

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 547

(Senator Pugh, *et al.*)

Education, Health, and Environmental Affairs

Environment and Transportation

Ex-Offenders Recidivism Reduction Act

This bill requires a public housing authority, to the maximum extent practicable, to provide access to public housing for ex-offenders. Unless the authority is required to deny eligibility under federal law, or the specific circumstances of the individual's conduct demonstrate that denying eligibility is necessary to protect the safety of other tenants, an authority must avoid denying eligibility for public housing to an individual based on (1) an arrest or criminal charge that did not result in a conviction; (2) a misdemeanor conviction if more than 18 months have passed since the later of the conviction date or the incarceration release date; or (3) a felony conviction if more than three years have passed since the later of the conviction date or the incarceration release date.

The bill also requires a public housing authority to develop clear, publicly accessible guidance regarding what types of criminal history information it will consider, including how the information will be evaluated, in determining eligibility for tenants.

Fiscal Summary

State Effect: State finances are not materially affected.

Local Effect: The bill does not materially affect local government finances.

Small Business Effect: Minimal or none.

Analysis

Current Law: State law authorizes local housing authorities to, without regard to location:

- administer rent subsidy payments and housing assistance programs for both eligible landlords and tenants;
- own or manage housing projects in operation before January 1, 1990; and
- develop, own, or operate a housing project at the request of and within the territorial boundaries of another political subdivision.

For housing authority programs that are State or federally funded, an individual or family qualifies for assistance if they meet the income requirements of the State or federal program involved. For other projects, eligibility is subject to the authority's determination of whether the individual or family lacks sufficient income or assets without financial assistance to purchase or rent decent, safe, and sanitary housing without overcrowding.

Housing discrimination because of race, sex, color, religion, national origin, marital status, familial status, sexual orientation, gender identity, or disability is prohibited. Provisions prohibiting housing discrimination do not require that a dwelling be made available to an individual with prior criminal offenses.

A person claiming to have been injured by a discriminatory housing practice may file a complaint with the Maryland Commission on Civil Rights or file a civil action in circuit court. If an administrative law judge (ALJ) finds that the respondent has engaged in a discriminatory housing practice, the ALJ may order appropriate relief, including actual damages and injunctive or other relief, and may assess a civil penalty against the respondent. A court may award actual or punitive damages, grant injunctive relief, and allow reasonable attorney's fees and costs.

Additional Information

Prior Introductions: None.

Cross File: HB 1151 (Delegate McCray, *et al.*) - Environment and Transportation.

Information Source(s): Maryland Commission on Civil Rights; Baltimore City; Baltimore, Charles, Frederick, and Montgomery counties; Department of Housing and Community Development; Department of Public Safety and Correctional Services; Department of Legislative Services

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