

SB0514 - Aje Brown - FAV.pdf

Uploaded by: Aje Brown

Position: FAV

I am Aje Tajaera Brown, I am a single mother of three kids, and I am submitting testimony in **favor** of SB 514 – The Maryland Fair Chance Housing Act.

In 2019 I was convicted of misdemeanor theft. I was sentenced to six months imprisonment, all of which was waived in favor of 18 months supervised probation, which I completed.

In mid to late July 2024, I applied for housing in the City of Frederick Maryland. This was the apartment complex my grandmother lived in, and I wanted to live closer to her. As part of my application, they did a criminal background check. After completing my background check, my application was denied for having this on my record.

When I attempted to challenge the denial of my application on this basis, I was told “our policy is, if you have criminal conviction within the last seven years, you are denied and there is nothing we can do about it.” They then upheld the denial of my application. This meant I was not able to spend the last few months of my grandmother’s life with her, because she passed away. I will never get that time back.

The Fair Chance in Housing Act will help protect Marylanders like myself from being denied housing due to low level offenses like mine.

I urge the Committee to issue a FAVORABLE report on Senate Bill 514.

PJC SB 514 FAV.pdf

Uploaded by: Albert Turner

Position: FAV



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

Hearing before the Senate Judiciary Proceedings Committee on February 6, 2025

Position: SUPPORT (FAV)

The Public Justice Center (PJC) is a nonprofit public interest law firm that stands with tenants to protect and expand their rights to safe, habitable, affordable, and non-discriminatory housing and their rights to fair and equal treatment by Maryland's landlord-tenant laws, courts, and agencies. The PJC actively works towards instigating systemic changes to establish a society founded on justice. PJC seeks the Committee's **Favorable report on SB 514** as it is a critical measure to ensure that our returning Maryland residents are given an equitable opportunity to secure housing.

Every Marylander deserves safe and habitable housing. People who lack adequate housing in the first year after they return from incarceration are more than twice as likely to commit another crime than those with adequate housing. Therefore it is crucial that those who have been through the criminal justice system have the opportunity to secure that housing.

SB 514 would (1) give prospective tenants fair consideration when trying to find a home, (2) reduce recidivism rates in Maryland, and (3) give many more Marylanders the opportunity to pursue career and educational opportunities that they might otherwise be limited in obtaining due to limited housing opportunities for people with a criminal history **Additionally, due to historic institutionalized racism in the criminal justice system criminal record discrimination has an enormous disparate impact on black households. 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.**¹ **SB 514** addresses this harm by ensuring that those who have already been discriminated against do not become homeless after release because of institutional racism in the criminal justice system.

SB 514 limits a landlord's review of an applicant's criminal record. This bill provides that if a tenant meets all other acceptance criteria for the landlord, the landlord should make a conditional offer of tenancy before checking the criminal background. Then, in checking a prospective tenant's criminal background, the landlord may not consider certain criminal records within a three-year lookback period. The landlord is still allowed the option to withdraw the conditional based on convictions such as first-degree murder and human trafficking as well as being registered on the lifetime sexual registration list. If in the event, an applicant is denied based on one of these convictions, the tenant can still provide mitigating evidence in hopes the landlord may reconsider

¹ <https://trends.vera.org/state/MD>

The Public Justice Center is a 501(c)(3) charitable organization and as such does not endorse or oppose any political party or candidate for elected office.

the denial. This balances the prospective tenant's need for fair housing with the landlord's ability to screen for certain potentially relevant considerations related to criminal records.

Many states, and Washington D.C., have passed Fair Chance bills that are similar to **SB 514**. A number of these jurisdictions have reported success after implementation.² **Research has shown renters in these localities have been given wider access to housing.**³ Additionally landlords, have not seen an increase in adverse incidents; nor has implementation of these laws resulted in significant capacity burdens for landlords. Passing **SB 514** Fair Chance is a step in the right direction for all Maryland. If you have any questions, please contact Albert Turner, Esq., turnera@publicjustice.org (410) 625-9409 Ext. 250.

² Vera Institute of Justice, Fair Chance Housing: Lessons in Implementation <https://www.vera.org/publications/fair-chance-housing#:~:text=Fair%20Chance%20Housing%20Lessons%20in%20Implementation&text=A%20person's%20conviction%20history%20should,especially%20after%20release%20from%20incarceration.>

Testimony re Criminal Records SB0514 2 4 25-1.pdf

Uploaded by: Anthony Rodriguez

Position: FAV

**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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SB0514_Fair_Chance_Housing_Act_MLC_FAV.pdf

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR SB0514

Landlords and Tenant - Residential Leases – Prospective Tenant Criminal History Records Check (Maryland Fair Chance in Housing Act)

Bill Sponsor: Senator Henson

Committee: Judicial Proceedings

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in strong support of SB0514 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

Maryland has had, and still has, too many people in prison for minor offenses. Those people walk away after serving their sentence and find that they cannot rebuild their lives due to an overabundance of discrimination in getting jobs and housing.

This bill, if enacted, would help make it easier for those former offenders to get housing by:

- Precluding a landlord from requiring a prospective tenant to take a drug test or disclose any criminal history on a lease application, except if they are a sex offender or have committed other major crimes, such as first-degree murder or sex trafficking
- Precluding a landlord from publishing any statement that would reasonably discourage a tenant with criminal history to apply for a lease
- Ensuring that the landlord provide a prospective tenant with a physical document stating any reason that they would have been denied a lease

These are reasonable measures that will help those persons who are trying to restart their lives get housing.

We support this bill and recommend a **FAVORABLE** report in committee.

LDF Oral Testimony SB 514 2.3.pdf

Uploaded by: David Wheaton

Position: FAV

LDF Oral Testimony SB 514

Good Afternoon Chair, Vice Chair, and members of the Committee. My name is David Wheaton, and I am an attorney with the Legal Defense Fund (LDF). Founded by Maryland's own Thurgood Marshall, LDF is the nation's premier racial justice civil rights legal organization. Maryland Senate Bill 514, which will ensure that thousands of Marylanders with a history of involvement with the criminal legal system have fair access to housing. LDF asks this committee to give SB 514 a favorable report out of committee including the sponsors' amendments. Senate Bill 514 has the ability to positively impact public safety and provide thousands of Marylanders with the opportunity to find safe and quality housing.

Due to discriminatory policies and practices at every stage of the criminal legal system, Black people are disproportionately subject to arrest, prosecution, and incarceration.¹ Black people in Maryland make up 31% of state residents, but 52% of people in jail and 69% of people in prison.² Currently, there are extreme barriers to access safe and quality housing for Marylanders with a history of contact with the criminal legal system. A survey found nearly 8 out of 10 formerly incarcerated individuals reported ineligibility or denial of housing because of their or a loved one's conviction history.³ This legislation has the ability to help Marylanders with a history of involvement with the criminal legal system find safe and affordable housing, thousands of whom are Black Marylanders.

Criminal history restrictions disproportionately exclude Black people from housing, despite having a limited, if any, relationship with whether someone is a good tenant. Black people in Maryland are incarcerated at a rate 5.3 times higher than white people.⁴ In Maryland, one in five Black people born in 2001 is likely to be incarcerated in their lifetime compared to one in 29 white people.⁵ Also, research focused on housing outcomes has repeatedly shown criminal history is not a good predictor of housing success. From 2009 to 2013, three studies were conducted to evaluate whether criminal history was a predictor of housing success among people facing homelessness and substance use challenges who were living in supportive housing. In all three studies, the researchers found that criminal history was not a predictor of housing success.

Furthermore, landlords frequently rely on inaccurate, incomplete, or outdated court records to deny housing to people who have previous criminal records. Inaccuracies in criminal records also disproportionately impact Black people. A 2020 U.S. Department of Labor study found that 33% of Black participants had at least one inaccuracy in their criminal record compared to just

¹ Pew Research, *Racial Disparities Persist in Many U.S. Jails*, (May 16, 2023), <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2023/05/racial-disparities-persist-in-many-us-jails>

² Vera Institute for Justice, *Incarceration Trends in Maryland*, (2018), <https://www.vera.org/downloads/pdfdownloads/state-incarceration-trends-maryland.pdf>

³ Saneta deVunono-powell, et al., *Who Pays? The True Cost of Incarceration on Families*, Ella Baker Center, Forward Together, Research Action Design (Sept. 2015), <https://www.whopaysreport.org/wp-content/uploads/2015/09/Who-Pays-FINAL.pdf>

⁴ Leah Wang, Updated Data and Charts: Incarceration Stats by Race, Ethnicity, and Gender for All 50 States and D.C., Prison Policy Initiative, (Sept. 27, 2023), https://www.prisonpolicy.org/blog/2023/09/27/updated_race_data/#compare

⁵ Vera Institute for Justice, *Incarceration Trends in Maryland*, (2018), <https://www.vera.org/downloads/pdfdownloads/state-incarceration-trends-maryland.pdf>

18% of white participants, meaning Black participants were almost twice as likely to have an inaccurate record.⁶ The proposed legislation also allows tenants to be able to provide evidence of any inaccurate information found on their criminal history screening report. With the rate of inaccuracies found in criminal records as discussed above, especially for Black residents, this will allow tenants more opportunities to challenge any inaccurate information and help them secure housing.

Finally, as a country that believes in second chances, every person in Maryland should have access to safe and affordable housing. This includes people who have prior involvement with the criminal justice system. Currently, landlords are permitted to discriminate against hundreds of thousands of Marylanders because of their past and are being denied safe and stable housing. This discrimination disproportionately affects Black Marylanders.

Thank you.

⁶ U.S. Department of Labor, *Criminal Record Inaccuracies and the Impact of a Record Education Intervention on Employment-Related Outcomes*, (Jan. 2, 2020),

https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/LRE_WellsFinalProjectReport_December2020.pdf

DRM Testimony SB 0514 - FAV.pdf

Uploaded by: E.V. Yost

Position: FAV

**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.

BRHP Support SB 514 Maryland Fair Chance Housing A

Uploaded by: Emily Hovermale

Position: FAV



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February 6, 2025

Judicial Proceedings Committee
Maryland State Senate
Miller Senate Office Building
Annapolis, Maryland 21401

**RE: Baltimore Regional Housing Partnership Support for SB 514 Landlord and Tenant
– Residential Leases – Prospective Tenant Criminal History Records Check
(Maryland Fair Chance Housing Act)**

Dear Chair Smith, Vice Chair Waldstreicher and Honorable Members of the Judicial Proceedings Committee:

On behalf of the Baltimore Regional Housing Partnership (BRHP), I'm writing to express our support for SB 514.

BRHP is a non-profit organization that expands housing choices for low-income families who have historically been excluded from housing in well-resourced neighborhoods by helping them access and transition successfully to safe, healthy, and economically vibrant communities. As the Regional Administrator for the Baltimore Housing Mobility Program, BRHP currently provides over 4,300 low-income families rental assistance in the form of Housing Choice Vouchers coupled with counseling support for families as they move from areas of concentrated poverty to areas of opportunity in Baltimore City and the five surrounding counties.

SB 514 is a critical step toward ensuring fair housing opportunities for individuals with criminal records by:

- Prohibiting landlords from requesting or inquiring about a prospective tenant's criminal history before extending a conditional offer (with the exception that a landlord may require information regarding whether a prospective tenant is subject to a lifetime state sex offender registration requirement or has been convicted of manufacturing methamphetamine on the premises of federally assisted housing).
- Prohibiting landlords from requiring drug or alcohol tests or seeking information about rehabilitation history.

- Prohibiting landlords from denying applicants based on arrests that did not result in a conviction or on expunged or otherwise nullified convictions.
- Limiting the types of criminal convictions that may be grounds for withdrawal of a conditional housing offer to only the most serious offenses.
- Requiring landlords to disclose their criminal background screening process before accepting an application fee.
- Establishing a process for appealing a withdrawal of an offer based on criminal history, and allowing prospective tenants to present evidence of inaccuracies or mitigating factors in their criminal history.

Safe and stable housing provides the foundation necessary for securing employment, pursuing education, and successfully integrating into society. Currently, individuals with criminal records often face significant and unnecessary barriers to securing safe and stable housing, putting their ability to be successful following incarceration at serious risk. These barriers disproportionately impact Black and low-income individuals, further exacerbating systemic inequities.

SB 514 helps reduce these barriers by ensuring that prospective tenants are not unfairly denied housing due to their criminal history when they otherwise qualify. At the same time, the bill maintains important safeguards for landlords and other tenants by allowing restrictions for the most serious offenses. A true "second chance" requires access to stable housing, and this legislation ensures that Marylanders with criminal histories have that opportunity.

