

Judicial Proceedings Committee Bill Hearing on SB 937 (Fair Chance Housing Act)

Written Testimony of John Bae
Initiative Director, Opening Doors
Vera Institute of Justice

Position: FAVORABLE

March 9, 2025

Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee:

My name is John Bae, and I am the director of the Opening Doors initiative at the Vera Institute of Justice (Vera), a national organization working to end mass incarceration, protect immigrants' rights, ensure dignity for people behind bars, and build safe, thriving communities. Vera believes Senate Bill 937 (SB 937) is a critical measure to ensure that returning Maryland residents are given an equitable opportunity to secure housing. We urge a favorable report.

Housing stability and public safety are linked.¹ People who are formerly incarcerated are nearly 10 times more likely to be unhoused than the general public.² In turn, people experiencing homelessness are 11 times more likely to be arrested than the general public.³ This bill will make all of Maryland's communities safer by allowing people with conviction histories to have the stability that comes with housing.

There is no evidence that excluding people with conviction histories makes communities safer. In fact, most people with a conviction in their past never have another one.⁴ A criminal background check provides information about a person at the time of their last conviction, but it says nothing about who they are today, including their progress during and after incarceration (for example, gains in education, employment, and stability). After reviewing the available evidence, the U.S. Department of Housing and Urban Development (HUD) stated that conviction history "is not a good predictor of housing success."⁵ Considerations like a person's ability to pay rent, ties to the community, employment, and personal references are more useful in determining whether someone will be a safe, reliable tenant.

In addition, we cannot talk about this issue without talking about racial discrimination. In Maryland, Black people are disproportionately over-arrested and incarcerated. Black people make up only 32 percent of the state's population, yet they make up 71 percent of the state's prison population.⁶ Discrimination within the criminal legal system carries over into the community as people are released from incarceration and then shut out of housing.⁷

The Opening Doors Initiative at Vera studied how policies similar to SB 937 have impacted communities in Cook County (Illinois), New Jersey, and Washington, DC., where fair chance housing laws have existed for several years.⁸ Our research team interviewed residents with conviction histories, advocates, housing providers, enforcement agencies, policymakers, and other stakeholders to determine if people's ability to secure housing has changed, the impact on housing provider operations, and the factors required to ensure that policies work. The study found that landlords in these jurisdictions have not experienced significant staff capacity burdens and have not reported any change in the safety of their communities, either for their tenants or for their tenant-facing staff. Stakeholders agreed that having a

nondiscriminatory housing law in place is positive for society and an important step in promoting housing stability and decreasing recidivism.

Maryland deserves safety and justice—not one at the expense of the other. This bill delivers both. **We urge a favorable report on SB 937.**

Please do not hesitate to contact me at jbae@vera.org if the Vera Institute of Justice can provide further support to you all as you consider this policy.

¹ Richard Rosenfeld and Amanda Grigg, eds., *The Limits of Recidivism: Measuring Success After Prison* (Washington, DC: National Academies Press, 2022), 86, doi.org/10.17226/26459.

² Lucius Couloute, “Nowhere to Go: Homelessness among Formerly Incarcerated People,” Prison Policy Initiative, August 2018, <https://perma.cc/2JST-EEJC>.

³ Tristia Bauman, Rajan Bal, Karianna Barr, et al., *Housing Not Handcuffs 2019: Ending the Criminalization of Homelessness in U.S. Cities* (Washington, DC: National Law Center on Homelessness and Poverty, 2019), 50, <https://perma.cc/A7JU-5HDL>.

⁴ Shawn Bushway, Brian Vegetabile, Nidhi Kalra, et al., *Providing Another Chance; Resetting Recidivism Risk in Criminal Background Checks* (Santa Monica, California: RAND, 2022), https://www.rand.org/pubs/research_reports/RRA1360-1.html.

