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HOUSING UNIT**

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March 9, 2026

To: The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee

From: Kira Wilpone-Welborn, Assistant Attorney General
Consumer Protection Division

Re: Senate Bill 937 – Landlord and Tenant - Residential Leases - Prospective Tenant
Criminal History Records Check (Maryland Fair Chance Housing Act) (Letter of
Information)

The Consumer Protection Division of the Office of the Attorney General (the “Division”) applauds the goals of Senate Bill 937 sponsored by Senator Shaneka Henson. Senate Bill 937 admirably seeks to prevent unlawful discrimination in tenant screening practices, including in the use of criminal background checks to deprive marginalized communities of meaningful opportunities to access housing. Limiting the reasons a landlord can use to reject qualified applicants is necessary to reduce barriers to accessing safe and stable housing. However, Senate Bill 937, as drafted, provides for two civil penalties based on the same conduct, and requires the Office of Tenant and Landlord Affairs (“OTLA”) to develop a uniform notice for landlords and the Office of the Attorney General to receive complaints, investigate complaints as appropriate, and report substantiated complaints that result in the imposition of civil penalties.

First, Senate Bill 937 provides that a violation of the subtitle “(1) is an unfair, abusive, or deceptive trade practice within the meaning of Title 13 of the Commercial Law Article; and (2) is subject to the enforcement and penalty provisions contained in Title 13 of the Commercial Law Article, except § 13-411 of the Commercial Law Article.” (See page 10, lines 17-22). Presently, a violation of the Consumer Protection Act (Title 13 of the Commercial Law Article) is subject to a civil penalty of up to \$10,000 per violation. See Com. Law. § 13-410(a). As drafted, lines 17-22 on page 10 of Senate Bill 937 provides that a violator could be subject to this

\$10,000 per violation civil penalty, but not the potential criminal penalties provided for under Section 13-411.

However, the bill goes on to provide that “a person who violated this subtitle is subject to a civil penalty not exceeding \$1,000 for each violation.” (*See* page 10, line 22-23). This additional provision within Senate Bill 937 provides for a civil penalty amount of \$1,000 per violation of Senate Bill 937 and a \$10,000 civil penalty per violation for the corresponding violation of the Com. Law § 13-410(a). The Division suggests that any civil penalty provided for within the bill be consistent with the civil penalties provided for at Commercial Law § 13-410(a) (*i.e.* \$10,000 per violation).

Second, Senate Bill 937 requires OTLA to develop and distribute model notices for landlords to provide to tenants before an application fee is collected regarding the use of criminal background checks and the right of tenants to dispute inaccuracies and to file complaints with the Office of the Attorney General. The Division wants to clarify for the Committee that the Division already receives and mediates landlord-tenant complaints, which are consistently among the top complaints received each year by the Division, and investigates those complaints as appropriate. However, Senate Bill 937 would require the Division to not only mediate complaints and investigate them as appropriate but also requires the Division to report its findings annually. As such, Senate Bill 937 envisions additional duties of the Division and would require additional resources, particularly if the bill envisions the Division will determine whether each complaint is substantiated.

cc: The Honorable Shaneka Henson
Members, Economic Matters Committee