

# **Afeni Final Draft Testimony.pdf**

Uploaded by: Arianna Evans

Position: FAV

## Openings

- Good afternoon Chairman Smith, and Vice Chair Waldstreicher, Honorable Members of the Judicial Proceedings Committee,
- My name is Afeni Evans, and I am honored to speak before you today in support of the Fair Chance Housing Act. As an organizer who advocates alongside formerly incarcerated people and someone who deeply cares about fairness, justice, and equality for all people. I believe this legislation is a crucial step forward in ensuring that all individuals, regardless of their relationship to state impact, have access to stable housing and a chance to rebuild their lives.

-

## Mid-Sections

- Existing research tells us that there is a cyclical relationship between incarceration and homelessness, with people who are formerly incarcerated 10 times more likely to be homeless in their lifetimes than the general public. People who are homeless are also more likely to be arrested, convicted, and incarcerated than the general public. A 2021 review analyzing 18 studies from around the world found that stable housing was associated with decreased criminal activity in every single study. Also, the current recidivism rate in Maryland, which exceeds 40 percent, underscores the urgent need for intervention. By removing barriers to housing and providing necessary community support, we can significantly reduce recidivism rates and increase public safety. In short, this bill will make all of Maryland's communities safer by allowing people with conviction histories to have the stability that comes with being housed.
- Furthermore, this legislation aligns with our shared values of fairness and equality under the law. No one should be indefinitely punished for past mistakes or face lifelong barriers to housing, employment, and other opportunities simply because of their criminal history. Everyone deserves the chance to rebuild their lives, contribute positively to society, and pursue their dreams. By ensuring that individuals with criminal records have access to housing, we are investing in their rehabilitation and reducing the likelihood of future criminal behavior.

## Closing

- In closing, this bill will ensure that private, affordable, and public housing can be available for people with conviction histories. This expansion should reduce the stress and overburdening on other components of the housing system, including transitional housing and shelter systems.
- I urge you to support the Fair Chance Housing Act and take a stand for justice, equality, and compassion. By passing this legislation, we can make a meaningful difference in the lives of countless individuals and families, promote safer communities, and uphold the principles of fairness and opportunity for all.
- Thank you all for your time and please vote to advance this legislation.

**SB0635\_Fair\_Chance\_Housing\_Act\_MLC\_FAV.pdf**

Uploaded by: Cecilia Plante

Position: FAV



**TESTIMONY FOR SB0635**  
**Landlords and Prospective Tenants - Residential Leases - Criminal History**  
**Review (Maryland Fair Chance in Housing Act)**

**Bill Sponsor:** Senator West

**Committee:** Judicial Proceedings

**Organization Submitting:** Maryland Legislative Coalition

**Person Submitting:** Cecilia Plante, co-chair

**Position:** FAVORABLE

I am submitting this testimony in strong support of SB0635 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

Maryland has had, and still has, too many people in prison for minor offenses. Those people walk away after serving their sentence and find that they cannot rebuild their lives due to an overabundance of discrimination in getting jobs and housing.

This bill, if enacted, would help make it easier for those former offenders to get housing by:

- Precluding a landlord from requiring a prospective tenant to disclose any criminal history on a lease application, except if they are a sex offender
- Precluding a landlord from reviewing or requesting a third party to review more than the previous 3 years of any criminal history
- Precluding a landlord from publishing any statement that would reasonably discourage a tenant with criminal history to apply for a lease
- Ensuring that the landlord provide a prospective tenant with a physical document stating any reason that they would have been denied a lease

These are reasonable measures that will help those persons who are trying to restart their lives get housing.

We support this bill and recommend a **FAVORABLE** report in committee.

**SB 635 Fav.pdf**

Uploaded by: Christopher West

Position: FAV

CHRIS WEST  
Legislative District 42  
Baltimore and Carroll Counties

Judicial Proceedings Committee



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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

March 7<sup>th</sup>, 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.

**SB635\_DHCD\_SUPPORT.pdf**

Uploaded by: Chuck Cook

Position: FAV



**DATE:** March 7, 2024

**BILL NO.:** Senate Bill 635

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

**COMMITTEE:** Senate Judicial Proceedings Committee

### Letter of Support

#### **Description of Bill:**

Senate Bill 635 lowers, from 7 years to 3 years, the time a landlord may look back at a prospective tenant’s criminal history in reusable tenant screening reports, prohibits landlords from requiring prospective tenants to disclose any criminal history other than whether the prospective tenant is required to register as a sex offender, and requires landlords who deny lease applications to provide the prospective tenant with a written explanation of the particular reason or reasons for the denial.

#### **Background and Analysis:**

Currently, individuals with criminal records face significant, and frequently unnecessary, barriers to finding and securing safe housing. Numerous studies have shown that housing insecurity is closely correlated with recidivism, especially among formerly incarcerated individuals. Safe and affordable housing allows returning citizens to establish the foundation necessary to secure employment and pursue educational opportunities. Such individuals who are unable to secure housing upon release are often left with the choice of asking a friend or relative for a temporary place to stay, or remaining unhoused, which carries much higher risk of recidivism and re-arrest. Individuals who have had contact with the criminal justice system, and are affected by these barriers, are disproportionately Black and low-income.

Senate Bill 635 helps lower these barriers by limiting the circumstances under which a landlord may use a prospective tenant’s criminal history to deny them housing – for which they would otherwise qualify – while still providing adequate protections for landlords and other tenants. A true “second chance” includes a safe and stable place to live, and Senate Bill 635 will help Marylanders with criminal histories get that chance.

#### **DHCD Position:**

The Department of Housing and Community Development respectfully requests a **favorable** report on SB 635.

# **Gordon Pack's SB 0635 Testimony 2024.pdf**

Uploaded by: Gordon Pack, Jr.

Position: FAV



**PREPARE**  
PREpare for PARole and REentry

March 4, 2024

Re: Testimony in Support of SB 0635  
Landlords and Prospective Tenants–Residential Leases–Criminal History Review  
(Maryland Fair Chance in Housing Act)

Dear Members of the Judicial Proceedings Committee:

As a registered voter, a parole advocate, and a returning citizen, I support SB 0635 sponsored by Senator West. I am a staunch enthusiast of reform, redemption and second chances. So, I applaud this effort to resolve the housing conflict faced by a growing segment of MD's population.

I was released under MD's historic Juvenile Restoration Act (JuvRA) of 2021. Having entered the adult prison system at fifteen and serving over 42 consecutive years, I had no adult experience in the outside community. At 58 I began my life as a teenager venturing from home for the first time -minus the criminal record. After maintaining stable employment and amassing savings enough to offer six months rent in advance, I found myself being denied housing due to my 1979 criminal convictions. The only housing accessible to me was in rundown, high crime, urban neighborhoods.

