAINST THE APPLICANT. THOUGH INFORMATION CONTAINED IN THIS REPORT IS OBTAINED FROM COURT FILES AND/OR GOVERNMENT PUBLIC RECORD SOURCES, THE ACCURACY OF SUCH INFORMATION IS NOT GUARANTEED. USE OF THIS REPORT MUST BE IN COMPLIANCE WITH YOUR SERVICE AGREEMENT WITH CORELOGIC SAFERENT, INC. ("SAFERENT"), AND OTHER APPLICABLE FEDERAL, STATE AND LOCAL LAWS, RULES, REGULATIONS, ORDINANCES AND COURT ORDERS. USERS SHOULD CONSULT WITH THEIR COUNSEL ABOUT REQUIREMENTS AND/OR LIMITATIONS, WITH REGARD TO INFORMATION CONTAINED IN THIS REPORT. WARNING: A PERSON MUST HAVE A PERMISSIBLE PURPOSE UNDER THE FAIR CREDIT REPORTING ACT ("FCRA") TO OBTAIN A CONSUMER REPORT. THE FCRA PROVIDES THAT ANY PERSON WHO KNOWINGLY AND WILLFULLY OBTAINS INFORMATION ON A CONSUMER FROM A CONSUMER REPORTING AGENCY UNDER FALSE PRETENSE SHALL BE ASSESSED CERTAIN CIVIL AND CRIMINAL PENALTIES, INCLUDING FINES AND POSSIBLE IMPRISONMENT.

ARROYO000540

JA-471



<b>CRIMSAFE REPORT</b>				<b>May 3, 2018</b>	
<b>12 : 22 PM</b>					
<b>REPORT INFORMATION</b>					
<b>Property ID:</b>	M6360	<b>Phone:</b>	860-423-1283		
<b>Property Name:</b>	ArtSpace Windham	<b>Fax:</b>	860-423-1285		
<b>Request Date:</b>	04/26/2016	<b>Request Type:</b>	CrimSAFE		
<b>Request ID:</b>	M4412515	<b>Permissible Purpose:</b>	Resident Screening		
<b>Process Date:</b>	04/26/2016 10:34:02				
<b>APPLICANT INFORMATION</b>					
<b>Name:</b>	MIKHAIL ARROYO	<b>Suffix:</b>			
<b>SSN:</b>	xxx-xx-8831	<b>DOB:</b>	■■■■/1994		
<b>Address:</b>	745 MAIN ST EAST HARTFORD, CT 06108				
<b>TRANSACTION(s) USED</b>					
<b>Request#</b>	<b>Type</b>	<b>State</b>	<b>County</b>		
M4412516	MULTISTATE	**	**		
	MSSO				

<b>CRIMSAFE RESULT</b>							
<b>BASED UPON YOUR COMMUNITY CRIMSAFE SETTINGS AND THE RESULTS OF THIS SEARCH, DISQUALIFYING RECORDS WERE FOUND. PLEASE VERIFY THE APPLICABILITY OF THESE RECORDS TO YOUR APPLICANT AND PROCEED WITH YOUR COMMUNITY'S SCREENING POLICIES.</b>							
RECORD - 1 of 1				<b>Report Type:</b>	MULTI-STATE		
<b>Request#:</b>	M4412516			<b>Record Type:</b>	CRIMINAL COURT ACTION		
<b>Record ID:</b>	1						
<b>Name:</b>	MIKHAIL JESUS ARROYO						
<b>DOB:</b>	■■■■/1994						
<b>SSN:</b>							
<b>Jurisdiction:</b>	000000033501,PA						
<b>Sex:</b>	Male	<b>Race:</b>	UNKNOWN	<b>Height:</b>	<b>Weight:</b>	<b>Eye Color:</b>	<b>Hair Color:</b>
NOTE: THE ACCURATE INPUT OF NAME, SSN, DATE OF BIRTH AND ADDRESS IS REQUIRED TO IMPROVE THE RETRIEVAL OF INFORMATION RELATING TO THE APPLICANT. A public record has been found with elements matching the information presented by your applicant. However, it is your sole responsibility to compare these elements and/or to obtain additional verification of the information provided. Though records are obtained from government public record sources, the ACCURACY OR COMPLETENESS OF THE INFORMATION IS NOT GUARANTEED. Remember, you must comply with your obligations under the federal Fair Credit Reporting Act, your Service Agreement, and the other applicable federal, state and local laws.							

