

Chapter 752

(Senate Bill 937)

AN ACT concerning

**Landlord and Tenant – Residential Leases – Prospective Tenant Criminal
History Records Check
(Maryland Fair Chance Housing Act)**

FOR the purpose of prohibiting a landlord from requiring or requesting from a prospective tenant certain information relating to criminal history and prohibiting a landlord from considering certain information when evaluating the prospective tenant; permitting a landlord to consider certain criminal history information prior to extending a conditional offer to a prospective tenant and requiring the landlord to consider certain information provided by a prospective tenant relating to a criminal history records check; authorizing a landlord to consider certain criminal convictions only after extending a conditional offer to a prospective tenant and authorizing a landlord to withdraw a conditional offer under certain circumstances; prohibiting a landlord from publishing certain housing advertisements; establishing that the lease of residential property to an individual with a criminal record or the decision of a landlord not to conduct a criminal history records check is not the basis of a claim against a landlord; requiring the Office of Tenant and Landlord Affairs in the Department of Housing and Community Development to develop and publish a certain model document; ~~requiring the Attorney General Office of Tenant and Landlord Affairs to collect and maintain certain data and publish certain information relating to collected data annually on the Attorney General's website website of the Office of Tenant and Landlord Affairs; making a violation of this Act an unfair, abusive, or deceptive trade practice subject to enforcement and certain penalties under the Maryland Consumer Protection Act;~~ and generally relating to the use of criminal history records checks in residential leasing.

~~BY repealing and reenacting, with amendments,~~

~~Article — Commercial Law
Section 13-301(14)(xlvii)
Annotated Code of Maryland
(2025 Replacement Volume)~~

~~BY repealing and reenacting, without amendments,~~

~~Article — Commercial Law
Section 13-301(14)(xlviii)
Annotated Code of Maryland
(2025 Replacement Volume)~~

~~BY adding to~~

~~Article — Commercial Law
Section 13-301(14)(xlix)~~

~~Annotated Code of Maryland
(2025 Replacement Volume)~~

BY repealing and reenacting, without amendments,
Article – Real Property
Section 8–218(a)
Annotated Code of Maryland
(2023 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 8–218(b)
Annotated Code of Maryland
(2023 Replacement Volume and 2025 Supplement)

BY adding to
Article – Real Property
Section 8–2A–01 through ~~8–2A–11~~ ~~8–2A–13~~ ~~8–2A–12~~ to be under the new subtitle
“Subtitle 2A. Discriminatory Use of Criminal History in Residential Leasing”
Annotated Code of Maryland
(2023 Replacement Volume and 2025 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

~~Article – Commercial Law~~

~~13–301.~~

~~Unfair, abusive, or deceptive trade practices include any:~~

~~(14) Violation of a provision of:~~

~~(xlvii) Title 14, Subtitle 50 of this article; [or]~~

~~(xlviii) Section 13–411.1(e)(2) of the Transportation Article; or~~

~~(XLIX) TITLE 8, SUBTITLE 2A OF THE REAL PROPERTY~~

~~ARTICLE; OR~~

Article – Real Property

8–218.

(a) In this section, “reusable tenant screening report” means 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 in the rental application process.

(b) A reusable tenant screening report shall contain the following information regarding a prospective tenant:

(1) A credit report;

(2) 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:

(i) **[A] SUBJECT TO SUBTITLE 2A OF THIS TITLE, A** comprehensive criminal history records check for all federal, state, and local charges against and convictions of the prospective tenant over the previous ~~7~~³ years; and

(ii) A comprehensive eviction history for all state and local jurisdictions for the previous 7 years;

(3) Verification of employment and income; and

(4) Current address and rental history.

SUBTITLE 2A. DISCRIMINATORY USE OF CRIMINAL HISTORY IN RESIDENTIAL LEASING.

8-2A-01.

