

Testimony for House Bill 560.pdf

Uploaded by: Alston, Curtis

Position: FAV

Fully Restoring Every Sons Hope



Testimony for House Bill 560:

Reverend Curtis Alston

Curtis Alston

Assistant Director of F.R.E.S.H.

(Fully, Restoring, Every, Sons, Hope)

My name is Reverend Curtis Alston, the Assistant Director of a non-profit called F.R.E.S.H., which stands for Fully, Restoring, Every, Sons, Hope. I came to testify to the fact of the importance of preparing the way for those that are returning to society. It is so many obstacles that has already set themselves in the path of returning citizens, such as trying to find a job with a record. The absent of life experiences from incarceration for any period of time and the doubt that tries to invade the mind of those that can't see the hope of housing.

That is why House Bill 560 is necessary due to the amount of returning citizens that will be returning to our communities. This bill will ensure the benefits of helping to assist those returning with the opportunity that every other person has, such as those that have not been marked by a mistake. Even the former HUD Secretary Shaun Donovan has agreed with this idea by granting the opportunity to those reentering society by changing their own procedures in January of 2011 from rejection to acceptance. He sent a letter across the country that emphasizing the importance of providing "second chances" for formerly incarcerated individuals. If this were something they could see, along with 23 other Federal Agencies; which are called, "The Federal Interagency Reentry Council", why can't others? As individuals who can see a problem I believe that it is our responsibility to offer a solution. I believe that House Bill 560 will help in this effort to reinstate worthy, pride, the family fabric, and community by helping those returning to the society... I will end with this quote, "Life does not get better by chance. It gets better by change." Thank you for your time and consideration in this matter.

Signature Certificate

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Document signed by:

	<p>Curtis Alston E-mail: calston@metroedsolutions.com Signed via link</p> <p>IP: 96.255.187.238 Date: 05 Feb 2021 15:56:30 UTC</p>	 
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HB560 Sponsor Testimony

Uploaded by: Fennell, Diana

Position: FAV

DIANA M. FENNELL
Legislative District 47A
Prince George's County

ASSISTANT SPEAKER PRO TEM

Economic Matters Committee



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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

HB560

Good Afternoon Chair Barve and my esteemed colleagues of this Committee, I'm Delegate Diana Fennell, of District 47A, Prince George's County, Maryland, the primary sponsor of – HB560 - "Re-entry Into Society Status" . This bill was originally introduced in the 2016 Session. There is still a clear and demonstrated need for the continuous effort to reform and improve the criminal justice system in America, Maryland in particular. We continue to hear about persons suffering the consequences of their mistake long after they have completed their sentencing due to their criminal record. If we, as legislators, are as serious as we say we are about second chances and reducing recidivism rates, then you each would consider supporting this bill.

A criminal record should not create a barrier to obtaining the basic needs of a human being, such as rental housing because as Obama has previously stated, it is "...one of the most fundamental building blocks of a stable life – a place to live."

While there has been some dialogue about access to equal employment opportunities for reentering citizens, the conversation must still be taken a step further in the direction of not letting these efforts go in vain and produce a higher

likelihood for sustainability and productivity. Reducing discrimination towards reentering citizens can do this. This kind of human rights violation causes a great lifetime disservice to significant percentages of those who are homeless, youth from poor and now broken families and communities of color.

Many people fear the stigma that follows an ex-offender, but according to Seattle's FARE initiative (which is short for Fair Accessible Renting for Everyone), "There is no empirical evidence establishing a relationship between criminal record and an unsuccessful tenancy." How can we "predict" the probability a tenant is dangerous when even the criminal record itself isn't a reliable indicator for their future behavior?

I am an avid believer in second chances and redemption for those who have committed a mistake in life. They should not be ultimately judged by the weight of their old ways in the process of attempting to move on and create a more productive future.