ARROYO000541





# CONSUMER DISCLOSURE REQUEST FORM

EXHIBIT

28

Form CRD-001

(Please print legibly in blue or black ink)

## SECTION A: Type of Request

(Check one of the following. Refer to the Instructions on page 1, item #1-#3 for assistance.)

1. ☒ I qualify for a free copy of my consumer file because: (See item #2 of the Instructions)

Check one of the following:

- (a) ☐ I am requesting my free annual consumer file disclosure under the Fair Credit Reporting Act (FCRA).  
 (b) ☐ I reside where state laws entitle me to one or more free copies per year, and under such law, I qualify for another free copy of my consumer file. (See instructions sheet for states.)  
 (c) ☐ I have been notified of an adverse action based on information in my consumer file and have enclosed the qualifying information. (Proceed to section B)  
 (d) ☐ I suspect my file may contain fraudulent information or I may be the victim of identity theft.  
 (e) ☐ I can certify in writing that I am unemployed or currently receiving public assistance. I have enclosed the qualifying information.  
 (f) ☐ I am requesting a copy of a consumer file for a minor. (Complete All of Section C Below)

## SECTION B: Where/With Whom You Applied

(Complete this section if you checked boxes #1 and (b) above)

Housing/Employment Application Date: MAY 2016Prospective Landlord/Employer Name: ARTSPACE WindhamContact Person: Melissa Desjardins Phone Number: (860) 423-1283Street Address: 480 main st Apt 312City: WMTCT State: CT Zip: 06226

## SECTION C: Consumer Identifying Information

A legible copy of a valid and verifiable government-issued photo identification

(i.e. driver's license, passport, etc.).

Full Name: First: Mikhail Middle: J Last: ARROYOCheck one if applicable: ☐ Jr. ☐ Sr. Date of Birth: [REDACTED] 1994List Maiden or Other Names Used: NONE

Social Security or Individual Tax Identification Number (ITIN): \_\_\_\_\_

Phone Numbers: Home(\_\_\_\_\_) Work(\_\_\_\_\_) Cell (860) 420-7211

Minor's Name: First: \_\_\_\_\_ Middle: \_\_\_\_\_ Last: \_\_\_\_\_

Check if applicable: ☐ Jr. Date of Birth: \_\_\_\_\_

Social Security or Individual Tax Identification Number (ITIN): \_\_\_\_\_

List all addresses where you have resided over the past seven years: (Information will be mailed to current address).  
 If your current address is different from the address listed on your photo ID, please include a recent tax bill, or utility bill for proof of address (i.e. phone bill, cable bill, electric bill etc.).

1. Current Street Address: 745 main st (Riverside Rehab Center) Apt.#: \_\_\_\_\_City: East Hartford State: CT Zip: 06108

(Form continues on next page)



2. Previous Street Address: 24 Carey St Apt.#: 1<sup>st</sup> Floor  
 City: Ham Willimantic State: CT Zip: 06226

3. Previous Street Address: 574 Ashford Center Apt.#: \_\_\_\_\_  
 City: Ashford State: CT Zip: 06278

4. Previous Street Address: \_\_\_\_\_ Apt.#: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

5. Previous Street Address: \_\_\_\_\_ Apt.#: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

6. Previous Street Address: \_\_\_\_\_ Apt.#: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

7. Previous Street Address: \_\_\_\_\_ Apt.#: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

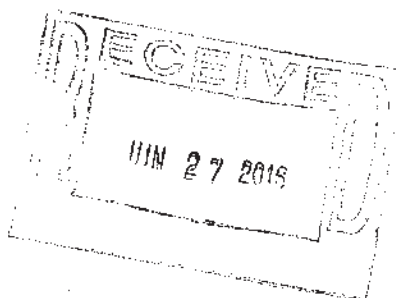
BY SUBMITTING THIS FORM, I AGREE THAT I AM THE PERSON NAMED ABOVE AND I UNDERSTAND THAT IT MAY BE A VIOLATION OF FEDERAL AND/OR STATE LAW TO OBTAIN A CONSUMER REPORT ON ANY PERSON OTHER THAN MYSELF, AND THAT UNDER THE FAIR CREDIT REPORTING ACT, ANY PERSON WHO KNOWINGLY AND WILLFULLY OBTAINS INFORMATION ON A CONSUMER FROM A CONSUMER REPORTING AGENCY UNDER FALSE PRETENSES SHALL BE FINED UNDER TITLE 18, UNITED STATES CODE, IMPRISONED FOR NOT MORE THAN 2 YEARS, OR BOTH.

