

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

Senate Bill 937

(Senator Henson)

Judicial Proceedings

Economic Matters

**Landlord and Tenant - Residential Leases - Prospective Tenant Criminal History
Records Check (Maryland Fair Chance Housing Act)**

This bill generally establishes certain restrictions on a landlord's use of a prospective tenant's criminal history records, in addition to other prohibitions. In general, the bill's provisions apply only to a landlord that manages or owns five or more residential rental units in the State. Violators of the bill's provisions are subject to a civil penalty of up to \$500 for each violation. The bill's provisions preempt and supersede any local law or ordinance comparable in subject matter. The Department of Housing and Community Development (DHCD) must adopt regulations to carry out the bill's provisions and develop a model notice document for use by landlords, as specified.

Fiscal Summary

State Effect: The bill, including its penalty provisions, is not anticipated to have a material impact on State finances or operations.

Local Effect: The bill does not have a material impact on local government finances or operations.

Small Business Effect: Meaningful.

Analysis

Bill Summary:

Definitions

A “conditional offer” is an offer to lease residential property to a prospective tenant, contingent upon a subsequent inquiry into the prospective tenant’s criminal history.

Application

The bill’s provisions apply only to a landlord that manages or owns five or more residential rental units in the State, including any residential rental units that the landlord owns or controls (1) in whole or in part; (2) directly or indirectly; or (3) through one or more legal entities. The bill’s provisions do not apply to owner-occupied residential rental units.

Tenant History and Records Check – Generally

The bill prohibits a landlord from (1) requiring a prospective tenant to submit to a drug or alcohol test or (2) requesting or requiring a prospective tenant to consent to the release of information about the individual from a program for the prevention and treatment of substance use disorders.

A landlord that conducts a criminal history records check (CHRC) must do so for every prospective tenant. Before accepting an application fee, a landlord must provide a prospective tenant with written notice regarding the use of criminal history in leasing decisions. This notice must include a statement that a conviction for specified crimes may be considered only after a conditional offer is extended. The landlord must also provide the prospective tenant with information on the ability of the prospective tenant to provide evidence of inaccuracies in the criminal history records, evidence of rehabilitation, and any mitigating factors. Additionally, the landlord must notify the prospective tenant that an individualized assessment will be conducted.

Conditional Offer and Review

Before extending a conditional offer to a prospective tenant, a landlord is prohibited from (1) requesting or requiring the prospective tenant to disclose in a housing application whether the tenant has a criminal history or has been accused of or charged with any crimes or (2) making any inquiry regarding the prospective tenant’s criminal history. However, before extending a conditional offer, a landlord may require information on, and may reject a prospective tenant’s application on the ground of, whether a prospective tenant has been convicted of:

- manufacturing, distributing, dispensing, or producing methamphetamine on the premises of federally assisted housing (for a tenancy in federally assisted housing);
- a sexual offense under Title 3, Subtitle 3 of the Criminal Law Article;
- child pornography under Criminal Law § 11-207;
- first-degree murder (Criminal Law § 2-201);
- second-degree murder (Criminal Law § 2-204); or
- human trafficking under Criminal Law § 3-1102.

A landlord may also require information on (and reject an application based on) whether the prospective tenant (1) is subject to a lifetime registration requirement under a state sex offender registration program; (2) has ever been subject to a registration requirement under a state or federal sex offender registration program; or (3) has ever been convicted in another state or federal court of a crime with the same criminal elements as a crime listed above.

In response to the results of a CHRC, a prospective tenant may provide, and a landlord must then consider, evidence of (1) any inaccuracies in the prospective tenant's criminal history records; (2) rehabilitation; and (3) any other mitigating factors.

After extending a conditional offer to a prospective tenant, a landlord may conduct a CHRC and consider (1) any felony conviction under the Criminal Law Article if the conviction occurred within five years immediately preceding the rental application; (2) any convictions listed above that the prospective tenant did not previously disclose as potential grounds for withdrawing the offer; or (3) any conviction in another state court or federal court of a crime with the same elements as a felony in the State, if the conviction occurred within five years immediately preceding the rental application.

A landlord may withdraw a conditional offer based on a prospective tenant's CHRC only if the landlord determines the withdrawal is necessary to protect a substantial, legitimate, and nondiscriminatory interest. If a landlord withdraws a conditional offer, the landlord is required to provide the prospective tenant with written notice that includes the specific reason for the withdrawal and a statement that the prospective tenant may request a reassessment of the withdrawal by providing specified evidence, signed under the penalty of perjury, to the landlord.

A landlord's reassessment of a rental application after a prospective tenant's request for reassessment must consider (1) the nature and severity of the offense; (2) the applicant's age at the time of the offense; (3) the time elapsed since the offense; (4) evidence of rehabilitation and good conduct; (5) the degree to which a recurrence of the offense would negatively impact the safety or property of other tenants; and (6) whether the offense occurred on the property previously rented or leased by the prospective tenant.

Within 30 days of receiving notice of a conditional offer's withdrawal, the prospective tenant may request a copy of all information the landlord considered, including criminal history records. The landlord must reply within 10 days to a timely request.

Additional Provisions Regarding Landlords and the Use of Criminal History Records

Unless required by federal law, landlords are prohibited from knowingly or intentionally publishing (or causing to be published) any advertisement that expressly states a policy of excluding prospective tenants based on arrest or conviction records. Additional prohibitions are specified in the bill, including, unless required by federal law, using a prospective tenant's criminal history for a purpose inconsistent with the bill.

A landlord's decision regarding the leasing of a residential dwelling unit, whether based on an individual's criminal history or the absence of a CHRC, may not constitute grounds for legal action against the landlord.

Office of Tenant and Landlord Affairs

The bill requires the Office of Tenant and Landlord Affairs within DHCD to develop and publish on its website a model notice for landlords. This model notice must include:

- language for advising prospective tenants of a conditional offer withdrawal or adverse housing action taken based on criminal history; and
- language that informs prospective tenants of the right to (1) request a copy of all information relied upon by the landlord (including criminal history records) and (2) file a complaint under the Maryland Consumer Protection Act.

Current Law: Pursuant to §8-218 of the Real Property Article, a “reusable tenant screening report” is a report prepared within the previous 30 days by a consumer reporting agency at the request and expense of a prospective tenant and made directly available to a prospective landlord at no charge for use during the rental application process. A reusable tenant screening report must contain specified information, including – for each jurisdiction indicated as a prior residence of the prospective tenant, regardless of whether the residence is reported by the prospective tenant or by a consumer reporting agency preparing a consumer report – a comprehensive CHRC for all federal, state, and local charges against and convictions of the prospective tenant over the previous seven years.

Small Business Effect: The bill may have a meaningful impact on small business landlords who are prohibited from taking specified actions and subject to certain penalties if noncompliant.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See SB 514 of 2025.

Designated Cross File: None.

Information Source(s): Office of the Attorney General (Consumer Protection Division); Judiciary (Administrative Office of the Courts); Department of Housing and Community Development; Department of Legislative Services

Fiscal Note History: First Reader - March 8, 2026
caw/jkb Third Reader - March 30, 2026
Revised - Amendment(s) - March 30, 2026
Enrolled - May 7, 2026
Revised - Amendment(s) - May 7, 2026

Analysis by: Donovan A. Ham

Direct Inquiries to:
(410) 946-5510
(301) 970-5510