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SB0635 – Landlords and Prospective Tenants – Residential Leases – Criminal History Review (Maryland Fair Chance in Housing Act)

**Hearing before the Senate Judicial Proceedings Committee,
March 7th at 1:00 pm**

Position: SUPPORT (FAV)

Disability Rights Maryland (DRM) is the federally-appointed Protection & Advocacy agency in Maryland mandated to advance the civil rights of people with disabilities. One of DRM's goals is to end the unnecessary segregation and institutionalization of Marylanders with disabilities. To achieve this goal, DRM's Housing Unit works to expand opportunities for Marylanders with disabilities to be part of their communities and to live in affordable and accessible housing. This includes representing persons with disabilities in eviction proceedings to prevent unnecessary homelessness and institutionalization.

As a member of the Renters United Maryland Coalition, DRM strongly urges the Committee to pass Senate Bill 635 with the amendments proposed by our coalition partners, specifically requiring *definition of "criminal record"* to ensure alignment with the due process protections afforded by the Fair Housing Act and relevant HUD guidance prohibiting denial of housing based on arrest records alone, requiring landlords make an initial *conditional offer* of housing before reviewing an individual's records, limiting the scope of criminal records that can be reviewed to *3 years*, and then requiring an *individualized assessment* of the circumstances surrounding the individual's criminal record before determining whether to revoke the conditional offer of housing. We believe that with these amendments, SB 635 would decrease the potential for housing discrimination against renters with disabilities in the housing search, application process, and throughout their tenancies.

DRM supports Senate Bill 635 with amendments because it would increase housing opportunities and decrease the potential for housing discrimination for all renters, but especially renters with disabilities with criminal histories who already face numerous barriers to accessing safe, affordable, accessible housing.¹ The treatment of people with behavioral health disabilities, especially by law enforcement, results in incongruent rates of criminal legal system involvement. People with disabilities are overrepresented at all stages of the criminal legal system— while only 15% of the general U.S. population is estimated to be disabled, people with disabilities make up 40% of all people currently experiencing incarceration in the United States, and 23% of people

¹ EQUAL RIGHTS CENTER, DISCONNECTED: HOUSING DISCRIMINATION AGAINST THE DEAF AND HARD OF HEARING (2012), available at <https://deldhub.gacec.delaware.gov/pdf/Disconnected.pdf>; UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, OFFICE OF POLICY DEVELOPMENT AND RESEARCH, RENTAL HOUSING DISCRIMINATION ON THE BASIS OF MENTAL DISABILITIES: RESULTS

on probation or parole.² It is estimated that upwards of 50% of Black people with disabilities in the United States will be arrested before they reach age 28.³ By limiting landlords' ability to require prospective renters to disclose past criminal legal system involvement prior to making a conditional offer of housing, SB 635 would promote housing opportunity and housing security for renters with disabilities who may have previous interactions with law enforcement.

In addition to eviction prevention work, DRM attorneys and advocates assist clients with housing searches. The lack of housing options for low-income people is staggering; naturally, those with conviction histories are in no position to compete for such a limited resource. SB 635 would provide necessary protection to vulnerable renters, including tenants with disabilities, who are disproportionately forced into living in substandard conditions due to their lower-incomes and exclusion from the labor market.⁴ Increasing access to decent, safe and affordable housing for people with conviction histories will go a long way to ensuring that those with behavioral health or mental health disabilities have the opportunity to be fully integrated into all aspects of the community, and, thus, to enjoy a healthier and better quality of life.

Disability Rights Maryland is a member of the Renters United Maryland coalition and asks that the Committee **issue a report of FAVORABLE WITH AMENDMENTS on SB 0635**. If you have any questions, please contact: E.V. Yost, evy@DisabilityRightsMD.org.

² PRISON POLICY INITIATIVE, CHRONIC PUNISHMENT: THE UNMET HEALTH NEEDS OF PEOPLE IN STATE PRISONS, (June 2022) available at <https://www.prisonpolicy.org/reports/chronicpunishment.html#disability>; PRISON POLICY INITIATIVE, MORTALITY, HEALTH, AND POVERTY: THE UNMET NEEDS OF PEOPLE ON PROBATION AND PAROLE (April 2023) available at https://www.prisonpolicy.org/blog/2023/04/03/nsduh_probation_parole/.

³ CENTER FOR AMERICAN PROGRESS, UNDERSTANDING THE POLICING OF BLACK, DISABLED BODIES (Feb. 10, 2021) available at: <https://www.americanprogress.org/article/understanding-policing-black-disabled-bodies/>.

⁴ There is no jurisdiction in Maryland in which a person with a disability receiving SSI benefits can rent a one bedroom unit. Technical Assistance Collaborative, Priced Out: The Housing Crisis for People with Disabilities (2021), <http://www.tacinc.org/knowledge-resources/priced-out-v2/>. Maximum SSI payments increased to \$943/month in 2024.