Research indicates the overrepresentation of those with criminal records among our homeless population, which ultimately creates a greater fiscal strain on our state than producing supportive services and also poor families who are three times more likely to have at least one incarcerated parent. While we are open to suggestions on how to construct this legislation for its greater purpose, we do hope

HB 560
DELEGATE DIANA FENNELL
DISTRICT 47A, PRINCE GEORGE'S COUNTY, MARYLAND

that you all will see this as the **next step** within the process of criminal justice system reform.

I urge a favorable report from this committee.

Thank you.

A handwritten signature in black ink that reads "Diana M. Fennell". The signature is written in a cursive, flowing style.

District 47A, Prince George's County, Maryland

HB 560 Discrimination in Housing- Reentry Into Soc

Uploaded by: frazier, derrell

Position: FAV

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

Environment & Transportation Committee

February 9, 2021

Position: SUPPORT

The Mental Health Association of Maryland is a nonprofit education and advocacy organization that brings together consumers, families, clinicians, advocates, and concerned citizens for unified action in all aspects of mental health, mental illness, and substance use. We appreciate this opportunity to present this **testimony in support of House Bill 560**.

HB 560 expands the housing policy of the State to prohibit housing discrimination and provide fair housing to all citizens regardless of reentry-into-society status. The bill defines ‘reentry-into-society status’ as having completed a court-ordered sentence of imprisonment.

Having a safe and secure place to live is an important part of mental wellness. People with housing problems are at greater risk of mental health and substance use problems. Unfortunately, a prior criminal record is often a barrier to securing stable housing.

This is particularly troubling given the high rate of mental health and substance use disorders among the incarcerated population. According to the “Crisis in Corrections: The Mentally Ill in America’s Prisons” about 20 percent of prison inmates have a serious mental illness, 30 to 60 percent have substance abuse problems and, when including broad-based mental illnesses, the percentages increase significantly. For example, 50 percent of males and 75 percent of female inmates in state prisons, and 75 percent of females and 63 percent of male inmates in jails, will experience a mental health problem requiring mental health services in any given year.

Stable housing is a vital component of a successful reentry. It helps ex-offenders become more engaged in community services and makes them less likely to recidivate. Accordingly, ensuring access to housing upon release is often a core recommendation among stakeholders operating in this field. Following passage of the Justice Reinvestment Act, a subcommittee of the Maryland Behavioral Health and Criminal Justice Partnership recommended as a priority using reinvestment dollars to support a variety of housing programs for ex-offenders.

More recently, Lt. Governor Boyd Rutherford’s Commission to Study Mental and Behavioral Health in Maryland held a two-day state summit on behavioral health and the criminal justice system. The summit – which was facilitated by the federal Substance Abuse and Mental Health Services (SAMHSA) GAINS Center – used a Sequential Intercept Model (SIM)¹ framework to identify gaps and make recommendations for addressing challenges faced by people with behavioral health needs who become involved with the criminal justice system. A group of

¹ <https://www.samhsa.gov/criminal-jvenile-justice/sim-overview>



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cross-system stakeholders representing all regions of the state participated in one of three breakout workgroups, and **every group identified housing as the main challenge/priority.**

For the reasons above, MHAMD strongly supports HB 560 and urges a favorable report.

For more information, please contact Derrell Frazier at (443) 854-1413

HB0560- 02.03.21 --Human Relations - Discriminatio

Uploaded by: Fry, Donald

Position: FAV



TESTIMONY PRESENTED TO THE ENVIRONMENT AND TRANSPORTATION COMMITTEE

**HOUSE BILL 560 -- HUMAN RELATIONS - DISCRIMINATION IN HOUSING --
REENTRY-INTO-SOCIETY STATUS**

Sponsor – Delegate Fennell

February 9, 2021

**DONALD C. FRY
PRESIDENT & CEO
GREATER BALTIMORE COMMITTEE**

Position: Support

The Greater Baltimore Committee (GBC) supports House Bill 560. This legislation expands Maryland's fair housing protections to all citizens including those in a reentry-into-society status. Specifically, the bill prohibits a person from refusing to sell or rent a dwelling to any person because of reentry-into-society status and prohibits a person from discriminating against any person in the terms, conditions, or privileges of the sale or rental of a dwelling because of reentry-into-society status. The bill defines reentry-into-society status as having completed a court-ordered sentence of imprisonment.

