



**House Bill 175 –Occupational Licensing and Certification – Criminal History – Prohibited Disclosures and Predetermination Review Process**

**Position: Oppose**

Maryland REALTORS® have concerns with HB 175, which would prevent the Department of Labor from requiring applicants seeking a license to engage in real estate transactions to disclose certain convictions based on the amount of time that has elapsed.

There are certain criminal histories, including non-violent crimes such as those involving crimes of dishonesty, specifically those involving theft, forgery, fraud that are incompatible with the duties of a real estate professional. Real estate professionals have personal access to their clients, homes and an individual's financial information in the ordinary course of business; therefore, REALTORS® are concerned that by allowing those who have been convicted of these types of crimes to become licensed, would put the general public at risk of harm.

Although the Maryland REALTORS® opposes HB 175, we do agree that it would be helpful for those who are considering becoming a real estate licensee, the ability to have a predetermination made by the Department as to whether their criminal background would prevent them from being licensed. Prior to becoming licensed to engage in real estate transactions, applicants are required to complete pre-licensing coursework and pass an examination; therefore, when they are applying for licensure, they have already expended a considerable amount of time and expense. Allowing individuals the opportunity to request an official predetermination from the Department, prior to attending pre-licensing classes and passing an exam, would prevent those who don't qualify for licensure from wasting their time and money.

On the whole, HB 175 would diminish the ability for the Department of Labor to prevent those with past convictions that are incompatible with the duties of a licensee from becoming licensed. Therefore, we recommend an unfavorable report.

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