I swear, under penalty of law, that to the best of my knowledge, the information provided above is true and correct.

Printed Name: Mikhail J Arroyo

Signature: \_\_\_\_\_ Date: 6/14/2016

Carmen m Arroyo (mother of mikhail J. Arroyo)





FIDUCIARY'S PROBATE  
CERTIFICATE/CONSERVATORSHIP  
PC-450C REV. 10/14

STATE OF CONNECTICUT  
COURT OF PROBATE

COURT OF PROBATE, Windham - Colchester Probate District		DISTRICT NO. PD28
ESTATE OF/IN THE MATTER OF  Mikhail J. Arroyo (15-00319)		DATE OF CERTIFICATE  August 13, 2015
FIDUCIARY'S NAME AND ADDRESS Michael Arroyo, CMR 450, Box 585, APO., AE 09705	FIDUCIARY'S POSITION OF TRUST Co Conservator of person and estate	DATE OF APPOINTMENT August 12, 2015
Carmen Arroyo, P.O. Box 900, Willimantic, CT 06226	Co Conservator of person and estate	August 12, 2015

*The undersigned hereby certifies that the fiduciary in the above-named matter has accepted appointment, is legally authorized and qualified to act as such fiduciary, and the appointment is unrevoked and in full force as of the above date of certificate.*

This certificate is valid for one year from the date of the certificate.

*Limitation, if any, on the above certificate:*

The Court assigns the conservator(s) of the person the following duties and authorities that are the least restrictive means of intervention necessary to meet the needs of the conserved person:

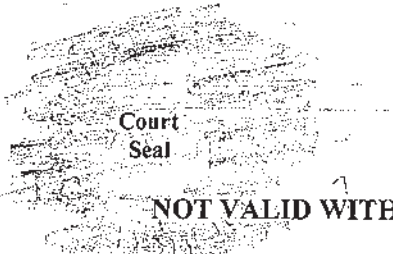
1. Make decisions regarding general custody of the conserved person;
2. Establish the conserved person's residence within the state, subject to the provisions of C.G.S. §45a-656b
3. Give consent for the conserved person's medical and other professional care, counsel, treatment or services; and
4. Provide for the care, comfort and maintenance of the conserved person

CONSERVATOR OF ESTATE:

1. Manage the estate, property and finances of the of the conserved person (includes banking transactions), including but not limited to, the authority to collect and receive all funds and benefits to which the conserved person is entitled to, such as by way of example, but not limited to Social Security benefits and any other governmental benefits and income and/or distributions in any form to which the conserved person may be entitled to receive from time to time;
2. Apply the estate of the conserved person to support the conserved person;
3. Pay legal debts and obligations of the conserved person; and
4. Apply for such benefits as the conserved person may be entitled to, including but not limited to, disability, Title XIX, Social Security and other similar governmental benefits or governmental programs, if she is not already receiving said benefits or programs, and to take whatever action is necessary to maintain such benefits and/or programs.

The conservator of the person shall immediately determine whether the conserved person owns or has access to firearms, ammunition or electronic defense weapons, and take immediate steps to secure them.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of this court on the above date of certificate.



*Kelley J. Clairmont*  
Kelley J. Clairmont, Chief Clerk

NOT VALID WITHOUT COURT OF PROBATE SEAL IMPRESSED

ARROYO000577

FIDUCIARY'S PROBATE CERTIFICATE/CONSERVATORSHIP

PC-450C

JA-475



**Pennsylvania**  
visitPA.com

**DRIVER'S LICENSE**

No: 31 837 165 Dups: 00  
MIKAIL JESUS ARROYO  
819 DONNELLY ST  
YORK PA 17403

Issued: 09/03/2014 DOB: [REDACTED] 1994  
Expires: 02/16/2018

**UNDER 21 until 2016**

Class: C  
Endorse: [REDACTED]  
Com/Med Rstr: [REDACTED]  
Sex: M Eyes: BRO  
Height: 6'01"