(A) **IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(B) **“CONDITIONAL OFFER” MEANS AN OFFER TO LEASE A RESIDENTIAL PROPERTY TO A PROSPECTIVE TENANT THAT IS CONTINGENT ON A SUBSEQUENT INQUIRY INTO THE PROSPECTIVE TENANT’S CRIMINAL HISTORY.**

(C) **“CRIMINAL HISTORY RECORDS” HAS THE MEANING STATED IN § 10-239 OF THE CRIMINAL PROCEDURE ARTICLE.**

8-2A-02.

(A) THIS SUBTITLE APPLIES ONLY TO A LANDLORD THAT MANAGES OR OWNS FIVE OR MORE RESIDENTIAL RENTAL UNITS IN THE STATE, INCLUDING ANY RESIDENTIAL RENTAL UNITS THAT THE LANDLORD OWNS OR CONTROLS:

(1) IN WHOLE OR IN PART;

(2) DIRECTLY OR INDIRECTLY; OR

(3) THROUGH ONE OR MORE LEGAL ENTITIES.

(B) THIS SUBTITLE DOES NOT APPLY TO OWNER-OCCUPIED RESIDENTIAL RENTAL UNITS.

~~§ 2A-02.~~ § 2A-03.

A LANDLORD THAT CONDUCTS A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH THIS SUBTITLE SHALL DO SO FOR EVERY PROSPECTIVE TENANT.

~~§ 2A-03.~~ § 2A-04.

(A) A LANDLORD MAY NOT:

(1) REQUIRE A PROSPECTIVE TENANT TO SUBMIT TO A DRUG OR ALCOHOL TEST; OR

(2) REQUEST OR REQUIRE A PROSPECTIVE TENANT TO CONSENT TO THE RELEASE OF INFORMATION ABOUT THE PROSPECTIVE TENANT FROM A PROGRAM FOR THE PREVENTION AND TREATMENT OF SUBSTANCE USE DISORDERS.

(B) BEFORE ACCEPTING AN APPLICATION FEE, A LANDLORD SHALL PROVIDE IN WRITING TO A PROSPECTIVE TENANT:

(1) NOTICE REGARDING THE USE OF A CRIMINAL HISTORY RECORDS CHECK IN DETERMINING ELIGIBILITY FOR LEASING, INCLUDING A STATEMENT THAT CONVICTION FOR A CRIME LISTED IN ~~§ 8-2A-05~~ §§ 8-2A-05 AND 8-2A-06 OF THIS SUBTITLE MAY BE CONSIDERED BY THE LANDLORD ONLY AFTER THE EXTENSION OF A CONDITIONAL OFFER; AND

(2) INFORMATION ON THE ABILITY OF THE PROSPECTIVE TENANT, IN RESPONSE TO A CRIMINAL HISTORY RECORDS CHECK, TO PROVIDE EVIDENCE DEMONSTRATING:

(I) INACCURACIES IN THE TENANT'S CRIMINAL HISTORY RECORDS;

(II) EVIDENCE OF REHABILITATION; AND

(III) MITIGATING FACTORS.

(C) A LANDLORD SHALL NOTIFY A PROSPECTIVE TENANT THAT AN INDIVIDUALIZED ASSESSMENT WILL BE CONDUCTED.

~~§ 2A-04, § 2A-05.~~

(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, BEFORE EXTENDING A CONDITIONAL OFFER TO A PROSPECTIVE TENANT, A LANDLORD MAY NOT:

(I) REQUEST OR REQUIRE THE PROSPECTIVE TENANT TO DISCLOSE IN A HOUSING APPLICATION WHETHER THE PROSPECTIVE TENANT HAS A CRIMINAL HISTORY OR HAS BEEN ACCUSED OF OR CHARGED WITH ANY CRIMES; OR

(II) MAKE AN ORAL OR WRITTEN INQUIRY REGARDING THE CRIMINAL HISTORY OF THE PROSPECTIVE TENANT.