According to the National Low Income Housing Coalition's study entitled *Housing's Effect on Criminal Justice Reform*, housing access is a key metric to predicting and preventing recidivism. Studies have shown that people with criminal records who lived on the street were rearrested at double the rates of those who secured housing, and recently released parolees were seven times more likely to abscond if they lived in homeless shelters compared to those who had secured some form of housing. A 2004 Urban Institute study in Baltimore found that among those released from jail, one-third did not report having a place to live on release. Surveys of formerly incarcerated individuals and their families have yielded the following findings:

- 79% of survey participants were ineligible or denied housing because of their own or a loved one's conviction history
- 58% of survey participants were currently living with family members while only 9% were living in transitional housing
- 1 in 10 survey participants reported family members being evicted upon the return of the formerly incarcerated individual

The aforementioned studies have illustrated that restricted access to housing prevents many ex-offenders from being able to move forward and become productive members of society. The stigma surrounding individuals with criminal histories is so prevalent that it restrains their opportunities, leaving them few avenues besides a return to criminality. This legislation would allow these group to overcome a significant barrier that prevents them from re-engaging into society.

Improving public safety through enhanced coordination among criminal justice agencies, implementing comprehensive violence reduction strategies, and coordinating re-entry services is identified as one of the Greater Baltimore Committee's 2021 legislative priorities.

GREATER BALTIMORE COMMITTEE

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Equal access to housing and the prevention of housing discrimination due to past criminal records is a crucial component to give ex-offenders the opportunity to reform by removing the barriers for their re-entry into society. The positive correlation between a region's rates of housing stability and economic vitality shows that providing housing access to citizens with re-entry into society status will have a positive impact on Maryland's economic health.

For these reasons, the Greater Baltimore Committee urges a favorable report on House Bill 560.

The Greater Baltimore Committee (GBC) is a non-partisan, independent, regional business advocacy organization comprised of hundreds of businesses -- large, medium and small -- educational institutions, nonprofit organizations and foundations located in Anne Arundel, Baltimore, Carroll, Harford, and Howard counties as well as Baltimore City. The GBC is a 66-year-old, private-sector membership organization with a rich legacy of working with government to find solutions to problems that negatively affect our competitiveness and viability.

HB0560 MD NARAL SUPPORT.docx.pdf

Uploaded by: Philip, Diana

Position: FAV



HB0560 – Human Relations--Discrimination in Housing--Reentry-Into-Society Status

Presented to the Hon. Kumar Barve and
Members of the House Environment & Transportation Committee
February 9, 2021 1:30 p.m.

POSITION: SUPPORT

NARAL Pro-Choice Maryland urges Members of the House Environment and Transportation Committee to issue **a favorable report on HB0560 - Human Relations--Discrimination in Housing--Reentry-Into-Society Status**, sponsored by Delegate Diana Fennell.

Our organization is an advocate for reproductive health, rights, and justice. As part of our efforts to protect reproductive freedom for all Marylanders, we work to ensure every individual has the right to decide if, when, and how to form their families, and to parent in good health, in safety, and with dignity. Reproductive justice is defined as the human right to maintain personal bodily autonomy, have children, not have children, and parent the children we have in safe and sustainable communities.ⁱ The ability to safely access housing, free from discrimination, is an important reproductive justice issue because it directly affects the way individuals are able to support and raise their families.

According to a study investigating the rates and correlations of homelessness among incarcerated adults, it was found that homelessness is 7.5 to 11.3 times more prevalent for formerly incarcerated or detained people than it is for the general public.ⁱⁱ HB0560 intends to expand the housing policy of our state to include providing fair housing to all citizens regardless of reentry-into-society status. In other words, individuals can no longer refuse to sell or rent a dwelling to any person because of their reentry-into-society status. Passing HB0560 is a critical part of reducing the rates of homelessness in Maryland and improving public safety efforts by supporting individuals in their transition back to society.