⁵ Calvin Johnson, “Tenant Screening with Criminal Background Checks: Predictions and Perceptions Are Not Causality,” PD&R Edge, May 17, 2022, perma.cc/JR29-NQDA. The article further states: “A study of housing outcomes among tenants participating in an intervention based on the Housing First model found that the performance of tenants with a criminal history was similar to that of participants without a criminal history. Although few studies examine the association between criminal history and housing success, no empirical evidence exists to justify a ‘blanket exclusion’ of people with criminal histories from housing.” For the cited study, see Daniel K. Malone, “Assessing Criminal History as a Predictor of Future Housing Success for Homeless Adults with Behavioral Health Disorders,” *Psychiatric Services* 60, no. 2 (2009), 224–230, ps.psychiatryonline.org/doi/pdf/10.1176/ps.2009.60.2.224.

⁶ Vera Institute of Justice, “Incarceration Trends,” updated October 16, 2024, trends.vera.org. To access this data, search “Maryland, United States” in the search bar in the upper righthand corner, then scroll down to “Racial Disparities in Incarceration.”

⁷ Washington Lawyers’ Committee for Civil Rights & Urban Affairs, *The Collateral Consequences of Arrests and Convictions under D.C., Maryland, and Virginia Law* (Washington, DC: Washington Lawyers’ Committee for Civil Rights & Urban Affairs, 2014), www.washlaw.org/pdf/wlc_collateral_consequences_report.pdf.

⁸ Kelsie Chesnut, Celia Strumph, Faiza Chappell, Ari Kotler, and John Bae, *Fair Chance Housing: Lessons in Implementation* (New York: Vera, 2025), <https://www.vera.org/publications/fair-chance-housing>.

March 9, 2026

Maryland Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, Maryland 21401

Dear Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee:

We, the undersigned organizations, call on the state of Maryland to pass the **Maryland Fair Chance Housing Act (SB 937)**.

Housing is a human right, and every Marylander deserves a place to call home. However, for many Marylanders, homes are elusive. More than [one million Maryland residents](#) have some type of conviction history (including arrests) and, as a result, face immense barriers to accessing safe and stable housing.

Housing providers often use [background checks](#) when screening prospective tenants, which leads them to exclude many people with conviction histories. For example, in Baltimore City, which is home to a significant portion of formerly incarcerated Marylanders, [82% of the unhoused population](#) has a criminal record. This is indicative of a larger cycle of homelessness and incarceration: people who are formerly incarcerated are [almost 10 times](#) more likely to be unhoused than the general public, and in turn, people who are unhoused are [11 times](#) more likely to be arrested due to increased interactions with police. Access to housing makes our communities safer: [research](#) shows that housing enables people to rebuild [support](#) networks, find [employment](#), and avoid additional [convictions](#).

When landlords can simply reject anyone with a past conviction, it disproportionately harms communities of color. While Black people make up 32 percent of Maryland's overall population, they make up [71 percent](#) of its jail and prison population. Further, studies [repeatedly find](#) that housing providers often use conviction histories to discriminate against Black applicants, applying different screening practices to white applicants.

Maryland has a historic opportunity to become safer and more just for everyone by passing the Fair Chance Housing Act. This bill will:

1. Require landlords to delay most criminal record screening until after making a conditional offer of housing.
2. Implement a conditional offer process, which communicates to a tenant that they have fulfilled all other criteria prior to a full criminal background check.
3. Limit the use of screening to specific types of convictions within established timeframes.
4. Allow applicants to correct inaccuracies on their criminal background check and offer evidence of rehabilitation both prior to denial by the housing provider and after denial through a reassessment process.

The Fair Chance Housing Act will establish standard practices in Maryland for evaluating prospective tenants in a comprehensive, nondiscriminatory manner based on [up-to-date research](#) showing that factors like employment and community ties are much better predictors of tenant quality. It will also address the widespread discrimination faced by Marylanders with conviction histories and its outsized impact on Black residents. This bill will ensure that all prospective tenants are screened fairly and those with conviction histories receive a second chance to rebuild their lives. It considers the needs of community members and property owners to ensure that everyone benefits from the bill.

Now is the time to pass the Fair Chance Housing Act so that all Marylanders can find a place to call home. To ensure safety *and* justice for everyone in Maryland, people who have completed their sentences should be met with opportunities—not barriers—as they transition home. We request your support for this bill and look forward to working with you.

