



House Bill 560 – Human Relations – Discrimination in Housing – Reentry-Into-Society Status

Position: Oppose

Although the Maryland REALTORS® opposes HB 560 which creates a new protected class for individuals who have completed a court-ordered sentence of imprisonment, we do agree that re-entry status should not be used as a blanket restriction to deny people housing.

The United States Department of Housing and Urban Development (HUD) has issued strict guidance to housing providers to take a more individualized review of an applicant’s criminal history. Specifically, the guidance instructs housing providers to assess the “nature and severity” of a conviction and the “amount of time that has passed.” The goal of the policy is to ensure that when a housing provider considers a person’s criminal history that review will be focused on the legitimate protection and safety concerns of current tenants.

Maryland REALTOR® property managers indicate HUD’s guidance carefully balances the right of a person to acquire housing despite a criminal record along with the rights of the neighbors or other tenants who may be concerned about a tenant’s criminal past.

As an example, a person who served time for arson of an unoccupied storage building 30 years ago when the person was 18 years old is likely not an indicator of risk to the community. However, a person charged with multiple arsons of occupied property committed ten years ago may be. A crime of violence (assault, battery, sexual assault) in the last 5 years could also be a factor a housing provider would want to know. Most non-violent crimes are probably not issues that rise to the level that justify denial of housing.

Taking away a housing provider’s ability to use these facts to make an informed decision impedes their ability to balance the interests of new and existing tenants. For these reasons, we recommend an unfavorable report.

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