**DL**

ORGAN DONOR

ARROYO000578





ARROYO000579

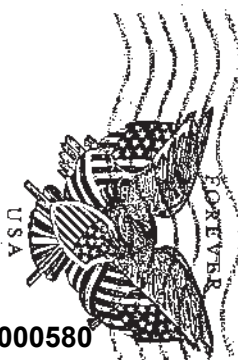


Mikhail Arroyo  
Carmen Arroyo  
480 Main St Apt 312  
WUte CT 06226

Core Logic Safe Rnt  
P.O. Box 509124  
San Diego, CA 92150

RECEIVED  
JUN 27 2016

HARTFORD CT 061  
02 JUN 2016 PM 4:1

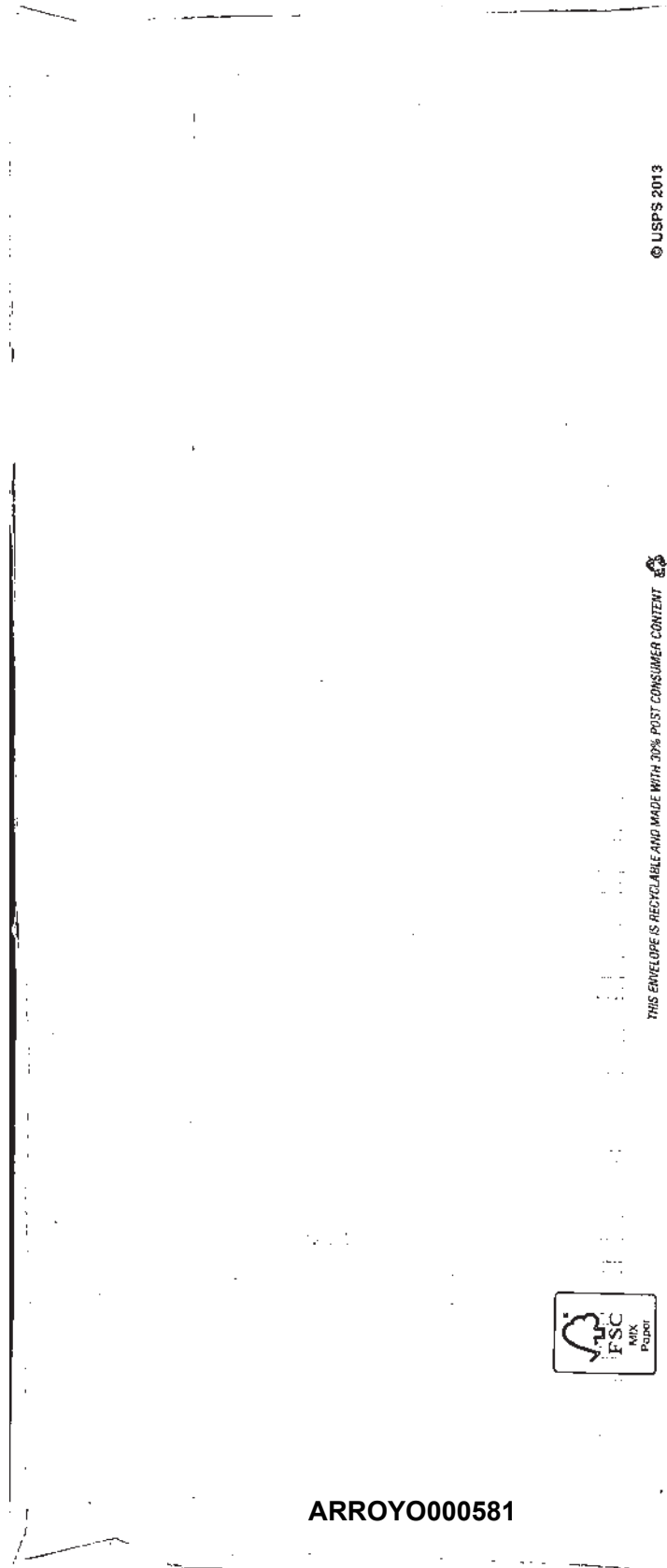


ARROYO000580

92150-912424









Safe Rent

Page 6 of 6

Mikhail Arroyo

ADVERSE ACTION LETTERDear Mikhail Arroyo, xxx-xx-8831:Thank you for your recent application for ArtSpace Wintham.

At this time we are unable to approve your application.

This adverse action has been taken in accordance with the requirements of the federal Fair Credit Reporting Act, 15 U.S.C. 1681m(a).

