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Maryland Fair Chance Housing Act (SB 514): Frequently Asked Questions

What is the Maryland Fair Chance Housing Act?

The Maryland Fair Chance Housing Act (SB 514) limits the use of background checks when someone applies for rental housing. It would ensure that Marylanders with arrest and conviction histories have a fair chance to secure housing.¹

Why does Maryland need this legislation?

Access to housing reduces crime and keeps our communities safe. It substantially increases the likelihood that a person returning home from incarceration will be able to find a job, avoid additional convictions, and receive support from their family.² A 2021 review analyzing 18 studies from around the world found that stable housing was associated with decreased criminal activity in every study.³

The research is clear that housing makes us safe, yet people with conviction histories are shut out of housing opportunities in Maryland.⁴ Most housing providers use background checks to evaluate applicants even though they do not give us accurate information about an applicant's safety risk or ability to be a good tenant.⁵ A background check provides information about a person at the time of their last conviction, but it does not define a person or show who they have become during and after incarceration (for example, gains in education, employment, and stability). Further, research shows that most people with convictions in their past do not go on to have another conviction.⁶ Considerations like a person's ability to pay rent, ties to the community, employment, and personal references can provide a much more accurate picture.

With this law, Maryland will ensure that housing providers assess rental applicants on factors relevant to housing success, which will reduce crime, make our communities safer, and help housing providers find the best tenants.

How many people would this legislation impact?

More than one million Marylanders, or approximately 22 percent of the state population, have some type of criminal legal system involvement.⁷ And as of January 2024, Maryland held more than 24,000 people in jail or prison; most of them will eventually be released and need a place to live.⁸

This issue does not only impact people with conviction histories, but it also extends to thousands of families who face barriers to housing. More than 67,000 children in Maryland have had a parent in prison.⁹ Increasing access to stable housing for families has been found to reduce children's absences in school, improve behavioral health issues, and improve nutritional outcomes.¹⁰

What would the Fair Chance Housing Act do?

The Fair Chance Housing Act ensures that housing providers assess rental applicants on more than just their conviction histories.

In summary, the Fair Chance Housing Act will:

- prohibit housing providers from asking rental applicants about their conviction histories during the initial screening process;
- postpone any background check until the applicant receives a conditional offer of housing, pending a limited background check;
- limit the use of screening to specific types of convictions within established timeframes; and
- allow applicants to undergo an individualized review of their conviction histories and offer evidence of rehabilitation prior to denial by the housing provider.

What about the safety of other tenants?

Previous criminal legal system involvement does not indicate that someone will be an undesirable tenant and neighbor. Factors like employment, references, and ability to pay rent are much more informative. And a conviction history does not mean that a person will commit an additional crime. The majority of people have only one conviction, meaning that a conviction history does not accurately predict an applicant's safety risk to other tenants.¹¹

How will this impact public safety?

This bill will make Maryland communities safer for everyone. Study after study finds that people who are stably housed have reduced police contact and prison time¹² For example, one study looking at women with felony convictions who were experiencing poverty found that stable state-sponsored housing and other economic supports reduced the odds of being arrested for a new crime or violating parole by 83 percent.¹³

Is this a racial justice issue?

The use of background checks in rental application processes harms Black communities by worsening existing racial disparities. In Maryland, Black people are disproportionately over-arrested and incarcerated. 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.¹⁴ This discrimination carries over into the community as people are released from jail and prison and are then shut out of housing.¹⁵

Where do Fair Chance Housing policies already exist?

In Maryland, Montgomery County passed the Housing Justice Act in 2021, and the Maryland Department of Housing and Community Development recently took steps to implement more inclusive tenant screening practices for affordable housing.¹⁶ A statewide law would expand and strengthen these protections. Cook County, IL; Washington, DC; and New York City have also passed fair chance housing legislation.¹⁷ New Jersey enacted statewide Fair Chance Housing laws in 2021 and has been successful in curbing housing discrimination against people with conviction histories.¹⁸ By passing the Fair Chance Housing Act, Maryland can lead the nation with the strongest statewide protections in the country.

Are housing providers liable if they rent to people with conviction histories?

No. A housing provider will not be held liable if they rent to someone with a conviction history who then commits a crime. A provision within the Fair Chance Housing Act explicitly protects housing providers from liability in civil actions should this situation occur.

