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SB 514: Landlord and Tenant - Residential Leases - Prospective Tenant Criminal History Records Check (Maryland Fair Chance Housing Act)

Hearing before the Senate Judiciary Proceedings Committee on February 6, 2025

Position: SUPPORT (FAV)

The Public Justice Center (PJC) is a nonprofit public interest law firm that stands with tenants to protect and expand their rights to safe, habitable, affordable, and non-discriminatory housing and their rights to fair and equal treatment by Maryland's landlord-tenant laws, courts, and agencies. The PJC actively works towards instigating systemic changes to establish a society founded on justice. PJC seeks the Committee's **Favorable report on SB 514** as it is a critical measure to ensure that our returning Maryland residents are given an equitable opportunity to secure housing.

Every Marylander deserves safe and habitable housing. People who lack adequate housing in the first year after they return from incarceration are more than twice as likely to commit another crime than those with adequate housing. Therefore it is crucial that those who have been through the criminal justice system have the opportunity to secure that housing.

SB 514 would (1) give prospective tenants fair consideration when trying to find a home, (2) reduce recidivism rates in Maryland, and (3) give many more Marylanders the opportunity to pursue career and educational opportunities that they might otherwise be limited in obtaining due to limited housing opportunities for people with a criminal history **Additionally, due to historic institutionalized racism in the criminal justice system criminal record discrimination has an enormous disparate impact on black households. Black people make up 32 percent of the state's population, yet they make up nearly 71 percent of the state's jail and prison population.**¹ **SB 514** addresses this harm by ensuring that those who have already been discriminated against do not become homeless after release because of institutional racism in the criminal justice system.

SB 514 limits a landlord's review of an applicant's criminal record. This bill provides that if a tenant meets all other acceptance criteria for the landlord, the landlord should make a conditional offer of tenancy before checking the criminal background. Then, in checking a prospective tenant's criminal background, the landlord may not consider certain criminal records within a three-year lookback period. The landlord is still allowed the option to withdraw the conditional based on convictions such as first-degree murder and human trafficking as well as being registered on the lifetime sexual registration list. If in the event, an applicant is denied based on one of these convictions, the tenant can still provide mitigating evidence in hopes the landlord may reconsider

¹ <https://trends.vera.org/state/MD>

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the denial. This balances the prospective tenant's need for fair housing with the landlord's ability to screen for certain potentially relevant considerations related to criminal records.

Many states, and Washington D.C., have passed Fair Chance bills that are similar to **SB 514**. A number of these jurisdictions have reported success after implementation.² **Research has shown renters in these localities have been given wider access to housing.**³ Additionally landlords, have not seen an increase in adverse incidents; nor has implementation of these laws resulted in significant capacity burdens for landlords. Passing **SB 514** Fair Chance is a step in the right direction for all Maryland. If you have any questions, please contact Albert Turner, Esq., turnera@publicjustice.org (410) 625-9409 Ext. 250.

² Vera Institute of Justice, Fair Chance Housing: Lessons in Implementation <https://www.vera.org/publications/fair-chance-housing#:~:text=Fair%20Chance%20Housing%20Lessons%20in%20Implementation&text=A%20person's%20conviction%20history%20should,especially%20after%20release%20from%20incarceration.>