This decision was based on:

☒ Information contained in consumer report(s) obtained from or through CoreLogic SafeRent, LLC, which may include credit or consumer information from one or more credit bureaus or consumer reporting agencies.

CoreLogic SafeRent, LLC can be reached at: Consumer Relations P.O. Box 509124 San Diego, CA 92150. By phone: (888) 333-2413.

☐ Information obtained from a source other than a consumer reporting agency. (You have the right to disclosure of the nature of this information, upon your furnishing proper identification, if you make a written request to us within 60 days of receiving this letter.)

☐ Other: \_\_\_\_\_

In evaluating your application, information obtained from or through CoreLogic SafeRent, LLC, which may include credit information or consumer information from one or more of the credit bureaus or consumer reporting agencies, may have influenced our decision in whole or in part. These consumer-reporting agencies and/or credit bureaus did not make the decision to take adverse action and are unable to provide specific reasons why adverse action was taken.

YOU HAVE CERTAIN RIGHTS UNDER FEDERAL AND STATE LAW WITH RESPECT TO YOUR CONSUMER REPORT. IF ANY PERSON TAKES ADVERSE ACTION BASED IN WHOLE OR IN PART ON ANY INFORMATION CONTAINED IN A CONSUMER REPORT OR CREDIT REPORT, YOU HAVE THE RIGHT TO A DISCLOSURE OF THE INFORMATION IN YOUR CONSUMER FILE FROM THE AGENCY THAT PROVIDED SUCH INFORMATION, IF YOU MAKE A WRITTEN REQUEST TO THEM AND UPON YOUR PROPER IDENTIFICATION WITHIN 60 DAYS OF RECEIVING THIS DENIAL. THE FEDERAL FAIR CREDIT REPORTING ACT ALSO PROVIDES THAT YOU ARE ENTITLED TO OBTAIN FROM ANY NATIONWIDE CREDIT REPORTING AGENCY OR CREDIT BUREAU A FREE COPY OF YOUR REPORT IN ANY TWELVE MONTH PERIOD. YOU HAVE THE RIGHT TO DIRECTLY DISPUTE WITH THE CONSUMER REPORTING AGENCY AND/OR CREDIT BUREAU THE ACCURACY AND COMPLETENESS OF ANY INFORMATION FURNISHED BY THAT AGENCY OR BUREAU AND TO PROVIDE A CONSUMER STATEMENT DESCRIBING YOUR POSITION IF YOU DISPUTE THE INFORMATION IN YOUR CONSUMER FILE. IF YOU BELIEVE THE INFORMATION IN YOUR CONSUMER FILE IS INACCURATE OR INCOMPLETE, YOU MAY CALL CORELOGIC SAFERENT, LLC CONSUMER RELATIONS DEPARTMENT AT (888) 333-2413. CORELOGIC SAFERENT, LLC WILL INITIATE THE REINVESTIGATION OF ANY DISPUTED INFORMATION OBTAINED THROUGH THEM AND WILL REINVESTIGATE ANY DISPUTED INFORMATION OBTAINED FROM THEIR DATABASE.



EXHIBIT

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ARROYO000641

<https://www.residentscreening.net/rsn/default.aspx?allreports=46398130&reports=463981...> 4/26/2016

JA-480



## Lease Decision

## Report Information

Transaction No. 0046398130

Property  
MS360 - ArtSpace Windham - Willimantic CT 06226

Performed by MELISSACURRY

Performed on Tuesday April 26, 2016 / 10:33:58 EST

Your community's decision for this transaction appears below based on your management company's established decision points for applicant approval to your community. Direct questions regarding these criteria to your management company.

## LEASE DECISION

ALERT: Review alerts for the applicant(s) listed below.



## SCORE DECISION

ACCEPT WITH CONDITIONS

## CRIM DECISION

## Record(s) Found

Please verify the applicability of these records to your applicant and proceed with your community's screening policies.



Decision Message - Applicant letter regarding credit history. Proof of payment arrangements to creditors (not medical).

