



House Bill 1163 – Human Relations - Protections Against Discrimination - Criminal Records

Position: Oppose

Although the Maryland REALTORS® opposes HB 1163 which prohibits discrimination based upon a past criminal record, we do agree that 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. Under this test, most non-violent crimes are probably not issues that rise to the level that justify denial of housing.

Further, Maryland REALTORS® has concerns about extending this blanket criminal records exemption into employment and licensing within the real estate industry. Real estate professionals have personal access to their clients, homes and an individual's financial information in the ordinary course of business. We believe that certain criminal histories are incompatible with those duties and appropriate screening for them should still occur.

HB 1163 would remove a housing provider's or an employer's ability to use these facts to make decisions in the best interests of Maryland homeowners. For these reasons, we recommend an unfavorable report.

For more information, contact lisa.may@mdrealtor.org or christa.mcgee@mdrealtor.org