Additionally, SB 514 promotes transparency by requiring landlords to clearly outline their criminal background screening process and provide applicants with a means to challenge unfair or inaccurate denials. This is essential in combating systemic discrimination and ensuring that individuals who have served their time are not permanently excluded from securing a home.

Research has shown that formerly incarcerated individuals who obtain stable housing are more likely to reintegrate successfully into their communities and less likely to return to prison (<https://www.vox.com/policy/23750632/housing-landlords-renter-fair-chance-criminal-record-background-check>). Housing stability is a key factor in reducing recidivism and promoting long-term success for returning citizens.

For these reasons, BRHP strongly urges a favorable report on SB 514. Thank you for your time and consideration.

Adria Crutchfield
Executive Director

2025-02-06 SB 514 Office of Public Defender (FAV).

Uploaded by: Hannibal Kemerer

Position: FAV



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

TO: The Honorable William C. Smith, Jr., Chairman, Senate Judicial Proceedings
BILL: Senate Bill 514
FROM: Hannibal Kemerer, Chief of Staff, Maryland Office of the Public Defender
POSITION: Favorable
DATE: February 6, 2025

The Maryland Office of the Public Defender urges the Judicial Proceedings Committee to issue a favorable report on Senate Bill 514, Senator Henson's bill to prohibit landlords from requiring criminal history information of prospective tenants *before* extending a conditional offer of a lease. In an era of significant housing shortages borne most harshly by individuals who are formerly justice-involved, it is incumbent upon policymakers like the Members of this august Committee to provide some relief to our most vulnerable community members. Senate Bill 514 is a step in the right direction and, therefore, worthy of passage.

There's a marked consensus amongst scholars that "[p]eople who were formerly incarcerated are 'ten times more likely to be homeless than the general public.'"¹ According to Rutgers Law Professor Norrinda Brown Hayat:

Research reveals that formerly incarcerated people are ten times more likely to be homeless than the general public. The rates of homelessness are highest among people who have been incarcerated more than once, recently released persons, persons of color, and women. Among recently incarcerated persons that are not actually on the street, significant numbers only have temporary housing and are living in hotels, motels, and transitional housing like shelters. We also know that homelessness increases the likelihood of the formerly incarcerated coming into additional contact with the criminal legal system: law enforcement punishes actions such as sleeping in public, panhandling, and public urination. Studies have found that the presence of state-sponsored resources to offset the symptoms of poverty,

¹ Ji Hyun Rhim, *Left at the Gate: How Gate Money Could Help Prisoners Reintegrate Upon Release*, 106 Cornell L. Rev. 783, 798 (March, 2021) (citing *Formerly Incarcerated People Are Nearly 10 Times More Likely to Be Homeless*, Nat'l Low Income Housing Coalition (Aug. 20, 2018), <https://nlihc.org/re-source/formerly-incarcerated-people-are-nearly-10-times-more-likely-be-homeless> [https://perma.cc/QF6L-2BAW]).

including homelessness, dramatically reduced the likelihood of formerly incarcerated persons reoffending.²

Landlords overwhelmingly utilize criminal background checks in determining whether to rent to prospective tenants. However, new studies reveal that “a criminal history is not statistically predictive of future risk posed by a tenant to safety and security.”³ Indeed, “Ehman and Reosti demonstrated that ex-offenders posed no greater danger than other tenants, challenging the principle of ‘foreseeability’ and the underlying assumption of the criminal screening regime.”⁴

If criminal background checks aren’t predictive of tenant risk, then landlords shouldn’t be able to utilize them without any guardrails. Senate Bill 514 provides just the type of guardrails necessary to ensure that people who have paid their debt to society are not unnecessarily and unfairly prevented from obtaining residential leases. This legislation provides a nuanced policy solution in an era of housing scarcity. **For these reasons, the Maryland Office of the Public Defender urges this Committee to favorably report Senate Bill 514.**

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

Authored by: Hannibal Kemerer, Chief of Staff, 6 St. Paul Street, Baltimore, MD 21202.

² Norrinda Brown Hayat, Housing the Decarcerated: COVID-19, Abolition & The Right to Housing, 110 Calif. L. Rev. 639, 656 (June, 2022) (internal citations omitted) (citing Lucius Couloute, Prison Pol’y Initiative, Nowhere to Go: Homelessness Among Formerly Incarcerated People (Aug. 2018), <https://prisonpolicy.org/reports/housing.html> [https://perma.cc/8USY-K3YQ], et al.).

³ Tom Sanley-Becker, Breaking the Cycle of Homelessness and Incarceration: Prisoner Reentry, Racial Justice, and Fair Chance Housing Policy, 7 U. Pa. J. L. & Pub. Aff. 257, 287 (May, 2022) (citing Merf Ehman and Anna Reosti, Tenant Screening in an Era of Mass Incarceration: A Criminal Record is No Crystal Ball, N.Y.U. J. Legis. And Pub. Pol’y Quorum 1, Mar 3, 2015).

⁴ *Id.* at 288.

Vera Institute of Justice Testimony - SB 514 - Sen

Uploaded by: John Bae

Position: FAV

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

Written Testimony of John Bae
Director, Opening Doors
Vera Institute of Justice

February 6, 2025

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>.

SB 514- Fair Chance Housing, UULM-MD-Support-Cand

Uploaded by: Karen Clark

Position: FAV



Unitarian Universalist Legislative Ministry of Maryland

Testimony in Support of Landlord and Tenant - Residential Leases - Prospective Tenant Criminal History Records Check (Maryland Fair Chance Housing Act)

TO: Senator Will Smith, Jr. Chair and Members of the Judicial Proceedings Committee
FROM: Karen "Candy" Clark,
Unitarian Universalist Legislative Ministry of Maryland Criminal Justice Lead
DATE: February 6, 2025

I am Candy Clark, the lead advocate with the Unitarian Universalist Legislative Ministry of Maryland, requesting your support for **SB 514 - Landlord and Tenant - Residential Leases - Prospective Tenant Criminal History Records Check (Maryland Fair Chance Housing Act)**.

Citizens who are released from Maryland's prisons face a monumental task of integrating successfully back into their neighborhoods or other locations where they seek to live and thrive. Their problems or "collateral consequences" are staggering: food, food stamps, welfare support, health care, relationship difficulties, jobs, housing, and others. The majority of recidivists (70%) are repeat offenders who are trapped in this cycle. Many are excluded from public housing opportunities because of their incarceration record. In fact, formerly incarcerated people are nearly 10 times more likely to be homeless. **Senate Bill 514** goes to great efforts to give those with housing issues a path forward by addressing some of these obstacles to establish a more equitable, just, and stable process between the landlord and tenant.

To make certain that there is a clear understanding between the landlord and tenant, the landlord may employ a consumer reporting agency which will provide the landlord with any criminal history charges, or convictions (federal, state or local,) over the last 3 years. The reusable report contains the tenant's credit report, eviction history over the last 7 years, verification of employment, rental history and current income, and address or any other information that the landlord may legally use. If the landlord does conduct a Criminal History Check, it must be done on every prospective tenant, not just on selected people.

The landlord may not require a prospective tenant to take a drug or alcohol test, or request information on the possibility of drug or alcohol abuse from an established facility. The landlord may not reject the tenant based on a charge which had no conviction, an expunged conviction, or a Governor's full pardon, as well as, several other conditions that would nullify a rejection from rental.

This 10-page bill clarifies the contractual requirements between the tenant and landlord on many issues, such as what charges the tenant could be rejected for, like murder, sexual offences, and kidnapping, for example. It prohibits the landlord from publishing that "no one will be able to apply if they have been arrested or convicted of a crime," clearly giving applicants more equity in the housing opportunity. If the landlord decides not to offer the rental to a prospective tenant, the bill lists the requirements that the landlord must comply with for it to be acceptable. The process may also involve an Attorney General to oversee that it is handled properly.

UULM-MD c/o UU Church of Annapolis 333 Dubois Road Annapolis, MD 21401 410-266-8044,

www.uulmmd.org info@uulmmd.org www.facebook.com/uulmmd www.Twitter.com/uulmmd

The Unitarian Universalist Legislative Ministry asks for your support on **SB 514**. A bill that will foster ethical treatment for those who may be more vulnerable to life's unpredictable events. Our faith calls us to employ justice, equity, and compassion in our interactions which this bill is.

Respectfully submitted,

Karen Clark

UULM-MD Criminal Justice Lead Advocate

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CLS Support for SB0514 - Fair Chance Housing.pdf

Uploaded by: Lisa Sarro

Position: FAV

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Deputy Director
Kayla Williams-Campbell, Esq.

Director of Litigation and Advocacy
Lisa Sarro, Esq.

Director of Operations
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Karen Zayas



**SB0514 –
Landlord and Tenant - Residential Leases - Prospective
Tenant Criminal History Records Check
(Maryland Fair Chance Housing Act)
Hearing of the Judicial Proceedings Committee, February 6,
2025**

Position: Favorable

To the Honorable Members of the Judicial Proceedings Committee:

Community Legal Services (CLS) supports Senate Bill 514, which limits the use of tenant criminal records in housing applications.

CLS is a nonprofit civil legal aid provider dedicated to advocating for and maintaining the rights of Maryland's underrepresented populations. We promote economic, housing, and family stability and success by providing quality legal representation to those who otherwise would not have equal access to justice. We represent individuals with legal issues related to housing, consumer, family law, and other matters, sometimes all at once. Though our work, we see very clearly that having safe, stable housing is critical for success in every aspect of our clients' lives and the lives of their children.

SB 514 is critical to ensuring that individuals with past criminal records are not permanently barred from obtaining stable housing. Housing is a fundamental necessity and a key factor in reducing recidivism, promoting economic stability, and strengthening families. Yet, far too often, individuals - many of whom have served their time or were never convicted - face near-automatic denial of rental housing based on old or minor offenses. These blanket policies disproportionately harm low-income communities and people of color, perpetuating cycles of poverty and homelessness.

Through our legal advocacy, CLS has worked with Marylanders who struggle to find housing due to criminal record screening policies that fail to account for rehabilitation, mitigating circumstances, or the passage of time. Many of our clients are parents seeking stable housing for their children, individuals who have completed workforce training programs, and community members who are otherwise fully qualified tenants but are rejected based solely on records that have no bearing on their ability to be responsible renters.

P.O. BOX 374 RIVER DALE, MD 20738-0374

Maryland has made great strides in recent years in advancing criminal justice reform, including efforts to expand expungement and efforts to remove barriers to employment for justice-involved individuals. However, without access to stable housing, these individuals are at a huge disadvantage as they seek to rebuild and then maintain economic and other stability in their lives.

For these reasons, **Community Legal Services urges the committee to issue a favorable report on SB 514.** Ensuring fair access to housing is not just a matter of economic justice, it is essential for the well-being of families, communities, and our state as a whole.

Please feel free to contact Jessica Quincosa, Executive Director, and Lisa Sarro, Director of Litigation and Advocacy, with any questions at quincosa@clspgc.org and sarro@clspgc.org, respectively.

SB 0514 Fair Chance Housing Act.pdf

Uploaded by: Loraine Arikat

Position: FAV



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

Position: FAVORABLE

Dear Chair Smith and members of the Judiciary Committee:

My name is Ricarra Jones, and I am the Political Director with 1199SEIU United Healthcare Workers East. We are the largest healthcare workers union in the nation, with 10,000 members in Maryland and Washington, DC.

1199 SEIU believes Senate Bill 514 is a critical measure to ensure that our returning Maryland residents are given an equitable opportunity to secure housing.

1199 SEIU believes in supporting our returning residents to lead healthy and thriving lives. Prisons are not healing spaces, so ensuring safe and habitable home sets the foundation for a healthy mind and body. Returning residents often struggle with mental health issues and homelessness only aggravates mental health issues. People who lack adequate housing in the first year after they return from incarceration are more than twice as likely to commit another crime than those with adequate housing. Therefore it is crucial that those who have been through the criminal justice system have the opportunity to secure that housing.

SB 514 would (1) give prospective tenants fair consideration when trying to find a home, (2) reduce recidivism rates in Maryland, and (3) give many more Marylanders the opportunity to pursue career and educational opportunities that they might otherwise be limited in obtaining due to limited housing opportunities for people with a criminal history. Additionally, due to historic institutionalized racism in the criminal justice system criminal record discrimination has an enormous disparate impact on Black households. 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.¹ SB 514 addresses this harm by ensuring that those who have already been discriminated against do not become homeless after release because of institutional racism in the criminal justice system.

