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**SB 635 - Real Property - Landlords and Prospective Tenants - Residential Leases - Criminal History Review (Maryland Fair Chance in Housing Act)**

**Hearing before the Senate Judicial Proceedings Committee,  
March 7, 2024**

**Position: FAVORABLE WITH AMENDMENTS**

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The Public Justice Center (PJC) is a nonprofit public interest law firm that stands with tenants to protect and expand their rights to safe, habitable, affordable, and non-discriminatory housing and their rights to fair and equal treatment by Maryland's landlord-tenant laws, courts, and agencies. We advocate changing the law regarding evictions and demanding the development of equitable and sustainable affordable housing. **While we support the intention of SB 635, we believe there are necessary amendments that need to be adopted in order to make this legislation effective in practice and applicable to all deserving tenants.**

SB 635 proposes to alter the number of years of criminal history, from 7 years to 3 years, that a landlord can review when a tenant applies for housing. SB 635, with its amendments, would also make a violation of the bill an unfair, abusive, or deceptive trade practice within the meaning of consumer protection laws.

A number of states in recent history have passed "Fair Chance in Housing" legislation that mirrors what SB 635 intends to do. Unfortunately, SB 635 is missing key elements and structure to ensure that this bill is enforceable and that tenants have a course of action against a landlord that violates this bill. Of the provisions other states have enacted that SB 635 does not have are: restrictions to particular nonviolent and low level convictions in the last 3 years or conditional offers and individual assessments of tenants where they satisfy all application criteria other than sex offender registry criteria. **In addition, it is specifically necessary to adopt an enforcement clause which mirrors the amendments that were adapted in the House Bill version, allowing for tenants to enforce this legislation and hold offending landlords accountable. Adopting these amendments to include robust evaluation of tenants for housing is a necessary step to ensuring SB 635 is effective.**

["Exiting jail is a major risk factor to housing stability. There is a large overlap in populations experiencing homelessness and prior involvement in the criminal or juvenile justice systems. Formerly incarcerated people are 10 times more likely than the general public to become homeless."](#) Understanding that exiting individuals need to have a more robust evaluation of their legitimacy as tenants outside of their

criminal record is important. Unfortunately, SB 635 as currently drafted does not address these concerns.

**We urge the Committee to adopt the necessary amendments to SB 635.**

Public Justice Center is a member of the Renters United Maryland coalition. If you have any questions, please contact Albert Turner, Esq., [turnera@publicjustice.org](mailto:turnera@publicjustice.org) (410) 625-9409 Ext. 250.