



APRIL 2, 2026

Past Justice System Involvement Should Not Be a Barrier to Housing

Position Statement in Support of Senate Bill 937

Given before the House Economic Matters Committee

Every Marylander deserves safe and habitable housing. However, people with criminal records are often denied housing, even for records that are years—even decades—old. Housing is critical for people exiting incarceration as it serves as a foundation to meet other critical needs such as employment and family reunification.ⁱ A criminal record has no bearing on tenancy outcomes, and denying people with conviction histories housing undermines public safety and contributes to the cycle of justice system involvement, homelessness, and housing insecurity.ⁱⁱ Therefore, it is crucial that those who have been through the criminal justice system have the opportunity to secure housing.

Passing SB 937 is a necessary step to protect Marylanders from the federal stripping of all fair housing protections the Trump Administration has undertaken in the past year. The Obama and Biden administrations, in the desire to broaden housing accessibility for all, issued guidance that prospective tenants should not be denied based solely on arrest records and that application approval policies should accurately distinguish between “criminal conduct that indicates a demonstrable risk to resident safety and/or property and criminal conduct that does not.” Further, these memorandums outlined that denying an applicant for their criminal history may be a pretext for unequal treatment of individuals because of their race, color, national origin, disability, or another protected characteristic.^{iiiiv} **On November 25, 2025, the Trump Administration’s Department of Housing and Urban Development rescinded both of these memorandums, reverting to guidance from the early 1990s.**^v Maryland needs to step up and fight against the Trump administration’s failure to protect our residents.

SB 937 would give prospective tenants fair consideration when trying to find a home, reduce recidivism rates in Maryland thereby increasing public safety, and 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 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.^{vi} SB 937 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 937 limits a landlord’s review of an applicant’s criminal record. At the initial rental application, a landlord may only screen and deny a tenant for certain serious crimes including first- and second-degree murder, and enrollment on a sexual offense registration list. Outside of these convictions, a landlord must first evaluate a tenant in all other acceptance criteria for the landlord (job, income verification, references, etc.). Then, if the tenant qualified under these criteria, the landlord must 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

approval based on convictions such as first-degree murder and human trafficking as well as being registered on the lifetime sexual offense 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, Washington D.C., as well as Prince Georges and Montgomery Counties have passed Fair Chance bills that are like SB 937. A number of these jurisdictions have reported success after implementation.^{vii} Research has shown renters in these localities have been given wider access to housing.^{viii} Additionally landlords, have not seen an increase in adverse incidents; nor has implementation of these laws resulted in significant burdens for landlords. Passing SB 937 Fair Chance is a step in the right direction for all Marylanders.

For these reasons, the Maryland Center on Economic Policy respectfully urges a favorable report on Senate Bill 937.

Equity Impact Analysis: Senate Bill 937

Bill summary

SB 937 establishes “Fair Chance” housing protections by limiting how landlords can use criminal records in tenant screening. It requires landlords to first evaluate applicants based on standard criteria—such as income, employment, and references—before considering criminal history. It restricts denial at the initial stage to a narrow set of serious offenses and limits consideration of certain records within a three-year lookback period, while still allowing landlords to withdraw conditional offers for specific high-risk convictions.

Background

People with criminal records have long faced significant barriers to housing, even for offenses that occurred many years ago and have no relevance to tenancy. Prior federal guidance under the Obama and Biden administrations encouraged housing providers to avoid blanket bans and to distinguish between conduct that poses a real safety risk and conduct that does not. However, in 2025, HUD rescinded this guidance, weakening federal fair housing protections and reverting to outdated standards. In response, states and local jurisdictions—including Washington, D.C., Prince George’s County, and Montgomery County—have adopted Fair Chance housing laws to promote access and reduce unnecessary barriers, with early evidence showing improved housing access and no increase in negative outcomes.

Equity Implications

Due to longstanding racial disparities in the criminal legal system, Black Marylanders are disproportionately impacted by criminal record screening in housing. Although Black residents make up a smaller share of the state population, they represent a significantly larger share of those incarcerated. As a result, policies that allow broad use of criminal records in housing decisions disproportionately exclude Black and Brown renters, reinforcing cycles of housing instability, homelessness, and economic marginalization. SB 937 helps address these inequities by ensuring fairer, more individualized screening practices, expanding access to stable housing, and supporting successful reentry—key factors in improving public safety and reducing recidivism.

Impact

Senate Bill 937 will likely **increase racial equity** in Maryland.

ⁱ Demelza Baer, Avinash Bhati, Lisa Brooks, et al., Understanding the Challenges of Prisoner Reentry: Research Findings from the Urban Institute’s Prisoner Reentry Portfolio (Washington, DC: Urban Institute, 2006), 8–9,

<https://www.urban.org/sites/default/files/publication/42981/411289-Understanding-the-Challenges-of-Prisoner-Reentry.PDF>

ⁱⁱ 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, 227–229, <https://perma.cc/8ASPC98U>. See also Calvin Johnson, “Tenant Screening with Criminal Background Checks: Predictions and Perceptions Are Not Causality,” *Edge: Office of Policy Development and Research*, May 17, 2022, <https://perma.cc/ZX8E-M4Y8>; Lucius Couloute, *Nowhere to Go: Homelessness Among Formerly Incarcerated People* (Northampton, MA: Prison Policy Initiative, 2018), <https://perma.cc/T7R7-JEUB>

ⁱⁱⁱ https://www.novoco.com/documents97930/hud_ogc_guide_fha_040416.pdf

^{iv} <https://www.fairhousingnc.org/wp-content/uploads/2022/08/06-10-2022-Implementation-of-OGC-Guidance-on-Application-of-FHA-Standards-to-the-Use-of-Criminal-Records-June-10-2022.pdf>

^v [https://www.novoco.com/public-media/documents/hud-criminal-screening-11262025.pdf?utm_source=NLIHC+All+Subscribers&utm_campaign=a783ddb168-Memo_120825&utm_medium=email&utm_term=0_41cf60b129-&ct=t\(Memo_120825\)](https://www.novoco.com/public-media/documents/hud-criminal-screening-11262025.pdf?utm_source=NLIHC+All+Subscribers&utm_campaign=a783ddb168-Memo_120825&utm_medium=email&utm_term=0_41cf60b129-&ct=t(Memo_120825))

^{vi} <https://trends.vera.org/state/MD>

^{vii} 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>.