The term “reentry-into-society status” refers to the state of having completed a court-ordered sentence of imprisonment. Individuals who have been previously incarcerated or detained face significant barriers in their re-entry into society. Most individuals already leave prison with limited financial resources, but a lack of recent employment history can make it even harder to establish creditability with potential landlords. The stigma around incarceration alone is enough for many landlords to turn residents down, and without the passage of HB0560, those who are trying to reenter society are not protected from such discrimination. Individuals will have a difficult time reconnecting positively to a community without the ability to safely establish a residence.

For pregnant and parenting people, housing insecurity can have adverse implications on the nature of the pregnancy, ultimately affecting the birth of the child. In a study conducted on the impacts of severe housing insecurity during pregnancy, it was found that there was a 73% higher risk of low birth weight or preterm birth among infants born to mothers who experienced severe housing insecurity during pregnancy.ⁱⁱⁱ Pregnant individuals who are working to reenter their communities after serving time are a particularly vulnerable population, as these individuals have the additional responsibility of finding stable income to secure their housing. It is clear that adverse birth and infant outcomes could be avoided by eliminating severe housing insecurity among low-income, pregnant women. These individuals do not need to be further burdened by being discriminated against in their search for housing after they have already served time.

In 2017, our organization convened a coalition, [Reproductive Justice Inside \(RII\)](#), to collect stories from current and previously incarcerated or detained individuals of being denied, delayed, or provided poor sexual or reproductive healthcare while in the care/custody/control of the state. We want to continue emphasizing the needs of those who are reentering society and ensure that they have the resources they need to successfully reintegrate into society. Basic needs include food, water, and shelter, which brings to our attention the urgent need to pass HB560. Reproductive Justice Inside strived to eliminate barriers for incarcerated and detained individuals to receive quality and timely sexual and reproductive healthcare, institute appropriate and clear written policies in all correctional and detention facilities, and help more pregnant people learn about their rights to healthcare and services. This includes advocating for the safe transition of individuals reentering society after serving time with the state.

The passage of HB0560 will not only eliminate discrimination in housing for individuals re-entering society, but it will also reduce recidivism and improve public safety as these individuals will be better supported. For these reasons, NARAL Pro-Choice Maryland **urges a favorable committee report on HB0560**. Thank you for your time and consideration.

ⁱ "Reproductive Justice." Accessed February 1, 2021. <https://www.sistersong.net/reproductive-justice>.

ⁱⁱ Greenberg, G. A., & Rosenheck, R. A. (2008). Jail incarceration, homelessness, and mental health: a national study. *Psychiatric services* (Washington, D.C.), 59(2), 170–177. <https://doi.org/10.1176/ps.2008.59.2.170>.

ⁱⁱⁱ Leifheit, K. M., Schwartz, G. L., Pollack, C. E., Edin, K. J., Black, M. M., Jennings, J. M., & Althoff, K. N. (2020). Severe Housing Insecurity during Pregnancy: Association with Adverse Birth and Infant Outcomes. *International journal of environmental research and public health*, 17(22), 8659. <https://doi.org/10.3390/ijerph17228659>.

NCADD-MD - HB 560 FAV - Housing Antidiscrimination

Uploaded by: Rosen-Cohen, Nancy

Position: FAV



House Environment and Transportation Committee

February 9, 2021

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

NCADD-Maryland supports House Bill 560. The collateral damage caused by the war on drugs continues to harm people in Maryland. People with criminal records are too often denied housing, employment, food stamps, and scholarships. This discrimination leads to substantial community problems, including homelessness and recidivism.

For people with substance use disorders who have criminal records, the use of those records by landlords and property owners to deny housing is a significant barrier. Not being able to find affordable housing is a barrier to recovery and can lead to relapse and re-offense. When people have paid their debt and served their sentence, they should not continue to be punished. This bill provides one avenue to help people improve their chances of success.

We urge a favorable report on HB 560.