Through my engagement in parole and reentry, I have recognized this lack of housing as a static factor contributing to recidivism. I attend reentry groups, mainly in Baltimore City. Many of the men and women I interact with do not have stable housing situations. Some bounce from one SUD transition site to another for short-term residency. Some rely on shelters. The sad reality is that most are not even employed within 90 days of their release. According to Abraham Maslow's renown 'Hierarchy of Needs', shelter is among the basic foundations of successful living. So, removing unnecessary reentry barriers for an already disenfranchised class of men and women who are making every effort to be law-abiding, productive citizens makes sense and saves cents. Therefore, I urge this honorable committee to vote favorably for SB0635.

Truly yours,

Gordon R. Pack, Jr.

[gordon@prepare-parole.org](mailto:gordon@prepare-parole.org)

[gordonrpack@gmail.com](mailto:gordonrpack@gmail.com)

Cell# 410-456-7034

**Prepare-parole.org**  
**PO Box 9738, Towson, MD 21284**

# **Favorable - SB 635 -UULM-MD-Support-CandyClark (1**

Uploaded by: Karen Clark

Position: FAV



## Unitarian Universalist Legislative Ministry of Maryland

### Testimony

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

TO: Senator William Smith, Chair and  
Members of the Judicial Proceedings Committee  
FROM: Karen “Candy” Clark, Criminal Justice Lead Advocate  
Unitarian Universalist Legislative Ministry of Maryland =  
DATE: March 7, 2024

The Unitarian Universalist Legislative Ministry (UULM-MD) is called to support SB 635 since it aligns with our belief in the use of compassion, and justice in our dealings with other humans.

Our returning incarcerated citizens have many barriers that make a successful reentry challenging and often unattainable. One difficulty is finding an affordable place to live. Currently when a tenant is applying for a lease, the tenant must submit documentation if he/she is a listed sexual offender and a record of any criminal history in the past 7 years. This bill lessens the years to 3 which should enable more people to find housing.

We need to stop worrying about being too hard or soft on crime and enact policies that are “smart on crime.” This bill is a step in the right direction to assist individuals in starting a new path for their lives, which will reduce the recidivism rate in Maryland which saves money for the Correctional System.

Again UULM-MD asks for a favorable vote on SB 635.

Respectfully submitted,

*Karen Clark*

UULM-MD Criminal Justice Lead Advocate

**UULM-MD c/o UU Church of Annapolis 333 Dubois Road Annapolis, MD 21401 410-266-8044,**

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**SB635\_MoCoDHCA\_Frey\_FAV.pdf**

Uploaded by: Leslie Frey

Position: FAV



# Montgomery County

## Office of Intergovernmental Relations

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**SB 635**

**DATE: March 6, 2024**

**SPONSOR: Senator West**

**ASSIGNED TO: Judicial Proceedings**

**CONTACT PERSON: Leslie Frey**

**(leslie.frey@montgomerycountymd.gov)**

**POSITION: FAVORABLE (Department of Housing and Community Affairs)**

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### **Landlords and Prospective Tenants - Residential Leases - Criminal History Review (Maryland Fair Chance in Housing Act)**

Senate Bill 635 reduces from seven to three the number of years of criminal history that are reviewed in a reusable tenant screening report. The bill also prohibits a landlord from requiring a prospective tenant to disclose any criminal history in an application for a lease, with an exception permitting landlords to require a prospective tenant to disclose whether the individual is required to register as a sex offender under State or federal law. The bill also closes loopholes by prohibiting a landlord from reviewing or requesting a third party to review more than the previous three years of any criminal history of a prospective tenant and prohibiting a landlord from publicizing any statement discouraging a prospective tenant with a criminal history from applying for a lease. Finally, Senate Bill 635 stipulates that a landlord that denies the lease application of a prospective tenant must provide the individual with a physical document stating with particularity each reason for the denial.

Montgomery County Department of Housing and Community Affairs supports Senate Bill 635 because it provides a reasonable balance of landlord and tenant interests by seeking to meet the housing needs of citizens who have criminal convictions while providing protections for current residents and landlords. Maryland benefits economically and sociologically when citizens have opportunities to live in communities of their choice as it allows them to live in proximity to employment, family, and other amenities which should not be denied without sufficient evidence of risk or impact on the property and residents. Montgomery County Department of Housing and Community Affairs respectfully asks the committee to issue a favorable report on Senate Bill 635.

# **SB 635 - Tenant Criminal History.pdf**

Uploaded by: NaShona Kess

Position: FAV





# NAACP

Maryland  
STATE CONFERENCE

March 7, 2024

Judicial Proceedings  
Maryland General Assembly  
Annapolis, Maryland

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

Members of the Committee,

As the Executive Director of the Maryland NAACP, I am writing to express our strong support for Senate Bill 635, sponsored by Senator West. This bill represents a critical step forward in addressing housing inequality, preventing homelessness, and rectifying the disproportionate impact of the criminal justice system on people of color.

One of the most pressing issues facing our communities today is the barrier to housing that an individual with criminal records face. Current practices often unfairly penalize individuals with even minor past convictions, leading to housing instability and in many cases, homelessness. This not only perpetuates cycles of poverty and marginalization but also undermines efforts towards rehabilitation and reintegration into society.

Senate Bill 635 aims to rectify this injustice by altering the review period of criminal history in tenant screening reports from 7 years to 3 years. This change acknowledges that individuals should not be indefinitely punished for past mistakes and recognizes the importance of giving people a fair chance to rebuild their lives after serving their sentences.

Moreover, the bill establishes prohibitions and limitations on the consideration of a prospective tenant's criminal history. By doing so, it ensures that landlords assess applicants based on relevant criteria, such as rental history and creditworthiness, rather than solely relying on past criminal records which may not accurately reflect an individual's current circumstances or character.

Furthermore, Senate Bill 635 mandates that landlords who deny a lease application provide the individual with a physical document stating specific reasons for the denial. This transparency is essential in promoting accountability and enabling individuals to challenge unjust denials.

The impact of this legislation extends far beyond individual tenants. By removing barriers to housing, we are also addressing broader societal issues such as homelessness and poverty,

which disproportionately affect communities of color. Research has consistently shown that people of color are disproportionately impacted by the criminal justice system, and housing discrimination based on criminal history only exacerbates these disparities.

In conclusion, Senate Bill 635 represents a crucial step towards a more just and equitable housing system in Maryland. By supporting this bill, we have an opportunity to uplift our communities, prevent homelessness, and dismantle systemic barriers that perpetuate inequality. We urge you to stand on the side of justice and equity by voting in favor of Senate Bill 635.