Signed,

Baltimore Mayor's Office of Neighborhood
Safety and Engagement

Baltimore Regional Housing Partnership

Baltimoreans United In Leadership
Development (BUILD)

Brown Memorial Presbyterian Church

Caucus of African American Leaders

Center for Criminal Justice Reform,
University of Baltimore School of Law

Doxa Ministries Inc.

Electrical Workers Minority Caucus Local 24

Faith Presbyterian Church

Goucher Prison Education Partnership

Greater Baltimore Urban League

Health Care for the Homeless

Honey Pot Restoration Center

Koinonia Baptist Church

Life After Release

Marian House

Maryland Second Look Coalition

Miracle City Church

Muslim Community Cultural Center of
Baltimore

NAACP Legal Defense Fund (LDF)

Organizing Black

Out For Justice

Phoenix Health Services

Public Justice Center

Renters United Maryland

Return Home Baltimore

Second Chance Coalition

Shore Legal Access

Social Work Advocates for Social Change

St. Bernardine Church

Susan Mason Consulting

The Baltimore Church of the Redeemer

Vera Institute of Justice

Zion Baptist Church

The Fair Chance Housing Act: An Opportunity for Maryland to Lead the Way in Access to Housing and Second Chances

Every Marylander deserves a place to call home. However, for the more than one million state residents with criminal legal system involvement (22 percent of the state population), finding a home can be very difficult.¹ Studies show that housing is crucial to education, health, and economic mobility—but many people with conviction histories are shut out of the rental market entirely.² Stable housing is also linked to decreased crime and improved public safety.³ With SB 937/HB 1073, Maryland can give people with conviction histories access to housing and a chance to thrive.⁴

The Fair Chance Housing Act limits the use of criminal background checks in rental application processes, allowing Marylanders with conviction histories a chance to secure housing.

Why should Maryland pass SB 937/HB 1073?

- **A conviction history does not indicate what kind of tenant someone will be.**
Research has found that a conviction history is not a good predictor of successful tenancy.⁵ Further, most people with a conviction in their past never have another conviction, so a past conviction is not an effective predictor of future behavior.⁶
- **Conviction histories are not an effective tool for screening prospective tenants.**
A background check provides information about a person at the time of their last conviction, but it says nothing about who they are today—including and progress during and after incarceration (for example, gains in education, employment, and stability).⁷ Additionally, many background checks include incorrect, outdated, or misleading information.⁸
- **Helping formerly incarcerated people access housing can reduce homelessness.**
People who are formerly incarcerated are almost 10 times more likely to be unhoused than the general public.⁹ For example, in Baltimore City—home to a significant portion of formerly incarcerated Marylanders—82 percent of the unhoused population has an arrest or conviction history.¹⁰
- **Housing is integral to successful reentry and public safety.**
Research shows that when formerly incarcerated people have housing, they are more likely to find and keep employment, rebuild supportive networks, and avoid additional convictions—bringing stability and safety to Maryland’s communities in the process.¹¹