The Maryland Affiliate of the National Council on Alcoholism and Drug Dependence (NCADD-Maryland) is a statewide organization that works to influence public and private policies on addiction, treatment, and recovery, reduce the stigma associated with the disease, and improve the understanding of addictions and the recovery process. We advocate for and with individuals and families who are affected by alcoholism and drug addiction.

HB 560 FAV BHRC Housing Rentry.pdf

Uploaded by: Winder, Noelle

Position: FAV



February 9, 2021

The Honorable Delegate Kumar P. Barve
Chairman, House Environment and Transportation Committee
Room 251, House Office Building
Annapolis, MD 21401

**Re: House Bill 560 - Human Relations - Discrimination in Housing - Reentry-Into-Society
Status - FAVORABLE**

Dear Chairman Barve and House Environment and Transportation Committee members,

Baltimore Harm Reduction Coalition (BHRC) is an advocacy organization that mobilizes community members for the health, dignity, and safety of people targeted by the war on drugs and anti-sex worker policies. As a certified Overdose Response Program, Naloxone distributor, and syringe service program, we have provided essential health care services across the state for years.

BHRC supports efforts that increase legal protections and access to quality services for people engaged in drug use and sex work. The consistent incarceration of both of these groups of people is a crisis to our public health and our humanity. Over 145 years of drug prohibition policies have devastated communities across the country. BHRC supports broader efforts to gain community reparation from over a century of harm. **Preventing housing discrimination after re-entry from periods of incarceration is a critical step in prioritizing the health, dignity, and safety of all Marylanders.**

The relationship between homelessness, substance use, incarceration, survival behaviour, and racism are deeply intertwined. It is recognized that homelessness and incarceration share a bidirectional connection, meaning homelessness often leads to incarceration and vice versa. It is our Black residents who are most often subjected to this cycle of homelessness and incarceration, making up the majority of both homeless and incarcerated individuals in Maryland. Adding to this incredible injustice and experiences of marginalization is the increasingly deadly overdose epidemic.

During the first nine months of 2020, as the COVID-19 pandemic flooded the U.S., drug and alcohol related intoxication deaths in Maryland reached a staggering 2,025 fatalities. Compared to the same period in 2019, overdose fatalities increased by over 35% among Black Marylanders.¹ In the midst of multiple intersecting public health crises, Marylanders deserve the modicum of relief that this bill provides by not allowing this type of routine housing discrimination to continue. It is the least we can do to begin a path towards repair for unjust laws and community devastation -- waged in part by mass criminalization and the war on drugs. We ask that the Environment and Transportation Committee give HB560 a favorable report.

¹Maryland Department of Health (Jan 2020). Unintentional Drug- and Alcohol-Related Intoxication Deaths* in Maryland Data update through 3rd quarter 2020.

For more information about Baltimore Harm Reduction Coalition or our position, please contact our Director of Mobilization, Rajani Gudlavalleti at rajani@baltimoreharmreduction.org

HB 560.pdf

Uploaded by: Bradley, Erin

Position: UNF



Bill No: HB 560 – Discrimination in Housing – Reentry into Society Status

Committee: Environment & Transportation

Date: 2/9/2021

Position: Oppose

The Apartment and Office Building Association of Metropolitan Washington (AOBA) opposes HB 560. AOBA's members own or manage more than 23 million square feet of commercial office space and 133,000 apartment rental units in Montgomery and Prince George's Counties.

HB 560 would add previous incarceration as a protected class in the state housing discrimination laws. The bill would make it a discriminatory housing practice to refuse to sell, rent or lend to an individual in a residential real estate transaction based on having completed a court-ordered sentence of imprisonment.

The bill does not alter existing law that a dwelling need not be made available to an individual whose tenancy (1) Would constitute a direct threat to the health or safety of other individuals; (2) Would result in substantial physical damage to the property of others; or (3) Was for an individual who had committed specified offenses for manufacturing or distributing drugs.