In Service,

NaShona Kess, Esq., MLS

Executive Director

NAACP Maryland State Conference

[NaShonaKess.mdnaacp@gmail.com](mailto:NaShonaKess.mdnaacp@gmail.com)

**Qiana Draft Tesimony SB0635 '24.pdf**

Uploaded by: Qiana Johnson

Position: FAV

## Openings

- Good afternoon Honorable Members of the Environmental and Transportation Committee,
- My name is Qiana, and I am honored to speak before you today in support of the Fair Chance Housing Act. As the Executive Director of Life After Release, an organization dedicated to supporting individuals reentering society after incarceration, I write to you today with a heavy heart and a pressing concern that strikes at the very core of the challenges faced by those with criminal records seeking stable housing.

## Mid-Sections

- I speak not only as an advocate but also as a survivor of the injustices perpetrated by our current housing system. Despite my efforts to rebuild my life and contribute positively to society after incarceration, I have personally experienced the devastating consequences of housing discrimination based on criminal history.
- Denied housing opportunities because of my past, I found myself in a desperate situation where I had no choice but to sub-lease from someone deeply entrenched in drug use. This decision, made out of necessity, led to an unthinkable scenario where my youngest son was endangered by unnecessary interactions with law enforcement. As a formerly incarcerated woman, this experience brought severe emotional distress and left me feeling profoundly unsafe in my own home.
- This harrowing ordeal underscores the urgent need for legislative action to address the systemic barriers faced by individuals with criminal records in accessing safe and stable housing. The Fair Chance Housing Act, such as the one before you today, represents a beacon of hope for countless individuals like myself who are trapped in a cycle of instability and uncertainty.
- Furthermore, these experiences not only undermine our sense of dignity and self-worth but also hinder our ability to fully reintegrate into society as productive and self-sufficient members. The Fair Chance Housing Act, represents a glimmer of hope for individuals like myself who are trapped in this cycle of instability and dehumanization. By prohibiting housing discrimination based on criminal history and promoting fair evaluation criteria, this legislation offers a glimmer of hope for a brighter future where everyone, regardless of their past, has the opportunity to establish a stable home and rebuild their lives

## Closing

- I urge you to support the Fair Chance Housing Act and take a stand for justice, equality, and compassion. Every individual, regardless of their past mistakes, deserves a fair

chance to rebuild their lives and contribute positively to society. This bill represents a crucial step in the right direction, and we urge you to support this legislation for the betterment of our communities and the individuals within them.

- Thank you for considering our perspective, and we hope a favorable report this legislation

# **Testimony in support of SB0635.pdf**

Uploaded by: Richard KAP Kaplowitz

Position: FAV

SB0635\_RichardKaplowitz\_FAV

3/07/2024

Richard Keith Kaplowitz  
Frederick, MD 21703

**TESTIMONY ON SB#/0635 – FAVORABLE**

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

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Richard Keith Kaplowitz

**My name is Richard K. Kaplowitz. I am a resident of District 3. I am submitting this testimony in support of SB#0635, Landlords and Prospective Tenants - Residential Leases - Criminal History Review (Maryland Fair Chance in Housing Act)**

If the goal of incarceration is rehabilitation, every obstacle we place on former inmates returning to society as contributing members damages all of us. Landlords can use the former status as a reason to deny those former inmates who have paid their debts to society needed housing to continue their movement towards being a productive resident of Maryland.

This bill will place prohibitions and limitations on how the criminal history of an individual is used to deny their application to become a tenant. It will require that the denial be documented in writing stating any reason for that denial. If we, as a society, want to create contributing members within society we should take the steps this bill mandates to further that goal.

We can remove the blocks that exist in letting someone with a criminal history find suitable housing for themselves and their families.

**I respectfully urge this committee to return a favorable report and pass SB0635.**

**Rita Draft Tesimony (1).pdf**

Uploaded by: Rita Gray

Position: FAV



## Openings

- Good afternoon Chair Smith, Vice Chair Waldstreicher and Honorable Members of the Judicial Proceedings Committee,
- My name is Rita Gray, and I am honored to speak before you today in support of the Fair Chance Housing Act. As a Directly impacted member of this community I am someone who deeply cares about fairness, justice, and equality. Today I am speaking from personal experience as someone who makes enough money to cover their expenses but faces discrimination when seeking housing. I believe this legislation is a crucial step forward in ensuring that all individuals, regardless of their past mistakes, have access to stable housing and a chance to rebuild their lives.

-

## Mid-Sections

- Despite my ability to afford housing, I find myself in a frustrating situation where I am considered homeless because of the lingering stigma attached to my past involvement with the criminal legal system. This reality is not only dehumanizing but also deeply unjust. What is the point of working hard and making enough to survive if I am continuously denied the opportunity to establish a stable home for myself?
- The truth is, the inability to secure housing due to past mistakes reinforces a cycle of instability that makes it very difficult to break free from the shadows of the past. Despite my intentional efforts to move forward and contribute positively to society, I am constantly reminded of the barriers that stand in my way.
- It is a fundamental injustice that individuals like myself, who have fulfilled our societal obligations and are striving to rebuild our lives, are still met with discrimination and exclusion in the housing market.
- Furthermore, This not only undermines our sense of dignity and self-worth but also hinders our ability to fully reintegrate into society as productive and self-sufficient members. The Fair Chance Housing Act, represents a glimmer of hope for individuals like myself who are trapped in this cycle of instability and dehumanization. By prohibiting housing discrimination based on criminal history and promoting fair evaluation criteria, this legislation offers a glimmer of hope for a brighter future where everyone, regardless of their past, has the opportunity to establish a stable home and rebuild their lives

## Closing

- I urge you to support the Fair Chance Housing Act and take a stand for justice, equality, and compassion. Every individual, regardless of their past mistakes, deserves a fair chance to rebuild their lives and contribute positively to society. This bill represents a crucial step in the right direction, and we urge you to support this legislation for the betterment of our communities and the individuals within them.
- Thank you for considering our perspective, and we hope that you vote to advance this legislation

# **LBCMD Priority Support Letter - SB 635.pdf**

Uploaded by: Ufuoma Agarin

Position: FAV



# LEGISLATIVE BLACK CAUCUS OF MARYLAND, INC.

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March 7, 2024

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Delegate Caylin Young, District 45

Chairman William C. Smith, Jr.  
2 East Miller Senate Office Building  
Annapolis, Maryland 21401

Dear Chairman Smith and Members of the Judicial Proceedings Committee,

The Legislative Black Caucus of Maryland offers strong favorable support for **Senate Bill 635 – Landlords and Prospective Tenants – Residential Leases – Criminal History Review (Maryland Fair Chance in Housing Act)**, a bill lowering the number of years of criminal history reviewed in a reusable tenant screening report from 7 years to 3 years. Senate Bill 635 will also require landlords to provide a physical copy of a lease application denial that states each reason for the denial. **This bill is on the 2024 legislative priority agenda of the Black Caucus.**

As seen across the United States, a person's criminal history can be a major barrier to finding housing. For Black prospective renters with a criminal background in Maryland, racial discrimination in the housing/rental market makes this a more arduous task.