(2) ~~A~~ BEFORE EXTENDING A CONDITIONAL OFFER, A LANDLORD MAY REQUIRE INFORMATION ~~REGARDING WHETHER A~~ ON, AND MAY REJECT A PROSPECTIVE TENANT'S APPLICATION ON THE GROUNDS OF, WHETHER THE PROSPECTIVE TENANT:

(I) HAS BEEN CONVICTED OF:

1. FOR A POTENTIAL TENANCY IN FEDERALLY ASSISTED HOUSING, MANUFACTURING, DISTRIBUTING, DISPENSING, OR PRODUCING METHAMPHETAMINE ON THE PREMISES OF FEDERALLY ASSISTED HOUSING;

2. A SEXUAL OFFENSE UNDER TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE;

3. CHILD PORNOGRAPHY UNDER § 11-207 OF THE CRIMINAL LAW ARTICLE;

~~4. IF THE CONVICTION OCCURRED WITHIN 10 YEARS IMMEDIATELY PRECEDING THE RENTAL APPLICATION;~~

~~A~~ 4. MURDER IN THE FIRST DEGREE UNDER § 2-201 OF THE CRIMINAL LAW ARTICLE; ~~OR~~

~~B~~ 5. MURDER IN THE SECOND DEGREE UNDER § 2-204 OF THE CRIMINAL LAW ARTICLE; OR

~~5.~~ **6. HUMAN TRAFFICKING UNDER § 3-1102 OF THE CRIMINAL LAW ARTICLE; ~~OR~~**

(II) IS SUBJECT TO A LIFETIME REGISTRATION REQUIREMENT UNDER A STATE SEX OFFENDER REGISTRATION PROGRAM; ~~OR~~

(III) HAS EVER BEEN SUBJECT TO A REGISTRATION REQUIREMENT UNDER A STATE OR FEDERAL SEX OFFENDER REGISTRATION PROGRAM; OR

(IV) HAS EVER BEEN CONVICTED IN ANOTHER STATE OR FEDERAL COURT OF A CRIME WITH THE SAME CRIMINAL ELEMENTS AS A CRIME LISTED IN THIS SECTION.

(B) IN RESPONSE TO THE RESULTS OF A CRIMINAL HISTORY RECORDS CHECK, A PROSPECTIVE TENANT MAY PROVIDE, AND A LANDLORD SHALL CONSIDER, EVIDENCE DEMONSTRATING:

(1) INACCURACIES IN THE PROSPECTIVE TENANT'S CRIMINAL HISTORY RECORDS;

(2) EVIDENCE OF REHABILITATION; AND

(3) ANY OTHER MITIGATING FACTORS.

~~§ 2A-05.~~ § 2A-06.

(A) AFTER THE EXTENSION OF A CONDITIONAL OFFER TO A PROSPECTIVE TENANT, A LANDLORD MAY CONDUCT A CRIMINAL HISTORY RECORDS CHECK AND CONSIDER ~~ONLY~~ THE FOLLOWING CONVICTIONS AS POTENTIAL GROUNDS FOR WITHDRAWAL OF THE OFFER:

(1) ~~MURDER IN THE FIRST DEGREE UNDER § 2-201 OF THE CRIMINAL LAW ARTICLE;~~ ANY FELONY CONVICTION UNDER THE CRIMINAL LAW ARTICLE IF THE CONVICTION OCCURRED WITHIN 5 YEARS IMMEDIATELY PRECEDING THE RENTAL APPLICATION; ~~OR~~

(2) ~~HUMAN TRAFFICKING UNDER § 3-1102 OF THE CRIMINAL LAW ARTICLE;~~ ANY CONVICTIONS LISTED IN § 8-2A-05 OF THIS SUBTITLE THAT THE PROSPECTIVE TENANT HAS NOT PREVIOUSLY DISCLOSED; ~~OR~~

(3) ANY CONVICTION IN ANOTHER STATE COURT OR A FEDERAL COURT OF A CRIME WITH THE SAME ELEMENTS AS A FELONY IN THE STATE, IF THE

CONVICTION OCCURRED WITHIN 5 YEARS IMMEDIATELY PRECEDING THE RENTAL APPLICATION.