SB 514 limits a landlord's review of an applicant's criminal record. This bill provides that if a tenant meets all other acceptance criteria for the landlord, the landlord should make a conditional offer of tenancy before checking the criminal background. Then, in checking a prospective tenant's criminal background, the landlord may not consider certain criminal records within a three-year lookback period. The landlord is still allowed the option to withdraw the conditional based on convictions such as first-degree murder and human trafficking as well as being registered on the lifetime sexual registration list. If in the event, an applicant is denied based on one of these convictions, the tenant can still provide mitigating evidence in hopes the landlord may reconsider

¹ <https://trends.vera.org/state/MD>



the denial. This balances the prospective tenant's need for fair housing with the landlord's ability to screen for certain potentially relevant considerations related to criminal records.

Many states, and Washington D.C., have passed Fair Chance bills that are similar to SB 514. A number of these jurisdictions have reported success after implementation.² Research has shown renters in these localities have been given wider access to housing.³ Additionally landlords, have not seen an increase in adverse incidents; nor has implementation of these laws resulted in significant capacity burdens for landlords. Passing SB 514 Fair Chance is a step in the right direction for all Marylanders.

1199SEIU urges a favorable report on SB 0514.

Sincerely,

Ricarra Jones
Political Director
1199 SEIU United Healthcare Workers East
Ricarra.jones@1199.org

² Vera Institute of Justice, [Fair Chance Housing: Lessons in Implementation](https://www.vera.org/publications/fair-chance-housing#:~:text=Fair%20Chance%20Housing%20Lessons%20in%20Implementation&text=A%20person's%20conviction%20history%20should,especially%20after%20release%20from%20incarceration.)
<https://www.vera.org/publications/fair-chance-housing#:~:text=Fair%20Chance%20Housing%20Lessons%20in%20Implementation&text=A%20person's%20conviction%20history%20should,especially%20after%20release%20from%20incarceration.>

SB 0514 Testimony.pdf

Uploaded by: Michael Lent

Position: FAV

**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

I, Michael Lent constituent of District 8, believe Senate Bill 514 is a critical measure to ensure that our returning Maryland residents are given an equitable opportunity to secure housing.

Every Marylander deserves safe and habitable housing. People who lack adequate housing in the first year after they return from incarceration are more than twice as likely to commit another crime than those with adequate housing. Therefore it is crucial that those who have been through the criminal justice system have the opportunity to secure that housing.

SB 514 would (1) give prospective tenants fair consideration when trying to find a home, (2) reduce recidivism rates in Maryland, and (3) give many more Marylanders the opportunity to pursue career and educational opportunities that they might otherwise be limited in obtaining due to limited housing opportunities for people with a criminal history. Additionally, due to historic institutionalized racism in the criminal justice system criminal record discrimination has an enormous disparate impact on black households. 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.¹ SB 514 addresses this harm by ensuring that those who have already been discriminated against do not become homeless after release because of institutional racism in the criminal justice system.

SB 514 limits a landlord's review of an applicant's criminal record. This bill provides that if a tenant meets all other acceptance criteria for the landlord, the landlord should make a conditional offer of tenancy before checking the criminal background. Then, in checking a prospective tenant's criminal background, the landlord may not consider certain criminal records within a three-year lookback period. The landlord is still allowed the option to withdraw the conditional based on convictions such as first-degree murder and human trafficking as well as being registered on the lifetime sexual registration list. If in the event, an applicant is denied based on one of these convictions, the tenant can still provide mitigating evidence in hopes the landlord may reconsider the denial. This balances the prospective tenant's need for fair housing with the landlord's ability to screen for certain potentially relevant considerations related to criminal records.

Many states, and Washington D.C., have passed Fair Chance bills that are similar to SB 514. A number of these jurisdictions have reported success after implementation.² Research has shown renters in these localities have been given wider access to housing.³ Additionally landlords, have

¹ <https://trends.vera.org/state/MD>

² Vera Institute of Justice, [Fair Chance Housing: Lessons in Implementation](https://www.vera.org/publications/fair-chance-housing#:~:text=Fair%20Chance%20Housing%20Lessons%20in%20Implementation&text=A%20person's%20conviction%20history%20should,especially%20after%20release%20from%20incarceration.)
<https://www.vera.org/publications/fair-chance-housing#:~:text=Fair%20Chance%20Housing%20Lessons%20in%20Implementation&text=A%20person's%20conviction%20history%20should,especially%20after%20release%20from%20incarceration.>

not seen an increase in adverse incidents; nor has implementation of these laws resulted in significant capacity burdens for landlords. Passing SB 514 Fair Chance is a step in the right direction for all Marylanders.

I am urging the Senate Judicial Proceedings Committee to offer a favorable report on SB 514

Sincerely,
Michael Lent
District 08
2054 Creighton Ave Parkville MD 21234

BUILD Written Testimony for Fair Chance Housing 20

Uploaded by: Minister Thomas Anderson

Position: FAV



PREPARED TESTIMONY
**THE IMPORTANCE OF ENDING DISCRIMINATION RELATED TO
HOUSING FOR RETURNING CITIZENS IN MARYLAND**

Submitted by: Minister Thomas Anderson
BUILD (Baltimoreans United in Leadership Development)

BUILD strongly supports the passage of SB 514, which would end discrimination in housing for most returning citizens in Maryland.

My name is Minister Thomas Anderson and I am a leader with BUILD (Baltimoreans United In Leadership Development) and a minister at Zion Baptist Church in Baltimore City. BUILD is a coalition of almost 50 religious congregations and non-profits in Baltimore City and County.

Over the last two years, BUILD and Turnaround Tuesday have listened to more than 700 returning citizens and others directly affected by the criminal justice system. This represents a small part of the hundreds of thousands of returning citizens who live throughout Maryland.

We asked each of them what was the biggest roadblock for them coming home from incarceration. We heard story after story, but the #1 issue by far was housing.

We heard about landlords refusing to rent because of criminal background. People wasting money on 5 or 6 applications just to be denied. People not getting a response. And people having to lie or have another person submit an application for them to get an apartment. People going into depression or having to stay in shelters or unsafe locations because they could not find housing.

But I want to share my own story with you today in person.

BUILD's sister organization in New Jersey helped pass the nation's first Fair Chance in Housing Law, working with the Fair Share Housing Center that you will hear from today. Let's make Maryland a leader yet again on issues of equality and justice, a place where we give people the second chances they need and deserve.

BUILD's History and Track Record on this issue

BUILD – Baltimoreans United In Leadership Development – is a broad-based, non-partisan coalition of more than 35 religious congregations, non-profits, and schools in Baltimore. Founded in 1977, BUILD has a long, productive track record acting on issues related to housing, jobs, schools, safety, and more. This has included the creation of the nation's first living wage ordinance in Baltimore City and working with the state legislature to invest \$1 billion in rebuilding Baltimore City's aging school infrastructure in recent years. We are part of the Industrial Areas Foundation (IAF), the nation's oldest and largest multi-faith organizing network in the United States.

In 2014, BUILD leaders in East Baltimore worked together to launch Turnaround Tuesday, a workforce development movement that connects returning citizens to living wage jobs through direct relationships with employers like Johns Hopkins, the University of Maryland, and more. To date, Turnaround Tuesday has

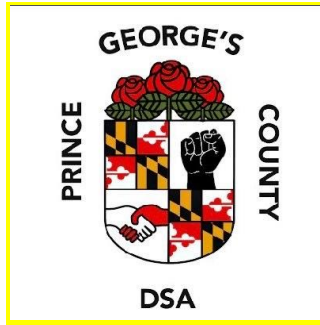
connected more than 2,000 people – mostly returning citizens – to living wage jobs at employers and anchor institutions across Baltimore. Of those, 71% stay for at least two years.

In 2024, BUILD and Turnaround Tuesday led the successful fight to end parole fees for returning citizens in Maryland. This bill was supported by a broad coalition of local and national allies. Following the bill's passage, Gov. Wes Moore announced that he would eliminate \$13 million in debt from parole fees that were past due.

SB 514 Testimony.docx.pdf

Uploaded by: Ralph Cyrus III

Position: FAV



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,
Feb. 6, 2025**

Position: FAVORABLE

The Prince George's Branch of the Metro DC Chapter of the Democratic Socialists of America believes Senate Bill 514 is a critical measure to ensure that our returning Maryland residents are given a fair opportunity to secure housing.

Every Marylander deserves a safe and habitable roof over their head. There are thousands each year who have long been wrongly excluded from the housing market, and many others who have suffered from inadequate living conditions, for fear of their record being used against them. People who lack adequate housing in the first year after they return from incarceration are more than twice as likely to return to a life of crime than those with adequate housing. Therefore it is crucial that those who have been through the criminal justice system have the opportunity to secure a place to lay their heads.

SB 514 would (1) give prospective tenants fair consideration when trying to find a home, (2) reduce recidivism rates in Maryland, and (3) give many more Marylanders the opportunity to pursue career and educational opportunities that they might otherwise be limited in obtaining due to limited housing opportunities for people with a criminal history. Additionally, due to historic institutionalized racism in the criminal justice system criminal record discrimination has an enormous disparate impact on black households. 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. SB 514 addresses this harm by ensuring that those who have already been discriminated against do not become homeless after release because of institutional racism in the criminal justice system.

This bill will ensure racism that, is latent in the criminal justice system, will not be able to affect someone's ability to secure a roof over their heads, long past when a sentence is fulfilled. Given the well-documented over-representation of people of color in our criminal legal system, denying people housing based on conviction records is often a proxy for denying people based on race. In fact, in 2016, HUD issued guidelines that, given the racial disparities of the criminal legal system, housing policies that include a blanket ban on people with conviction records violate federal fair housing laws.

Lastly, returning residents often have to deal with substandard living conditions: Unmaintained buildings, Unsanitary Conditions, Unsafe protections, and a lack of basic amenities: clean water, electricity, heating. When tenants feel they will be discriminated against, they will oftentimes not advocate to property management about their needs, for fear they will be out of places to live. Unfortunately, the barriers to securing housing for formerly incarcerated individuals are already significant, and finding a decent place to live can be even harder if they have limited options. A larger housing pool where a record is not held against the applicant will allow tenants to choose the best options for themselves, and voice whether the obligations of the rental contract and law are being fulfilled.

Many states, and Washington D.C., have passed Fair Chance bills that are similar to SB 514, and a number of these jurisdictions have reported success after implementation. Many have successfully ended this type of discrimination in labor and education. Studies have shown renters in these localities have been given wider access to housing. 3 Additionally landlords have not seen an increase in adverse incidents; nor has implementation of these laws resulted in significant capacity burdens for landlords. Passing SB 514 Fair Chance is a step in the right direction for all Marylanders.

We urge a favorable report on SB 442

Testimony in support of SB0514 - Landlord and Tena

Uploaded by: Richard KAP Kaplowitz

Position: FAV

SB0514_RichardKaplowitz_FAV

02/06/2025

Richard Keith Kaplowitz Frederick,
MD 21703-7134

TESTIMONY ON SB#0514 - POSITION: FAVORABLE

Landlord and Tenant - Residential Leases - Prospective Tenant Criminal History Records Check
(Maryland Fair Chance Housing Act)

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Richard Keith Kaplowitz

My name is Richard Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of/ SB#/0514, Landlord and Tenant - Residential Leases - Prospective Tenant Criminal History Records Check (Maryland Fair Chance Housing Act)

“Formerly incarcerated people typically return to low-income communities where resources, particularly affordable, accessible housing, are scarce—there is a national shortage of 7 million rental units affordable and available to extremely low-income households. A criminal record poses an additional barrier to accessing affordable, accessible housing for justice involved individuals, placing them at risk of housing instability, homelessness, and ultimately recidivism.”¹

The United States has the most extensive carceral system in the world, encompassing federal, state, local facilities, and tribal centers. National data show that the United States incarcerates people at significant rates: annually, 600,000 people enter prison, and 10 million spend time in jail.²

This bill attempts to circumvent these harms inflicted on formerly incarcerated individuals by prohibiting a landlord from requiring or requesting from a prospective tenant certain information relating to criminal history and prohibiting a landlord from considering certain information when evaluating the prospective tenant. It is not a blanket action intended to shield all formerly incarcerated people but is conditional on the offense(s) that lead to the jailing through permitting a landlord to consider certain criminal history information. That consideration will be permitted prior to extending a conditional offer to a prospective tenant. The bill establishes conditions requiring the landlord to consider certain information provided by a prospective tenant relating to a criminal history records check for guidance in making an ethical and moral judgement of the applicant. The intent of the bill overall is to make it more possible that someone who has paid their debt to society can re-enter society and find housing to accelerate that acculturation back into society.

