



February 22, 2021

The Honorable William Smith, Chair
Senate Judicial Proceedings Committee
State Capitol
Annapolis, MD 21401

RE: PBSA COMMENTS ON SB 691 - OPPOSITION

On behalf of the Professional Background Screening Association (PBSA), whose members include Maryland residents and businesses, we write to you with concerns regarding SB 691 and must respectfully oppose its advancement.

As a nonprofit organization consisting of over 850 small and large companies primarily engaged in the background screening profession, PBSA has been dedicated to providing the public with safe places to live and work since 2003. The PBSA member companies conduct millions of employment and tenancy-related background checks each year, helping employers, staffing agencies, and nonprofit organizations make more informed decisions regarding the suitability of potential employees, contractors, tenants and volunteers.

We believe SB 691 would have a significant, unintended adverse impact on the safety of Maryland citizens by opening the door to potentially significant fraud.

Since the beginning of the COVID-19 pandemic, we have seen increased incidents of fraud across platforms and applications, most notably in the rental housing market. The portability provisions contained in SB 691 further expands opportunity for fraud in both online and in-person applications. Individuals would be able to present these reports with zero security protocols in place to prevent the

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removal of adverse information diminishing the accuracy of the report and increasing the liability to a landlord and those residing in their residential communities.

Current reports, as issued by highly regulated consumer reporting agencies, adhere to numerous standards for security, accuracy, and recency of information. The portable screening reports pondered in SB 691 contain none of these protections, nor do they contain provisions required by the best practice standards of the screening industry to ensure a robust and complete report. While consumer reporting agencies that provide these reports must meet stringent federal and state standards for accuracy, there are no such requirements here.

Further, the bill cannot guarantee confidence in the contents of a report when the legislation allows for applicants to self-report portions of this portable report with no third-party verification. This lack of requirements further opens the door to liability and harm to landlords and existing residents by missing vital information needed to make the most educated decision possible regarding an applicant.

A report outlined in this legislation is too indefinite to provide confidence in relying on its contents. A report that technically comports with the requirements of SB 691 could contain the criminal records of only one jurisdiction the applicant resided in, as opposed to their greater address history where relevant offenses may have occurred. More troubling yet, the requirements of the bill fail to include some of the most basic of background screening components such as a search of the national sex offender registry. This is a great concern to our members, as well as the residents and landlords we ultimately seek to protect.

PBSA respectfully opposes the advancement of this bill as it is currently written. While we support finding opportunities to increase access to housing and are eager to work with the Legislature to find workable solutions to achieve that goal, we feel this legislation contains too many gaps and loopholes for fraud, dishonesty, and inaccuracy that would result in risks to personal safety and financial damages to tenants and landlords alike.

We thank you for taking the time to hear our concerns. PBSA and its members are prepared to discuss any questions you may have and look forward to working with you in the future. Please feel free to contact me directly with any questions at 402-957-1179 or brent.smoyer@thepbsa.org.

Sincerely,

A handwritten signature in black ink that reads "Brent Smoyer". The signature is fluid and cursive, with the first name "Brent" and last name "Smoyer" clearly legible.

Brent Smoyer, JD
PBSA State Government Relations & Grassroots Director

