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Judicial Proceedings Committee



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

March 7th, 2024

The Maryland State Senate Judicial Proceedings Committee
The Honorable William C. Smith, Jr.
2 East Miller Senate Building
Annapolis, Maryland 21401

Re: Senate Bill 635: *Landlords and Prospective Tenants - Residential Leases - Criminal History Review (Maryland Fair Chance in Housing Act)*

Dear Chairman Smith and Members of the Committee,

Senate Bill 635 prohibits landlords from reviewing a prospective tenant's criminal history dating back beyond three years. The bill also provides that landlords cannot request a third party vendor to provide criminal history dating back more than three years.

The bill also states that a landlord may not require a prospective tenant to disclose any criminal history except for information about any requirement that the prospective tenant must register as a sex offender, no matter how long ago such a requirement was imposed

Along the same lines, SB 635 prohibits a landlord from publishing oral or written statements that would reasonably discourage a prospective tenant with a criminal history from applying for a lease. Finally, the bill requires the landlord who denies the lease application of a prospective tenant to provide the applicant with documentation explaining why the application was denied.

A landlord can legally base a denial of a prospective tenant's lease application on one or more of any number of factors. The premise of this bill is that while it is reasonable for a landlord to worry that a person recently released from prison might cause trouble in the landlord's rental facility and decline to offer that prospective tenant a lease, after three years, the fact that a prospective tenant was incarcerated many years ago should not impede the person's interest in renting a unit in the landlord's property.

I appreciate that certain landlord organizations have asked for amendments to this bill. I will be preparing an amendment to the bill that adds to the sex registry exception additional exceptions for convictions for rape, arson and malicious burning. The amendment will add language stating that a landlord that complies with the requirements of this bill may not be held liable in a civil action for failing to review the criminal history of a prospective tenant or for leasing to a tenant with a criminal history. Finally, the amendment will provide that the notification to the prospective tenant of the denial of an application may be transmitted electronically,

I appreciate the Committee's consideration of Senate Bill 635 and will be happy to answer any questions the Committee may have.