



SANTONI, VOCCI & ORTEGA LLC

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

**Hearing before the Senate Judicial Proceedings Committee,
March 11, 2026**

Position: FAVORABLE

Santoni, Vocci & Ortega, LLC is a private tenants' rights and consumer protection firm representing tenants in a variety of matters.

Santoni, Vocci & Ortega, LLC believes Senate Bill 937 (SB 937) is a critical measure to ensure that our returning Maryland residents are given an equitable opportunity to secure housing.

Our firm urges the passage of this bill because we regularly see the impact of tenants being denied housing, including homelessness, the instability of families, and the drain on public resources. Because of the housing shortage in Maryland, landlords are regularly denying any prospective tenants with any type of blemish on their records.

Every Marylander deserves safe and habitable housing. However, people with criminal records are often denied housing, even for records that are years—even decades—old. Housing is critical for people exiting incarceration as it serves as a foundation to obtain other critical needs such as employment and family reunification.¹ 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.² Therefore, it is crucial that those who have been through the criminal justice system have the opportunity to secure that housing.

Passage of this bill would also be in keeping with the regular changes to Maryland's expungement laws. Every year, the Maryland General Assembly has been making it easier for those with convictions to obtain expungements. It does not make sense that those with convictions be permitted to wipe their records clean (with the help of an attorney), but be denied housing.

¹ Demelza Baer, Avinash Bhati, Lisa Brooks, et al., *Understanding the Challenges of Prisoner Reentry: Research Findings from the Urban Institute's Prisoner Reentry Portfolio* (Washington, DC: Urban Institute, 2006), 8–9, <https://www.urban.org/sites/default/files/publication/42981/411289-Understanding-the-Challenges-of-Prisoner-Reentry.PDF>

² 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, 227–229, <https://perma.cc/8ASPC98U>. See also Calvin Johnson, "Tenant Screening with Criminal Background Checks: Predictions and Perceptions Are Not Causality," *Edge: Office of Policy Development and Research*, May 17, 2022, <https://perma.cc/ZX8E-M4Y8>; Lucius Couloute, *Nowhere to Go: Homelessness Among Formerly Incarcerated People* (Northampton, MA: Prison Policy Initiative, 2018), <https://perma.cc/T7R7-JEUB>

Furthermore, these individuals have served their time. The State has deemed them no longer a risk to society by nature of their release. It is simply unfair to not give these individuals a roof over their heads for the rest of their lives.

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 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.**³ 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 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 Georges and Montgomery Counties have passed Fair Chance bills that are similar to SB 937. A number of these jurisdictions have reported success after implementation.⁴ Research has shown renters in these localities have been given wider access to housing.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 is a step in the right direction for all Marylanders.

Santoni, Vocci & Ortega, LLC urges a favorable report on SB 937.

³ <https://trends.vera.org/state/MD>

⁴ 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.)
<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.>