People of color in Maryland, specifically Black people, are disproportionately affected by rental applicant screenings that include a criminal background check. The disproportionate number of arrests of Black people lends itself to the disadvantages that Black renters face when applying for a rental property. Even when these screenings are equally applied to everyone regardless of race or ethnicity, landlords have used discriminatory loopholes, including signaling and preferential treatment, in order to deny housing to Black applicants.

Senate Bill 635 will ensure that Black renters in Maryland will have an equal opportunity to access rental housing, regardless of their criminal history. This bill will require that landlords offer concrete reasons to deny a person the ability to rent their property. For these reasons, the Legislative Black Caucus of Maryland supports **Senate Bill 635** and asks that you vote favorably on this bill.

Legislative Black Caucus of Maryland

# **SB 635 Favorable WA.pdf**

Uploaded by: Albert Turner

Position: FWA



Albert Turner  
Attorney  
Public Justice Center  
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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.

**SB 635 HPRP testimony-favorable with amendments.pdf**

Uploaded by: Carolyn Johnson

Position: FWA



## HOMELESS PERSONS REPRESENTATION PROJECT

SB 635 – Landlords and Prospective Tenants – Residential Leases – Criminal History Review

(Maryland Fair Chance in Housing Act)

Judicial Proceedings Committee, March 7, 2024

Position: FAVORABLE WITH AMENDMENT

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**Homeless Persons Representation Project (HPRP) urges the Committee to support SB 635 with amendments. A Fair Chance in Housing law will help end homelessness in Maryland by increasing access to housing for individuals with criminal histories.** HPRP is a non-profit that provides free civil legal services to Marylanders who are homeless or at risk of homelessness including providing expungement services and representing individuals denied housing due to criminal records.

**Fair Chance in Housing laws increase public safety by providing access to stable housing to individuals with criminal histories many of whom experience homelessness.** Far too many Marylanders are caught in the revolving door between homelessness and the criminal system. Formerly incarcerated persons are almost 10 times more likely to be homeless than the general public, with rates of homelessness especially high among people of color and women.<sup>1</sup> Large numbers of formerly incarcerated people also live in marginal and unstable housing like rooming houses, and motels. *Id.* A study in Baltimore found over 50,000 criminal cases for individuals in the homeless services system, with 48% of homeless individuals having at least one criminal case.<sup>2</sup> During the 2023 Point-In-Time Count in Baltimore City, 41% of unsheltered people reported having been in jail, prison, or juvenile detention.<sup>3</sup> While we know that the primary solution to ending homelessness is safe, decent, affordable housing, such housing, even when available, remains out of reach for those with criminal system involvement. A recent article from the research arm of the Department of Housing and Urban Development (HUD) notes that, “criminal history is not a good predictor of housing success,” and that, “no empirical evidence exists to justify a ‘blanket exclusion’ of people with criminal histories from housing.”<sup>4</sup> Policies and practices that deny housing to persons with criminal histories increase and prolong homelessness and do nothing to protect public safety.

**SB 635 requires amendments to comply with Fair Housing law.** Maryland’s racial disparities in the criminal justice system are one of the highest in the country-30 percent of Maryland residents are Black but 71 percent of incarcerated people are Black. HUD recognized these racial disparities and their harmful and discriminatory consequences when its Office of General Counsel issued guidance in 2016 explaining

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<sup>1</sup> Nowhere to Go: Homelessness Among Formerly Incarcerated People, Prison Policy Initiative, <https://www.prisonpolicy.org/reports/housing.html>.

<sup>2</sup> Journey to Jobs: Understanding and Eliminating Barriers Imposed on Homeless Job Seekers, <https://www.journeyhomebaltimore.org/wp-content/uploads/2018/06/J2J-FINAL-REPORT.pdf>.

<sup>3</sup> 2023 Baltimore City Point-In-Time County Report, p.10, <https://homeless.baltimorecity.gov/sites/default/files/Baltimore%20City%202023%20PIT%20Count%20Report.pdf>.

<sup>4</sup> Tenant Screening With Criminal Background Checks: Predictions And Perceptions Are Not Causality, Office of Policy, Development & Research-HUD, <https://www.huduser.gov/portal/pdredge/pdr-edge-frm-asst-sec-051722.html>.



the application of the Fair Housing Act to the use of criminal histories by housing providers.<sup>5</sup> HUD makes clear that a landlord with a policy or practice of excluding individuals based on prior arrests without a conviction “cannot satisfy its burden of showing that such a policy or practice is necessary to achieve a substantial, legitimate, nondiscriminatory interest.” *Id.* As currently drafted SB 635 would permit landlords to screen for all criminal history in the previous 3 years, including arrests that did not result in conviction. An amendment is needed to prohibit landlords from denying housing based on arrests.

Some types of convictions may be considered in housing decisions, however, “a housing provider that imposes a blanket prohibition on any person with any conviction record—no matter when the conviction occurred, what the underlying conduct entailed, or what the convicted person has done since then” will be unable to meet its legal burden. *Id.* SB 635 needs further amendments to clarify that only convictions that indicate a demonstrable risk to resident safety and/or property will be considered, and to require landlords to conduct an individualized assessment of the prospective tenant before making a decision to deny housing. Individualized assessments must include consideration of mitigating information including: the facts or circumstances surrounding the criminal conduct; the age of the individual at the time of the conduct; evidence of good tenancy before or after the conviction; and evidence of rehabilitation efforts.

These provisions are required to comply with Fair Housing law and are standard provisions in Fair Chance in Housing laws throughout the country including New Jersey, Washington D.C., Seattle WA, Oakland CA, Cook County IL, New York City, and Montgomery County MD.

**The 3 year look back period should be removed.** HPRP objects to the provision of SB 635 that permits landlords to deny housing for a 3-year period. Look back periods are, in fact, homelessness periods. If it is lawful for individuals to be denied housing for 3 years, those individuals will likely be unhoused, and 3 years is a long time to be homeless. In fact, HUD characterizes individuals as being “chronically homeless” after only 12 consecutive months of homelessness.<sup>6</sup> With homelessness rising to record numbers in 2023<sup>7</sup>, now is the time to expand access to housing to the greatest extent possible.

**SB 635 requires an amendment to create a clear enforcement mechanism.** SB 635 provides no remedy for prospective tenants whose rights are violated under the Fair Chance in Housing Act. HPRP recommends that SB 635 be amended to include the amendment submitted on the cross-filed bill, HB 964, which provides for enforcement under the Maryland Consumer Protection Act.