~~(3) ANY CRIME RESULTING IN LIFETIME REGISTRATION IN A STATE SEX OFFENDER REGISTRY; AND~~

~~(4) IF THE CONVICTION OCCURRED WITHIN 3 YEARS IMMEDIATELY PRECEDING THE CONDITIONAL OFFER:~~

~~(I) A SEXUAL OFFENSE UNDER TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE;~~

~~(II) CHILD PORNOGRAPHY UNDER § 11-207 OF THE CRIMINAL LAW ARTICLE;~~

~~(III) KIDNAPPING UNDER § 3-502 OF THE CRIMINAL LAW ARTICLE;~~

~~(IV) ARSON UNDER §§ 6-102 AND 6-103 OF THE CRIMINAL LAW ARTICLE;~~

~~(V) ASSAULT IN THE FIRST DEGREE UNDER § 3-202 OF THE CRIMINAL LAW ARTICLE;~~

~~(VI) BURGLARY IN THE FIRST DEGREE UNDER § 6-202 OF THE CRIMINAL LAW ARTICLE;~~

~~(VII) MANUFACTURING A CONTROLLED DANGEROUS SUBSTANCE UNDER § 5-612 OF THE CRIMINAL LAW ARTICLE; AND~~

~~(VIII) FELONY FRAUD.~~

(B) A LANDLORD MAY WITHDRAW A CONDITIONAL OFFER BASED ON A PROSPECTIVE TENANT'S CRIMINAL HISTORY RECORDS CHECK ONLY IF THE LANDLORD DETERMINES THAT THE WITHDRAWAL IS NECESSARY TO FULFILL A SUBSTANTIAL, LEGITIMATE, AND NONDISCRIMINATORY INTEREST.

(C) IF A LANDLORD WITHDRAWS A CONDITIONAL OFFER, THE LANDLORD SHALL PROVIDE THE PROSPECTIVE TENANT WITH WRITTEN NOTICE OF THE WITHDRAWAL THAT INCLUDES:

(1) A SPECIFIC REASON FOR THE WITHDRAWAL OF THE CONDITIONAL OFFER; AND

(2) A STATEMENT THAT THE PROSPECTIVE TENANT MAY REQUEST A REASSESSMENT OF THE WITHDRAWAL BY PROVIDING ~~EVIDENCE~~ EVIDENCE WRITTEN EVIDENCE, SIGNED UNDER THE PENALTY OF PERJURY, TO THE LANDLORD DEMONSTRATING:

(I) INACCURACIES IN THE PROSPECTIVE TENANT'S CRIMINAL HISTORY RECORDS;

(II) EVIDENCE OF REHABILITATION; OR

(III) ANY OTHER MITIGATING FACTORS.

(D) A REASSESSMENT OF THE APPLICATION BY THE LANDLORD FOLLOWING A REQUEST FOR REASSESSMENT BY THE PROSPECTIVE TENANT SHALL CONSIDER THE FOLLOWING FACTORS:

(1) THE NATURE AND SEVERITY OF THE CRIMINAL OFFENSE;

(2) THE AGE OF THE PROSPECTIVE TENANT AT THE TIME OF THE OCCURRENCE OF THE CRIMINAL OFFENSE;

(3) THE AMOUNT OF TIME THAT HAS ELAPSED SINCE THE OCCURRENCE OF THE CRIMINAL OFFENSE;

(4) ANY INFORMATION PRODUCED BY THE PROSPECTIVE TENANT, OR PRODUCED ON THE PROSPECTIVE TENANT'S BEHALF, REGARDING REHABILITATION AND GOOD CONDUCT SINCE THE CRIMINAL OFFENSE;

(5) THE DEGREE TO WHICH THE CRIMINAL OFFENSE, IF IT REOCCURRED, WOULD NEGATIVELY IMPACT THE SAFETY OF OTHER TENANTS OR THE PROPERTY; AND

(6) WHETHER THE CRIMINAL OFFENSE OCCURRED ON THE PROPERTY THAT WAS RENTED OR LEASED BY THE PROSPECTIVE TENANT.

