



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.

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