Endnotes

- ¹ The Clean Slate Initiative, “Clean Slate Initiative Data Dashboard,” accessed January 28, 2025, <https://www.cleanslateinitiative.org/data>.
- ² Kriti Ramakrishnan, Elizabeth Champion, Megan Gallagher, and Keith Fudge, *Why Housing Matters for Upward Mobility* (Washington, DC: Urban Institute, January 2021), perma.cc/U42U-EWME.
- ³ Richard Rosenfeld and Amanda Grigg, eds., *The Limits of Recidivism: Measuring Success After Prison* (Washington, DC: National Academies Press, 2022), 86, doi.org/10.17226/26459.
- ⁴ Maryland Senate, *Landlord and Tenant – Residential Leases – Prospective Tenant Criminal History Records Check 4 (Maryland Fair Chance Housing Act)*, Senate Bill 514, 447th session, introduced January 23, 2025, <https://mgaleg.maryland.gov/2025RS/bills/sb/sb0514F.pdf>. The House version of this bill has not yet been introduced at the time of publication.
- ⁵ Calvin Johnson, “Tenant Screening with Criminal Background Checks: Predictions and Perceptions Are Not Causality,” PD&R Edge, May 17, 2022, perma.cc/JR29-NQDA. The article further states: “A study of housing outcomes among tenants participating in an intervention based on the Housing First model found that the performance of tenants with a criminal history was similar to that of participants without a criminal history. Although few studies examine the association between criminal history and housing success, no empirical evidence exists to justify a ‘blanket exclusion’ of people with criminal histories from housing.” For the cited study, see Daniel K. Malone, “Assessing Criminal History as a Predictor of Future Housing Success for Homeless Adults with Behavioral Health Disorders,” *Psychiatric Services* 60, no. 2 (2009), 224–230, ps.psychiatryonline.org/doi/pdf/10.1176/ps.2009.60.2.224.
- ⁶ Shawn D. Bushway, Brian G. Vegetabile, and Nidhi Kalra, et al., *Providing Another Chance: Resetting Recidivism Risk in Criminal Background Checks* (Santa Monica, CA: RAND Corporation, 2022), rand.org/pubs/research_reports/RRA1360-1.html.
- ⁷ Bushway, Vegetabile, and Kalra, et al., *Providing Another Chance*, 2022.
- ⁸ Consumer Financial Protection Bureau (CFPB), “CFPB Reports Highlight Problems with Tenant Background Checks,” press release (Washington, DC), CFPB, November 15, 2022, perma.cc/5HEA-3JZT.
- ⁹ Lucius Couloute, “Nowhere to Go: Homelessness among Formerly Incarcerated People,” Prison Policy Initiative, August 2018, perma.cc/2JST-EEJC.
- ¹⁰ Enterprise Community Partners and Arcstratta, *Housing as a Pathway to Justice: Landscape Analysis of Baltimore City* (Baltimore, Maryland: Enterprise Community Partners, 2024), iii, <https://perma.cc/6RKJ-E8EA>.
- ¹¹ Jocelyn Fontaine and Jennifer Biess, *Housing as a Platform for Formerly Incarcerated Persons* (Washington, DC: Urban Institute, 2012), perma.cc/9JMQ-4H2Y; and Phillippa Carnemolla and Vivienne Skinner, “Outcomes Associated with Providing Secure, Stable, and Permanent Housing for People Who Have Been Homeless: An International Scoping Review,” *Journal of Planning Literature* 36, no. 4 (2021), 508–525, doi.org/10.1177/08854122211012911. For more on housing and recidivism, see Leah A. Jacobs and Aaron Gottlieb, “The Effect of Housing Circumstances on Recidivism: Evidence from a Sample of People on Probation in San Francisco,” *Criminal Justice and Behavior* 47, no. 9 (2020), 1097–1115, doi.org/10.1177/0093854820942285. Paywall-free prepublication version available at: perma.cc/7YT4-HX9L.



March 2026

Maryland Fair Chance Housing Act (SB 937/HB 1073): Frequently Asked Questions

What is the Maryland Fair Chance Housing Act?

The Maryland Fair Chance Housing Act (SB 937/HB 1073) limits the use of background checks when someone applies for rental housing. It would ensure that Marylanders with arrest and conviction histories have a fair chance to secure housing.¹

Why does Maryland need this legislation?

Access to housing reduces crime and keeps our communities safe. It substantially increases the likelihood that a person returning home from incarceration will be able to find a job, avoid additional convictions, and receive support from their family.² A 2021 review analyzing 18 studies from around the world found that in every study, stable housing was associated with decreased criminal activity.³

The research makes clear: that housing makes us all safe, yet Marylanders with conviction histories are shut out of housing opportunities.⁴ Most housing providers use background checks to evaluate applicants, even though they do not provide accurate information about an applicant's safety risk or ability to be a good tenant.⁵ A background check provides information about a person at the time of their last conviction, but it does not define them or show who they have become during and after incarceration (for example, gains in education, employment, and stability). Further, research shows that most people with convictions in their past do not have subsequent convictions.⁶ Considerations like a person's ability to pay rent, ties to the community, employment, and personal references can provide a much more accurate picture of who an applicant is and the kind of tenant they will be.