We believe that the bill reflects a misunderstanding of how rental housing providers use criminal history records in evaluating potential tenants. Many AOBA members only run a prospective tenant through the Multi-state Sex Offender (MSSO) Registry, as such they would never know if a resident was formerly incarcerated unless they have committed a sex offense. Members that perform more robust criminal background checks do not have a blanket rejection of an applicant based on previous incarceration. Rather, criminal background checks are individualized assessments performed by 3rd party companies, using agreed upon standards based on criminal convictions related to *specific crimes* that pose a specific danger to the community and that have occurred within a set period of time. For instance, AOBA members do not screen for simple possession of a controlled substance or loitering but are vigilant about sex crimes and acts of violence. AOBA members have acknowledged that there is racial bias and discrimination in incarceration and have reworked their screening practices to ensure that in all ways possible they are allowing people a second chance at life after serving their time for crimes. Provided those

crimes do not pose a serious threat to the apartment community members are charged with protecting.

This bill would create confusion by providing protected class status for previously incarcerated individuals, while continuing the expectation that our members should reject tenancy for individuals who pose a threat to health, safety or property. Thus the bill creates potential liability for a rental housing provider any time a previously-incarcerated individual's rental application was rejected for any reason, which would be addressed by the Maryland Commission on Civil Rights, the courts and the threat of fines or imprisonment.

The General Assembly touched on this issue with the passing of the [Second Chance Act in 2015](#), by expanding expungement and shielding laws to ensure that minor convictions would not be a bar to employment or housing. In contrast, this statewide bill would increase liability for rental property owners and risk for tenants. If the Committee decides to study this issue further, we would be pleased to cooperate.

For these reasons AOBA urges an unfavorable report on HB 560.

For further information contact Erin Bradley, AOBA Vice President of Government Affairs, at 301-904-0814 or ebradley@aoba-metro.org.

HB 560.pdf

Uploaded by: Castelli, William

Position: UNF



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.

**For more information, contact bill.castelli@mdrealtor.org,
susan.mitchell@mdrealtor.org, or lisa.may@mdrealtor.org**

MMHA - 2021 - HB 560 - Incarceration Protected Cla

Uploaded by: Greenfield, Aaron

Position: UNF



Bill Title: House Bill 560, Human Relations - Discrimination in Housing - Reentry-Into-Society Status

Committee: Environment & Transportation

Date: February 9, 2021

Position: Unfavorable

This testimony is offered on behalf of the Maryland Multi-Housing Association (MMHA). MMHA is a professional trade association established in 1996, whose members consist of owners and managers of more than 210,000 rental housing homes in over 958 apartment communities. Our members house over 538,000 residents of the State of Maryland. MMHA also represents over 250 associate member companies who supply goods and services to the multi-housing industry.

HB 560 would add previous incarceration as a protected class in the state housing discrimination laws. The bill would make it a discriminatory housing practice to refuse to sell, rent or lend to an individual in a residential real estate transaction based on having completed a court-ordered sentence of imprisonment. Existing law remains - a dwelling need not be made available to an individual whose tenancy would constitute a direct threat to the health or safety of others would result in substantial physical damage to the property of others or was for an individual who had committed specified offenses for manufacturing or distributing drugs.

MMHA opposes this bill for the following reasons:

1. Providers that use criminal records. Those providers that conduct criminal background checks do not have an automatic rejection of an applicant based on previous incarceration. Instead, criminal background checks are individualized assessments as suggested by the Obama Administration performed by third party companies, using agreed upon standards based on criminal convictions related to *specific crimes* that pose a specific danger to the community and that have occurred within a set period of time. For instance, MMHA members do not screen for simple possession of a controlled substance or loitering but are vigilant about sex crimes and acts of violence. The industry has acknowledged that there is racial bias and discrimination in incarceration and have reworked its screening practices to ensure that in all ways possible they are allowing people a second chance at life after serving their time for crimes; provided those crimes do not pose a serious threat to the apartment community members are charged with protecting.
2. Potential Liability. House Bill 560 would create confusion by providing protected class status for previously incarcerated individuals, while continuing the expectation that residential housing providers should reject applicants who pose a threat to health, safety or property. The bill creates potential liability for a rental housing provider in



the instances when a previously-incarcerated individual's rental application was rejected for any reason, which would be addressed by the Maryland Commission on Civil Rights, the courts and the threat of fines or imprisonment.