**Individuals with criminal histories cannot thrive and contribute to their communities without safe, stable housing.**

**HPRP urges you to move favorable with amendments on SB 635. For more information, please contact Carolyn Johnson, Managing Attorney, at [cjohnson@hprplaw.org](mailto:cjohnson@hprplaw.org) or (410) 656-4886.**

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<sup>5</sup> Office of General Counsel Guidance on the Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions, HUD April 4, 2016, [https://www.hud.gov/sites/documents/HUD\\_OGCGUIDAPPFHASTANDCR.PDF](https://www.hud.gov/sites/documents/HUD_OGCGUIDAPPFHASTANDCR.PDF).

<sup>6</sup> 24 C.F.R. § 578.3

<sup>7</sup> Fact Sheet: 2023 Annual Homelessness Assessment Report, Key Findings from the Point-In-Time Counts, [https://www.hud.gov/sites/dfiles/PA/documents/Fact\\_Sheet\\_Summarized\\_Findings.pdf](https://www.hud.gov/sites/dfiles/PA/documents/Fact_Sheet_Summarized_Findings.pdf).

# **SB 635 Landlords and Prospective Tenants - Residen**

Uploaded by: Crystal Hypolite

Position: FWA

Robin Carter  
Chairperson, Board of Commissioners

Janet Abrahams  
President | Chief Executive Officer



February 27, 2024

TO: Members of the Judicial Proceedings Committee

FROM: Janet Abrahams, HABC President & CEO

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

POSITION: Support with Amendments

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Housing Authority of Baltimore City (HABC) supports with amendments SB 635.

SB 635 - Landlords and Prospective Tenants - Residential Leases - Criminal History Review (Maryland Fair Chance in Housing Act). This bill alters the number of years of criminal history, from 7 years to 3 years, that are reviewed in a tenant screening report; and requires a landlord that denies the lease application of a prospective tenant to provide the individual with a physical document stating with particularity each reason for the denial. This bill also prohibits a landlord from publishing any oral or written statement that would reasonably discourage a prospective tenant with a criminal history from applying for a lease.

The Housing Authority of Baltimore City (HABC) is the country's 5th largest public housing authority and Baltimore City's largest provider of affordable housing opportunities. HABC serves over 44,000 of Baltimore City's low-income individuals through its Public Housing and Housing Choice Voucher programs. HABC's public housing inventory currently consists of just under 6,000 units located at various developments and scattered sites throughout the city. HABC is federally funded and regulated by the U.S. Department of Housing and Urban Development (HUD). HABC is subject to federal laws and regulations that pertain to the operation of its housing programs.

Federal statutes and regulations require Public Housing Authorities (PHAs) to adopt certain governing and operating policies for the Public Housing Program. PHAs communicate those policies, rules, and requirements concerning their operations, programs, and services through the Admissions and Continued Occupancy Policy (ACOP). The ACOP is generally the principal document that describes the PHA's policies with respect to key topics such as eligibility, tenant selection, admissions preferences, waitlist procedures, rent determination, utilities, transfers, occupancy guidelines, grievance procedures, pet ownership, and the community service and self-sufficiency requirement. HABC also has a written

Housing Authority of Baltimore City | 417 East Fayette Street, Baltimore, MD 21202

410.396.3232 [www.HABC.org](http://www.HABC.org) [Twitter](#) [Facebook](#) [YouTube](#) [@BmoreHabc](#)

Administrative Plan that establishes local policies for administration of the Housing Choice Voucher Program in accordance with HUD requirements. Both plans are published on the website and have information about ineligibility due to criminal history.

HABC currently follows the three year lookback period proposed in this bill. However, Section 8-220 (C) states that “a landlord may not publish or cause to be published any oral or written statement that would reasonably discourage a prospective tenant with a criminal history from applying for a lease.” As HABC publishes our ACOP and Administrative Plan, both of which contain information about ineligibility due to criminal history, we respectfully request that clarifying language is added to the bill stating that a landlord does not violate this section by publishing its admissions policies that comply with applicable law.

Respectfully submitted.

Janet Abrahams, HABC President & CEO

# **DRM SB0635 Fair Chance in Housing - FAV W AMENDMEN**

Uploaded by: E.V. Yost

Position: FWA



Empowerment. Integration. Equality.

1500 Union Ave., Suite 2000, Baltimore, MD 21211

Phone: 410-727-6352 | Fax: 410-727-6389

[www.DisabilityRightsMD.org](http://www.DisabilityRightsMD.org)

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

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

**Position: SUPPORT (FAV)**

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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.<sup>1</sup> 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

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<sup>1</sup> 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.<sup>2</sup> It is estimated that upwards of 50% of Black people with disabilities in the United States will be arrested before they reach age 28.<sup>3</sup> 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.<sup>4</sup> 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](mailto:evy@DisabilityRightsMD.org).

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<sup>2</sup> 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/](https://www.prisonpolicy.org/blog/2023/04/03/nsduh_probation_parole/).

<sup>3</sup> 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/>.

<sup>4</sup> 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.

**SB 635-AOBA--FWA.pdf**

Uploaded by: Ryan Washington

Position: FWA





**Bill No:** SB 635—Landlords and Prospective Tenants - Residential Leases - Criminal History Review (Maryland Fair Chance in Housing Act)

**Committee:** Judicial Proceedings

**Date:** 3/7/2024

**Position:** Favorable with Amendments

The Apartment and Office Building Association of Metropolitan Washington (AOBA) represents members that own or manage more than 23 million square feet of commercial office space and 133,000 apartment rental units in Montgomery and Prince George's Counties.

Senate Bill 635 alters the number of years to review an individual's criminal history from 7 years to 3 years for tenant screening. A housing provider may require a prospective resident to disclose whether the individual is required to register as a sex offender under federal or State law. Housing providers may not: 1) Review or request a third party to review more than the previous 3 years of any criminal history of a prospective resident; 2) Publish or cause to be published any oral or written statement that would reasonably discourage a prospective resident with a criminal history from applying for a lease. A housing provider denying a prospective resident's lease application must provide the individual with a physical document stating each reason for denial.

AOBA commends the bill sponsor for considering legislation ensuring the successful reintegration of previously incarcerated individuals. Many of AOBA's members allow returning citizens to be productive members of society by providing them access to housing, one of the most basic needs. However, AOBA's concerns are focused on the implementation of the legislation as proposals restricting the process by which housing providers consider information obtained during a background screening may inhibit members' ability to find a safe and secure home for residents and the employees, they serve which will subject our members to legal liability.