With this law, Maryland will ensure that housing providers assess rental applicants on factors relevant to housing success. In turn, this will reduce crime, make our communities safer, and help housing providers find the best tenants.

How many people would this legislation impact?

More than one million Marylanders—approximately 22 percent of the state population—have some type of criminal legal system involvement.⁷ And as of January 2024, Maryland held more than 24,000 people in jail or prison—most of whom will eventually be released and need a place to live.⁸

This issue does not only impact people with conviction histories, but it also extends to their families. More than 67,000 children in Maryland have had a parent in prison.⁹ Increasing access to stable housing for families has been found to improve school attendance rates, behavioral health issues, and nutritional outcomes.¹⁰

What would the Fair Chance Housing Act do?

The Fair Chance Housing Act ensures that housing providers assess rental applicants on more than just their conviction histories.

In summary, the Fair Chance Housing Act will make the following changes to the rental application and screening process:

- Require landlords to delay most criminal record screening until after other screening criteria (such as eviction history, credit, past rental history, etc.) has been reviewed;
- Implement a conditional offer process, which communicates to a tenant that they have fulfilled all other screening criteria prior to a criminal background check. The conditional offer may be revoked depending on the results of the criminal background check;
- Limit the use of screening to specific types of convictions within established timeframes; and
- Allow applicants to undergo an individualized review of their conviction histories and offer evidence of rehabilitation prior to denial by the housing provider.

What about the safety of other tenants?

Everyone deserves to be safe where they live—and this bill takes that seriously. Previous criminal legal system involvement does not indicate that someone will be an unsafe tenant and neighbor; factors like employment, references, and ability to pay rent are much more informative. The majority of people only have one conviction—therefore, a conviction history does not mean that a person will commit an additional crime, nor does it accurately predict an applicant’s safety risk to other tenants.¹¹

How will this impact public safety?

This bill will make Maryland communities safer for everyone. Study after study finds that people who have stable housing have reduced police contact and prison time.¹² For example, one study looking at women with felony convictions who were experiencing poverty found that stable, state-sponsored housing and other economic supports reduced the odds of being arrested for a new crime or violating parole by 83 percent.¹³

Is this a racial justice issue?

The use of background checks in the rental application processes harms Black communities by worsening existing racial disparities. In Maryland, Black people are disproportionately over-arrested and incarcerated. Black people make up 32 percent of the state’s population, yet they make up nearly 71 percent of the state’s jail and prison population.¹⁴ This discrimination carries over into the community when people are shut out of housing after being released from jail or prison.¹⁵

Where do Fair Chance Housing policies already exist?

In Maryland, Montgomery County passed the Housing Justice Act in 2021, Prince George’s County passed An Act Concerning Returning Citizen’s Fair Chance to Housing in 2023. The Maryland Department of Housing and Community Development also recently took steps to implement more inclusive tenant screening practices for affordable housing.¹⁶ A statewide law would expand and strengthen these protections.

Moreover, states and major localities around the country have passed and successfully implemented similar Fair Chance Housing laws, including Cook County, IL (Chicago); Washington, DC; New York City, and the state of New Jersey.¹⁷ By passing the Fair Chance Housing Act, Maryland can lead the nation with the strongest statewide protections in the country.

Are housing providers liable if they rent to people with conviction histories?

No. A housing provider will not be held liable if they rent to someone with a conviction history who then commits a crime. A provision within the Fair Chance Housing Act explicitly protects housing providers from liability in civil actions should this situation occur.