I respectfully urge this committee to return a favorable report on SB0514.

¹ https://nlihc.org/sites/default/files/AG-2020/6-07_Housing-Access-for-People-with-Criminal-Records.pdf

² [Mass Incarceration: The Whole Pie 2022](https://fairhousingjustice.org/wp-content/uploads/2023/06/Criminal-Legal-Records_-An-Impediment-to-Housing-Choice-FULL-w_-Cover.pdf) reference found in https://fairhousingjustice.org/wp-content/uploads/2023/06/Criminal-Legal-Records_-An-Impediment-to-Housing-Choice-FULL-w_-Cover.pdf

SB514 Frequently Asked Questions

Uploaded by: Senator Henson Senator Henson

Position: FAV



January 2025

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-ordinance> perma.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.

SB514 Providing second Chances

Uploaded by: Senator Henson Senator Henson

Position: FAV



January 2025

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.

SB514 Senator Henson

Uploaded by: Senator Henson Senator Henson

Position: FAV



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

SPONSOR TESTIMONY
SB 514 Landlord and Tenant - Residential Leases
- Prospective Tenant Criminal History Check
(Maryland Fair Chance Housing Act)

Chairman Smith and Committee Members

Thank you for the opportunity to introduce and provide key details regarding SB 514 - Residential Leases - Prospective Tenant Criminal History Check -- also being referred to as the Maryland Fair Chance Housing Act.

For the record, I am Senator Shaneka Helson from the 30th Legislative District of Anne Arundel County, MD.

This bill is also cross-filed and co-sponsored by Delegate Adrian Boafo from the 23rd District of Prince George's County, MD.

With us today and presenting real-life reasons this Bill is essential to an impacted segment of state residents are the following panelists representing key organizations.

1. Zafar Shah, Maryland Legal Aid
2. John Bae, Vera Institute of Justice
3. Minister Thomas Anderson, B.U.I.L.D. and Impacted Person
4. David Wheaton, NAACP LDF
5. Al-Tariq Witcher, Fair Share Housing, New Jersey (virtual)

Senate Bill 514 – the Maryland Fair Chance Housing Act – addresses the barriers often placed on our returned residents (formerly incarcerated persons) – who are employed in essential jobs, in their attempts to obtain housing to both maintain their employment status and protect the stability of their families. We know from the organizations working to provide returning citizens with a second chance to turn their lives around that obtaining housing is one of the largest obstacles before them. In general, this Bill addresses the use of criminal history records checks being applied in the application process for the residential leasing of apartments, houses, and boarding facilities.

Please understand — this legislation is not intended to mask or ignore the person's prior history of incarceration. But at the same time, there are certain circumstances relating to that incarceration that need to be considered based on the individual's performance to change their life's practices. Because of their commitment to change their lives, this Bill recognizes and gives value to the fact that if they verify the stability of their employment and are transparent about their prior issues, that they are indeed working with sincerity to change their prior life's patterns. Just as we are giving this group of returning citizens support with second chances for employment – we need to do so with obtaining much needed housing.

As described in the accompanying information as to how the new rental housing application process will work, this Bill requires a landlord to first extend a conditional offer to the prospective tenant, and then only consider certain criminal history information within the individual's record, relating to the criminal history records check upon receipt of the completed form.

Also included is a fact sheet that clearly defines the scope of the housing issues faced by this group of residents throughout our state. I want to quote and call to your attention the critically important benefits to residents in our state and communities from this Bill.

“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 exceedingly difficult.

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.

Stable housing has also been linked to decreased crime and improved public safety. With the Fair Chance Housing Act (SB 514), Maryland can give people with conviction histories access to housing and a chance to thrive.”

In closing, I respectfully urge a FAVORABLE report for SB 514 to address essential housing for our residents.

Two Attachments

1. Maryland Fair Chance Housing Rental Application Process
2. Maryland Fair Chance Housing Facts

TAT Testimony Washington Fair Chance Housing 2025.

Uploaded by: Shyheim Washington

Position: FAV



**PREPARED TESTIMONY
THE TIME IS NOW TO PASS A
FAIR CHANCE HOUSING BILL IN MARYLAND**

Submitted by: Shyheim Washington, Turnaround Tuesday

Turnaround Tuesday strongly supports the passage of SB 514. My name is Shyheim Washington, and I am a leader with Turnaround Tuesday.

Turnaround Tuesday (TAT) is a workforce development movement which supports returning citizens in Baltimore City by providing job placement, social skills training, wellness resources, and housing assistance. Since 2014, TAT has placed over 2,000 individuals in sustainable, living-wage jobs.

Over the past two years, TAT has worked with BUILD to engage more than 700 returning citizens and others impacted by the criminal justice system. Many arrive seeking employment but express deep frustration over housing denials despite securing jobs and meeting all other reintegration requirements.

This challenge reflects the broader struggles faced by returning citizens across Maryland, yet it remains a persistent reality for those TAT serves weekly.

While TAT successfully connects returning citizens to career opportunities, housing remains the primary barrier beyond employment. Many share feelings of defeat, questioning the value of working hard only to be denied stable housing. Some, despite securing good jobs, are forced into having to accept some of the worst housing due to these barriers, leaving them to wonder, “Am I not worthy of a second chance when I am doing everything right?”

But let me tell you my story.

Growing up in poverty on Baltimore’s west side, I lacked access to resources, which pushed me to the streets to support my 6 younger brothers. At 18 years old, I was convicted and sentenced to 10 years, serving 8 in prison. After my release, I committed to turning my life around, but the stigma of my criminal record made finding stable work difficult.

In 2023, I landed my first job since release through Turnaround Tuesday and started rebuilding my life. Despite improving my credit and finances, I faced repeated apartment denials. Discouraged, my girlfriend and I widened our search to Baltimore County and were approved for an overpriced apartment we couldn’t afford, but we had no other choice but to accept.

Almost two years later, I am now employed as the Community Engagement Specialist for Turnaround Tuesday and I work with BUILD to advocate for reforms in the criminal justice system. Now engaged and expecting my second child in June, I am preparing to move again. Despite my significant progress since my incarceration, I still harbor fear of being denied housing due to my criminal record.

By acting this year, Maryland has the opportunity to ensure justice-impacted people have real second chances to rebuild their lives. By removing barriers to housing we can create a path where returning citizens can contribute fully to their communities and thrive.

SB 0514 Favorable Written Testimony.pdf

Uploaded by: Spencer Baldacci

Position: FAV

**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

Spencer Baldacci, as a member of Renters United, believes Senate Bill 514 is a critical measure to ensure that our returning Maryland residents are given an equitable opportunity to secure housing.

Every Marylander deserves safe and habitable housing. People who lack adequate housing in the first year after they return from incarceration are more than twice as likely to commit another crime than those with adequate housing. Therefore, it is crucial that those who have been through the criminal justice system have the opportunity to secure that housing.

SB 514 would (1) give prospective tenants fair consideration when trying to find a home, (2) reduce recidivism rates in Maryland, and (3) give many more Marylanders the opportunity to pursue career and educational opportunities that they might otherwise be limited in obtaining due to limited housing opportunities for people with a criminal history. Additionally, due to historic institutionalized racism in the criminal justice system criminal record discrimination has an enormous disparate impact on black households. 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.¹ SB 514 addresses this harm by ensuring that those who have already been discriminated against do not become homeless after release because of institutional racism in the criminal justice system.

SB 514 limits a landlord's review of an applicant's criminal record. This bill provides that if a tenant meets all other acceptance criteria for the landlord, the landlord should make a conditional offer of tenancy before checking the criminal background. Then, in checking a prospective tenant's criminal background, the landlord may not consider certain criminal records within a three-year lookback period. The landlord is still allowed the option to withdraw the conditional based on convictions such as first-degree murder and human trafficking as well as being registered on the lifetime sexual registration list. If in the event, an applicant is denied based on one of these convictions, the tenant can still provide mitigating evidence in hopes the landlord may reconsider the denial. This balances the prospective tenant's need for fair housing with the landlord's ability to screen for certain potentially relevant considerations related to criminal records.

Many states, and Washington D.C., have passed Fair Chance bills that are similar to SB 514. A number of these jurisdictions have reported success after implementation.² Research has shown renters in these localities have been given wider access to housing.³ Additionally landlords, have

¹ <https://trends.vera.org/state/MD>

² Vera Institute of Justice, [Fair Chance Housing: Lessons in Implementation](https://www.vera.org/publications/fair-chance-housing#:~:text=Fair%20Chance%20Housing%20Lessons%20in%20Implementation&text=A%20person's%20conviction%20history%20should,especially%20after%20release%20from%20incarceration.)
<https://www.vera.org/publications/fair-chance-housing#:~:text=Fair%20Chance%20Housing%20Lessons%20in%20Implementation&text=A%20person's%20conviction%20history%20should,especially%20after%20release%20from%20incarceration.>

not seen an increase in adverse incidents; nor has implementation of these laws resulted in significant capacity burdens for landlords. Passing SB 514 Fair Chance is a step in the right direction for all Marylanders.

Spencer Baldacci urges a favorable report on SB 0514

2.04 SB 514 - Landlord and Tenant - Residential Le

Uploaded by: Tonaeya Moore

Position: FAV



**SB 514 - Landlord and Tenant - Residential Leases - Prospective Tenant Criminal History Records
Check (Maryland Fair Chance Housing Act)
Senate Judicial Proceedings Committee
February 06, 2025
SUPPORT**

Chair Smith, Vice-Chair and members of the committee, thank you for the opportunity to submit testimony in support of Senate Bill 514. This bill will ensure that our returning Maryland residents are given an equitable opportunity to secure housing.

The CASH Campaign of Maryland promotes economic advancement for low-to-moderate income individuals and families in Baltimore and across Maryland. CASH accomplishes its mission through operating a portfolio of direct service programs, building organizational and field capacity, and leading policy and advocacy initiatives to strengthen family economic stability. CASH and its partners across the state achieve this by providing free tax preparation services through the IRS program 'VITA', offering free financial education and coaching, and engaging in policy research and advocacy. **Almost 4,000 of CASH's tax preparation clients earn less than \$10,000 annually. More than half earn less than \$20,000.**

Every Marylander deserves safe and habitable housing. People who lack adequate housing in the first year after they return from incarceration are more than twice as likely to commit another crime than those with adequate housing. Therefore it is crucial that those who have been through the criminal justice system have the opportunity to secure that housing.

SB 514 would (1) give prospective tenants fair consideration when trying to find a home, (2) reduce recidivism rates in Maryland, and (3) give many more Marylanders the opportunity to pursue career and educational opportunities that they might otherwise be limited in obtaining due to limited housing opportunities for people with a criminal history. Additionally, due to historic institutionalized racism in the criminal justice system criminal record discrimination has an enormous disparate impact on black households. 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.¹ SB 514 addresses this harm by ensuring that those who have already been discriminated against do not become homeless after release because of institutional racism in the criminal justice system.

SB 514 limits a landlord's review of an applicant's criminal record. This bill provides that if a tenant meets all other acceptance criteria for the landlord, the landlord should make a conditional offer of tenancy before checking the criminal background. Then, in checking a prospective tenant's criminal background, the landlord may not consider certain criminal records within a three-year lookback period. The landlord is still allowed the option to withdraw the conditional based on convictions such as first-degree murder and human trafficking as well as being registered on the lifetime sexual

Creating Assets, Savings and Hope



registration list. If in the event, an applicant is denied based on one of these convictions, the tenant can still provide mitigating evidence in hopes the landlord may reconsider the denial. This balances the prospective tenant's need for fair housing with the landlord's ability to screen for certain potentially relevant considerations related to criminal records.

Many states, and Washington D.C., have passed Fair Chance bills that are similar to SB 514. A number of these jurisdictions have reported success after implementation.² Research has shown renters in these localities have been given wider access to housing.³ Additionally landlords, have not seen an increase in adverse incidents; nor has implementation of these laws resulted in significant capacity burdens for landlords. Passing SB 514 Fair Chance is a step in the right direction for all Marylanders.

The CASH Campaign of Maryland is a member of the Renters United Maryland coalition and asks that the Committee issue a report of FAVORABLE on SB 514.

