



Bill: **HB 1073 - Landlord and Tenant - Residential Leases - Prospective Tenant Criminal History Records Check (Maryland Fair Chance Housing Act)**

Committee: **Economic Matters**

Date: **March 5, 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 House Bill 1073 with amendments.

HB 1073 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 makes violations enforceable under the Maryland Consumer Protection Act.

Many AOBA members are proud to offer second chance housing to returning citizens. To that end, AOBA supports the disclosure, individualized assessment, some of the limitations on convictions that may be considered, and the collection of compliance data. However, AOBA urges the Committee to amend the bill to align with Montgomery County's Housing Justice Act (attached) rather than enacting a stricter statewide standard.

Montgomery County's law:

- Prohibits inquiry into arrests that did not result in conviction;
- Limits consideration of low-level misdemeanors;
- Permits consideration of certain serious sex crimes and pending accusations;
- Preserves individualized assessment standards; and
- Provides enforcement through the Office of Human Rights.

This balanced approach increases access to housing for returning citizens without being overly prescriptive.



HB 1073 goes significantly further by limiting the list of convictions that may be considered and reducing the lookback period to 3 years for certain serious felonies. It also creates a more rigid framework that limits landlord discretion, which will only serve to increase compliance and legal costs for landlords.

AOBA respectfully requests that the Committee:

1. Replace the enumerated conviction limitations in HB 1073 with the Montgomery County framework;
2. Maintain the prohibition on consideration of arrests not resulting in conviction;
3. Allow consideration of serious convictions within a reasonable lookback period;
4. Preserve the individualized assessment requirement; and
5. Remove the Consumer Protection Act enforcement.

Aligning with Montgomery County would ensure consistency across jurisdictions and avoid creating a stricter standard than the state's most progressive county.

For more information, please contact Brian Anleu at banleu@aoba-metro.org.

Bill No. 49-20
Concerning: Human Rights and Civil Liberties – Discrimination in Rental Housing – Fair Criminal History and Credit Screenings
Revised: 4/20/2021 Draft No. 7
Introduced: December 8, 2020
Enacted: April 20, 2021
Executive: April 30, 2021
Effective: July 20, 2021
Sunset Date: None
Ch. 9, Laws of Mont. Co. 2021

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Councilmembers Glass and Katz
Co-Sponsors: Councilmembers Jawando, Rice, Navarro and Riemer

AN ACT to:

- (1) prohibit a landlord from raising a stated rent in certain circumstances;
- (2) require a rental application to contain certain information about record checks conducted by a housing provider;
- (3) prohibit certain inquiries regarding criminal histories in rental housing applications;
- (4) prohibit consideration of certain arrests and convictions in rental housing decisions; and
- (5) generally amend the law regarding discrimination in housing and landlord-tenant affairs.

By amending

Montgomery County Code
Chapter 27, Human Rights and Civil Liberties
Sections 27-14

By adding

Montgomery County Code
Chapter 27, Human Rights and Civil Liberties
Section 27-15A

By amending

Montgomery County Code
Chapter 29, Landlord-Tenant Affairs
Section 29-28

The County Council for Montgomery County, Maryland approves the following Act:

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

27 (B) the refusal to consider income derived from any criminal
 28 activity.

29 * * *

30 **27-15A. Fair criminal history and credit screenings in rental housing.**

31 (a) Definitions. As used in this Section:

32 Applicant means a person who applies to lease or rent housing in the
 33 County. Applicant includes any person who resides or will reside with a
 34 person who applies to lease or rent housing in the County.

35 Arrest record means information indicating that a person has been
 36 apprehended, detained, taken into custody, held for investigation, or
 37 otherwise restrained by a law enforcement agency or military authority
 38 due to an accusation or suspicion that the person committed a crime.

39 Conditional offer means an offer of housing conditioned solely on:

- 40 (1) the results of an inquiry into the applicant's criminal record; or
 41 (2) another contingency expressly communicated to the applicant at
 42 the time of the offer.

43 Conviction record means information regarding a sentence arising from
 44 a verdict or plea of guilty or nolo contendere, including a sentence of
 45 incarceration, a fine, a suspended sentence, and a sentence of probation.

