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HB 1073 – Landlord and Tenant – Residential Leases – Prospective Tenant Criminal History Records Check (Fair Chance Housing Act)

**Hearing Before the Economic Matters Committee
March 5, 2026**

Position: FAVORABLE

To the Honorable Members of the Economic Matters Committee:

[Community Legal Services](#) (CLS) is a nonprofit legal services organization providing free legal services to income-eligible Marylanders. CLS is a designated Access to Counsel in Evictions (ACE) provider, through which CLS has assisted thousands of tenants in housing matters, with a goal of helping our clients access and maintain housing stability. **We urge a favorable report on House Bill 1073 to help remove some of the barriers to accessing stable housing for these individuals.**

In addition to assisting thousands of households with landlord tenant matters, CLS also has a substantial family law and domestic violence practice, and we provide expungement services through clinics and in-house representation. We find that our clients, already in challenging situations, experience substantial housing instability. Often due to circumstances beyond their control, our clients need a change in their housing situation to provide safer, more stable housing for their children, to move on from strained, unhealthy, or unsafe living situations, or they must move because their landlord has simply decided not to renew their lease without reason. When this happens, even a minor, old criminal charge on a background check can be an insurmountable barrier to finding alternative housing.

Although landlords have a legitimate interest in screening prospective tenants to ensure they will be reliable, paying tenants, **studies show that 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. Relying on this research, federal guidance was issued during the Obama and then Biden administrations, stating that **prospective tenants should not be denied based solely on arrest records** and that application approval policies should accurately distinguish between criminal conduct that indicates a demonstrable risk to resident safety and/or property and criminal conduct that does not.

Unfortunately, however, despite the research and prior Department of Housing and Urban Development (HUD) guidance derived from that research, **the over the past year HUD has abruptly changed course, reverting to guidance from the early 1990s that relies on outdated stereotyping that makes housing more difficult, if not impossible** for individuals who were involved in the criminal justice system to find and maintain stable housing after they have served their time and moved on.

Historic institutionalized racism in the criminal justice system has had an enormous disparate impact on Black households. With HB 1073, Maryland can address harm caused by institutionalized racism in the criminal justice system by ensuring that those who have already been discriminated against in the criminal justice system are not further harmed in their efforts to obtain stable housing to support their lives going forward.

HB 1073 would support:

- **Fair consideration** of prospective tenants searching for a home,
- **Reduced harm** flowing from historic, institutional racism,
- **Reduced recidivism** rates in Maryland, and
- **Opportunities** to pursue career and educational programs that they might otherwise be limited in obtaining due to limited housing opportunities for people with a criminal history.

HB 1073 **maintains landlords' ability to screen tenants** using criteria that is accurate, relevant, and consistent with the landlord's legitimate screening goals, while at the same time **puts in place safeguards that ensure prospective tenants who could in fact be excellent tenants are not summarily screened out** based on parts of their past that are unrelated to their likelihood of success as a good tenant. It will reduce unnecessary denials, shorten housing searches, and **help Maryland individuals and families obtain one of the most important – if not the most important - keys to success: safe, stable housing.**

We respectfully urge a favorable report on HB 1073. Please feel free to reach out to Lisa Marie Sarro, Esq., at Sarro@clspgc.org with any questions.