SB514 Legislative Black Caucus of Md., Inc.

Uploaded by: Ufuoma Agarín

Position: FAV



LEGISLATIVE BLACK CAUCUS OF MARYLAND, INC.

The Maryland House of Delegates, 6 Bladen Street, Room 300, Annapolis, Maryland 21401

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February 6, 2025

Chairman William C. Smith, Jr.
Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, Maryland 21401

Dear Chairman Smith, Jr., Vice Chairman Waldstreicher, and Members of the Committee,

The Legislative Black Caucus of Maryland offers strong favorable support for Senate Bill 514 (SB0514) –Maryland Fair Chance Housing Act. This bill introduces essential reforms to Maryland’s housing laws by prohibiting landlords from unfairly discriminating against prospective tenants based solely on their criminal history, thereby fostering equitable access to housing for all Marylanders. Senate Bill 514 is a 2025 legislative priority for the Black Caucus.

Housing discrimination based on criminal history disproportionately impacts Black Marylanders due to longstanding racial disparities in the criminal justice system. According to a 2022 Prison Policy Initiative report, Black individuals in Maryland are incarcerated at more than five times the rate of white individuals, making them more likely to face housing barriers upon reentry. By ensuring that landlords evaluate applicants fairly and consider mitigating circumstances, this bill directly addresses systemic inequities and promotes stable housing opportunities for returning citizens.

Senate Bill 514 establishes a fair and transparent tenant screening process by prohibiting landlords from inquiring about criminal history before making a conditional housing offer. It ensures that only the most serious and relevant convictions can be considered, preventing arbitrary exclusions that disproportionately affect Black Marylanders. Research from the National Low Income Housing Coalition indicates that stable housing is a critical factor in reducing recidivism, as individuals with secure housing are 60% less likely to reoffend.

Additionally, this bill strengthens consumer protections by requiring landlords to provide written explanations when withdrawing conditional offers due to criminal history. It allows prospective tenants to present evidence of rehabilitation, inaccuracies, or mitigating factors, ensuring that past mistakes do not serve as permanent barriers to stable housing. These provisions align with best practices in housing policy that emphasize individualized assessments over blanket exclusions. By expanding access to housing, Senate Bill 514 promotes economic mobility and community stability. Secure housing enables returning citizens to seek employment, support their families, and reintegrate into society successfully.

Studies have shown that individuals denied housing due to criminal history are at significantly higher risk of homelessness, which disproportionately affects Black communities. The Maryland Fair Chance Housing Act ensures that returning citizens have a fair opportunity to secure stable housing, reducing racial disparities and strengthening communities across the state.

Senate Bill 514 represents a thoughtful and necessary step toward housing justice. It balances public safety with fairness, ensuring that housing policies reflect Maryland's values of equity and inclusion. For these reasons, the Legislative Black Caucus of Maryland strongly supports Senate Bill 514 and urges a favorable report.

Legislative Black Caucus of Maryland

Health Care for the Homeless - SB 514 FAV - Fair C

Uploaded by: Vicky Stewart

Position: FAV



HEALTH CARE FOR THE HOMELESS TESTIMONY

FAVORABLE

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

Senate Judicial Proceedings Committee

February 6, 2025

Health Care for the Homeless (HCH) strongly supports SB 514, Maryland Fair Chance Housing Act, which would limit a landlord's review of an applicant's criminal record. SB 514 is a vital measure to ensure that our returning Maryland residents are given an equitable opportunity to secure housing.

As part of our integrated services, HCH has a supportive housing team made of therapists, peer advocates and case managers provide crucial support services to help people find and keep housing. As a result of our supportive housing program, 400 people now have stable housing. There is no greater tool for health care than stable housing. Our clinicians, providers and staff directly see that housing is the solution to many problems. Once a client gets stably housed, they find gainful employment, reunite with their families, start relationships and learn to trust again.

Conversely, we see firsthand that criminal records can have detrimental effects on a person's life, but can particularly present insurmountable barriers to housing. This bill is an effective tool in reducing barriers to housing, which is key to ending homelessness. HCH Chief Behavioral Health Officer, Lawanda Williams, MPH, LCSW-C, who oversees our supportive housing work, speaks to the critical nature of this bill:

SB 514 directly benefits individuals experiencing homelessness by removing systemic barriers that have long excluded people with criminal records from accessing housing. Many individuals experiencing homelessness face criminalization due to survival behaviors, and for the merely living their private lives in public. These records become lasting obstacles to navigate in the pursuit of stable housing, which is the very thing that can actually change the trajectory of one's life. From my work at Health Care for the Homeless, I know that the success of any intervention I provide is magnified when rooted in housing. Clients are able to begin to address chronic health conditions, restore important family and community relationships, and explore other important goals when they have a safe and stable place to live.

By limiting landlords' ability to inquire about criminal history prior to conditional housing offers, this bill ensures that prospective tenants are judged based on their ability to pay rent, rather than past transgressions. Transgressions are not hoarded by those experiencing homelessness or those who experience housing instability. Anyone can make a mistake. Maryland, like much of the United States, has a painful history of housing segregation. The discriminatory practices then, including redlining and restrictive covenants, were policy decisions—policy decisions that have impacts today. This legislation takes important strides

towards righting the past, creating pathways to housing and stability for those who need it most.

This legislation is not only compassionate but fiscally responsible. Research consistently shows that investing in housing reduces public costs associated with emergency healthcare, criminal justice involvement, and shelter systems. This bill represents a critical step in addressing homelessness with dignity, efficiency, and fairness. I urge you to support Senate Bill 514.

Every Marylander deserves safe and habitable housing. This bill is an important step to ensuring that this becomes a reality. We urge a favorable report on SB 514.

Health Care for the Homeless is Maryland's leading provider of integrated health services and supportive housing for individuals and families experiencing homelessness. We deliver medical care, mental health services, state-certified addiction treatment, dental care, social services, housing support services, and housing for over 12,000 Marylanders annually at sites in Baltimore City and Baltimore County.

Our Vision: Everyone is healthy and has a safe home in a just and respectful community.

Our Mission: We work to end homelessness through racially equitable health care, housing and advocacy in partnership with those of us who have experienced it.

For more information, visit www.hchmd.org.

SB 514 Lease Application Process - slides - MLA.pd

Uploaded by: Zafar Shah

Position: FAV

FAIR CHANCE IN HOUSING ACT:

LEASE APPLICATION PROCESS IN SB 514



TENANT RIGHT TO COUNSEL PROJECT



STAGE 1

1. Application Submission and Initial Screening

- Prospective tenant submits a lease application.
- Landlord assess the applicant based on consumer reports, rental history, debts, and many other non-criminal factors.
- Landlord may not inquire about criminal history before extending a conditional offer – except for federally assisted housing.

2. Conditional Offer to Applicant

- If Landlord decides to move forward with the applicant, they extend a *conditional offer*, contingent on additional screening of certain conviction history.

STAGE 2

1. Conviction History Check

- After the conditional offer, the landlord may check for specific *conviction* history:
 - First-degree murder convictions
 - Human trafficking convictions
 - Lifetime sex offender registry crimes
 - Convictions within prior 2 years for sex crimes, child pornography, kidnapping, and arson.

2. Landlord Decision (Continue or Withdraw)

- If no disqualifying convictions are found, lease is approved.
- If disqualifying convictions are found, landlord may withdraw the conditional offer **only if** necessary for a "substantial, legitimate, and nondiscriminatory interest."

STAGE 2 (CONT'D)

3. Written Notice

- If applicant is denied, the landlord must provide a written notice stating:
 - The specific reason for withdrawal.
 - The applicant's right to request additional information about the withdrawal and to appeal.

STAGE 3

1. Applicant's Response to Withdrawal (Optional)

- Prospective tenant may request all information used in the decision to withdraw the conditional offer within 30 days after receiving notice of the withdrawal.
 - They may submit evidence to the landlord showing, inaccuracies in the criminal records, evidence of rehabilitation, and other mitigating factors.

2. Reassessment by Landlord

- Landlord reviews tenant's evidence in light of multiple factors, such as:
 - Severity and nature of the offense.
 - Time elapsed since conviction.
 - Tenant's rehabilitation efforts.
 - Potential risk to other tenants.



STAGE 3 (CONT'D)

3. Final Decision

- If the appeal is successful, lease is approved.
- If denied again, the tenant has the right to file a complaint with the Office of the Attorney General.



SB0514 - Maryland Legal Aid - FAV.pdf

Uploaded by: Zafar Shah

Position: FAV



Senate Bill 514

Landlord and Tenant – Residential Leases – Prospective Tenant Criminal History Records Check (Maryland Fair Chance Housing Act)

Hearing in the Senate Judicial Proceedings Committee

On February 6, 2025

Position: **FAVORABLE** with Sponsor's Amendments

Maryland Legal Aid submits its written and oral testimony on SB0514 at the request of bill sponsor Senator Shaneka Henson.

Maryland Legal Aid (MLA) is a non-profit law firm that provides free legal services to the State's low-income and vulnerable residents. Our offices serve residents in each of Maryland's 24 jurisdictions and handle a range of civil legal matters, the most prominent of which is housing. MLA Tenant Right to Counsel Project represented renters in over 4,600 eviction cases in 2024. Because we know that our clients face a tight rental market in which housing opportunities are continually out of reach, Maryland Legal Aid urges this Committee to report **favorably** on SB 514, the Fair Chance in Housing Act, **with the Sponsor's amendments**.

SB 514 would curtail the denial of rental housing opportunities based on applicants' criminal histories and prohibit advertising that discourages individuals with a criminal history from applying. The bill prohibits the use of criminal background checks in the initial application phase and permits the use of conviction history only after an applicant has been qualified and extended a conditional offer to lease. This balanced approach is already in effect in New Jersey, Washington, D.C., New York City, and Chicago. In Maryland, Montgomery County enacted a "Ban the Box" policy in 2021. A statewide Fair Chance in Housing law would dramatically improve access to rentals for many formerly incarcerated renters.

1 million Marylanders impacted

As of 2022, the number of U.S. residents who have a criminal record of some kind reached 116.4 million,¹ up from an estimated 100 million in 2016.² The Clean Slate Initiative reports that in 2019 more

¹ Bureau of Justice Statistics, U.S. Dep't of Justice, *Survey of State Criminal History Information Systems*, 2022, 3 (Sept. 2024), available at <https://www.ojp.gov/pdffiles1/bjs/grants/309360.pdf>.

² U.S. Department of Housing and Urban Development, *Office of General Counsel Guidance on Application of Fair Housing Act Standards on the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions*, (Apr. 16, 2026) ("HUD Guidance"), available at <https://www.fairhousingnc.org/document/hud-guidance-on-criminal-records-and-fair-housing-act-april-4-2016/> citing, Bureau of Justice Statistics, U.S. Dep't of Justice, *Survey of State Criminal*

than one million Marylanders, or approximately 22 percent of the state population, had some type of criminal legal system involvement.³ In Maryland, “incarcerated people... are disproportionately from Baltimore City” while “some areas of the state — like the southern Eastern Shore and Hagerstown — are also disproportionately affected by incarceration.”⁴

When individuals are released from prisons and jails, their access to safe, secure, and affordable housing is critical to successful reentry to society.⁵ “Researchers have found that formerly incarcerated individuals are far more likely to be homeless than the general public”⁶ and that “formerly incarcerated people are most likely to be homeless in the period shortly after their release.”⁷ When individuals attain stable housing after incarceration, they “are more likely to reintegrate into their communities and less likely to end up back in prison than their formerly incarcerated peers in more precarious housing situations.”⁸ By making housing opportunities more available, the Fair Chance in Housing Act provides a crucial support in the social and economic rehabilitation of reentering individuals.

The highest impact of this Fair Chance policy would occur just after an individual’s release from incarceration. One study has found that “people who spent two years or less in the community were more than twice as likely to be homeless as those who had been out of prison for four years or longer.”⁹

SB 514 eliminates the possibility of lease application denials based on charges, arrests, and low-level offenses. The bill would aid Marylanders like MLA’s client Aje Brown. In the summer of 2024, Ms. Brown applied for housing at an apartment complex in the City of Frederick. She has a criminal record that consists of a single crime. Ms. Brown was convicted in February 2019 for misdemeanor theft and

History Information Systems, 2012, 3 (Jan. 2014), available at <https://www.ncjrs.gov/pdffiles1/bjs/grants/244563.pdf>.