## Screening Details

## Applicant

## Applicant Information

Applicant Name: MIKHAIL ARROYO

Monthly Income \$1000

Phone 0000000000

Current Address  
745 MAIN ST. EAST HARTFORD CT 06108

SSN: \*\*\*-\*\*-8831

DOB [REDACTED] 1994

Email

Previous Address

## Lease Information

ARROYO000642



## Safe Rent

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Monthly Rent \$800

Total Income \$1000/month

Bed Rooms 1

Marketing Source Other Online Listing

Security Deposit \$800

Lease Term 12 Months

Client Reference

## Reports

The following services were used for all applicants in this transaction:

RegistrySCOREXCompleteRegistryCHECKCompleteCrimSAFE - Search ReportRecord FoundCredit Report Address Information

Experian CreditComplete

Multi-state Criminal SearchRecord Found

## Letters

Adverse Action

## Alerts (1)

Credit Alert:

The information reported by the selected credit bureau shows that the credit file for this applicant is less than three years old.

## Messages (3)

• Scanned by AppALERT.

• Prior to making leasing decision, always check criminal results.

• This applicant has been screened through the MSSO Search. Sex Offender registrant information is derived from the same state hosted Sex Offender database registries accessible through the department of justice DRU SJOORH website. Results associated with this, will reflect on CrimSAFE report.



## REGISTRYSCOREX REPORT

April 26, 2016

10:34 AM

## REPORT INFORMATION

Transaction No:	0046398130	Performed By:	MELISSACURRY
Performed On:	Tuesday April 26, 2016 / 10:34:2 EST	Property:	M6360 - ArtSpace Windham
Request ID:	M4412515		

## APPLICANT INFORMATION

Name:	MICHAEL ARROYO	SSN:	***-**-8831
Monthly Income:	\$1000	DOB:	██████ 1994
Phone:	0000000000	Email:	
Current Address:	745 MAIN ST, EAST HARTFORD CT 06108	Previous Address:	

## YOUR COMMUNITY'S DECISION

Applicant Decision: ACCEPT WITH CONDITIONS - 145

Applicant letter regarding credit history, proof of payment arrangements to creditors (not medical).

YOUR MANAGEMENT COMPANY ESTABLISHES CRITERIA (DECISION POINTS) APPROPRIATE FOR APPROVAL OF APPLICANTS TO YOUR COMMUNITY. QUESTIONS REGARDING THESE CRITERIA SHOULD BE DIRECTED TO YOUR MANAGEMENT COMPANY.

## ALERT INFORMATION

Refer to your management company's policy for handling of specific alerts.

Credit Alert: The information reported by the selected credit bureau shows that the credit file for this applicant is less than three years old.

## SCORE ATTRIBUTE

If improved, the following items could positively impact this applicant's score.

\*\* Credit

\*\* Application Data

## LEASE INFORMATION

Monthly Rent:	\$800	Security Deposit:	\$800
Total Income:	\$1000	Lease Term:	12 Months
Bedrooms:	1	Marketing Source:	Other Online Listing
Client Reference:		Rent/Income:	80 %

REGISTRY SCOREX (TM) is designed as a useful predictor tool, but is not a guarantee of the future performance of an applicant. WARNING: A person must have permissible purpose under the Fair Credit Reporting Act (FCRA; 15 U.S.C. 1681-1681y) to obtain a consumer report. The FCRA provides that any person who knowingly and willfully obtains a consumer report under false pretenses may face criminal prosecution, including fines and possible imprisonment. A consumer reporting agency may not prohibit users from disclosing the contents of the report directly to the consumer, however the FCRA under most instances does not require users to do so. It is recommended that users refer all consumer inquiries regarding the information contained in this report directly to CoreLogic SafeRent, Inc. The Federal Trade Commission has said that consumer report users must consult the relevant provisions of the FCRA for details about their obligations under the FCRA. More information about consumer report user's obligations is available at [www.ftc.gov/credit](http://www.ftc.gov/credit).

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<https://www.residentscreening.net/rsn/default.aspx?allreports=46398130&reports=463981...> 4/26/2016



## Safe Rent

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## CRIMSAFE REPORT

April 26, 2016

10:34 AM

## REPORT INFORMATION

Property ID:	M6360	Phone:	860-423-1283
Property Name:	ArtSpace Windham	Fax:	860-423-1285
Request Date:	04/26/2016	Request Type:	Crimsafe
Request ID:	M4412516	Permissible Purpose:	Resident Screening
Process Date:	04/26/2016 10:34:03		

## APPLICANT INFORMATION

Name:	MICHAEL ARROYO	Suffix:	
SSN:	xxx-xx-8831	DOB:	1994
Address:	745 MAIN ST EAST HARTFORD, CT 06108		

## TRANSACTION(S) USED

Request#	Type	State	County
M4412516	MULTISTATE	++	++
	MISO		

## CRIMSAFE RESULT

BASED UPON YOUR COMMUNITY CRIMSAFE SETTINGS AND THE RESULTS OF THIS SEARCH, DISQUALIFYING RECORDS WERE FOUND. PLEASE VERIFY THE APPLICABILITY OF THESE RECORDS TO YOUR APPLICANT AND PROCEED WITH YOUR COMMUNITY'S SCREENING POLICIES.