AOBA believes the bill reflects a misunderstanding of how rental housing providers use criminal history records to evaluate potential tenants. Many AOBA members only run a prospective tenant through the Multi-state Sex Offender (MSSO) Registry; as such, they would never know if a resident had a record unless they have committed a sex offense.

Members who perform more robust criminal background checks do not have a blanket rejection of an applicant based on previous incarceration. Instead, criminal background checks are individualized assessments conducted by 3rd party companies, using agreed-upon standards based on criminal convictions related to *specific crimes* that pose a particular danger to the community and have occurred within a set period. For instance, AOBA members do not screen for simple possession of a controlled substance or loitering but are vigilant about specific acts of violence. Members have acknowledged racial bias and discrimination in incarceration and have reworked their screening practices to ensure that they allow people a second chance at life after serving their time for crimes. Provided those crimes do not pose a serious threat to the community, which members are charged with protecting. Further, this bill creates confusion by providing protected class status for individuals with a criminal record while continuing the expectation that our members should reject tenancy for individuals who threaten health, safety, or property. Thus, the bill creates potential liability for a rental housing provider any time a previously incarcerated individual's rental application was rejected for any reason, which the Maryland Commission would address on Civil Rights, the courts, and the threat of fines or imprisonment.

### **HUD's Stance on Screening for Resident's with a Criminal Record**

Moreover, the Department of Housing and Urban Development provides [Guidance for housing providers concerning the Fair Housing Act](#) and how it applies to using criminal history by providers to vet prospective residents. To take it back a little, in June 2015, the Supreme Court officially recognized a disparate impact theory as a method for bringing a lawsuit under the Fair Housing Act (FHA). The Court's decision reflected that a plaintiff may challenge housing practices as having a discriminatory effect without showing intent. Before this ruling, the disparate impact theory was unsuccessful in challenging discriminatory housing practices. After the Supreme Court's ruling, HUD developed Guidance on how fair housing laws can apply to policies that exclude individuals with criminal records and to assist housing providers in best practices in for screening prospective residents without violating the FHA. To be clear, the guidelines outlined by HUD do not prohibit housing providers from conducting criminal screenings on applicants; instead, the Guidance provides an overview of HUD's position on how disparate impact lawsuits could proceed against housing providers who do not have justified criminal screening policies. For example, the Guidance states that housing providers must support their use of criminal background tests with "substantial, legitimate, and non-discriminatory" factors such as the safety of the residents, employees, and property. Therefore, the recommended best criminal screening practices, in light of the Guidance, suggest that housing providers carefully consider what types of offenses pose the greatest threat to their interests, including, but not limited to, convictions for violent offenses against people or property, a pattern of illegal drug use that threatens health, safety, or right to peaceful enjoyment of the premises by other residents, or sex offenses. AOBA members with a robust system for criminal screening reflecting legitimate concerns posed by the particular types of offense, HUD's Guidance does not greatly impact members' operations. On that same note, policies that automatically exclude applicants

with prior convictions, HUD's Guidance should be considered, and screening practices should be revamped to ensure a nexus to the criminal offense.

### **Revise Legislation to Tailor to HUD's Guidance**

AOBA recommends that this bill mirror HUD's Guidance. AOBA urges the Committee to consider amending the bill to mirror the federal Guidance and its suggestions, including implementing written criminal conviction screening policies. This amendment would ensure that housing providers, both private and public, have consistency in their application processes. Without this change, there would be discrepancies in how subsidized residents are processed during the application phase versus how residents applying for market-rate units are processed.

For instance, Public Housing Authorities (PHA) are mandated by law, even after HUD's Guidance, to deny admission to applicants for certain offenses, including if there is a reasonable cause to believe that the applicants' pattern of illegal drug use threatens the health, safety, or right to peaceful enjoyment of the premises by other residents. Even if a housing authority applicant has a criminal record unaffected by the mandatory prohibitions, there are other considerations, similar to what the Guidance and legislation proffer, which must be considered before accepting the applicant. The statutory and regulatory exclusions demonstrate that the federal government acknowledges the concerns faced by housing providers in determining whether an applicant is suitable to live in its facilities amongst other residents.

### **AOBA makes the following recommendations to this legislation:**

- Page 2, Line 23 remove, “3” and add “5 for non-violent offenses and 15 years for certain violent offense.”
  - AOBA doesn't support a blanket three-year look-back period for all crimes because some crimes have patterns that can be traced beyond the three years. We recommend language to increase the number of years to look back to identify patterns of crimes, especially domestic violence or financial crimes.
  - Page 2, Line 19, Add “Exemptions from nondisclosure: Manufacture, possession with intent to distribute, distribution of all drugs, excluding marijuana. Assault degree for First, Second, Third, Degree. Burglary in the first degree. Assault with intent to commit mayhem or with a dangerous weapon. Fraud, Credit Card Fraud, Insurance Fraud in the First and Second Degree, Forgery, Rape, Arson, Malicious burning, destruction, or injury of another's property, and Burglary.”
    1. AOBA recommends adding this language as housing providers must have the ability to screen for applicants with a history of manufacturing and distributing illicit drugs that do not include marijuana. AOBA members have reported some residents utilizing

the property to traffic such illicit drugs and creating a dangerous environment for the community.

- Page 2, Line 15, Adds "A housing provider shall have immunity from any claims related to actual or constructive knowledge of an applicant's pending criminal accusation or criminal conviction obtained as a result of an inquiry under this act, provided that the applicant became a tenant or occupant of the housing provider's housing accommodation."
  - This amendment provides a safety net for housing providers operating according to the law and protects them from lawsuits.
  
- A preemption clause that precludes local jurisdictions from enacting ordinances and requires local governments to align policies with the State.
  - Different localities, especially in Montgomery and Prince George's Counties, have their own laws regulating returning citizens. AOBA supports language for the State to preempt local laws that may conflict with the state law.
  
- Page 2, Line 29, OR electronic letter..."
  - AOBA seeks to amend the bill, allowing housing providers to send denial letters electronically, as this is standard practice.

**For these reasons AOBA requests a favorable with amendments report on SB 635.** For further information contact Ryan Washington, AOBA Manager of Government Affairs, at 202-770-7713 or [rwashington@aoba-metro.org](mailto:rwashington@aoba-metro.org) .

# **SB0635 - Maryland Legal Aid - FWA.pdf**

Uploaded by: Zafar Shah

Position: FWA



**MARYLAND  
LEGAL AID**

*Advancing  
Human Rights and  
Justice for All*

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

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

**Position: FAVORABLE WITH AMENDMENTS**

*Maryland Legal Aid (MLA) submits its written and oral testimony on SB0635 at the request of bill sponsor Senator Chris West.*

MLA is a non-profit law firm that provides free legal services to the State's low-income and vulnerable residents. We serve residents in each of Maryland's 24 jurisdictions and handle a range of civil legal matters, including housing cases and expungements of criminal records. MLA urges the Committee's Favorable With Amendment report on SB0635, which would – with amendments – alleviate barriers to housing opportunities that Marylanders with a criminal history encounter in the rental market.

