



Senate Bill 937 – Landlord and Tenant – Residential Leases – Prospective Tenant Criminal History Records Check (Maryland Fair Chance Housing Act)

Position: Unfavorable

The Maryland REALTORS® oppose SB 937 which establishes a new process for landlords who consider a tenant’s criminal history before leasing property, limits which crimes may be considered, and only allows a landlord to look back three years rather than 7 years for some of those crimes. The bill also establishes that violations of this new process are actionable under Maryland’s unfair and deceptive trade practices law.

Many Maryland REALTORS® provide property management services for single-family rental properties. The REALTORS® believe the current time limit of 7 years is a good balance between shielding information that is less likely to impact the property or other tenants, and information that should be considered more closely. Property managers are not in the business of excluding tenants arbitrarily because that reduces demand for their units.

However, property managers have a duty to find the best tenant for the property. And because of the housing shortage, property managers often have more than one tenant applying for a rental. Having more information about applicants also helps ensure fairness to other prospective tenants who also find the search for affordable housing difficult.

Finally, the bill requires a dispute process for information the landlord uses to make determinations about a prospective tenant’s application and would make landlords subject to fines and litigation, including damages for prospective tenants. Landlords already have liability for existing tenants and layering new liability on landlords for prospective tenants will further disincentivize property owners at a time when the market needs inventory.

For these reasons, the REALTORS® recommend an unfavorable report.

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