Endnotes

- ¹ Maryland Senate, *Landlord and Tenant – Residential Leases – Prospective Tenant Criminal 3 History Records Check 4 (Maryland Fair Chance Housing Act)*, Senate Bill 514, 447th session, introduced January 23, 2025, <https://mgaleg.maryland.gov/2025RS/bills/sb/sb0514F.pdf>. The House version of this bill has not yet been introduced at the time of publication.
- ² Jocelyn Fontaine and Jennifer Biess, *Housing as a Platform for Formerly Incarcerated Persons* (Washington, DC: Urban Institute, 2012), perma.cc/9JMQ-4H2Y; and Phillippa Carnemolla and Vivienne Skinner, “Outcomes Associated with Providing Secure, Stable, and Permanent Housing for People Who Have Been Homeless: An International Scoping Review,” *Journal of Planning Literature* 36, no. 4 (2021), 508–525, doi.org/10.1177/08854122211012911. For more on housing and recidivism, see Leah A. Jacobs and Aaron Gottlieb, “The Effect of Housing Circumstances on Recidivism: Evidence from a Sample of People on Probation in San Francisco,” *Criminal Justice and Behavior* 47, no. 9 (2020), 1097–1115, doi.org/10.1177/0093854820942285. Paywall-free prepublication version available at: perma.cc/7YT4-HX9L.
- ³ Carnemolla and Skinner, *Outcomes Associated with Providing Secure, Stable, and Permanent Housing*, 2021.
- ⁴ Washington Lawyers’ Committee for Civil Rights & Urban Affairs, *The Collateral Consequences of Arrests and Convictions under D.C., Maryland, and Virginia Law* (Washington, DC: Washington Lawyers’ Committee for Civil Rights & Urban Affairs, 2014), www.washlaw.org/pdf/wlc_collateral_consequences_report.pdf.
- ⁵ Calvin Johnson, “Tenant Screening with Criminal Background Checks: Predictions and Perceptions Are Not Causality,” PD&R Edge, May 17, 2022, <http://perma.cc/JR29-NQDA>.
- ⁶ Shawn D. Bushway, Brian G. Vegetabile, and Nidhi Kalra, et al., *Providing Another Chance: Resetting Recidivism Risk in Criminal Background Checks* (Santa Monica, CA: RAND Corporation, 2022), 52–53, rand.org/pubs/research_reports/RRA1360-1.html.
- ⁷ The Clean Slate Initiative, “Clean Slate Initiative Data Dashboard,” accessed January 28, 2025, <https://www.cleanslateinitiative.org/data>.
- ⁸ Vera Institute of Justice, “Incarceration Trends,” updated October 16, 2024, trends.vera.org. To access this data, search “Maryland, United States” in the search bar in the upper righthand corner, then scroll down to “Jail and Prison Incarceration” and toggle to “Total population.”
- ⁹ Kids Count Data Center, “Children Who Had a Parent Who Was Ever Incarcerated in Maryland,” database (Baltimore, Maryland: Annie E. Casey Foundation, May 2023), <https://datacenter.aecf.org/data/tables/9688-children-who-had-a-parent-who-was-ever-incarcerated?loc=22&loct=2#detailed/2/22/false/2043,1769,1696,1648,1603/any/18927,18928>.
