

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

**Hearing before the Senate Judicial Proceedings Committee,
February 6, 2025**

Position: FAVORABLE

Disability Rights Maryland (DRM) is the federally designated Protection & Advocacy agency in Maryland mandated to advance the civil rights of people with disabilities. One of DRM's goals is to end the unnecessary segregation and institutionalization of Marylanders with disabilities. To achieve this goal, DRM's Housing Unit works to expand opportunities for Marylanders with disabilities to be part of their communities and to live in affordable and accessible housing. This includes representing persons with disabilities in eviction proceedings to prevent unnecessary homelessness and institutionalization.

Senate Bill 514 is a critical measure to ensure that our returning Maryland residents are given an equitable opportunity to secure housing. As a member of the Renters United Maryland Coalition, DRM strongly urges the Committee to pass Senate Bill 514 because it would increase housing opportunities and decrease the potential for housing discrimination for all renters, but especially renters with disabilities with criminal histories who already face numerous barriers to accessing safe, affordable, accessible housing.¹ The treatment of people with behavioral health disabilities, especially by law enforcement, results in incongruent rates of criminal legal system involvement. People with disabilities are overrepresented at all stages of the criminal legal system— while only 15% of the general U.S. population is estimated to be disabled, people with disabilities make up 40% of all

¹ EQUAL RIGHTS CENTER, *DISCONNECTED: HOUSING DISCRIMINATION AGAINST THE DEAF AND HARD OF HEARING* (2012), available at <https://deldhub.gacec.delaware.gov/pdf/Disconnected.pdf>; UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, OFFICE OF POLICY DEVELOPMENT AND RESEARCH, *RENTAL HOUSING DISCRIMINATION ON THE BASIS OF MENTAL DISABILITIES: RESULTS*

people currently experiencing incarceration in the United States, and 23% of people on probation or parole.² The disparate impact of criminal record discrimination on Black disabled households is even more significant. It is estimated that more than half of all Black people with disabilities in the United States will be arrested before they reach age 28.³ Black Marylanders constitute only 32% of the state's population, yet they make up nearly 71% of the state's jail and prison population.⁴ By limiting landlords' ability to require prospective renters to disclose past criminal legal system involvement prior to making a conditional offer of housing, SB 514 would promote housing opportunity and housing security for renters with disabilities who may have previous interactions with law enforcement.

In addition to eviction prevention work, DRM attorneys and advocates assist clients with housing searches. The lack of housing options for low-income people is staggering; naturally, those with conviction histories are in no position to compete for such a limited resource. SB 514 would provide necessary protection to vulnerable renters, including tenants with disabilities, who are disproportionately forced into living in substandard conditions due to their lower-incomes and exclusion from the labor market.⁵ Increasing access to decent, safe and affordable housing for people with conviction histories will go a long way to ensuring that those with behavioral health or mental health disabilities have the opportunity to be fully integrated into all aspects of the community, and, thus, to enjoy a healthier and better quality of life.

Notably, other states and jurisdictions that have passed Fair Chance bills similar to SB 514 have reported success after implementation.⁶ In three

² PRISON POLICY INITIATIVE, CHRONIC PUNISHMENT: THE UNMET HEALTH NEEDS OF PEOPLE IN STATE PRISONS, (June 2022) available at <https://www.prisonpolicy.org/reports/chronicpunishment.html#disability>; PRISON POLICY INITIATIVE, MORTALITY, HEALTH, AND POVERTY: THE UNMET NEEDS OF PEOPLE ON PROBATION AND PAROLE (April 2023) available at https://www.prisonpolicy.org/blog/2023/04/03/nsduh_probation_parole/.

³ CENTER FOR AMERICAN PROGRESS, UNDERSTANDING THE POLICING OF BLACK, DISABLED BODIES (Feb. 10, 2021) available at: <https://www.americanprogress.org/article/understanding-policing-black-disabled-bodies/>.

⁴ VERA INSTITUTE OF JUSTICE, INCARCERATION TRENDS BY STATE: MARYLAND (last updated October 14, 2024 11:16 am) available at: <https://trends.vera.org/state/MD>.

⁵ There is no jurisdiction in Maryland in which a person with a disability receiving SSDI benefits can rent a one bedroom unit. Technical Assistance Collaborative, Priced Out: The Housing Crisis for People with Disabilities (2021), <http://www.tacinc.org/knowledge-resources/priced-out-v2/>. Maximum SSDI payments increased to \$1,580/month in 2025.

⁶ See, e.g. VERA INSTITUTE OF JUSTICE, FAIR CHANCE HOUSING: LESSONS IN IMPLEMENTATION (Jan. 2025), available at: <https://vera-institute.files.svdcdn.com/production/downloads/publications/Fair-Chance-Housing->

jurisdictions with Fair Chance in Housing legislation surveyed by Vera Institute for Justice, no landlords reported an increase in adverse incidents; nor had implementation of these laws resulted in significant capacity burdens for landlords.⁷

Every Marylander deserves safe and habitable housing. SB 514 would give all prospective tenants fair consideration when trying to find a home, providing equal opportunity to achieve housing stability and remain in community to Marylanders who have conviction histories. Passing SB 514 Fair Chance is a step in the right direction for all Marylanders.

DRM urges a favorable report on SB 0514. If you have any questions, please contact E.V. Yost, evy@DisabilityRightsMD.org.

[Lessons-in-Implementation.pdf](#) (analyzing the successful implementation of Fair Chance in Housing bills in Cook County Illinois, New Jersey, and Washington, D.C.).

⁷ *Id.* at 11.