RECORD - 1 of 1

Request#:	M4412516	Report Type:	MULTI-STATE
Record ID:	1	Record Type:	CRIMINAL COURT ACTION
Name:	MICHAEL JESUS ARROYO		
DOB:	1994		
SSN:			
Jurisdiction:	000000033501,PA		
Sex:	Male	Race:	UNKNOWN
		Height:	
		Weight:	
		Eye Color:	
		Hair Color:	

NOTE: THE ACCURATE INPUT OF NAME, SSN, DATE OF BIRTH AND ADDRESS IS REQUIRED TO IMPROVE THE RETRIEVAL OF INFORMATION RELATING TO THE APPLICANT. A public record has been found with elements matching the information presented by your applicant. However, it is your sole responsibility to compare these elements and/or to obtain additional verification of the information provided. Though records are obtained from government public record sources, the ACCURACY OR COMPLETENESS OF THE INFORMATION IS NOT GUARANTEED. Remember, you must comply with your obligations under the federal Fair Credit Reporting Act, your Service Agreement, and the other applicable federal, state and local laws.

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<https://www.residentscreening.net/rsn/default.aspx?allreports=46398130&reports=463981...> 4/26/2016

JA-484



Safe Rent

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EXHIBIT

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**CoreLogic** Rental Property Solutions  
MCS60 - ArtSpace Winthrop Melissa Curry

### Lease Recommendation

Report Information

Transaction No: 0040381100 Performed by: MELISSA CURRY  
Property: MCS60 Performed on: Tuesday, April 23, 2019 7:10:00 PM EDT  
ArtSpace Winthrop  
Winthrop CT 06095

Your community is looking for the applicant(s) listed below based on your management company's established selection period for applicant approval to your community. Check questions regarding these choices to your management company.

[Open All](#) [Close All](#)

#### LEASE RECOMMENDATION

**ADVIS:** Review and act for the appropriate role(s).

**ADVIS (1)**

**ADVIS (1)** - The information reported by the selected credit bureau shows that the subject for this applicant's last credit check paid on time.

**Message (3)**

- Scanned by AppLift.
- Not to making leasing decision, avoid other criminal records.
- This applicant has been entered through the MCS60 Security App Officer's applicant information is derived from the same source listed in Officer database regarding economic through the department of Justice DOJ (DOJ) website. Results associated with this information on (Credit) report.

**SCORE RECOMMENDATIONS**

**ACCEPT WITH CONDITIONS**

**Decision Message** - Applicant status regarding credit history. Proof of payment arrangements not needed.

**SCREENING RECOMMENDATIONS**

**Records Found**

Based upon your community (Credit) settings and the results of this search, disqualifying records were found. Please verify the appropriateness of these records to your applicant and proceed with your community's screening process.

#### Screening Details

**Applicant**

**Applicant Information**

Applicant Name: ARROYO, ARROYO DOB: 04/14/1981  
Monthly Income: \$1800 DOB: 04/14/1981  
Phone: 0000000000 Email: [REDACTED]  
Current Address: 740 WALK ST, EAST HARTFORD CT 06108 Previous Address:

**Lease Information**

Monthly Rent: \$800 Security Deposit: \$800  
Total Income: \$1800/month Lease Term: 12 Months  
Bed Rooms: 1 Monthly Amount: \$  
Marketing Source: Zillow (Online Listing) Client Reference:

**Reports** [View Reports](#) [View Reports](#)

The following services were used in this transaction:

- ☒ AgencyCHECK Complete
- ☒ AgencyCHECK Complete
- ☒ Credit - Screen Report Report Found
- ☒ Credit Report Address Information
- ☒ Superior Credit Complete
- ☒ Multi-state Criminal Search Report Found

**Letters** [View Letters](#) [View Letters](#)

☒ Answered Action

**Custom Letters and Documents**

☒ Custom letters and documents

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