



Bill Title: House Bill 1163- Human Relations - Protections Against Discrimination - Criminal Records

Committee: Judiciary

Date: March 9, 2023

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 membership consists of owners and managers of more than 207,246 rental housing homes in more than 937 apartment communities. Our members house over 667,000 residents of the State of Maryland throughout the entire State of Maryland. MMHA membership also includes more than 216 associate members that supply goods and services to the multi-housing industry. More information is available at <https://www.mmhaonline.org/>

House Bill 1163 (HB 1163) prohibits discrimination based on the presence of a criminal record for the purposes of securing public accommodation for temporary lodging, food, retail service, or employment. 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. Housing providers that use criminal records. Many providers offer short term month to month leasing options. Providers that conduct criminal background checks do not have an automatic rejection of an applicant based on a criminal record. Instead, criminal background checks are individualized assessments. As suggested by the Obama Administration, these assessments are 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. 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 racial and ethnic disparities, and it has reworked its screening practices to ensure that people are allowed a second chance; provided their criminal history does not pose a serious threat to the apartment community.
2. Potential Liability. House Bill 1163 would create confusion by providing protected class status for individuals with criminal records, while continuing the expectation

that residential housing providers should reject applicants who pose a threat to health, safety, or property.

3. Expungement and Shielding Laws. The General Assembly previously addressed 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 1163.

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