- ¹⁰ See Daniel Gubits, Marybeth Shinn, Michelle Wood, et al., *Family Options Study: 3-Year Impacts of Housing and Services Interventions for Homeless Families* (Washington, DC: U.S. Department of Housing and Urban Development, Office of Policy Development and Research, 2016), xxviii, perma.cc/7LPB-UJE6; and Diana Becker Cutts, Alan F. Meyers, Maureen M. Black, et al., “US Housing Insecurity and the Health of Very Young Children,” *American Journal of Public Health* 101, no. 8 (2011), 1508–1514, 1511, perma.cc/YP4K-SWSS.
- ¹¹ Bushway, Vegetabile, and Kalra, et al., *Providing Another Chance*, 52–53, 2022.
- ¹² Carnemolla and Skinner, *Outcomes Associated with Providing Secure, Stable, and Permanent Housing*, 2021.
- ¹³ Kristy Holtfreter, Michael D. Reisig, and Merry Morash, “Poverty, State Capital, and Recidivism among Women Offenders,” *Criminology & Public Policy* 3, no. 2 (2004), 185–208, 201, doi.org/10.1111/j.1745-9133.2004.tb00035.x.
- ¹⁴ Vera Institute of Justice, “Incarceration Trends,” updated October 16, 2024, trends.vera.org. To access this data, search “Maryland, United States” in the search bar in the upper righthand corner, then scroll down to “Racial Disparities in Incarceration.”
- ¹⁵ See Greater New Orleans Fair Chance Housing Action Center, *Locked Out: Criminal Background Checks as a Tool for Discrimination* (New Orleans: Greater New Orleans Fair Housing Action Center, 2015) (discussing this issue in Louisiana), perma.cc/H7UY-CXZ2; and Equal Rights Center, *Unlocking Discrimination* (Washington, DC: Equal Rights Center, 2016), perma.cc/G8AT-Y2AH.
- ¹⁶ For the Montgomery County Housing Justice Act, see Montgomery County, MD, “Council Approves the Housing Justice Act,” press release (Rockville, Maryland: Montgomery County, April 20, 2021), <https://perma.cc/W5AT-HH8X>. For the Prince George’s County policy, see The Legislative Branch of Prince George’s County, Maryland, “Legislative/Zoning Items,” <https://princegeorgescountymd.legistar.com/LegislationDetail.aspx?ID=6367597&GUID=0ED29189-8E4E-46E7-9101-790267762A05>. For the Maryland Department of Housing and Community Development tenant screening policy, see Memorandum from Maryland Department of Housing and Community Development re: “Affirmative Fair Housing Marketing Plans and Tenant Selection Policies,” August 5, 2024 – Updated November 26, 2024, <https://perma.cc/N3DF-ARVU>.
- ¹⁷ Ashley Balcerzak, “NJ Warns 59 Landlords over Violating Law on Housing Rights for Formerly Incarcerated,” NorthJersey.com (USA Today), February 24, 2023, perma.cc/2ZYD-X7VV; Cook County Government, “Just Housing Amendment to the Human Rights Ordinance,” <https://perma.cc/D779-EXXQ>; and Council of the District of Columbia, “Fair Criminal Record Screening for Housing Act of 2016,” Act; and New York City Council, “Fair Chance for Housing Act,” Int 2047-2020, 2021, legistar.council.nyc.gov/LegislationDetail.aspx?GUID=727F0B98-C1D6-4A6D-A12B-53356D35C065&ID=4624864; and Cook County <https://www.cookcountyl.gov/content/just-housing-amendment-human-rights-ordinanceperma.cc/F9LH-GVWL>; and New Jersey Legislature, N.J. Stat. Ann. § 46:8-52 et seq., <https://perma.cc/MKG4-LT8Y>

