



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

**Position: Unfavorable**

The Maryland REALTORS® oppose SB 635 which would limit the ability of housing providers and property managers to review the criminal history of prospective tenants.

Under the bill, housing providers would be prohibited from reviewing a prospective tenant's criminal history dating back more than three years. The legislation also prevents housing providers from requiring a prospective tenant to detail their criminal history in the rental application.

With guidance from the United States Department of Housing and Urban Development (HUD) it is clear that a person's criminal history cannot be used to automatically disqualify a prospective tenant but can be used as part of an overall assessment of the tenant. The REALTORS® believe the current time limit of 7 years is a good balance between shielding information that is less likely to impact the property or other tenants, and information that should be considered more closely.

HUD guidance makes clear that all crimes are not equal when considering a tenant's history and advises housing providers and property managers to:

- Have clear, specific reasoning for considering criminal history
- Exclude only individuals that present a demonstrable risk
- Consider the nature and severity of an individual's conviction
- Apply the policy uniformly

Having more information on a person's conviction history allows housing providers to better assess potential risks and ensure fairness to other prospective tenants. Even the current policy can have unintended impacts on prospective tenants. As an example, a prospective tenant with multiple arson violations preceding the time cutoff may seem to pose less risk than a tenant with a criminal possession violation that occurred within the time limit. However, excluding the prospective tenant with a possession violation would be an unfair result and pose higher risks. While some property managers think the 7-year time limit is also short, that limit still provides more perspective on a tenant's actual history and risk.

For these reasons, the REALTORS® recommend an unfavorable report.

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