

SB 937 - Landlord and Tenant – Residential Leases – Prospective Tenant Criminal History Records

Check (Maryland Fair Chance Housing Act)

Hearing before the House Economic Matters Committee,

April 2, 2026

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 937 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 937 because it would increase housing opportunities and decrease the potential for housing discrimination for all renters, but especially disabled renters with criminal histories who already face numerous barriers to accessing safe, affordable, accessible housing.¹ 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 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

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

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/>.

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 937 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’s 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 937 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.

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 obtain other critical needs such as employment and family reunification.⁶ 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.⁷ Therefore, it is crucial that those who have been through the criminal justice system have the opportunity to secure that housing.

SB 937 would: (1) give prospective tenants fair consideration when trying to find a home, (2) reduce recidivism rates in Maryland thereby increasing public safety, 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 legal system, criminal record discrimination has an enormous disparate

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 SSI 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 SSI payments increased to \$1,580/month in 2025.

⁶ 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>

⁷ 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>

impact on black households. 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 legal system.

SB 937 would limit 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 convictions sexual in nature, first- and second-degree murder, and enrollment on a sexual offender registration list. Outside of these convictions, a landlord must FIRST evaluate a tenant on all other acceptance criteria for the landlord (employment, income verification, references, etc.). Then, if the tenant qualifies under these criteria, the landlord must make a conditional offer of tenancy before checking their criminal background and may not consider certain criminal records beyond a three-year lookback period. The landlord retains the option to withdraw their initial conditional offer of housing based on convictions such as first-degree murder, human trafficking, or 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 other states and jurisdictions, including Washington D.C. and Prince George's and Montgomery Counties, have passed Fair Chance bills similar to SB 937 and have reported success after implementation.⁸ Research has shown renters in these localities have been given wider access to housing and no landlords reported an increase in adverse incidents; nor had implementation of these laws resulted in significant capacity burdens for landlords.⁹ Passing SB 937 Fair Chance in Housing is a step in the right direction for all Marylanders.

Disability Rights Maryland urges a favorable report on SB 937. If you have any questions, please contact E.V. Yost, evy@DisabilityRightsMD.org.

⁸ 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-Lessons-in-Implementation.pdf> (analyzing the successful implementation of Fair Chance in Housing bills in Cook County Illinois, New Jersey, and Washington, D.C.).

⁹ *Id.* at 11.