Maryland Fair Chance Housing Act (SB 937/HB 1073) Myth Buster

The Maryland Fair Chance Housing Act (SB 937/HB 1073) limits the use of background checks in the rental housing application process, ensuring that Marylanders with arrest and conviction histories have a fair chance to secure housing.

While this policy is backed by robust evidence and proven success nationwide, conversations around this kind of policy changes are often marred by misconceptions. The concerns are real: communities want safety, and property owners want to find responsible tenants. Fortunately, the evidence can ease these concerns and help Maryland lead the way in safety, second chances, and justice.

⊗ *Myth: Everyone with a criminal record commits crime again, so the lookback period needs to increase.*

☑ **FACT: Recidivism rates are lower than commonly believed, and most people released from prison never commit another crime.**

Recidivism rates are calculated based on *events*—such as releases and rearrests—**not the number of people** being released and rearrested. This inflates the perceived risk. If one person is arrested multiple times, each arrest may be counted on its own. That can make recidivism look widespread, even if most people did not reoffend.

In fact, research confirms that most people with a conviction never have another one.¹ As time since release increases, the risk of recidivism declines sharply. Leading criminologist Dr. Alfred Blumstein testified to the U.S. Commission on Civil Rights that most recidivism occurs within three years of a prior event, after which the risk falls steeply—to approximately 10 percent after three years, and eventually reaching the rate of people without criminal convictions.²

⊗ *Myth: Fair Chance Housing policies will increase crime, property damage, and administrative burden for rental property staff.*

☑ **FACT: Fair Chance Housing Laws do not increase in crime or capacity burdens.**

A 2025 study by the Vera Institute of Justice (Vera), based on interviews with housing providers in Cook County (IL), New Jersey, and Washington, DC, found that implementing Fair Chance Housing laws caused minimal capacity disruptions. Critically, housing providers reported no increase in adverse incidents—meaning no uptick in problems like crime, property damage, or violence. Many landlords agreed that the laws gave them a better way of evaluating prospective tenants.³

⊗ *Myth: Federal law requires landlords to run background checks and automatically deny people with criminal records, and the federal government has already passed laws on how to assess a tenant with a record.*

☑ **FACT: Federal screening and mandatory denial requirements apply only to federally assisted housing, and only in limited situations.**

In federally assisted housing, federal law requires denials only in narrow circumstances—including for people on the lifetime sex offender registry and convictions for manufacturing

methamphetamine in federally subsidized housing.⁴ The Maryland Fair Chance Housing Act incorporates both federal exceptions.

⊗ *Myth: The Fair Chance Housing Act conflicts with the Fair Credit Reporting Act (FCRA).*

☑ **FACT: The proposed bill is consistent with 15 U.S.C. § 1681c, which allows state to implement stronger consumer protections.**

A 2022 ruling issued by the Court of Appeals states that state laws are generally not preempted if they are not “inconsistent” with the FCRA, including laws that offer greater consumer protections. The majority of the bill is unrelated to the FCRA. Where it does intersect—such as reducing the period in which reusable tenant screening information may be reported from seven to three years—it is not preempted under the FCRA.⁵

¹ Shawn Bushway, Brian Vegetabile, Nidhi Kalra, et al., *Providing Another Chance; Resetting Recidivism Risk in Criminal Background Checks* (Santa Monica, California: RAND, 2022), https://www.rand.org/pubs/research_reports/RRA1360-1.html.

² US Commission on Civil Rights, *Assessing the Impact of Criminal Background Checks and the Equal Employment Opportunity Commission’s Conviction Records Policy* (Washington, DC: U.S. Commission on Civil Rights, 2013), 23, <https://www.usccr.gov/files/pubs/docs/EEOC-briefing-2013.pdf>. The general population Blumstein references includes both people with and without criminal records.

³ Kelsie Chesnut, Celia Strumph, Faiza Chappell, Ari Kotler, and John Bae, *Fair Chance Housing: Lessons in Implementation* (New York, NY: Vera Institute of Justice, 2025), <https://www.vera.org/publications/fair-chance-housing>.

⁴ The Quality Housing and Work Responsibility Act of 1998 established a permanent ban on lifetime sex offender registrants; the Independent Agencies Appropriations Act of 1999 barred households with any member who was convicted of producing methamphetamines in public housing. See Lahny R. Silva, “Criminal Histories in Public Housing,” *Wisconsin Law Review* 5, no. 24 (2015): 375-397.

⁵ In light of new case precedent, the Maryland Fair Chance Housing Act’s requirement of a shorter lookback than 7 years for reusable screening reports is not preempted by FCRA. “Although the FCRA provides that a state may not impose a “requirement or prohibition” “with respect to” the itemized subject matters, 15 U.S.C. §§ 1681t(b)(1) & 1681t(b)(1)(E), the subject matters in question are certain categories of information that are more than seven years stale. Thus, even though the terminology of Section 1681c uses words like “accounts” and “adverse information,” the subject matter actually regulated under these provisions is limited to accounts and information that is more than seven years old. Neither subsection (a)(4) or (a)(5) requires or prohibits reporting of information that is not so old. Because neither subsection reveals a congressional intention to preempt state reporting regulation insofar as the information in question is not more than seven years stale, I do not identify a viable facial challenge to the Maine reporting requirements.” See *Consumer Data Indus. Ass’n v. Frey*, 710 F. Supp. 3d 73, 79 (D. Me. 2024)