³ The Clean Slate Initiative, “Clean Slate Initiative Data Dashboard,” accessed Feb. 3, 2025, <https://www.cleanslateinitiative.org/data>.

⁴ Justice Policy Institute, *WHERE PEOPLE IN PRISON COME FROM: THE GEOGRAPHY OF MASS INCARCERATION IN MARYLAND* (June 2022), available at <https://www.justicepolicy.org/research/where-people-in-prison-come-from-the-geography-of-mass-incarceration-in-maryland>.

⁵ See, e.g., S. Metraux, et al. “Incarceration and Homelessness,” in *Toward Understanding Homelessness: The 2007 National Symposium on Homelessness Research*, #9 (D. Dennis, et. al. eds., 2007), available at, <https://www.huduser.gov/portal/publications/pdf/p9.pdf> (explaining “how the increasing numbers of people leaving carceral institutions face an increased risk of homelessness and, conversely, how persons experiencing homelessness are vulnerable to incarceration.”).

⁶ Rachel M. Cohen, “Will limiting criminal background checks make rental housing fairer?” *Vox*, 14 June 2023, available at <https://www.vox.com/policy/23750632/housing-landlords-renter-fair-chance-criminal-record-background-check>.

⁷ Prison Policy Initiative, “Nowhere to Go: Homelessness among formerly incarcerated people,” 23 Feb. 2024, available at <https://www.prisonpolicy.org/reports/housing.html>.

⁸ *Supra* n.1.

⁹ *Supra* n.2.

sentenced to six months in jail, all of which was suspended. She served only 18 months of supervised probation.

More than five years after her conviction, Ms. Brown’s application for the apartment was denied on the basis of having a criminal record. Maryland Legal Aid attempted to appeal this denial. We raised mitigating factors, such as the minor severity of the offense, its misdemeanor status, and the fact that Ms. Brown had reformed. In response, the landlord reasoned simply that those factors do not matter. “Our policy is, if you have a criminal record within the last seven years, your application will be denied and there is nothing we can do about it.”

For a misdemeanor, from five years ago, Ms. Brown was denied housing. SB 514 would make sure that cannot happen again.

Tenant screening under SB 514

The Fair Chance in Housing Act does not completely ban the use of criminal records in tenant screening. Instead, the bill provides a three-stage process for tenant screening:

1. The landlord may conduct an initial screening based largely on non-criminal factors.¹⁰
2. Then, if the landlord extends a conditional offer of a lease to the applicant, a secondary screening that assesses conviction history:
 - Landlords would be able to screen, without any “lookback” limitations, for convictions for murder in the first degree and human trafficking.
 - Landlords would be able to screen, within a 2-year “lookback” limitation, for convictions for sex offenses, child pornography, kidnapping, and arson.
 - Landlords would not be able to deny applicants based on arrests and criminal history that did not involve a conviction.
3. Based on conviction history, the landlord may withdraw the conditional offer if it is “necessary to fulfill a substantial, legitimate, and non-discriminatory interest.” SB 514 would require the landlord to notify the applicant of the specific reason for withdrawal and notify the applicant of the reassessment process. The applicant may then seek reassessment based on evidence of mitigating factors.

¹⁰ In the first screening stage, a HUD-regulated landlord may request specific information to establish eligibility for federally assisted housing, namely: conviction history related to manufacture of methamphetamine on the premises of federally assisted housing and lifetime registration for a sex offense.

Reassessment of mitigating factors

The reassessment stage is especially important to the second-chance objective of this legislation.

The applicant has 30 days to request from the landlord a copy of all information that factored into the landlord's withdrawal of the offer and may appeal the withdrawal of the conditional offer by providing the landlord evidence of mitigating factors, rehabilitation, or inaccuracies in the conviction history. The landlord's reassessment of the withdrawal decision must take into account seven factors:

1. The nature and severity of the criminal offense;
2. The age of the applicant at the time that the criminal offense occurred;
3. The amount of time that has elapsed since the criminal offense occurred;
4. Information regarding rehabilitation and good conduct since the criminal offense occurred;
5. The degree to which the criminal offense, if it were to reoccur, would negatively impact the safety of the property and other tenants;
6. Whether the criminal offense occurred on or was connected to a property leased to the applicant; and
7. Any other mitigating factors.

Notably, SB 514 does not prescribe timelines for the reassessment phase, other than providing applicants the 30-day period to request information about the withdrawal of the conditional offer, nor does the bill require the landlord to keep a unit available to the applicant during the reassessment.

No redundancy with HUD guidance

While the Department of Housing and Urban Development (HUD) has issued guidance about the non-discriminatory use of criminal history in the tenant screening process, those guidance documents do not provide an enforceable procedure. SB 514 provides that procedure.

HUD's November 2015 Notice PIH 2015-19 cautions public housing agencies (PHAs) and federally assisted housing owners against the use of arrest records as the sole basis for denying housing and reminds those housing providers that HUD does not require "one strike" screening policies. The guidance suggests best practices for criminal history screening, such as

- Allowing applicants to present mitigating circumstances
- Adopting "lookback" periods of 12 to 24 months for certain criminal offenses
- Adopting assessment factors, such as the length of the conviction, recovery or rehabilitations, and whether the applicant's offense relates to the safety of other residents.

These best practices are included in SB 514.

Additionally, HUD's Office of General Counsel issued guidance in April 2016 on how the Fair Housing Act applies to the use of criminal history by providers or operators of housing and real estate related transactions. The guidance also "addresses how the discriminatory effects and disparate treatment

methods of proof apply in Fair Housing Act cases in which a housing provider justifies an adverse housing action – such as a refusal to rent or renew a lease – based on an individual’s criminal history.”¹¹

While some landlords may have responded to HUD guidance by proactively establishing internal business procedures to avoid the risk of discrimination claims related to criminal history screening, applicants have no statutory means to ensure fair enforcement of those internal procedures.

Preventative and enforceable approach to fair housing

At present, only the Fair Housing Act and its state law analog restrict the use of criminal background in the tenant screening process. Those antidiscrimination laws prohibit the use of criminal history in so far as that use is proxy for discrimination against a protected class.¹² However, antidiscrimination laws offer relief *after* the discrimination has occurred, and their remedies are encumbered by the substantial time and resources necessary to bring civil rights claims. To pursue a claim under Maryland’s Fair Housing Act, an applicant must first go through an administrative review process before they can file their case in court.¹³ Then the applicant must demonstrate not only that the landlord denied the housing opportunity based on criminal history, but also that this use of the criminal history had a discriminatory impact on a protected class.¹⁴

By contrast, SB 514 offers a preventative approach to limiting the use of criminal history and preventing the discriminatory harm of blanket “no criminal record” policies. The Fair Chance approach restricts the use of criminal history from the outset of the lease application process, ensuring that potential applicants have, from the start, a fair chance to be evaluated.

Additionally, SB 514 includes two critical enforcement mechanisms: the complaint process via the Maryland Office of the Attorney General as well as the court complaints for violations of the Consumer Protection Act. These tools will prove invaluable to giving the Fair Chance policy teeth in the rental housing market.

Protections against liability

SB 514 would also protect prospective landlords who give an applicant a second chance from liability for having done so. The bill would preclude findings of liability against a landlord for having rented a unit to a person with a criminal record or their decision not to obtain a criminal history record check. SB 514

¹¹ National Reentry Resource Center, “Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions,” April 4, 2016, <https://nationalreentryresourcecenter.org/resources/office-general-counsel-guidance-application-fair-housing-act-standards-use-criminal>.

¹² See *id.*

¹³ *Connolly v. Lanham*, 685 F.Supp.3d 312, 334-336 (D. Maryland, 2023), interpreting Md. State Gov. §§20-705, 20-707, and 20-1013 (concluding that “[i]n combination with the administrative exhaustion doctrine, the state legislature’s editorial changes indicate a requirement to first exhaust administrative remedies” before seeking judicial relief).

¹⁴ See *supra* note 11.

also mandates that the Maryland Attorney General develop a “Model Notice” that landlords would use to notify prospective tenants of their rights regarding the use of their criminal background checks. This Model Notice will help ensure uniformity across the state.

For all the reasons state above, Maryland Legal Aid urges the Committee to report **FAVORABLE, with the Sponsor’s amendments**, on Senate Bill 514.

If you have any questions, please contact:

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Zafar Shah, Advocacy Director for Human Right to Housing
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Appendix A: Flowchart of Fair Chance lease application process

Appendix B: Definitions of criminal offenses covered in the Fair Chance bill



APPENDIX A: Lease Application Process in SB 514

STAGE 1

1. Application Submission and Initial Screening

- Prospective tenant submits a lease application.
- Landlord assess the applicant based on consumer reports, rental history, debts, and many other non-criminal factors.
- Landlord may not inquire about criminal history before extending a conditional offer – except for federally assisted housing.

2. Conditional Offer to Applicant

- If Landlord decides to move forward with the applicant, they extend a *conditional offer*, contingent on additional screening of certain conviction history.

STAGE 2

3. Conviction History Check

- After the conditional offer, the landlord may check for specific *conviction* history:
 - First-degree murder convictions
 - Human trafficking convictions
 - Lifetime sex offender registry crimes
 - Convictions within prior 2 years for sex crimes, child pornography, kidnapping, and arson.

4. Landlord Decision (Continue or Withdraw)

- If no disqualifying convictions are found, lease is approved.

-
- If disqualifying convictions are found, landlord may withdraw the conditional offer **only if** necessary for a "substantial, legitimate, and nondiscriminatory interest."

5. **Written Notice**

- If applicant is denied, the landlord must provide a written notice stating:
 - The specific reason for withdrawal.
 - The applicant's right to request additional information about the withdrawal and to appeal.

STAGE 3

5. **Applicant's Response to Withdrawal** (Optional)

- Prospective tenant may request all information used in the decision to withdraw the conditional offer within 30 days after receiving notice of the withdrawal.
 - They may submit evidence to the landlord showing, inaccuracies in the criminal records, evidence of rehabilitation, and other mitigating factors.

6. **Reassessment by Landlord**

- Landlord reviews tenant's evidence in light of multiple factors, such as:
 - Severity and nature of the offense.
 - Time elapsed since conviction.
 - Tenant's rehabilitation efforts.
 - Potential risk to other tenants.

7. **Final Decision**

- If the appeal is successful, lease is approved.

-
- If denied again, the tenant has the right to file a complaint with the Office of the Attorney General.



APPENDIX B:

DEFINITIONS FOR CRIMINAL OFFENSES COVERED UNDER SB 514

“FOREVER” LOOKBACK CONVICTIONS

First Degree Murder - Criminal Law Art. §2-201

- (a) A murder is in the first degree if it is:
 - (1) a deliberate, premeditated, and willful killing;
 - (2) committed by lying in wait;
 - (3) committed by poison; or
 - (4) committed in the perpetration of or an attempt to perpetrate:
 - (i) arson in the first degree;
 - (ii) burning a barn, stable, tobacco house, warehouse, or other outbuilding that:
 - 1. is not parcel to a dwelling; and
 - 2. contains cattle, goods, wares, merchandise, horses, grain, hay, or tobacco;
 - (iii) burglary in the first, second, or third degree;
 - (iv) carjacking or armed carjacking;
 - (v) escape in the first degree from a State correctional facility or a local correctional facility;
 - (vi) kidnapping under § 3-502 or § 3-503(a)(2) of this article;
 - (vii) mayhem;

(viii) rape;

(ix) robbery under § 3–402 or § 3–403 of this article;

(x) sexual offense in the first or second degree;

(xi) sodomy as that crime existed before October 1, 2020; or

(xii) a violation of § 4–503 of this article concerning destructive devices.

(b) (1) A person who commits a murder in the first degree is guilty of a felony and on conviction shall be sentenced to:

(i) imprisonment for life without the possibility of parole; or

(ii) imprisonment for life.

(2) Unless a sentence of imprisonment for life without the possibility of parole is imposed in compliance with § 2–203 of this subtitle and § 2–304 of this title, the sentence shall be imprisonment for life.

(c) A person who solicits another or conspires with another to commit murder in the first degree is guilty of murder in the first degree if the death of another occurs as a result of the solicitation or conspiracy.

Human Trafficking – Criminal Law Art. §3–1102.

