



**Bill:** **SB937 - Landlord and Tenant - Residential Leases - Prospective Tenant Criminal History Records Check (Maryland Fair Chance Housing Act)**

**Committee:** **Economic Matters**

**Date:** **April 2, 2026**

**Position:** **Favorable with amendments**

The Apartment and Office Building Association (AOBA) of Metropolitan Washington is a nonprofit trade association representing the owners and managers of more than 23 million square feet of commercial office space and 167,000 apartment rental units in Montgomery and Prince George's counties. AOBA submits this testimony in support of Senate Bill 937 with amendments.

SB 937 establishes a statewide fair chance housing framework that restricts when and how landlords may consider criminal history in residential leasing. It prohibits inquiry into criminal history before a conditional offer, limits the specific convictions that may be considered, requires individualized assessments before withdrawing an offer, and allows civil penalties of \$500 for violations. Attached to this testimony is an explainer that outlines the seven stages that landlord must comply with under this bill.

Many AOBA members are proud to offer second chance housing to returning citizens. To that end, AOBA requests the following amendments:

1. On page 5, lines 26 and 28, strike federally assisted housing;

This amendment removes the limitation on convictions of manufacturing, production, distribution, and dispensing of methamphetamines in federally assisted housing. These crimes are a danger to all housing types, not just federally assisted housing.

2. On page 6, lines 3, strike conviction and insert conclusion of incarceration or probation;

The lookback period should begin when the applicant has completed their debt to society, not at the time of conviction.

3. On page 6, line 10, after article insert an equivalent violation under federal or another state's criminal code;

Maryland is a small state with a large transient population from Washington, DC, Virginia, West Virginia, and Pennsylvania. Landlords should be allowed to consider the equivalent crimes in those and other jurisdictions.

4. On page 6, line 18, insert written evidence signed under the penalties of perjury;

Landlords are being held to a high standard when considering applicants with criminal history. The applicants must also be held to the same standard that the information they are providing is truthful.

5. On page 6, line 28, after article insert any equivalent felony under federal law or another state's criminal code; and

6. On page 7, line 1, strike conviction and insert conclusion of incarceration or probation.

For more information, please contact Brian Anleu at [banleu@aoba-metro.org](mailto:banleu@aoba-metro.org).

## Fair Chance Explainer

### 1. Pre-application Stage

- A landlord that owns or manages 5 or more units may not:
  - Ask about criminal history
  - Require disclosure of arrests or charges
  - Run a criminal background check
  - Publish ads stating “No criminal record”
  - Require the applicant to submit to a drug or alcohol test
  
- Landlord may ask about and does not need to extend a conditional offer if the applicant discloses that they were convicted of:
  - Manufacturing, distributing, dispensing, or producing methamphetamine in federally assisted housing
  - A sex offense under Title 3, Subtitle 3 or the Criminal Law Article
  - Child pornography
  - Up to 10 years prior to the application date:
    - ♣ 1<sup>st</sup> degree murder
    - ♣ 2<sup>nd</sup> degree murder
  - Human trafficking
  - A sex offense that requires lifetime sex offender registration or has ever been subject to a sex offender registration under a state or federal sex offender program
  
- Prior to taking an application fee, a landlord must provide notice to the applicant informing the applicant of the following:
  - A criminal background check may be conducted after a conditional offer
  - If rejected, the applicant may request a reassessment that demonstrates:
    - ♣ Evidence of inaccuracies
    - ♣ Proof of rehabilitation
    - ♣ Mitigating factors
  
- A landlord may not publish an ad that expressly states that the landlord will not consider an applicant that has been arrested or convicted of a crime.

## **2. Screening Stage**

- A landlord may not review the applicant's criminal history until after evaluating income, credit, and rental history.

## **3. Conditional Offer Stage**

- If an applicant accepts a conditional offer, the landlord may conduct a criminal background check.
- The criminal background check and screening criteria must be applied consistently to all applicants.

## **4. Post-Conditional Offer Review Stage**

- Landlord may consider only the following convictions during the lookback periods
  - Lifetime lookback:
    - ♣ Methamphetamine
    - ♣ Human trafficking
    - ♣ Lifetime sex offender registry crimes
  - 10-year lookback for 1<sup>st</sup> and 2<sup>nd</sup> Degree Murder
  - 5-year for any other felony under the Criminal Law Article

## **5. Individualized Assessment Stage**

- If considering withdrawal, a landlord must evaluate:
  - Nature & severity of offense
  - Age at time of offense
  - Time elapsed
  - Evidence of rehabilitation
  - Risk to tenants/property
  - Whether offense occurred at prior rental property

## **6. Offer Withdrawal Stage**

- The landlord may only withdraw a conditional offer if it is necessary to fulfill a substantial, legitimate, and nondiscriminatory interest.
- Landlord must provide the applicant with a specific reason for the withdrawal of the conditional offer.
- Landlord must also provide written notice that the tenant may request a reassessment of the withdrawal by providing written evidence, signed under the penalty of perjury, to the landlord

demonstrating inaccuracies in the applicant's criminal history records, evidence of rehabilitation or any other mitigating information.

- Within 30 days after the landlord's withdrawal of the condition offer, the applicant may request a copy of all the information that the landlord relied on in considering the application. Landlord must provide this information within 10 days of receiving the request.

## **7. Reassessment Stage**

- If the applicant requests a reassessment, the landlord must consider:
  - The nature and severity of the criminal offense;
  - The age of the applicant at the time of the criminal offense;
  - The amount of time that has elapsed since the criminal offense occurred;
  - Any information provided by the applicant or produced on the applicants behalf that demonstrates rehabilitation and good conduct;
  - The degree to which the criminal offense, if it reoccurred, would negatively impact the safety of other tenants or the property; and
  - Whether the criminal offense occurred on the property that was rented or leased by the applicant.

## **8. Enforcement**

- The Maryland Office of Tenant and Landlord Affairs (OLTA) shall collect and maintain data relating to complaints.
- OLTA shall publish annual information on its website on substantiated complaints that resulted in a civil penalty.
- Information published by OLTA shall remain on the website for up to 5 years.
- A person that violates this subtitle is subject to a civil penalty of \$500.