

**SB0514 – PROSPECTIVE TENANT CRIMINAL
HISTORY RECORDS CHECK**

HEARING BEFORE THE HOUSE JUDICIARY COMMITTEE

2/6/25

Position: Favorable

Shore Legal Access (formerly Mid-Shore Pro Bono) supports SB0514. This bill, among other things, limits the use of criminal history records checks on prospective tenants, and provides tenants with important protections when landlords use reports containing criminal history record information.

SB0514 specifically prohibits the use of criminal history reports by landlords unless the landlords make a conditional offer to lease a rental unit. SB0514 also clearly describes the types of criminal history information that landlords can consider after making a conditional offer to a prospective tenant. This legislation also requires notice to tenants from landlords regarding the use of criminal history records in determining eligibility for leasing units; allows tenants to rebut inaccurate information and provide information about inaccuracies in the tenant's criminal history records, or evidence of rehabilitation, and other mitigating factors. SB0514 also requires the Maryland Attorney General's Office to collect information regarding the use of criminal history records, and develop notices landlords must provide to prospective tenants.

Shore Legal Access (SLA) connects people on the Eastern Shore with limited financial means to legal representation and essential community resources. Each year, SLS helps over 3,800 people in our communities access the legal system when they would otherwise be shut out. Our small legal team and network of volunteer lawyers provide free legal services for eviction prevention, criminal record expungement, life and estate planning, family law, foreclosure, and consumer debt. These services help families gain financial and housing stability and create safe, secure homes for children.



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SLA is a provider of legal services under the Access to Counsel in Evictions (ACE) program in 8 Eastern Shore counties (Caroline, Dorchester, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester). Tenants on the Eastern Shore have embraced the opportunity to obtain legal representation through the ACE program since the program began in 2022. Since July 1, 2022, SLA's staff and volunteers have represented over 1,660 Eastern Shore tenants with mover favorable outcomes in nearly every case. These services collectively helped tenants reduce their financial burden by over \$368,000. When given the chance to have representation, tenants are taking advantage of that option, and as a result, getting better outcomes.

Tenants on the Eastern Shore who seek housing face many obstacles, including limited inventory of safe and affordable housing, and older housing stock. Criminal history records can be an important tool to evaluate prospective tenants, but only if such records are accurate, relevant, and if tenants are aware of how criminal records will be used by landlords and how they can be used.

Publicly available information reflects that tenant screening reports with criminal histories are not reliable and harm consumers. Reports by federal agencies and advocacy groups have documented the inaccuracies in reports containing criminal history records used by landlords.¹ One report concluded that criminal history records or reports utilized by landlords may undergo minimal, if any, manual review or quality control before they are received by landlords.²

Companies that provide landlords with reports containing criminal background histories may also have inaccurate information or poor matching criteria to ensure that the report matches with the prospective applicant. In a case brought by the Federal Trade Commission, a tenant screening company named RealPage, Inc., issued tenant screening reports associated some potential renters with criminal records that did not belong to the prospective tenants.³

¹ See, "Consumer Snapshot, Tenant Background Screening Checks." Consumer Financial Protection Bureau, November 2022: https://files.consumerfinance.gov/f/documents/cfpb_consumer-snapshot-tenant-background-check_2022-11.pdf; and "Broken Records Redux, How Errors By Criminal Background Check Companies Continue to Harm Consumers Seeking Jobs and Housing." National Consumer Law Center, 2019. <https://www.nclc.org/wp-content/uploads/2022/09/report-broken-records-redux.pdf>

² Id.

³<https://www.ftc.gov/news-events/news/press-releases/2018/10/texas-company-will-pay-3-million-settle-ftc-charges-it-failed-meet-accuracy-requirements-its-tenant>

SLA has also represented clients who were the subject of inaccurate reports by tenant screening agencies and we have been able to assist clients in efforts to remove inaccurate information.

SB0514 provide important protections to prospective tenants who may be the subject of criminal history records and reports. Both the reports and cases demonstrating that criminal history reports may contain inaccurate information demonstrate that there is a need for such protections. The prohibitions and limits in SB0514 concerning the types of criminal history information that may be considered by landlords when evaluating prospective tenants are necessary, especially in light of what we know about the inaccuracies and poor procedures utilized by tenant screening agencies when generating the reports. The notice requirements in SB0514 are equally important to ensure that prospective tenants are informed of their rights, and have the ability to dispute inaccurate information and require landlords to consider other relevant information and factors raised by prospective tenants. SB0514 also provides protections to consumers whose criminal records have been expunged and prohibits landlords from using an expunged conviction as grounds to deny a prospective tenant.

SLA supports SB0514 and urges the Committee's favorable recommendation on this bill. If you have any questions regarding our position on this bill, please contact Anthony Rodriguez, Esq. at tonrod1894@gmail.com or Meredith Girard, Executive Director at 410.690.8128 or e-mail mgirard@shorelegal.org.

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