(E) (1) WITHIN 30 DAYS AFTER THE LANDLORD'S NOTICE OF WITHDRAWAL OF THE CONDITIONAL OFFER, THE PROSPECTIVE TENANT MAY REQUEST THAT THE LANDLORD PROVIDE A COPY OF ALL INFORMATION THAT THE LANDLORD RELIED ON IN CONSIDERING THE PROSPECTIVE TENANT, INCLUDING CRIMINAL HISTORY RECORDS.

(2) WITHIN 10 DAYS AFTER RECEIPT OF A TIMELY REQUEST, THE LANDLORD SHALL PROVIDE THE INFORMATION REQUESTED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

~~§ 2A-06.~~ § 2A-07.

(A) ~~A~~ UNLESS REQUIRED BY FEDERAL LAW, A LANDLORD MAY NOT KNOWINGLY OR INTENTIONALLY PUBLISH OR CAUSE TO BE PUBLISHED ANY ADVERTISEMENT THAT EXPRESSLY STATES THAT THE LANDLORD WILL NOT CONSIDER A PROSPECTIVE TENANT WHO HAS BEEN ARRESTED OR CONVICTED OF A CRIME.

(B) ~~A~~ UNLESS REQUIRED BY FEDERAL LAW, A LANDLORD MAY NOT PUBLISH OR DISTRIBUTE ANY STATEMENT, ADVERTISEMENT, PUBLICATION, OR SIGN, USE ANY FORM OF LEASE APPLICATION, OR MAKE ANY INQUIRY IN CONNECTION WITH THE PROSPECTIVE RENTAL, LEASE, OR SUBLEASE OF REAL PROPERTY THAT EXPRESSES, DIRECTLY OR INDIRECTLY, A LIMITATION OR SPECIFICATION RELATING TO CRIMINAL HISTORY RECORDS THAT IS INCONSISTENT WITH THE REQUIREMENTS OF THIS SUBTITLE.

(C) UNLESS OTHERWISE REQUIRED BY LAW, A LANDLORD MAY NOT:

(1) DISTRIBUTE OR DISSEMINATE A PROSPECTIVE TENANT'S CRIMINAL HISTORY RECORDS TO ANY PERSON WHO IS NOT EXPECTED TO USE THE CRIMINAL HISTORY RECORDS FOR THE PURPOSE OF EVALUATING THE PROSPECTIVE TENANT IN A MANNER CONSISTENT WITH THIS SUBTITLE; OR

(2) USE A PROSPECTIVE TENANT'S CRIMINAL HISTORY FOR A PURPOSE THAT IS INCONSISTENT WITH THIS SUBTITLE.

~~§ 2A-07.~~ § 2A-08.

A LANDLORD'S DECISION TO LEASE A RESIDENTIAL DWELLING UNIT TO AN INDIVIDUAL WITH A CRIMINAL HISTORY, OR THE LANDLORD'S DECISION NOT TO OBTAIN A CRIMINAL HISTORY RECORDS CHECK, MAY NOT BE THE BASIS FOR A CLAIM AGAINST THE LANDLORD.

~~§ 2A-08.~~ § 2A-09.

(A) THE OFFICE OF TENANT AND LANDLORD AFFAIRS IN THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT SHALL DEVELOP AND PUBLISH ON THE OFFICE'S WEBSITE A MODEL NOTICE DOCUMENT FOR USE BY LANDLORDS UNDER THIS SUBTITLE.