The Fair Chance in Housing Act, SB0635, intends to curtail the denial of rental housing opportunities based on criminal history and prohibit advertising that discourages individuals with a criminal history from applying. MLA supports this policy because housing is crucial to the social and economic rehabilitation of reentering individuals. "Researchers have found that formerly incarcerated individuals are far more likely to be homeless than the general public"<sup>1</sup> and that "formerly incarcerated people are most likely to be homeless in the period shortly after their release."<sup>2</sup> When individuals attain stable housing after incarceration, they "are more likely to reintegrate into their communities and less likely to end up back in prison than their formerly incarcerated peers in more precarious housing situations."<sup>3</sup> In Maryland, "incarcerated people... are disproportionately from Baltimore City" while "some areas of the state — like the southern Eastern Shore and Hagerstown — are also disproportionately affected by incarceration."<sup>4</sup>

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<sup>1</sup> Rachel M. Cohen, "Will limiting criminal background checks make rental housing fairer?" Vox, 14 June 2023, available at <https://www.vox.com/policy/23750632/housing-landlords-renter-fair-chance-criminal-record-background-check>.

<sup>2</sup> Prison Policy Initiative, "Nowhere to Go: Homelessness among formerly incarcerated people," 23 Feb. 2024, available at <https://www.prisonpolicy.org/reports/housing.html>.

<sup>3</sup> Supra n.1.

<sup>4</sup> Justice Policy Institute, WHERE PEOPLE IN PRISON COME FROM: THE GEOGRAPHY OF MASS INCARCERATION IN MARYLAND (June 2022), available at <https://www.justicepolicy.org/research/where-people-in-prison-come-from-the-geography-of-mass-incarceration-in-maryland>.

### *Changes are needed to improve this legislation*

MLA urges the Committee to amend this legislation. We support the House Sponsor's amendment that adds an enforcement mechanism to the bill – namely, a cause of action under the Consumer Protection Act, which provides for enforcement by both the Attorney General and by individuals.

However, SB0635 requires further amendments that provide a cohesive procedure that effectuates this policy and adds transparency for both landlords and consumers.

Procedural steps such as a **conditional offer** and notice periods have been adopted in other Fair Chance jurisdictions. Yet, SB0635 lacks these fundamental components. The House Sponsor's amendments do not include them.

MLA supports additional (not yet proposed) amendments that

- limit the scope of criminal history that may not be considered as the basis for denial of a housing opportunity,
- remove the 3-year “lookback” period in the current version of the bill;
- bring consistency with exceptions under federal housing law,<sup>5</sup> and
- create a fair procedure by which landlords would make a conditional offer to lease, and only then consider the criminal history permitted under those exceptions in an individualized assessment.

Unlike Fair Chance laws in other jurisdictions, SB0635 does not require the landlord to consider additional information submitted by the applicant to contextualize the sex offense, for instance, by showing rehabilitation or other mitigating factors. SB0635 simply allows a blanket denial of anyone required to register as a sex offender.

### *A 3-year “lookback” period virtually ensures homelessness*

MLA does not support any “lookback” period, by which landlords may deny lease applications based on recent criminal history up to a certain number of years such as 3 years or 7 years. The highest impact of this Fair Chance policy would occur just after an individual's release from

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<sup>5</sup> See 24 C.F.R. §982.553.

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incarceration. One study has found that “people who spent two years or less in the community were more than twice as likely to be homeless as those who had been out of prison for four years or longer.”<sup>6</sup> Against this data, even a 2-year “lookback” period would not serve the purpose of the legislation.

As drafted, and under the House Sponsor’s amendments, SB0635 would allow denial of housing opportunities based on “any criminal history” within the prior three years – including an arrest without charge, a dropped charge, or participation in a diversion or treatment program. The bill should be amended to strike the three-year lookback period. Otherwise, SB0635 does not provide the Fair Chance in Housing that it proclaims.

***Suggested amendment to § 8–220***

(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A LANDLORD MAY NOT REQUIRE A PROSPECTIVE TENANT TO DISCLOSE ANY CRIMINAL HISTORY IN AN APPLICATION FOR A LEASE.

(2) (I) AFTER A CONDITIONAL OFFER, A LANDLORD MAY REQUIRE A PROSPECTIVE TENANT TO DISCLOSE WHETHER THE INDIVIDUAL IS REQUIRED TO REGISTER AS A SEX OFFENDER UNDER FEDERAL OR STATE LAW.

(B) A LANDLORD MAY NOT PUBLISH OR CAUSE TO BE PUBLISHED ANY ORAL OR WRITTEN STATEMENT THAT WOULD REASONABLY DISCOURAGE A PROSPECTIVE TENANT WITH A CRIMINAL HISTORY FROM APPLYING FOR A LEASE.

(C) (1) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A LANDLORD SHALL NOT DENY HOUSING TO A PROSPECTIVE TENANT BASED IN WHOLE OR IN PART ON CRIMINAL HISTORY.

(2) (I) A LANDLORD MAY DENY HOUSING TO A PROSPECTIVE TENANT WHEN A FEDERAL LAW MANDATES THE DENIAL OF HOUSING BASED ON CERTAIN TYPES OF CRIMINAL HISTORY.

(II) AFTER A CONDITIONAL OFFER, A LANDLORD MAY DENY HOUSING TO A PROSPECTIVE TENANT WHO IS REQUIRED TO REGISTER AS A SEX OFFENDER UNDER FEDERAL OR STATE LAW ONLY AFTER CONDUCTING AN INDIVIDUALIZED ASSESSMENT OF THE PROSPECTIVE TENANT AND DETERMINING THAT THERE IS A

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<sup>6</sup> Supra n.2.



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SUBSTANTIAL, LEGITIMATE AND NONDISCRIMINATORY BUSINESS REASON TO DENY HOUSING.

(D) THE ATTORNEY GENERAL’S OFFICE SHALL ADOPT REGULATIONS AND CREATE MODEL NOTICES TO EFFECTUATE THIS SUBSECTION.