3. Expungement and Shielding Laws. The General Assembly touched on this issue with the passing of the [Second Chance Act in 2015](#), by expanding expungement and shielding laws to ensure that minor convictions would not be a bar to employment or housing. In contrast, this statewide bill would increase liability for rental property owners and risk for residents.

For these reasons, we respectfully request an unfavorable report on House Bill 560.

Aaron J. Greenfield, MMHA Director of Government Affairs, 410.446.1992

Lol - Reentry Into Society Status.pdf

Uploaded by: Dove, Spencer

Position: INFO

State of Maryland

Commission on Civil Rights

"Our vision is to have a State that is free from any trace of unlawful discrimination."



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Gina McKnight-Smith, PharmD, MBA

February 9, 2021

House Bill 560 – Human Relations - Discrimination in Housing - Reentry-Into-Society Status POSITION: Letter of Information

Dear Chairperson Barve, Vice Chairperson Stein, and Members of the House Environment & Transportation Committee:

The Maryland Commission on Civil Rights (“MCCR”; “The Commission”) is the State agency responsible for the enforcement of laws prohibiting discrimination in employment, housing, public accommodations, and state contracts based upon race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, gender identity, genetic information, physical and mental disability, and source of income.

House Bill 560 adds “reentry-into-society status” to the list of protected classes under Maryland’s fair housing law. “Reentry-into-society status” is defined as the state of having completed a court-ordered sentence of imprisonment.

As the named enforcement agency in the bill, MCCR thoroughly reviewed agency records and researched the issues associated with this bill. While efforts to reduce recidivism and bolster reentry into society have become policy areas garnering increased attention over the last few years, there does not exist empirical evidence to support adding this as a protected class to Maryland law. In the absence of evidence demonstrating that adding “reentry-into-society status” to Maryland’s fair housing law would achieve the desired policy objectives, MCCR is hesitant to support its inclusion at this time.

Additionally, if passed, MCCR would not be able to enforce this bill without additional resources from the State of Maryland. If HB560 results in an increase in housing discrimination complaints filed with the agency, MCCR would need the funding and resources necessary to accommodate this increase in caseloads. MCCR currently has a contractual relationship with the U.S. Department of Housing & Urban Development (“HUD”) where MCCR investigates complaints of alleged unlawful housing discrimination on behalf of HUD when federal and state law are substantially equivalent. In return, HUD reimburses MCCR based on the number of cases closed during the contract year¹. Because “reentry-into-society status” is not a protected class under the

¹ MCCR has a similar contractual relationship with the U.S. Equal Employment Opportunity Commission (“EEOC”) with respect to employment discrimination complaints.

federal Fair Housing Act, MCCR would not be eligible for reimbursement for any complaints processed under HB560. Thus, additional State resources would be needed so as to ensure the agency's ability to maintain contractual obligations with HUD and the EEOC. MCCR would also likely require additional resources to support the Education & Outreach Unit who would need to incorporate this protected class into its training catalog, while accommodating any potential increase in requests for training on this subject matter.

Furthermore, the definition of "reentry-into-society status" requires clarification in order for the Commission to know to whom and at what point it applies. For example, HB560 needs to be clearer on if these protections apply to those that are on or that have completed parole or probation in connection with a court-ordered sentence. The bill's language should further reconcile state anti-discrimination law with applicable federal and state laws. For example, federal law prohibits certain convicted offenders from participating in public housing programs, while state law prohibits certain convicted offenders from living within a certain distance of a school. Finally, the bill, as drafted, leaves MCCR to question if an act of discrimination would occur because of one's criminal background, or if the denial of a rental or home purchase application is the byproduct of a lack of verifiable rental and/or credit history.

