

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 635

(Senator West)

Judicial Proceedings

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

This bill generally prohibits a landlord from requiring a prospective tenant to disclose any criminal history in an application for a lease; however, a landlord may require disclosure of whether the individual is required to register as a sex offender under federal or State law. The bill also prohibits a landlord from (1) reviewing or requesting a third party to review more than the previous three years of any criminal history of a prospective tenant or (2) publishing (or causing to be published) any oral or written statement that would reasonably discourage a prospective tenant with a criminal history from applying for a lease. A landlord that denies a lease application of a prospective tenant must provide the individual with a physical document indicating with particularity each reason for the denial. The bill also alters, from seven years to three years, the number of years of criminal history included in reusable tenant screening reports. **The bill takes effect July 1, 2024.**

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances.

Local Effect: The bill is not anticipated to materially affect local government operations or finances.

Small Business Effect: Minimal.

Analysis

Current Law: A “reusable tenant screening report” is a report prepared within the previous 30 days by a consumer reporting agency at the request and expense of a

prospective tenant and made directly available to a prospective landlord at no charge for use during the rental application process. A reusable tenant screening report must contain specified information, including – for each jurisdiction indicated as a prior residence of the prospective tenant, regardless of whether the residence is reported by the prospective tenant or by a consumer reporting agency preparing a consumer report – a comprehensive criminal history records check for all federal, state, and local charges against and convictions of the prospective tenant over the previous *seven* years.

A landlord that accepts a reusable tenant screening report may (1) require a prospective tenant to certify that there has not been a material change to the tenant’s name, address, bankruptcy status, criminal history, or eviction history since the date the report was generated and (2) reject an application for tenancy, prior to the execution of a lease agreement, if a prospective tenant made a material change to a reusable tenant screening report. A landlord must notify prospective tenants regarding whether the landlord accepts reusable tenant screening reports.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 964 (Delegate Boafó, *et al.*) - Environment and Transportation.

Information Source(s): Caroline, Howard, and Prince George’s counties; Office of the Attorney General (Consumer Protection Division); Judiciary (Administrative Office of the Courts); Department of Legislative Services

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km/jkb

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