**Maryland Legal Aid urges the Committee’s favorable report on SB0635.** If you have any questions, please contact:

Zafar S. Shah  
Assistant Advocacy Director – Tenants’ Right to Counsel Project  
zshah@mdlaborg | (443) 202-4478

Gregory Countess  
Director of Advocacy for Housing and Community Economic Development  
gcountess@mdlaborg | (410) 951-7687

**SB635 FAIR UNFAV.pdf**

Uploaded by: Brenda Jones

Position: UNF

## **Unfavorable Response to SB635 (Maryland Fair Chance in Housing Act)**

Families Advocating Intelligent Registries (FAIR) seeks rational, constitutional sexual offense laws and policies for persons accused and convicted of sexual offenses. FAIR approves the proposal that a history of conviction may not be required to be disclosed if the conviction occurred more than 3 years from a proposed lease. However, specifically allowing a request for registration status is unjustified and creates a serious hardship for registrants and family members for many years.

Maryland's Comprehensive Registered Sex Offender Website States on its home page, "The information presented on this website should not be used in any manner to injure, harass, or commit a criminal act against any individual named in the registry, or residing or working at the reported address. Any such action could subject you to criminal prosecution." Essentially encouraging a prospective lessor to disclose his registry status could be interpreted that the state is putting the registrant in a situation inconsistent with others who are *not* required to disclose their criminal history and that can be interpreted as a form of harassment, in violation of other state law.

Under the Bill, an offense would not need to be disclosed to a prospective landlord after three years, but the Registration status, which undoubtedly would discourage a landlord from leasing to the individual, could serve as the basis for lease rejection for up to 15 years for a nonviolent Tier 1 registrant. For Tier 2 and 3 registrants, although their underlying offense would not be disclosed after 3 years, the registration status would impact ability to lease for 25 years (Tier 2) or for the rest of their lives (Tier 3).

In the majority of cases, individuals on all tier levels are living offense-free lives. Many have married and have families. Over 30 years of research make clear that re-offense rates for sexual offenses is dramatically lower than re-offense rates for other offenses especially over time. (See page 2.) **There is no rational public safety basis for denying registrants the protections of this proposed bill.**

Singling out persons required to register rather than offering them the protections of this Bill puts a target on the back of this one category of former offenders, increases the difficulty for these returned citizens of living a normal life, encourages homelessness, and should be rejected as contrary to the policies of this State to encourage effective and successful integration.

For these reasons, FAIR asks the committee to vote no on SB635.

Sincerely,



Brenda V. Jones, Executive Director  
Families Advocating Intelligent Registries

**Declaration of Dr. R. Karl Hanson.**  
**United States District Court for the Northern District of California.**  
**Civil Case No. C 12 5713. Filed 11-7-12**

**Selection:**

I, R. Karl Hanson, declare as follows:

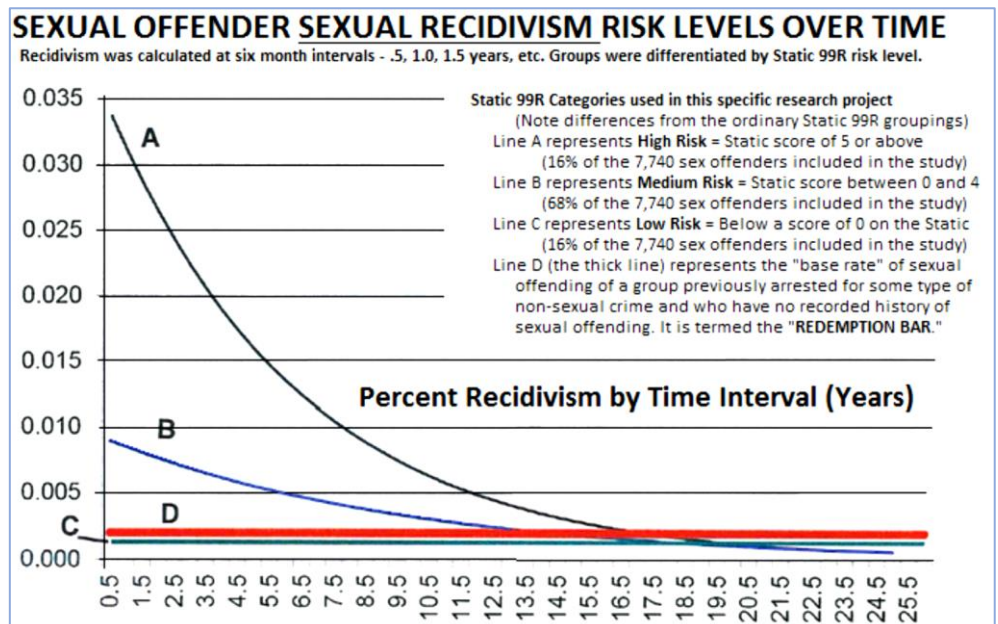
I am a Senior Research Scientist at Public Safety Canada. Throughout my career, I have studied recidivism, with a focus on sex offenders. I discuss in this declaration key findings and conclusions of research scientists, including myself, regarding recidivism rates of the general offender population and sex offenders in particular. The information in this declaration is based upon my personal knowledge and on sources of the type which researchers in my field would rely upon in their work. If called upon to testify, I could and would competently testify thereto.

**Summary of Declaration:**

My research on recidivism shows the following:

- 1) Recidivism rates are not uniform across all sex offenders. Risk of re-offending varies based on well-known factors and can be reliably predicted by widely used risk assessment tools such as the Static-99 and Static-99R, which are used to classify offenders into various risk levels.
- 2) Once convicted, most sexual offenders are never re-convicted of another sexual offence.
- 3) First-time sexual offenders are significantly less likely to sexually re-offend than are those with previous sexual convictions.
- 4) Contrary to the popular notion that sexual offenders remain at risk of reoffending through their lifespan, the longer offenders remain offence-free in the community, the less likely they are to re-offend sexually. Eventually, they are less likely to re-offend than a non-sexual offender is to commit an "out of the blue" sexual offence.
  - a) Offenders who are classified as low-risk by Static-99R pose no more risk of recidivism than do individuals who have never been arrested for a sex-related offense but have been arrested for some other crime.
  - b) After 10 - 14 years in the community without committing a sex offense, medium-risk offenders pose no more risk of recidivism than Individuals who have never been arrested for a sex-related offense but have been arrested for some other crime.
  - c) After 17 years without a new arrest for a sex-related offense, high-risk offenders pose no more risk of committing a new sex offense than do individuals who have never been arrested for a sex related offense but have been arrested for some other crime.

5) Based on my research, my colleagues and I recommend that rather than considering all sexual offenders as continuous, lifelong threats, society will be better served when legislation and policies consider the cost/benefit break point after which resources spent tracking and supervising low-risk sexual offenders are better re-directed toward the management of high-risk sexual offenders, crime prevention, and victim services.



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Uploaded by: William Castelli

Position: UNF



**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.

**For more information contact [lisa.may@mdrealtor.org](mailto:lisa.may@mdrealtor.org) or [christa.mcgee@mdrealtor.org](mailto:christa.mcgee@mdrealtor.org)**