

SENATE BILL 547

C8

6lr2179
CF HB 1151

By: **Senators Pugh, Benson, Conway, Ferguson, Lee, Nathan-Pulliam, and Rosapepe**

Introduced and read first time: February 4, 2016

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 18, 2016

CHAPTER _____

1 AN ACT concerning

2 **Ex-Offenders Recidivism Reduction Act**

3 FOR the purpose of requiring an authority, to the maximum extent practicable, to provide
4 access to public housing for ex-offenders; requiring an authority to avoid denying
5 the eligibility of an individual based on an arrest or criminal charge that did not
6 result in a conviction, or, under certain circumstances, a misdemeanor conviction or
7 ~~other certain offenses under certain circumstances~~ or felony conviction; requiring an
8 authority to develop certain guidance regarding eligibility for tenants with a
9 criminal history; and generally relating to access to public housing.

10 BY adding to

11 Article – Housing and Community Development

12 Section 12-406

13 Annotated Code of Maryland

14 (2006 Volume and 2015 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

16 That the Laws of Maryland read as follows:

17 **Article – Housing and Community Development**

18 **12-406.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (A) IN ACCORDANCE WITH THIS SECTION, AN AUTHORITY, TO THE MAXIMUM
 2 EXTENT PRACTICABLE, SHALL PROVIDE ACCESS TO PUBLIC HOUSING FOR
 3 EX-OFFENDERS.

4 (B) ~~AN UNLESS THE AUTHORITY IS REQUIRED TO DENY ELIGIBILITY UNDER
 5 FEDERAL LAW OR THE SPECIFIC CIRCUMSTANCES OF THE INDIVIDUAL'S CONDUCT
 6 DEMONSTRATE THAT DENYING ELIGIBILITY IS NECESSARY TO PROTECT THE SAFETY
 7 OF OTHER TENANTS, AN AUTHORITY SHALL AVOID DENYING ELIGIBILITY FOR
 8 PUBLIC HOUSING TO AN INDIVIDUAL BASED ON A MISDEMEANOR CONVICTION,
 9 OTHER MINOR OFFENSE, OR AN OFFENSE THAT OCCURRED MORE THAN 10 YEARS
 10 BEFORE THE INDIVIDUAL APPLIED FOR PUBLIC HOUSING UNLESS THE SPECIFIC
 11 CIRCUMSTANCES OF THE INDIVIDUAL'S CONDUCT DEMONSTRATE THAT DENYING
 12 ELIGIBILITY IS NECESSARY TO PROTECT THE SAFETY OF OTHER TENANTS;~~

13 (1) AN ARREST OR CRIMINAL CHARGE THAT DID NOT RESULT IN A
 14 CONVICTION;

15 (2) A MISDEMEANOR CONVICTION IF MORE THAN 18 MONTHS HAVE
 16 PASSED SINCE THE LATER OF THE DATE THE INDIVIDUAL WAS CONVICTED OR THE
 17 DATE THE INDIVIDUAL WAS RELEASED FROM INCARCERATION; OR

18 (3) A FELONY CONVICTION IF MORE THAN 3 YEARS HAVE PASSED
 19 SINCE THE LATER OF THE DATE THE INDIVIDUAL WAS CONVICTED OR THE DATE THE
 20 INDIVIDUAL WAS RELEASED FROM INCARCERATION.

21 (C) AN AUTHORITY SHALL DEVELOP CLEAR, PUBLICLY ACCESSIBLE
 22 GUIDANCE REGARDING WHAT TYPES OF CRIMINAL HISTORY INFORMATION IT WILL
 23 CONSIDER, INCLUDING HOW THIS INFORMATION WILL BE EVALUATED, IN
 24 DETERMINING ELIGIBILITY FOR TENANTS.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 26 October 1, 2016.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.