46 Criminal record report means a record of a person's arrest and
 47 conviction history obtained from any source.

48 Housing provider means any person, individual, proprietorship,
 49 partnership, joint venture, corporation, limited liability company, trust,
 50 association, or other entity offering to sell, rent, or provide housing in
 51 the County. Housing provider includes the County government, but
 52 does not include the United States, any State, or any other local

53 government. *Housing provider* does not include a lessor of property
 54 under Section 27-14(a) or a lessor of an accessory dwelling unit.

55 *Inquiry* or *inquire* means any direct or indirect conduct intended to
 56 gather information, using any mode of communication. *Inquiry* or
 57 *inquire* does not include a question about an applicant’s conviction
 58 record or arrest record when the existence of the record is disclosed by
 59 the applicant voluntarily and not in response to a question.

60 *Pending criminal accusation* means an existing written accusation that
 61 an individual has committed a crime, in the form of an indictment or
 62 information under the Criminal Procedure Article of the Maryland
 63 Code.

64 (b) *Transparency of criminal history and credit requirements in rental*
 65 *applications.*

66 (1) A housing provider must disclose in any rental application:

67 (A) the processes the provider uses to inquire into the criminal
 68 history and credit history of an applicant; and

69 (B) requirements of the provider regarding an applicant’s
 70 credit history[[, arrest history,]] and [[conviction history]]
 71 criminal record report.

72 (2) The housing provider must not alter the processes and
 73 requirements under paragraph (1) for an applicant whose
 74 application is pending.

75 (c) *Criminal records inquiry on application.* A housing provider must not
 76 require an applicant to disclose on a rental application the existence or
 77 details of the applicant’s arrest record or conviction record.

78 (d) *Preliminary inquiry into criminal record.* A housing provider must not,
 79 at any time before the extension of a conditional offer to the applicant:

- 80 (1) require the applicant to disclose whether the applicant has an
 81 arrest record or conviction record, or otherwise has been accused
 82 of a crime;
- 83 (2) conduct a criminal record check regarding the applicant; or
- 84 (3) inquire of the applicant or others about whether the applicant has
 85 an arrest record or conviction record or otherwise has been
 86 accused of a crime.

87 (e) *Prohibition against inquiry into certain criminal records.* A housing
 88 provider must not at any time require an applicant to disclose, conduct a
 89 criminal record check solely to determine, or otherwise inquire of the
 90 applicant or others, whether:

- 91 (1) the applicant has been arrested for, or has an arrest record for, a
 92 matter that did not result in a conviction; or
- 93 (2) the applicant has an arrest record or a conviction record for, or
 94 otherwise has been accused of:
 - 95 (A) trespass under §§ 6-402 or 6-403 of the Criminal Law
 96 Article of the Maryland Code;
 - 97 (B) theft as a misdemeanor under § 7-104 of the Criminal Law
 98 Article of the Maryland Code;
 - 99 (C) a refusal or failure to leave public buildings or grounds
 100 under § 6-409 of the Criminal Article of the Maryland
 101 Code;
 - 102 (D) indecent exposure under § 11-107 of the Criminal Article
 103 of the Maryland Code;
 - 104 (E) public urination under § 32-17-A of this Code;
 - 105 (F) an open container violation under § 10-125 of the Criminal
 106 Law Article of the Maryland Code;

- 107 (G) possession of marijuana as a misdemeanor or civil
 108 violation under Title 5 of the Criminal Article of the
 109 Maryland Code;
- 110 (H) a first conviction of disturbance of the peace or disorderly
 111 conduct under § 10-201 of the Criminal Law Article of the
 112 Maryland Code;
- 113 (I) a vehicle law violation under the Transportation Article of
 114 the Maryland Code;
- 115 (J) except as provided in subsection (g), a conviction of a
 116 misdemeanor if at least 2 years have passed since:
- 117 (i) the date of the conviction; and
 118 (ii) the date that any period of incarceration for the
 119 misdemeanor ended; or
- 120 (K) a matter for which records:
- 121 (i) are confidential under § 3-8A-27 of the Courts and
 122 Judicial Proceedings Article of the Maryland Code;
 123 or
- 124 (ii) have been expunged under §§ 10-101 – 10-110 of
 125 the Criminal Procedure Article of the Maryland
 126 Code.
- 127 (f) Consideration of Certain Records Prohibited. Except as provided in
 128 subsection (g), a housing provider must not base a rental decision upon
 129 any item in an arrest record or a conviction record described under
 130 subsection (e).
- 131 (g) Consideration of Sex Crimes Permitted. A landlord may:
- 132 (1) inquire into [[an arrest record]] a pending criminal accusation or a
 133 conviction record for:

- 134 (A) a crime of a sexual nature under Title 3 of the Criminal
 135 Law Article of the Maryland Code; or
- 136 (B) a violation of Sections 11-102, 11-103, 11-104, 11-305, or
 137 of Title [[2]] 11, Subtitle 3, of the Criminal Law Article of
 138 the Maryland Code;
- 139 (2) inquire into an applicant’s presence on a sex offender registry;
 140 and
- 141 (3) base a rental decision upon [[an arrest record]] a pending criminal
 142 accusation or a conviction record under paragraph (1) of this
 143 subsection, or upon an applicant’s presence on a sex offender
 144 registry.
- 145 (h) *Rescission of a conditional offer based on criminal record.*
- 146 (1) If a housing provider intends to rescind a conditional offer based
 147 on an item or items in the applicant’s [[arrest record or conviction
 148 record]] criminal record report, before rescinding the conditional
 149 offer the provider must:
- 150 (A) provide the applicant with a copy of any criminal record
 151 report;
- 152 (B) notify the applicant of the intention to rescind the
 153 conditional offer and the items that are the basis for the
 154 intention to rescind the conditional offer; and
- 155 (C) delay rescinding the conditional offer for 7 days to permit
 156 the applicant to give the housing provider notice of
 157 inaccuracy of an item or items on which the intention to
 158 rescind the conditional offer is based.
- 159 (2) If a housing provider decides to rescind a conditional offer based
 160 upon the [[arrest record or conviction record]] criminal record

161 report of an applicant, the provider must notify the applicant of
 162 the rescission of the conditional offer in writing.

163 (i) Retaliation. A housing provider must not:

164 (1) retaliate against any person for:

165 (A) lawfully opposing any violation of this Section; or

166 (B) filing a complaint, testifying, assisting, or participating in
 167 any manner in an investigation, proceeding, or hearing
 168 under this Section; or

169 (2) obstruct or prevent enforcement or compliance with this Section.

170 (j) A person aggrieved by an alleged violation of this Section may file a
 171 complaint with the Director of the Officer of Human Rights under
 172 Section 27-7.

173 (k) The County Executive:

174 (1) may adopt Method (2) regulations to implement the provisions of
 175 this Section; and

176 (2) must endeavor to inform prospective applicants and housing
 177 providers of their rights and responsibilities under this Section.

178 (l) Exemption. The prohibitions and requirements of this Section do not
 179 apply if the inquiries prohibited by this Article are expressly required by
 180 an applicable federal or State law or regulation.

181 **Sec. 29-28. Leasing requirements generally.**

182 * * *

183 (h) Rental applications. A rental application must comply with the
 184 requirements of Section 27-15A.

185 (i) A landlord must not increase the rent included on a completed rental
 186 application:

187 (1) within 7 calendar days of the application; or


188 (2) based upon any discriminatory purpose prohibited under Chapter
189 27, including the source of income of the prospective tenant.

190 **Sec. 2. Short Title.** This Act may be referred to as the Housing Justice Act.

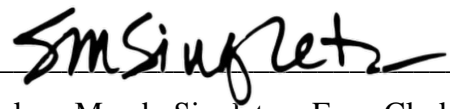
Approved:


_____ 4/20/2021
Tom Hucker, President, County Council Date

Approved:


_____ 4/30/2021
Marc Elrich, County Executive Date

This is a correct copy of Council action.


_____ 4/30/2021
Selena Mendy Singleton, Esq., Clerk of the Council Date