(a) (1) A person may not knowingly:

(i) take or cause another to be taken to any place for prostitution;

(ii) place, cause to be placed, or harbor another in any place for prostitution;

(iii) persuade, induce, entice, or encourage another to be taken to or placed in any place for prostitution;

(iv) receive consideration to procure for or place in a house of prostitution or elsewhere another with the intent of causing the other to engage in prostitution or assignation;

(v) engage in a device, scheme, or continuing course of conduct intended to cause another to

believe that if the other did not take part in a sexually explicit performance, the other or a third person would suffer physical restraint or serious physical harm; or

(vi) destroy, conceal, remove, confiscate, or possess an actual or purported passport, immigration document, or government identification document of another while otherwise violating or attempting to violate this subsection.

(2) A parent, guardian, or person who has permanent or temporary care or custody or responsibility for supervision of another may not consent to the taking or detention of the other for prostitution.

(b) (1) A person may not violate subsection (a) of this section involving a victim who is a minor.

(2) A person may not violate subsection (a) of this section with the use of or intent to use force, threat, coercion, or fraud.

(c) (1) (i) Except as provided in paragraph (2) of this subsection, a person who violates subsection (a) of this section is guilty of the misdemeanor of sex trafficking and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.

(ii) A person who violates subsection (a) of this section is subject to § 5-106(b) of the Courts Article.

(2) A person who violates subsection (b) of this section is guilty of the felony of sex trafficking and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding \$15,000 or both.

(d) A person who violates this section may be charged, tried, and sentenced in any county in or through which the person transported or attempted to transport the other.

(e) (1) A person who knowingly benefits financially or by receiving anything of value from participation in a venture that includes an act described in subsection (a) or (b) of this section is subject to the same penalties that would apply if the person had violated that subsection.

(2) A person who knowingly aids, abets, or conspires with one or more other persons to violate any subsection of this section is subject to the same penalties that apply for a violation of that subsection.

(f) It is not a defense to a prosecution under subsection (b)(1) or (e) of this section that the person did not know the age of the victim.

TWO-YEAR LOOKBACK CONVICTIONS

Sexual Offenses – Criminal Law Art. Title 3, Subtitle 3

1. § 3–303. Rape in the First Degree
2. § 3–304. Rape in the Second Degree
3. § 3–307. Sexual Offense in the Third Degree
4. § 3–308. Sexual Offense in the Fourth Degree
5. § 3–309. Attempted Rape in the First Degree
6. § 3–310. Attempted Rape in the Second Degree
7. § 3–314. Sexual Conduct Between Correctional or Juvenile Justice Employee, Court-Order Service Provider, or Law Enforcement Officer and Person Responding to Employee During Employee's Official Duties
8. § 3–315. Continuing Course of Conduct Against Child
9. § 3–316. Rape and Sexual Offense—Venue
10. § 3–317. Rape and Sexual Offense—Charging Document
11. § 3–319.1. Evidence of Physical Resistance Not Required
12. § 3–323. Incest
13. § 3–324. Sexual Solicitation of Minors
14. § 3–325. Use of Personal Identifying Information to Invite, Encourage, or Solicit Another to Commit Sexual Crime

Child Pornography – Criminal Law Art. §11–207

(a) A person may not:

(1) cause, induce, solicit, or knowingly allow a minor to engage as a subject in the production of obscene matter or a visual representation or performance that depicts a minor engaged as a subject in sadomasochistic abuse or sexual conduct;

(2) photograph or film a minor engaging in an obscene act, sadomasochistic abuse, or sexual conduct;

(3) use a computer to depict or describe a minor engaging in an obscene act, sadomasochistic abuse, or sexual conduct;

(4) knowingly promote, advertise, solicit, distribute, or possess with the intent to distribute any matter, visual representation, or performance:

(i) that depicts a minor engaged as a subject in sadomasochistic abuse or sexual conduct; or

(ii) in a manner that reflects the belief, or that is intended to cause another to believe, that the matter, visual representation, or performance depicts a minor engaged as a subject of sadomasochistic abuse or sexual conduct; or

(5) use a computer to knowingly compile, enter, transmit, make, print, publish, reproduce, cause, allow, buy, sell, receive, exchange, or disseminate any notice, statement, advertisement, or minor's name, telephone number, place of residence, physical characteristics, or other descriptive or identifying information for the purpose of engaging in, facilitating, encouraging, offering, or soliciting unlawful sadomasochistic abuse or sexual conduct of or with a minor.

(b) A person who violates this section is guilty of a felony and on conviction is subject to:

(1) for a first violation, imprisonment not exceeding 10 years or a fine not exceeding \$25,000 or both; and

(2) for each subsequent violation, imprisonment not exceeding 20 years or a fine not exceeding \$50,000 or both.

(c) (1) (i) This paragraph applies only if the minor's identity is unknown or the minor is outside the jurisdiction of the State.

(ii) In an action brought under this section, the State is not required to identify or produce testimony from the minor who is depicted in the obscene matter or in any visual representation or performance that depicts the minor engaged as a subject in sadomasochistic abuse or sexual conduct.

(2) The trier of fact may determine whether an individual who is depicted in an obscene matter, or any visual representation or performance as the subject in sadomasochistic abuse or sexual conduct, was a minor by:

(i) observation of the matter depicting the individual;

(ii) oral testimony by a witness to the production of the matter, representation, or performance;

(iii) expert medical testimony; or

(iv) any other method authorized by an applicable provision of law or rule of evidence.

Kidnapping – Criminal Law Art. §3–502

- (a) A person may not, by force or fraud, carry or cause a person to be carried in or outside the State with the intent to have the person carried or concealed in or outside the State.
 - (b) A person who violates this section is guilty of the felony of kidnapping and on conviction is subject to imprisonment not exceeding 30 years.
 - (c) Kidnapping does not include the act of a parent in carrying a minor child of that parent in or outside the State.
-

Arson – Criminal Law Art. 6–102

- (a) A person may not willfully and maliciously set fire to or burn:
 - (1) a dwelling; or
 - (2) a structure in or on which an individual who is not a participant is present.
- (b) A person who violates this section is guilty of the felony of arson in the first degree and on conviction is subject to imprisonment not exceeding 30 years or a fine not exceeding \$50,000 or both.
- (c) It is not a defense to a prosecution under this section that the person owns the property.

Arson – Criminal Law Art. §6–103

- (a) A person may not willfully and maliciously set fire to or burn a structure that belongs to the person or to another.
 - (b) A person who violates this section is guilty of the felony of arson in the second degree and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding \$30,000 or both.
 - (c) It is not a defense to a prosecution under this section that the person owns the property.
-

SB514 Fair Chance in Housing 2025 FAV.docx.pdf

Uploaded by: Zoe Gallagher

Position: FAV



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

02/06/2025

The Honorable Senator William Smith, Chair
Senate Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, Maryland 21401

cc: Members, Judicial Proceedings Committee

Honorable Chair Smith and Members of the Committee:

Economic Action Maryland (formerly the Maryland Consumer Rights Coalition) is a statewide coalition of individuals and organizations that advances economic rights and equity for Maryland families through research, education, direct service, and advocacy. Our 12,500 supporters include consumer advocates, practitioners, and low-income and working families throughout Maryland.

We are writing today because we believe Senate Bill 514 is a critical measure to ensure that our returning Maryland residents are given an equitable opportunity to secure housing.

As an organization that engages in housing justice from numerous fronts, from direct services to advocacy, we believe this bill would help many of our clients and their family members.

Every Marylander deserves safe and habitable housing. People who lack adequate housing in the first year after they return from incarceration are more than twice as likely to commit another crime than those with adequate housing. Therefore it is crucial that those who have been through the criminal justice system have the opportunity to secure that housing.

SB 514 would (1) give prospective tenants fair consideration when trying to find a home, (2) reduce recidivism rates in Maryland, and (3) give many more Marylanders the opportunity to pursue career and educational opportunities that they might otherwise be limited in obtaining due to limited housing opportunities for people with a criminal history. Additionally, due to

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Tax ID 52-2266235

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historic institutionalized racism in the criminal justice system criminal record discrimination has an enormous disparate impact on black households. 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.¹ SB 514 addresses this harm by ensuring that those who have already been discriminated against do not become homeless after release because of institutional racism in the criminal justice system.

SB 514 limits a landlord's review of an applicant's criminal record. This bill provides that if a tenant meets all other acceptance criteria for the landlord, the landlord should make a conditional offer of tenancy before checking the criminal background. Then, in checking a prospective tenant's criminal background, the landlord may not consider certain criminal records within a three-year lookback period. The landlord is still allowed the option to withdraw the conditional based on convictions such as first-degree murder and human trafficking as well as being registered on the lifetime sexual registration list. If in the event, an applicant is denied based on one of these convictions, the tenant can still provide mitigating evidence in hopes the landlord may reconsider the denial. This balances the prospective tenant's need for fair housing with the landlord's ability to screen for certain potentially relevant considerations related to criminal records.

Many states, and Washington D.C., have passed Fair Chance bills that are similar to SB 514. A number of these jurisdictions have reported success after implementation.² Research has shown renters in these localities have been given wider access to housing.³ Additionally landlords, have not seen an increase in adverse incidents; nor has implementation of these laws resulted in significant capacity burdens for landlords. Passing SB 514 Fair Chance is a step in the right direction for all Marylanders.

For these reasons, Economic Action urges a favorable report on SB 0514.

Thank you,

Zoe Gallagher

Policy Associate

¹ <https://trends.vera.org/state/MD>

² Vera Institute of Justice, [Fair Chance Housing: Lessons in Implementation](https://www.vera.org/publications/fair-chance-housing#:~:text=Fair%20Chance%20Housing%20Lessons%20in%20Implementation&text=A%20person's%20conviction%20history%20should,especially%20after%20release%20from%20incarceration.)
<https://www.vera.org/publications/fair-chance-housing#:~:text=Fair%20Chance%20Housing%20Lessons%20in%20Implementation&text=A%20person's%20conviction%20history%20should,especially%20after%20release%20from%20incarceration.>

³

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SB514 FAIR FWA.pdf

Uploaded by: Brenda Jones

Position: FWA

Favorable with Amendments Response to SB514 Landlord and Tenant–Residential Leases–Prospective Tenant Criminal History Records Check

Families Advocating Intelligent Registries (FAIR) seeks rational, constitutional sexual offense laws and policies for persons accused and convicted of sexual offenses. We strongly support efforts to facilitate re-integration of individuals who have paid their debt to society and now seek only the opportunity to live productive and lawful lives. FAIR supports SB514, with small changes to the Bill to direct that a landlord may inquire before extending a conditional offer and withdraw a conditional offer **only** with respect to the individual's lifetime sex offense registration status under **Maryland** law, not the law of any other state.

Maryland's 3-tier registration scheme, while somewhat consistent with the federal registration process, puts far more people (roughly 70%) in Tier 3 (lifetime registration) than recommended by federal guidelines. Many of these registrants could benefit from this bill with no risk to public safety, if a path forward could be found to do so.

Additionally, a large number of states arbitrarily place all or almost all registrants under lifetime registration, regardless of tier or of risk of re-offense.¹ When a registered individual enters Maryland to reside, the state performs a review and assigns a tier level to the individual which should be the only relevant factor in a landlord's evaluation of the individual's criminal history regarding the registry. FAIR knows of a number of cases where Maryland registrants have been assigned Tier 1 status (registration for 15 years) for their out-of-state offense but had the lifetime registration requirement in their former state, which has no jurisdiction over Maryland law.²

For this reason we propose a modest change to this bill before passage, which is on the next page.

Sincerely,



Brenda V. Jones, Executive Director
Families Advocating Intelligent Registries

¹ For example, Texas authorities acknowledge that Tier 1 individuals do not pose any risk yet they subject them to blanket lifetime registration. "Level one (low): indicates that the person poses a low danger to the community and will not likely engage in criminal sexual conduct." Texas Department of Public Safety, <https://www.dps.texas.gov/section/crime-records/faq/criminal-history-records-and-texas-sex-offender-registration-program-faq#Sex-offender>

² Registration is a civil requirement applied by each state. It is not part of a person's actual sentence or supervision.

Proposed changes to SB514

8-2A-04 (A)(2)(II)

IS **OR WILL BE** SUBJECT TO A LIFETIME REGISTRATION REQUIREMENT UNDER **MARYLAND'S A-STATE** SEX OFFENDER REGISTRATION PROGRAM.

