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With Senate Bill 514, Maryland Will Lead the Way in Increasing Access to Housing and Providing Second Chances

Every Marylander deserves a place to call home. And for the more than one million state residents (22 percent of the population) with criminal legal system involvement, finding a home can be very difficult.¹ Many people with conviction histories are shut out of the rental market. But studies show that securing housing is crucial to education, health, and economic mobility.² Stable housing has also been linked to decreased crime and improved public safety.³ With the Fair Chance Housing Act (SB 514), Maryland can give people with conviction histories access to housing and a chance to thrive.⁴

SB 514 limits the use of criminal background checks in rental application processes, allowing Marylanders with conviction histories a chance to secure housing.

Why should Maryland pass SB 514?

- A conviction history does not indicate whether someone will be a good tenant.**
 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 Research also finds that most people with a conviction in their past do not have another conviction.⁶
- Conviction histories are not an effective tool for screening prospective tenants.**
 HUD recommends screening tenants based on more relevant criteria, such as ability to pay rent, prior rental history, or personal references.⁷ A background check provides information about a person at the time of their last conviction, but it says nothing about who they are now and progress during and after incarceration (for example, gains in education, employment, and stability).⁸ Additionally, many background checks include wrong, old, or misleading information.⁹
- Helping formerly incarcerated people access housing can reduce homelessness.**
 People who are formerly incarcerated are almost 10 times more likely than the general public to be unhoused.¹⁰ In Baltimore City, which is home to a significant portion of formerly incarcerated Marylanders, 82 percent of the unhoused population has an arrest or conviction history.¹¹
- Housing is integral to successful reentry and public safety.**
 Research shows that formerly incarcerated people with housing are more likely to find and keep employment, rebuild supportive networks, and avoid additional convictions, meaning that SB 514 will stabilize our communities and make Maryland safer.¹²
- Denying housing on the basis of conviction histories may violate the Fair Housing Act.**
 Studies indicate that providers often use conviction histories to discriminate against Black applicants, applying different screening policies to white applicants.¹³ This practice and other inconsistent uses of conviction screening can constitute a violation of the Fair Housing Act under three different theories of liability.¹⁴ Recently, court cases have settled in favor of plaintiffs raising disparate impact claims.¹⁵

Endnotes

- ¹ The Clean Slate Initiative, “Clean Slate Initiative Data Dashboard,” accessed January 28, 2025, <https://www.cleanslateinitiative.org/data>.
- ² Kriti Ramakrishnan, Elizabeth Champion, Megan Gallagher, and Keith Fudge, *Why Housing Matters for Upward Mobility* (Washington, DC: Urban Institute, January 2021), perma.cc/U42U-EWME.
- ³ 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.
- ⁴ 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.
- 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 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), rand.org/pubs/research_reports/RR1360-1.html.
- ⁷ Memorandum from Principal Deputy Assistant, Secretary for Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development Demetria L. McCain to Office of Fair Housing & Equal Opportunity, Fair Housing Assistance Program Agencies, and Fair Housing Initiatives Program Grantees re: “Implementation of the Office of General Counsel’s Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions,” June 10, 2022, 8, perma.cc/9SGW-W86B.
- ⁸ Bushway, Vegetabile, and Kalra, et al., *Providing Another Chance*, 2022.
- ⁹ Consumer Financial Protection Bureau (CFPB), “CFPB Reports Highlight Problems with Tenant Background Checks,” press release (Washington, DC), CFPB, November 15, 2022, perma.cc/5HEA-3JZT.
- ¹⁰ Lucius Couloute, “Nowhere to Go: Homelessness among Formerly Incarcerated People,” Prison Policy Initiative, August 2018, perma.cc/2JST-EEJC.
- ¹¹ Enterprise Community Partners and Arcstratta, *Housing as a Pathway to Justice: Landscape Analysis of Baltimore City* (Baltimore, Maryland: Enterprise Community Partners, 2024), iii, <https://perma.cc/6RKJ-E8EA>.
- ¹² Jocelyn Fontaine and Jennifer Biess, *Housing as a Platform for Formerly Incarcerated Persons* (Washington, DC: Urban Institute, 2012), perma.cc/9JMQ-4H2Y; and Philippa 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.
- ¹³ 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), perma.cc/H7UY-CXZ2; and Equal Rights Center, *Unlocking Discrimination* (Washington, DC: Equal Rights Center, 2016), perma.cc/G8AT-Y2AH.
- ¹⁴ Guidance issued by HUD in 2016 outlines the three theories of liability under which conviction screening may lead to violations: “discriminatory intent (also known as disparate treatment), discriminatory effects, and refusal to make reasonable accommodations.” See McCain, “Implementation of the Office of General Counsel’s Guidance on Application of Fair Housing Act Standards,” 2022, 3.
- ¹⁵ For example, *The Fortune Society v. Sandcastle Towers Housing Development Fund Corp.* No. 1:14-cv-6410 (E.D.N.Y.), (Amended Complaint filed May 1, 2015), perma.cc/UA76-UGKP.