In order to get a better understanding of the challenges facing individuals reentering society after completing a court-ordered sentence, the Maryland Commission on Civil Rights respectfully proposes commencing a study of the issues motivating this bill's introduction. By researching and understanding all of the barriers impacting reentry, MCCR believes the State will be better positioned to craft impactful and meaningful legislation that successfully provides relief to those in need.

Thank you for your time and consideration of the information contained in this letter. The Maryland Commission on Civil Rights looks forward to the continued opportunity to work with you to improve and promote civil rights in Maryland.

MMHA - 2021 - HB 560 - Incarcerated - memo

Uploaded by: Greenfield, Aaron

Position: INFO



TO: Chairman Kumar Barve

FROM: Aaron Greenfield

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

DATE: February 15, 2021

Following testimony on House Bill 560, Committee members raised a number of questions related to the rental application process and in particular third party companies that conduct individualized assessments.

I. Process

The traditional rental application process:

- A. Prospective resident completes a rental application
- B. Property owner reviews application and makes a decision on whether to approve or decline.
- C. If the property owner identifies a factorable criminal record issue with the application, the property owner could elect to decline the application.
- D. If the property owner's policy extends the option of an Individualized Assessment (IA), the property owner either initiates and conducts the IA, internally, or outsources the IA to a third party provider. The IA is used solely for criminal record issues, not for financial, credit, rental or income issues.
- E. Individual assessment undertaken

II. Background

Ensuring resident safety and protecting property are often considered the most fundamental responsibilities of a housing provider, and courts may consider such interests to be both substantial and legitimate..." HUD Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions," April 4, 2016.

III. HUD Guidance on Criminal Background Checks

On April 4, 2016, the Office of General Counsel for the U.S. Department of Housing and Urban Development (HUD) issued new guidance with respect to criminal background checks.

https://www.hud.gov/sites/documents/HUD_OGCGUIDAPPFHASTANDCR.PDF

HUD's guidance identified the types of criminal information in an applicant's history which may be considered in making a rental decision. HUD advises that criminal policies should not bar a prospective tenant from renting due solely to arrest records. A housing provider can never consider arrest records. Instead, only convictions can be considered. Blanket bans on any applicants who have a conviction are not allowed. HUD also advises against utilizing blanket bans of certain categories of crime (except for drug manufacture or distribution).

HUD's guidance also urges the use of an "individualized assessment" of each prospective resident with a conviction history. HUD does not provide clear guidance on what shape this individualized assessment should take, but suggests that possible factors that may be considered in this assessment are:

- Facts or circumstances surrounding the criminal conduct
- The age of the individual at the time of the conduct
- Evidence that the individual has maintained a good tenant history before and/or after the conviction or conduct
- Evidence of rehabilitation efforts

IV. Sample Individualized Assessment

Individualized Assessment Guide Worksheet

Name:

File #: SSN: xxx-xx-

Client:

Community:

*Are you the defendant in the criminal record in question? _____

*Is the criminal record accurate? _____

*Nature of the offense: _____

*Gravity of the offense: _____

*Facts/circumstances surrounding the offense: _____

*Number of offenses for which you have been convicted: _____

*Age at the time of the offense: _____ *Age now: _____

*Time that has passed since the offense occurred: _____

*Sentence Received: _____ *Served: _____

*Time that has passed since completion of the sentence: _____

*Attorney name & contact information: _____

*Probation/Parole Officer name & contact information: _____

*Criminal charges since completion of sentence:

1. Number of incidences: _____

2. Nature & Gravity of offenses: _____

3. Underlying conduct of the offenses: _____

*Rehabilitation Efforts:

-education _____

-training _____

-substance abuse treatment _____

-counseling _____

-other _____

*Have you been bonded under a federal, state or local bonding program?

*Consistency of residence history since completion of sentence:

*Consistency of employment history since completion of sentence:

*Number of Jobs, since completion of sentence: _____

*Length of employment history at the most recent PRIOR job: _____

*Your CURRENT employment history:

1. Name of Current Employer: _____

2. Length of Current Employment History: _____

*Additional information you would like to provide:

Please let me know if you have any questions or concerns.