



TESTIMONY
Maryland General Assembly
Senate Judicial Proceedings Committee - March 11, 2026
SB 937 – Landlord and Tenant - Residential Leases – Prospective Tenant Criminal History
Records Check (Maryland Fair Chance Housing Act)
Position: FAVORABLE

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Greetings, Chair Smith, Vice Chair Waldstreicher, and Committee members. Thank you for the opportunity to provide testimony. My name is Matt Losak and I am speaking on behalf of the Renters Alliance as our executive director. The Renters Alliance is Maryland’s first and only regional nonprofit dedicated exclusively to renter outreach, education, organizing, and advocacy. Since our founding in 2010, the Renters Alliance has been an unwavering advocate for expanding and strengthening renter protections, which distinctly aligns with the goals of SB 937, the Maryland Fair Chance Housing Act.

Every Marylander deserves safe and habitable housing. However, people with criminal records are often denied housing, even for records that are years—sometimes decades—old. **Passage of SB 937 is a necessary step to protect Marylanders from the federal stripping of all fair housing protections the Trump Administration has undertaken in the past year.** The Obama and Biden era memoranda, in the desire to broaden housing accessibility for all, issued guidance 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.” Further, these memoranda outlined that denying an applicant for their criminal history may be a pretext for unequal treatment of individuals because of their race, color, national origin, disability, or another protected characteristic.¹²

On November 25, 2025, the Trump Administration’s Department of Housing and Urban Development rescinded both of these memoranda, reverting to guidance from the early 1990s.³ Maryland needs to step up and fight against the Trump administration’s failure to protect our residents.

SB 937 would (1) give prospective tenants fair consideration when trying to find a home, (2) reduce recidivism rates in Maryland thereby increasing public safety, and (3) give many more

¹https://www.novoco.com/documents97930/hud_ogc_guide_fha_040416.pdf

²<https://www.fairhousingnc.org/wp-content/uploads/2022/08/06-10-2022-Implementation-of-OGC-Guidance-on-Application-of-FHA-Standards-to-the-Use-of-Criminal-Records-June-10-2022.pdf>

³[https://www.novoco.com/public-media/documents/hud-criminal-screening-11262025.pdf?utm_source=NLIHC+All+Subscribers&utm_campaign=a783ddb168-Memo_120825&utm_medium=email&utm_term=0_-41cf60b129-&ct=t\(Memo_120825\)](https://www.novoco.com/public-media/documents/hud-criminal-screening-11262025.pdf?utm_source=NLIHC+All+Subscribers&utm_campaign=a783ddb168-Memo_120825&utm_medium=email&utm_term=0_-41cf60b129-&ct=t(Memo_120825))

Marylanders the opportunity to pursue career and educational opportunities that they might otherwise be limited in obtaining due to limited housing opportunities for people with a criminal history. Additionally, due to historic institutionalized racism in the criminal justice system criminal record discrimination has an enormous disparate impact on black households. **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.**⁴ SB 937 addresses this harm by ensuring that those who have already been discriminated against do not become homeless after release because of institutional racism in the criminal justice system.

SB 937 limits a landlord's review of an applicant's criminal record. At the initial rental application, a landlord may only screen and deny a tenant for convictions sexual in nature, first- and second-degree murder, and enrollment of a sexual registration list. Outside of these convictions, a landlord must FIRST evaluate a tenant in all other acceptance criteria for the landlord (job, income verification, references, etc). Then, if the tenant qualified under these criteria, the landlord must make a conditional offer of tenancy before checking the criminal background. Then, in checking a prospective tenant's criminal background, the landlord may not consider certain criminal records within a three-year lookback period.

The landlord is still allowed the option to withdraw the conditional offer based on convictions such as first-degree murder and human trafficking as well as being registered on the lifetime sexual registration list. If in the event an applicant is denied based on one of these convictions, the tenant can still provide mitigating evidence in hopes the landlord may reconsider the denial. This balances the prospective tenant's need for fair housing with the landlord's ability to screen for certain potentially relevant considerations related to criminal records.

Many states, Washington D.C., as well as Prince George's and Montgomery Counties have passed Fair Chance bills that are similar to SB 937. A number of these jurisdictions have reported success after implementation.⁵ Additionally landlords, have not seen an increase in adverse incidents; nor has implementation of these laws resulted in significant capacity burdens for landlords. Passing SB 937 Fair Chance is a step in the right direction for all Marylanders. **We thank Senator Henson for introducing SB 937 and urge a favorable report.**

⁴ <https://trends.vera.org/state/MD>

⁵ Vera Institute of Justice, Fair Chance Housing: Lessons in Implementation <https://www.vera.org/publications/fair-chance-housing#:~:text=Fair%20Chance%20Housing%20Lessons%20in%20Implementation&text=A%20person's%20conviction%20history%20should,especially%20after%20release%20from%20incarceration.>