

SENATE BILL 937

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6lr3565

By: Senator Henson

Introduced and read first time: February 6, 2026

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

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

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

25 BY repealing and reenacting, with amendments,
26 Article – Commercial Law
27 Section 13–301(14)(xlvii)
28 Annotated Code of Maryland
29 (2025 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,
2 Article – Commercial Law
3 Section 13–301(14)(xlviii)
4 Annotated Code of Maryland
5 (2025 Replacement Volume)

6 BY adding to
7 Article – Commercial Law
8 Section 13–301(14)(xlii)
9 Annotated Code of Maryland
10 (2025 Replacement Volume)

11 BY repealing and reenacting, without amendments,
12 Article – Real Property
13 Section 8–218(a)
14 Annotated Code of Maryland
15 (2023 Replacement Volume and 2025 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Real Property
18 Section 8–218(b)
19 Annotated Code of Maryland
20 (2023 Replacement Volume and 2025 Supplement)

21 BY adding to
22 Article – Real Property
23 Section 8–2A–01 through 8–2A–11 to be under the new subtitle “Subtitle 2A.
24 Discriminatory Use of Criminal History in Residential Leasing”
25 Annotated Code of Maryland
26 (2023 Replacement Volume and 2025 Supplement)

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

29 **Article – Commercial Law**

30 13–301.

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

32 (14) Violation of a provision of:

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

34 (xlviii) Section 13–411.1(c)(2) of the Transportation Article; or

Article – Real Property

4 8-218.

11 (1) A credit report;

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

20 (3) Verification of employment and income; and

21 (4) Current address and rental history.

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

24 8-2A-01.

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

27 (B) "CONDITIONAL OFFER" MEANS AN OFFER TO LEASE A RESIDENTIAL
28 PROPERTY TO A PROSPECTIVE TENANT THAT IS CONTINGENT ON A SUBSEQUENT
29 INQUIRY INTO THE PROSPECTIVE TENANT'S CRIMINAL HISTORY.

(C) "CRIMINAL HISTORY RECORDS" HAS THE MEANING STATED IN § 10-239
OF THE CRIMINAL PROCEDURE ARTICLE

1 8-2A-02.

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

4 8-2A-03.

5 (A) A LANDLORD MAY NOT:

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

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

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

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

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

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

23 (II) EVIDENCE OF REHABILITATION; AND

24 (III) MITIGATING FACTORS.

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

27 8-2A-04.

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

11 (I) HAS BEEN CONVICTED OF:

27 (II) IS SUBJECT TO A LIFETIME REGISTRATION REQUIREMENT
28 UNDER A STATE SEX OFFENDER REGISTRATION PROGRAM.

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

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

6 **(2) EVIDENCE OF REHABILITATION; AND**

7 **(3) ANY OTHER MITIGATING FACTORS.**

8 **8-2A-05.**

9 **(A) AFTER THE EXTENSION OF A CONDITIONAL OFFER TO A PROSPECTIVE**
10 **TENANT, A LANDLORD MAY CONSIDER ONLY THE FOLLOWING CONVICTIONS AS**
11 **POTENTIAL GROUNDS FOR WITHDRAWAL OF THE OFFER:**

12 **(1) MURDER IN THE FIRST DEGREE UNDER § 2-201 OF THE CRIMINAL**
13 **LAW ARTICLE;**

14 **(2) HUMAN TRAFFICKING UNDER § 3-1102 OF THE CRIMINAL LAW**
15 **ARTICLE;**

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

18 **(4) IF THE CONVICTION OCCURRED WITHIN 3 YEARS IMMEDIATELY**
19 **PRECEDING THE CONDITIONAL OFFER:**

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

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

24 **(III) KIDNAPPING UNDER § 3-502 OF THE CRIMINAL LAW**
25 **ARTICLE;**

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

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

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

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

5 (VIII) FELONY FRAUD.

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

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

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

15 (2) A STATEMENT THAT THE PROSPECTIVE TENANT MAY REQUEST A
16 REASSESSMENT OF THE WITHDRAWAL BY PROVIDING EVIDENCE TO THE LANDLORD
17 DEMONSTRATING:

18 (I) INACCURACIES IN THE PROSPECTIVE TENANT'S CRIMINAL
19 HISTORY RECORDS:

20 (II) EVIDENCE OF REHABILITATION: OR

21 (III) ANY OTHER MITIGATING FACTORS.

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

25 (1) THE NATURE AND SEVERITY OF THE CRIMINAL OFFENSE:

28 (3) THE AMOUNT OF TIME THAT HAS ELAPSED SINCE THE
29 OCCURRENCE OF THE CRIMINAL OFFENSE:

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

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

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

17 8-2A-06.

18 (A) A LANDLORD MAY NOT KNOWINGLY OR INTENTIONALLY PUBLISH OR
19 CAUSE TO BE PUBLISHED ANY ADVERTISEMENT THAT EXPRESSLY STATES THAT THE
20 LANDLORD WILL NOT CONSIDER A PROSPECTIVE TENANT WHO HAS BEEN ARRESTED
21 OR CONVICTED OF A CRIME.

22 (B) A LANDLORD MAY NOT PUBLISH OR DISTRIBUTE ANY STATEMENT,
23 ADVERTISEMENT, PUBLICATION, OR SIGN, USE ANY FORM OF LEASE APPLICATION,
24 OR MAKE ANY INQUIRY IN CONNECTION WITH THE PROSPECTIVE RENTAL, LEASE, OR
25 SUBLICENSE OF REAL PROPERTY THAT EXPRESSES, DIRECTLY OR INDIRECTLY, A
26 LIMITATION OR SPECIFICATION RELATING TO CRIMINAL HISTORY RECORDS THAT IS
27 INCONSISTENT WITH THE REQUIREMENTS OF THIS SUBTITLE.

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

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

3 8-2A-07.

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

8 8-2A-08.

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

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

(2) LANGUAGE NOTIFYING THE PROSPECTIVE TENANT OF:

25 8-2A-09.

26 (A) THE OFFICE OF THE ATTORNEY GENERAL SHALL COLLECT AND
27 MAINTAIN THE FOLLOWING DATA RELATING TO COMPLAINTS FILED UNDER THIS
28 SUBTITLE:

29 (1) THE NUMBER OF COMPLAINTS FILED:

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

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

6 (5) THE DISPOSITION OF EACH COMPLAINT.

15 8-2A-10.

16 (A) A VIOLATION OF THIS SUBTITLE:

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

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

24 8-2A-11.

25 **THE ATTORNEY GENERAL SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
26 **SUBTITLE.**

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