

LDF Oral Testimony SB 514

Good Afternoon Chair, Vice Chair, and members of the Committee. My name is David Wheaton, and I am an attorney with the Legal Defense Fund (LDF). Founded by Maryland's own Thurgood Marshall, LDF is the nation's premier racial justice civil rights legal organization. Maryland Senate Bill 514, which will ensure that thousands of Marylanders with a history of involvement with the criminal legal system have fair access to housing. LDF asks this committee to give SB 514 a favorable report out of committee including the sponsors' amendments. Senate Bill 514 has the ability to positively impact public safety and provide thousands of Marylanders with the opportunity to find safe and quality housing.

Due to discriminatory policies and practices at every stage of the criminal legal system, Black people are disproportionately subject to arrest, prosecution, and incarceration.¹ Black people in Maryland make up 31% of state residents, but 52% of people in jail and 69% of people in prison.² Currently, there are extreme barriers to access safe and quality housing for Marylanders with a history of contact with the criminal legal system. A survey found nearly 8 out of 10 formerly incarcerated individuals reported ineligibility or denial of housing because of their or a loved one's conviction history.³ This legislation has the ability to help Marylanders with a history of involvement with the criminal legal system find safe and affordable housing, thousands of whom are Black Marylanders.

Criminal history restrictions disproportionately exclude Black people from housing, despite having a limited, if any, relationship with whether someone is a good tenant. Black people in Maryland are incarcerated at a rate 5.3 times higher than white people.⁴ In Maryland, one in five Black people born in 2001 is likely to be incarcerated in their lifetime compared to one in 29 white people.⁵ Also, research focused on housing outcomes has repeatedly shown criminal history is not a good predictor of housing success. From 2009 to 2013, three studies were conducted to evaluate whether criminal history was a predictor of housing success among people facing homelessness and substance use challenges who were living in supportive housing. In all three studies, the researchers found that criminal history was not a predictor of housing success.

Furthermore, landlords frequently rely on inaccurate, incomplete, or outdated court records to deny housing to people who have previous criminal records. Inaccuracies in criminal records also disproportionately impact Black people. A 2020 U.S. Department of Labor study found that 33% of Black participants had at least one inaccuracy in their criminal record compared to just

¹ Pew Research, *Racial Disparities Persist in Many U.S. Jails*, (May 16, 2023),

<https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2023/05/racial-disparities-persist-in-many-us-jails>

² Vera Institute for Justice, *Incarceration Trends in Maryland*, (2018),

<https://www.vera.org/downloads/pdfdownloads/state-incarceration-trends-maryland.pdf>

³ Saneta deVuomo-powell, et al., *Who Pays? The True Cost of Incarceration on Families*, Ella Baker Center, Forward Together, Research Action Design (Sept. 2015), <https://www.whopaysreport.org/wp-content/uploads/2015/09/Who-Pays-FINAL.pdf>

⁴ Leah Wang, Updated Data and Charts: Incarceration Stats by Race, Ethnicity, and Gender for All 50 States and D.C., Prison Policy Initiative, (Sept. 27, 2023),

https://www.prisonpolicy.org/blog/2023/09/27/updated_race_data/#compare

⁵ Vera Institute for Justice, *Incarceration Trends in Maryland*, (2018),

<https://www.vera.org/downloads/pdfdownloads/state-incarceration-trends-maryland.pdf>

18% of white participants, meaning Black participants were almost twice as likely to have an inaccurate record.⁶ The proposed legislation also allows tenants to be able to provide evidence of any inaccurate information found on their criminal history screening report. With the rate of inaccuracies found in criminal records as discussed above, especially for Black residents, this will allow tenants more opportunities to challenge any inaccurate information and help them secure housing.

Finally, as a country that believes in second chances, every person in Maryland should have access to safe and affordable housing. This includes people who have prior involvement with the criminal justice system. Currently, landlords are permitted to discriminate against hundreds of thousands of Marylanders because of their past and are being denied safe and stable housing. This discrimination disproportionately affects Black Marylanders.

Thank you.

⁶ U.S. Department of Labor, *Criminal Record Inaccuracies and the Impact of a Record Education Intervention on Employment-Related Outcomes*, (Jan. 2, 2020),

https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/LRE_WellsFinalProjectReport_December2020.pdf