(B) THE MODEL NOTICE DESCRIBED IN SUBSECTION (A) OF THIS SECTION SHALL INCLUDE:

(1) LANGUAGE FOR USE BY A LANDLORD TO ADVISE A PROSPECTIVE TENANT THAT THE LANDLORD HAS WITHDRAWN A CONDITIONAL OFFER OR TAKEN AN ADVERSE HOUSING ACTION BASED ON THE PROSPECTIVE TENANT'S CRIMINAL HISTORY; AND

(2) LANGUAGE NOTIFYING THE PROSPECTIVE TENANT OF:

(I) THE RIGHT OF THE PROSPECTIVE TENANT TO REQUEST A COPY OF ALL INFORMATION ON WHICH THE LANDLORD RELIED IN REACHING A DECISION, INCLUDING INFORMATION FROM CRIMINAL HISTORY RECORDS; AND

(II) THE PROSPECTIVE TENANT'S RIGHT TO FILE A COMPLAINT UNDER § 13-401 OF THE COMMERCIAL LAW ARTICLE.

~~§ 2A-09. § 2A-10.~~

~~(A) THE OFFICE OF THE ATTORNEY GENERAL TENANT AND LANDLORD AFFAIRS SHALL COLLECT AND MAINTAIN THE FOLLOWING DATA RELATING TO COMPLAINTS FILED UNDER THIS SUBTITLE:~~

~~(1) THE NUMBER OF COMPLAINTS FILED;~~

~~(2) DEMOGRAPHIC INFORMATION REGARDING THE COMPLAINANTS, INCLUDING SEX AND RACE;~~

~~(3) THE NAMES OF LANDLORDS SUBJECT TO A COMPLAINT;~~

~~(4) THE NUMBER OF INVESTIGATIONS CONDUCTED BY THE ATTORNEY GENERAL; AND~~

~~(5) THE DISPOSITION OF EACH COMPLAINT.~~

~~(B) (1) THE ATTORNEY GENERAL OFFICE OF TENANT AND LANDLORD AFFAIRS SHALL PUBLISH ANNUALLY AND POST ON THE ATTORNEY GENERAL'S WEBSITE WEBSITE OF THE OFFICE OF TENANT AND LANDLORD AFFAIRS INFORMATION ON SUBSTANTIATED COMPLAINTS THAT RESULTED IN THE IMPOSITION OF A CIVIL PENALTY UNDER § 8-2A-10 § 2A-11 OF THIS SUBTITLE.~~

~~(2) THE ATTORNEY GENERAL OFFICE OF TENANT AND LANDLORD AFFAIRS MAY NOT PUBLISH ANY IDENTIFYING INFORMATION ABOUT A LANDLORD THAT IS THE SUBJECT OF A COMPLAINT IF THE LANDLORD IS IN GOOD FAITH COMPLIANCE WITH REQUIREMENTS OF THIS SUBTITLE.~~

~~(3) THE INFORMATION PUBLISHED UNDER SUBSECTION (B)(1) OF THIS SECTION MAY REMAIN ON THE WEBSITE OF THE OFFICE OF TENANT AND LANDLORD AFFAIRS FOR UP TO 5 YEARS.~~

~~§ 2A-10. § 2A-11.~~

A PERSON WHO VIOLATES THIS SUBTITLE IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$500 FOR EACH VIOLATION.

~~(A) A VIOLATION OF THIS SUBTITLE:~~

~~(1) IS AN UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICE WITHIN THE MEANING OF TITLE 13 OF THE COMMERCIAL LAW ARTICLE; AND~~

~~(2) IS SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS CONTAINED IN TITLE 13 OF THE COMMERCIAL LAW ARTICLE, EXCEPT § 13-411 OF THE COMMERCIAL LAW ARTICLE.~~

~~(B) A PERSON WHO VIOLATES THIS SUBTITLE IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$1,000 FOR EACH VIOLATION.~~

~~§ 2A-11. § 2A-12. § 2A-11.~~

THIS SUBTITLE SHALL PREEMPT AND SUPERSEDE ANY LOCAL LAW OR ORDINANCE COMPARABLE IN SUBJECT MATTER TO THIS SUBTITLE.

~~§ 2A-13. § 2A-12.~~

THE ~~ATTORNEY GENERAL~~ DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2026.

Approved by the Governor, May 26, 2026.