Endnotes

- ¹ Maryland Senate, *Landlord and Tenant – Residential Leases – Prospective Tenant Criminal 3 History Records Check 4 (Maryland Fair Chance Housing Act)*, Senate Bill 514, 447th session, introduced January 23, 2025, <https://mgaleg.maryland.gov/2025RS/bills/sb/sb0514F.pdf>. The House version of this bill has not yet been introduced at the time of publication.
- ² Jocelyn Fontaine and Jennifer Biess, *Housing as a Platform for Formerly Incarcerated Persons* (Washington, DC: Urban Institute, 2012), perma.cc/9JMQ-4H2Y; and Phillippa Carnemolla and Vivienne Skinner, “Outcomes Associated with Providing Secure, Stable, and Permanent Housing for People Who Have Been Homeless: An International Scoping Review,” *Journal of Planning Literature* 36, no. 4 (2021), 508–525, doi.org/10.1177/08854122211012911. For more on housing and recidivism, see Leah A. Jacobs and Aaron Gottlieb, “The Effect of Housing Circumstances on Recidivism: Evidence from a Sample of People on Probation in San Francisco,” *Criminal Justice and Behavior* 47, no. 9 (2020), 1097–1115, doi.org/10.1177/0093854820942285. Paywall-free prepublication version available at: perma.cc/7YT4-HX9L.
- ³ Carnemolla and Skinner, *Outcomes Associated with Providing Secure, Stable, and Permanent Housing*, 2021.
- ⁴ 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.
- ⁵ Calvin Johnson, “Tenant Screening with Criminal Background Checks: Predictions and Perceptions Are Not Causality,” PD&R Edge, May 17, 2022, <http://perma.cc/JR29-NQDA>.
- ⁶ Shawn D. Bushway, Brian G. Vegetabile, and Nidhi Kalra, et al., *Providing Another Chance: Resetting Recidivism Risk in Criminal Background Checks* (Santa Monica, CA: RAND Corporation, 2022), 52–53, rand.org/pubs/research_reports/RRA1360-1.html.
- ⁷ The Clean Slate Initiative, “Clean Slate Initiative Data Dashboard,” accessed January 28, 2025, <https://www.cleanslateinitiative.org/data>.
- ⁸ 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 “Jail and Prison Incarceration” and toggle to “Total population.”
- ⁹ Kids Count Data Center, “Children Who Had a Parent Who Was Ever Incarcerated in Maryland,” database (Baltimore, Maryland: Annie E. Casey Foundation, May 2023), <https://datacenter.aecf.org/data/tables/9688-children-who-had-a-parent-who-was-ever-incarcerated?loc=22&loct=2#detailed/2/22/false/2043,1769,1696,1648,1603/any/18927,18928>.
- ¹⁰ See Daniel Gubits, Marybeth Shinn, Michelle Wood, et al., *Family Options Study: 3-Year Impacts of Housing and Services Interventions for Homeless Families* (Washington, DC: U.S. Department of Housing and Urban Development, Office of Policy Development and Research, 2016), xxviii, perma.cc/7LPB-UJE6; and Diana Becker Cutts, Alan F. Meyers, Maureen M. Black, et al., “US Housing Insecurity and the Health of Very Young Children,” *American Journal of Public Health* 101, no. 8 (2011), 1508–1514, 1511, perma.cc/YP4K-SWSS.
- ¹¹ Bushway, Vegetabile, and Kalra, et al., *Providing Another Chance*, 52–53, 2022.
- ¹² Carnemolla and Skinner, *Outcomes Associated with Providing Secure, Stable, and Permanent Housing*, 2021.
- ¹³ Kristy Holtfreter, Michael D. Reisig, and Merry Morash, “Poverty, State Capital, and Recidivism among Women Offenders,” *Criminology & Public Policy* 3, no. 2 (2004), 185–208, 201, doi.org/10.1111/j.1745-9133.2004.tb00035.x.
- ¹⁴ 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.”
- ¹⁵ See Greater New Orleans Fair Chance Housing Action Center, *Locked Out: Criminal Background Checks as a Tool for Discrimination* (New Orleans: Greater New Orleans Fair Housing Action Center, 2015) (discussing this issue in Louisiana), perma.cc/H7UY-CXZ2; and Equal Rights Center, *Unlocking Discrimination* (Washington, DC: Equal Rights Center, 2016), perma.cc/G8AT-Y2AH.
- ¹⁶ For the Montgomery County Housing Justice Act, see Montgomery County, MD, “Council Approves the Housing Justice Act,” press release (Rockville, Maryland: Montgomery County, April 20, 2021), <https://perma.cc/W5AT-HH8X>. For the Maryland Department of Housing and Community Development tenant screening policy, see Memorandum from Maryland Department of Housing and Community Development re: “Affirmative Fair Housing Marketing Plans and Tenant Selection Policies,” August 5, 2024 – Updated November 26, 2024, <https://perma.cc/N3DF-ARVU>.
- ¹⁷ Cook County Government, “Just Housing Amendment to the Human Rights Ordinance,” <https://perma.cc/D779-EXXQ>; and Council of the District of Columbia, “Fair Criminal Record Screening for Housing Act of 2016,” Act; and New York City Council, “Fair Chance for Housing Act,” Int 2047-2020, 2021, legistar.council.nyc.gov/LegislationDetail.aspx?GUID=727F0B98-C1D6-4A6D-A12B-53356D35C065&ID=4624864; and Cook County <https://www.cookcountyil.gov/content/just-housing-amendment-human-rights-ordinanceperma.cc/F9LH-GVWL>; and New York City Council, “Fair Chance for Housing Act,” Int 2047-2020, 2021, legistar.council.nyc.gov/LegislationDetail.aspx?GUID=727F0B98-C1D6-4A6D-A12B-53356D35C065&ID=4624864.
- ¹⁸ Ashley Balcerzak, “NJ Warns 59 Landlords over Violating Law on Housing Rights for Formerly Incarcerated,” NorthJersey.com (USA Today), February 24, 2023, perma.cc/2ZYD-X7VV.