

Article - Real Property

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§8–2A–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) Before extending a conditional offer, a landlord may require information 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. Murder in the first degree under § 2–201 of the Criminal Law Article;

5. Murder in the second degree under § 2–204 of the Criminal Law Article; or

6. Human trafficking under § 3–1102 of the Criminal Law Article;

(ii) Is subject to a lifetime registration requirement under a state sex offender registration program;

(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 subsection.

(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.

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