

Judicial Proceedings Committee Bill Hearing on SB 514 (Fair Chance Housing Act)

Written Testimony of John Bae
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Good afternoon, Chair Smith, Vice Chair Waldstreicher, members of this committee.

My name is John Bae, and I am the director of the Opening Doors initiative at the Vera Institute of Justice (Vera), a national organization working to end mass incarceration, protect immigrants' rights, ensure dignity for people behind bars, and build safe, thriving communities. Today, I will testify in support of SB 514, the Fair Chance Housing Act.

Housing stability and public safety are linked.¹ People who are formerly incarcerated are nearly 10 times more likely to be unhoused than the general public.² In turn, people experiencing homelessness are more likely to be arrested, convicted, and incarcerated than the general public.³ This bill will make all of Maryland's communities safer by allowing people with conviction histories to have the stability that comes with housing.

There is no evidence that excluding people with conviction histories makes communities safer. In fact, most people with a conviction in their past never have another one.⁴ A criminal background check provides information about a person at the time of their last conviction but says nothing about who they are today, including their progress during and after incarceration (for example, gains in education, employment, and stability). After reviewing the available evidence, the U.S. Department of Housing and Urban Development (HUD) stated that conviction history "is not a good predictor of housing success."⁵ Considerations like a person's ability to pay rent, ties to the community, employment, and personal references are more useful in determining whether someone will be a safe, reliable tenant.

In addition, we cannot talk about this issue without talking about racial discrimination. In Maryland, Black people are disproportionately over-arrested and incarcerated. Black people make up only 32 percent of the state's population, yet they make up 71 percent of the state's prison population.⁶ Discrimination within the criminal legal system carries over into the community as people are released from incarceration and then shut out of housing.⁷

The Opening Doors Initiative at Vera recently studied how policies similar to SB 514 have impacted communities in Cook County (Illinois), New Jersey, and Washington, DC., where fair chance laws have existed for several years.⁸ Our research team interviewed residents with conviction histories, advocates, housing providers, enforcement agencies, policymakers, and other stakeholders to determine if people's ability to secure housing has changed, the impact on housing provider operations, and the factors required to ensure that policies work. The study found that landlords in these jurisdictions have not experienced significant staff capacity burdens and have not reported any change in the safety of their communities, either for their tenants or for their tenant-facing staff. Stakeholders agreed that having a nondiscriminatory housing law in place is positive for society and an important step in promoting housing stability and decreasing recidivism.

Maryland deserves safety and justice—not one at the expense of the other. This bill delivers both. Thank you for allowing me the opportunity to testify today. I appreciate your time and dedication to these issues. Please do not hesitate to contact me at jbae@vera.org if the Vera Institute of Justice can provide further support to you all as you consider this policy.

¹ Richard Rosenfeld and Amanda Grigg, eds., *The Limits of Recidivism: Measuring Success After Prison* (Washington, DC: National Academies Press, 2022), 86, doi.org/10.17226/26459.

² Lucius Couloute, “Nowhere to Go: Homelessness among Formerly Incarcerated People,” Prison Policy Initiative, August 2018, <https://perma.cc/2JST-EEJC>.

³ Tristia Bauman, Rajan Bal, Karianna Barr, et al., *Housing Not Handcuffs 2019: Ending the Criminalization of Homelessness in U.S. Cities* (Washington, DC: National Law Center on Homelessness and Poverty, 2019), 50, <https://perma.cc/A7JU-5HDL>.

⁴ Shawn Bushway, Brian Vegetabile, Nidhi Kalra, et al., *Providing Another Chance; Resetting Recidivism Risk in Criminal Background Checks* (Santa Monica, California: RAND, 2022), https://www.rand.org/pubs/research_reports/RRA1360-1.html.

⁵ Calvin Johnson, “Tenant Screening with Criminal Background Checks: Predictions and Perceptions Are Not Causality,” PD&R Edge, May 17, 2022, perma.cc/JR29-NQDA. The article further states: “A study of housing outcomes among tenants participating in an intervention based on the Housing First model found that the performance of tenants with a criminal history was similar to that of participants without a criminal history. Although few studies examine the association between criminal history and housing success, no empirical evidence exists to justify a ‘blanket exclusion’ of people with criminal histories from housing.” For the cited study, see Daniel K. Malone, “Assessing Criminal History as a Predictor of Future Housing Success for Homeless Adults with Behavioral Health Disorders,” *Psychiatric Services* 60, no. 2 (2009), 224–230, ps.psychiatryonline.org/doi/pdf/10.1176/ps.2009.60.2.224.

⁶ Vera Institute of Justice, “Incarceration Trends,” updated October 16, 2024, trends.vera.org. To access this data, search “Maryland, United States” in the search bar in the upper righthand corner, then scroll down to “Racial Disparities in Incarceration.”

⁷ Washington Lawyers’ Committee for Civil Rights & Urban Affairs, *The Collateral Consequences of Arrests and Convictions under D.C., Maryland, and Virginia Law* (Washington, DC: Washington Lawyers’ Committee for Civil Rights & Urban Affairs, 2014), www.washlaw.org/pdf/wlc_collateral_consequences_report.pdf.

⁸ Kelsie Chesnut, Celia Strumph, Faiza Chappell, Ari Kotler, and John Bae, *Fair Chance Housing: Lessons in Implementation* (New York: Vera, 2025), <https://www.vera.org/publications/fair-chance-housing>.