



**Bill Title:** Senate Bill 937, Landlord and Tenant - Residential Leases - Prospective Tenant Criminal History Records Check (Maryland Fair Chance Housing Act)

**Committee:** House Economic Matters Committee

**Date:** April 2, 2026

**Position:** Favorable with Amendments

This testimony is offered on behalf of the Maryland Multi-Housing Association (MMHA). MMHA is a professional trade association established in 1996, whose members consist of owners and managers of more than 214,000 rental housing homes in over 1015 apartment communities. Our members house over 571,000 residents of the State of Maryland. MMHA also represents over 270 associate member companies who supply goods and services to the multi-housing industry.

SB937 creates a new process for reviewing criminal background information when a housing provider is considering a potential tenant, allowing certain convictions to be considered prior to a conditional offer of tenancy, and enumerating additional convictions that can be considered after a conditional offer of tenancy. It limits the amount of time that a criminal background check can “look-back” into a potential tenant’s history. Additionally, it provides for a reevaluation/appeal process following a denial. As amended, a violation is subject to a \$500 civil penalty.

MMHA understands the intent of the bill, and with that in mind, offers several amendments. While the conditional offer process will be onerous for housing providers and will result in delays for prospective tenants in addition to units sitting vacant during a potential appeal process, we understand the Sponsor’s position that the added costs to provide housing required by this bill is outweighed by the additional step to consider criminal background history. Several important amendments can mitigate the burden on housing providers and better support the intent of the bill.

First, serious crimes committed out of state or under federal law cannot be considered under SB937, which largely limits background checks to convictions under the Maryland Criminal Code. As a result, out-of-state convictions for most felonies cannot be considered, disadvantaging Marylanders who committed the same crime as a non-Marylander. Moreover, convictions for crimes in another state are equally relevant in evaluating a potential tenancy. This can be remedied by including equivalent violations under federal or another state’s criminal code. Potential amendment text is included as Amendments 3 and 5 in the attachment.

Second, the look-back periods in the bill prevent the most serious crimes from being considered, disadvantaging low-level offenders and forcing housing providers to lease to people with serious convictions. Under SB937, the clock starts on the look-back period at the time of conviction. As a result, a felony conviction that carries a 6-year sentence cannot be considered, because the



look-back expires after 5 years. For example, a kidnapping conviction can only be considered if the *conviction* occurred within the past 5 years, but sentences are typically much longer than that.

This creates two significant problems: First, that serious criminal convictions like attempted first degree murder are effectively barred from consideration; second, that less serious convictions *can still* be considered (because they carry shorter sentences), thus disadvantaging less serious offenders compared to more serious offenders. This can be remedied by starting the clock on look-backs at the conclusion of incarceration or probation, rather than conviction. Potential amendment text is included as Amendments 2 and 6 in the attachment.

Third, as amended, SB937 sets a penalty for violation of this subtitle: a civil penalty not to exceed \$500. The intention was to amend the Consumer Protection Act (CPA) out of the bill to lessen significant concerns that were raised before the Senate. For clarity, reference to and amendment of the CPA at the beginning of the bill should also be stricken. The potential amendment text is included as Amendment 1 in the attachment.

Finally, SB937 was amended to require that evidence provided by a prospective tenant be “written evidence signed under the penalty of perjury.” This amendment was made in one section of the bill but not in the other reference to a prospective tenant’s proffer of evidence. Amendment text included as Amendment 4 of the attached remedies that inconsistency.

It is for these reasons that MMHA respectfully requests a favorable report with these critical amendments on SB937. We welcome the opportunity to engage further on this bill with the Committee. Please contact Gabriel Auteri at [gabriel.auteri@mdlobbyist.com](mailto:gabriel.auteri@mdlobbyist.com) with any questions or concerns. Thank you.



MARYLAND MULTI-HOUSING ASSOCIATION, INC.

AMENDMENTS TO SENATE BILL 937  
(To be offered in the Economic Matters Committee)

BY:

AMENDMENT NO. 1

On pages 2 and 3, strike line 34 on page 2 through line 5 on page 3, inclusive.

Explanation: This amendment is a technical fix to align with the penalty provision on page 11.

AMENDMENT NO. 2

On page 6, line 3, strike “CONVICTION” and insert “**CONCLUSION OF INCARCERATION OR PROBATION**”

Explanation: This amendment makes clear that the “look back” period begins after the sentence is served; not at the time of conviction. Without this amendment, lesser felonies would impact potential tenancy more than serious offenses.

AMENDMENT NO. 3

On page 6, line 10, after “ARTICLE;”, insert “**OR**

**6. AN EQUIVALENT VIOLATION UNDER FEDERAL OR ANOTHER STATE’S CRIMINAL CODE.**”

Explanation: As currently drafted, the crimes listed in the bill are specific to Maryland law. The bill does not recognize serious crimes committed in other states or under federal law. A rape or murder conviction in Virginia or Pennsylvania should be considered. We think other serious crimes committed in other states should be considered equivalently.

AMENDMENT NO. 4

On page 6, line 18, strike “EVIDENCE” and insert “**WRITTEN EVIDENCE SIGNED UNDER THE PENALTIES OF PERJURY**”

Explanation: This amendment ensures honesty in the process.

AMENDMENT NO. 5

On page 6, line 29, after “ARTICLE”, insert “**OR ANY EQUIVALENT FELONY VIOLATION UNDER FEDERAL LAW OR ANOTHER STATE’S CRIMINAL CODE**”



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Explanation: As currently drafted, the crimes listed in the bill are specific to Maryland law. The bill does not recognize serious crimes committed in other states or under federal law. A rape or murder conviction in Virginia or Pennsylvania should be considered. We think other serious crimes committed in other states should be considered equivalently.

AMENDMENT NO. 6

On page 7, line 1, strike “CONVICTION” and insert “**CONCLUSION OF INCARCERATION OR PROBATION**”

Explanation: This amendment makes clear that the “look back” period begins after the sentence is served; not at the time of conviction. Without this amendment, lesser felonies would impact potential tenancy more than serious offenses.