8-2A-05 (A)(3)

ANY CRIME **REQUIRING RESULTING IN** LIFETIME REGISTRATION IN **MARYLAND'S A-STATE** SEX OFFENDER REGISTRY;

SB 514_HABC_.pdf

Uploaded by: Crystal Hypolite

Position: FWA

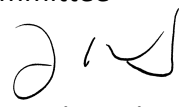
Robin Truiett-Theodorson
Chairperson | Board of Commissioners

Janet Abrahams
President | Chief Executive Officer



February 4, 2025

TO: Members of the Judicial Proceedings Committee

FROM: Janet Abrahams, HABC President & CEO 

RE: Senate Bill 514 - Landlord and Tenant - Residential Leases - Prospective Tenant Criminal History Records Check (Maryland Fair Chance Housing Act)

POSITION: Support with Amendments

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Housing Authority of Baltimore City (HABC) supports with amendments SB 514 – Landlord and Tenant – Residential Leases – Prospective Tenant Criminal History Records Check (Maryland Fair Housing Chance Act).

SB 514 alters the number of years of criminal history that are reviewed in a tenant screening report from seven years to three years; and requires a landlord that denies the lease application of a prospective tenant to provide the individual with a physical document stating with particularity each reason for the denial. This bill also prohibits a landlord from publishing any oral or written statement that would reasonably discourage a prospective tenant with a criminal history from applying for a lease.

The Housing Authority of Baltimore City (HABC) is the country's 5th largest public housing authority and Baltimore City's largest provider of affordable housing opportunities. HABC serves over 43,000 of Baltimore City's low-income individuals through its Public Housing and Housing Choice Voucher programs. HABC's public housing inventory currently consists of just under 6,000 units located at various developments and scattered sites throughout the city. HABC is federally funded and regulated by the U.S. Department of Housing and Urban Development (HUD). HABC is subject to federal laws and regulations that pertain to the operation of its housing programs.

HABC already follows a three-year criminal history lookback period, and our current policies and procedures for admission to our Public Housing and Housing Choice Voucher programs are consistent with those contained within the bill. However, HUD requirements mandate that all Public Housing Authorities (PHAs) establish lifetime bans on the admission to the Public Housing and Housing Choice Voucher (Tenant-Based Section 8) programs for:

- Individuals found to have manufactured or produced methamphetamine on the premises of federally assisted housing (24 CFR 960.204, 24 CFR 982.553); and

Housing Authority of Baltimore City | 417 East Fayette Street, Baltimore, MD 21202

 410.396.3232  www.HABC.org     @BmoreHabc 

- Sex offenders subject to a lifetime registration requirement under a State sex offender registration program (24 CFR 960.204, 24 CFR 982.553)

We request that the language be consistent with this requirement be added to the bill.

Additionally, we request clarifying language in SECTION 8–2A–06 of the bill that prohibits a landlord from publishing any oral or written statement that would reasonably discourage a prospective tenant with a criminal history from applying for a lease.

Federal statutes and regulations require PHAs to adopt certain governing and operating policies for the Public Housing Program. PHAs communicate those policies, rules, and requirements concerning their operations, programs, and services through the Public Housing Admissions and Continued Occupancy Policy (ACOP) and the Housing Choice Voucher Program Administrative Plan. These documents describe in detail the PHA’s policies with respect to key topics such as eligibility, tenant selection, admissions preferences, waitlist procedures, rent determination, utilities, transfers, occupancy guidelines, grievance procedures, pet ownership, and the community service and self-sufficiency requirement. Both documents are updated annually and published on our website, and they both contain information regarding ineligibility due to criminal history. Therefore, we request that it be made clear in the bill that a landlord does not violate SECTION 8–2A–06 by publishing its admissions policies that comply with applicable laws.

In sum, HABC is in support of SB 514, but requests the addition of clarifying language as discussed above.

Respectfully submitted.

Janet Abrahams, HABC President & CEO

MBIA Letter of Opposition SB 514.pdf

Uploaded by: Lori Graf

Position: UNF

February 6, 2025

The Honorable William C. Smith Jr.
Chairman, Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, Maryland 21401

RE: Letter of Opposition SB514 - Landlord and Tenant - Residential Leases - Prospective Tenant Criminal History Records Check (Maryland Fair Chance Housing Act)

Dear Chair Smith:

The Maryland Building Industry Association, representing 100,000 employees statewide, appreciates the opportunity to participate in the discussion surrounding Landlord and Tenant - Residential Leases - Prospective Tenant Criminal History Records Check (Maryland Fair Chance Housing Act). MBIA **Opposes** the Act in its current version.

MBIA opposes SB514, which would limit the ability of housing providers and property managers to review the criminal history of prospective tenants. Under the bill, housing providers would be prohibited from reviewing a prospective tenant's criminal history dating back more than three years.

The legislation also prevents housing providers from requiring a prospective tenant to detail their criminal history in the rental application. With guidance from the United States Department of Housing and Urban Development (HUD) it is clear that a person's criminal history cannot be used to automatically disqualify a prospective tenant but can be used as part of an overall assessment of the tenant.

MBIA believes the current time limit of 7 years is a good balance between shielding information that is less likely to impact the property or other tenants, and information that should be considered more closely.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

cc: Members of the Senate Judicial Proceedings Committee

SB 514_realtors_unf.pdf

Uploaded by: William Castelli

Position: UNF



Senate Bill 514 – Landlord and Tenant – Residential Leases – Prospective Tenant Criminal History Records Check (Maryland Fair Chance Housing Act)

Position: Unfavorable

The Maryland REALTORS® oppose HB 514 which establishes a new process for landlords who consider a tenant's criminal history before leasing property, limits which crimes may be considered, and only allows a landlord to look back three years rather than 7 years for some of those crimes. The bill also establishes that violations of this new process are actionable under Maryland's unfair and deceptive trade practices law.

Many Maryland REALTORS® provide property management services for single-family rental properties. Guidance from the United States Department of Housing and Urban Development (HUD) make clear a person's criminal history cannot be used to automatically disqualify a prospective tenant but can be used as part of an overall assessment of the tenant. The REALTORS® believe the current time limit of 7 years is a good balance between shielding information that is less likely to impact the property or other tenants, and information that should be considered more closely.

HUD guidance makes clear that all crimes are not equal when considering a tenant's history and advises housing providers and property managers to:

- Have clear, specific reasoning for considering criminal history
- Exclude only individuals that present a demonstrable risk
- Consider the nature and severity of an individual's conviction
- Apply the policy uniformly

HB 514 goes further than HUD's guidance by specifying which crimes may be considered and which crimes may not. Under HB 514, crimes such as felony assault, drug trafficking, bomb making, and felony stalking and harassment— to list a few -- cannot be used to deny a prospective tenant. HB 514 requires a conditional offer to be made before checking criminal history and makes the process actionable under the unfair and deceptive trade practices act.

Property managers have a duty to find the best tenant for the property. And because of the housing shortage, property managers often have more than one tenant applying for a rental. Having more information on a person's conviction history allows housing providers to better assess potential risks and ensure fairness to other prospective tenants. As an example, a prospective tenant with serial drug trafficking convictions (which is not reviewable under this bill) may seem to pose less risk than a tenant with only one violation of manufacturing methamphetamine in federally assisted housing (which is viewable). Taking tools away from property managers can impact the peaceful enjoyment that other tenants and neighbors seek in their homes.

REALTORS® believe current HUD guidance achieves much of the goal of this legislation and recommend an unfavorable report.

For more information contact lisa.may@mdrealtor.org or christa.mcgee@mdrealtor.org

SB514 CDIA Testimony - Opposed.pdf

Uploaded by: Zachary Taylor

Position: UNF



Consumer Data Industry Association
1090 Vermont Ave., NW, Suite 200
Washington, D.C. 20005-4905

February 6, 2025

P 202 371 0910

CDIAONLINE.ORG

Senator William C. Smith, Jr.
Chair
Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
11 Bladen St
Annapolis, Maryland 21401

Chair Smith Jr., Vice-Chair Waldstreicher, Members of the Committee:

On behalf of the Consumer Data Industry Association (CDIA), I write to raise our concerns regarding SB 514's proposed amendments to § 8-218(b)(i) of the Real Property Article of Maryland Code, as it relates to requirements for the contents of reusable tenant screening reports. We respectfully request that the committee remove these provisions as they are preempted by the Fair Credit Reporting Act (FCRA).

CDIA, founded in 1906, is the trade organization representing the consumer reporting industry, including agencies like the three nationwide credit bureaus, regional and specialized credit bureaus, background check companies and others. CDIA exists to promote responsible data practices to benefit consumers and to help businesses, governments and volunteer organizations avoid fraud and manage risk.

The FCRA provides important and necessary protections to consumers, lenders, government agencies, law enforcement, volunteer organizations, and businesses who rely on full, complete and accurate consumer reports to make informed decisions, including in relation to tenant screening. Much of the FCRA has previously been incorporated into Maryland's Commercial Law article. These laws demand accuracy in background check processes and afford legal rights to consumers. Maintaining alignment between state consumer reporting laws and federal consumer reporting laws is critical but without changes, SB 514 would create conflicts between state and federal law.

SB 514 would amend § 8-218(b)(i) of the Real Property Article to lower the threshold for when consumer reporting agencies would have to exclude certain criminal history information from a type of consumer report. These proposed changes to § 8-218(b)(i) of the Real Property Article are inconsistent with requirements established by 15 U.S.C. § 1681c of the FCRA. However, in establishing requirements consumer reporting agencies must adhere to, Congress expressly reserved authority over limits to what CRAs may include in consumer reports to itself. Further, Congress also preempted the states from establishing their own requirements or prohibitions relating to information contained in consumer reports.

As section SB 514 imposes limitations on CRAs as it relates to information to be included or excluded from consumer reports that differ from the FCRA, it is preempted by not only 15 U.S.C. § 1681t(a) in relation to inconsistencies between the FCRA and state laws but also by 15 U.S.C. § 1681t(b)(1)(E) as it relates to information to be included or excluded from consumer reports.

Given the clear conflicts between SB 514 and the FCRA and the preemption issues articulated above, we respectfully request that the committee remove the proposed revisions § 8-218(b)(i) of the Real Property Article of Maryland Code from SB 514. CDIA and its members stand ready to work with this committee on consumer report-related matters. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Zachary W. Taylor", is written over a horizontal line.

Zachary W. Taylor
Director, Government Relations
Consumer Data Industry Association

SB 514_Consumer Protection Division_Letter of Conc

Uploaded by: Kira Wilpone-Welborn

Position: INFO

CAROLYN A. QUATTROCKI
Chief Deputy Attorney General

LEONARD J. HOWIE III
Deputy Attorney General

CARRIE J. WILLIAMS
Deputy Attorney General

ZENITA WICKHAM HURLEY
Chief, Equity, Policy, and Engagement



**STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL**

ANTHONY G. BROWN
Attorney General

WILLIAM D. GRUHN
Division Chief

PETER V. BERNIS
General Counsel

CHRISTIAN E. BARRERA
Chief Operating Officer

KIRA WILPONE-WELBORN
Assistant Attorney General

February 4, 2025

To: The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee

From: Kira Wilpone-Welborn, Assistant Attorney General
Consumer Protection Division

Re: Senate Bill 514 – Landlord and Tenant - Residential Leases - Prospective Tenant Criminal
History Records Check (Maryland Fair Chance Housing Act) (SUPPORT IN CONCEPT)

The Consumer Protection Division of the Office of the Attorney General (the “Division”) supports in concept Senate Bill 514 sponsored by Senator Shaneka Henson. Senate Bill 514 admirably seeks to prevent unlawful discrimination in tenant screening practices, including in the use of criminal background checks to deprive marginalized communities meaningful opportunities to access housing. Limiting the reasons a landlord can use to reject qualified applicants is necessary to reduce barriers to access safe and stable housing. However, Senate Bill 514 requires the Division to develop a uniform notice for landlords, as well as receive, investigate, and report substantiated complaints of violations. Last session, the General Assembly created an Office of Tenant and Landlord Affairs (the “Office”) within the Department of Housing and Community Development. “The purpose of the Office is to,” among other things:

- (1) ensure that tenants have access to educational resources to aid in understanding and exercising the tenants’ rights under State law;
- (2) provide tenants with information on how to report a violation of their legal rights as tenants and facilitate referrals of reported violations to appropriate enforcement agencies;
- (3) provide tenants with information on how to obtain financial counseling; and

- (4) notify appropriate authorities regarding housing discrimination and other unfair or illegal housing practices.

Housing and Community Development Article § 5-102.

The Division believes that Senate Bill 514's requirements of the Division are better suited for the Office of Tenant and Landlord Affairs. Accordingly, the Division supports Senate Bill 514 in concept.

cc: The Honorable Shaneka Henson
Members, Judicial Proceedings Committee