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OFFICE OF THE ATTORNEY GENERAL
CONSUMER PROTECTION DIVISION
HOUSING UNIT**

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March 31, 2026

To: The Honorable Kriselda Valderrama
Chair, Economic Matters Committee

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

Re: Senate Bill 937 – Landlord and Tenant - Residential Leases - Prospective Tenant
Criminal History Records Check (Maryland Fair Chance Housing Act) (Letter of
Concern)

The Consumer Protection Division of the Office of the Attorney General (the “Division”) applauds the goals of Senate Bill 937 sponsored by Senator Shaneka Henson. Senate Bill 937 admirably seeks to prevent unlawful discrimination in tenant screening practices, including in the use of criminal background checks to deprive marginalized communities of meaningful opportunities to access housing. Limiting the reasons a landlord can use to reject qualified applicants is necessary to reduce barriers to accessing safe and stable housing. However, Senate Bill 937 unnecessarily restricts the civil penalties provided for under Section 13-410 of the Consumer Protection Act.

Senate Bill 937 provides that “a person who violated this subtitle is subject to a civil penalty not exceeding \$500 for each violation.” (*See* page 11, line 14-15). Presently, a violation of the Consumer Protection Act (Title 13 of the Commercial Law Article) is subject to a civil penalty of up to \$10,000 per violation. *See* Com. Law. § 13-410(a). However, before imposing a civil penalty, the Division is statutorily required to consider “(1) the severity of the violation...; (2) the good faith of the violator; (3) any history of prior violations; (4) whether the amount of the penalty will achieve the desired deterrent purpose; and (5) whether the issuance of a cease and desist order, including restitution, is insufficient for the protection of consumers.” *See* Com. Law. § 13-410(d). The Division’s consideration of these factors when assessing civil penalties provides the Division with the necessary latitude to ensure the General Assembly’s mandate to

“take strong protective and preventive steps to investigate unlawful consumer practices, to assist the public in obtaining relief from these practices, and to prevent these practices from occurring in Maryland.” *See* Com. Law. § 13-102(b)(3). Arbitrarily limiting civil penalties to \$500, as Senate Bill 937 seeks to do, would undermine the Division’s ability to appropriately hold violators accountable for harm to Maryland consumers. Enacting the type of cap that is provided in this bill would not deter intentional misconduct and, given limited resources, make it unlikely that the Division would use its limited resources to bring an enforcement action related to a violation of this bill.

The Division suggests that any civil penalty provided for within the bill be consistent with the civil penalties provided for at Commercial Law § 13-410. The Division understands that amendments are being offered that would address the Division’s concerns and encourages the Committee to take them into consideration when reviewing Senate Bill 937.

cc: The Honorable Shaneka Henson
Members, Economic Matters Committee