

PJC SB 937 FAV.pdf

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Position: FAV



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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 on March 11, 2025

Position: SUPPORT (FAV)

The Public Justice Center (PJC) is a nonprofit public interest law firm that stands with tenants to protect and expand their rights to safe, habitable, affordable, and non-discriminatory housing and their rights to fair and equal treatment by Maryland's landlord-tenant laws, courts, and agencies. The PJC actively works towards instigating systemic changes to establish a society founded on justice. PJC seeks the Committee's **Favorable report on SB 937** as it is a critical measure to ensure that our returning Maryland residents are given an equitable opportunity to secure housing.

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.

Fighting Back Against the Trump Administration's War on Equitable Housing

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 memorandums, in the desire to broaden housing accessibility for all, issuing 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 memorandums outlined that denying an applicant for their criminal history may be a pretext for unequal treatment of individuals because of their race, color, national

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>

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origin, disability, or another protected characteristic.³⁴ These guidance's were crucial and were followed by public and private landlords in their tenant screening process. (Attached) **On November 25, 2025, the Trump Administration's Department of Housing and Urban Development rescinded both memorandums.**⁵ Maryland needs to step up and fight against the Trump administration's failure to protect our residents.

Racial Discrimination and Recidivism

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.**⁶ 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.

The Process

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.

Other Jurisdictions

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.⁷ Research has shown renters in these localities have been given wider access to housing.⁸ 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.

Public Justice Center urges a favorable report on SB 937

³https://www.novoco.com/documents97930/hud_ogc_guide_fha_040416.pdf

⁴ <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>

⁵ [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))

⁶ <https://trends.vera.org/state/MD>

⁷ 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.>

SB0937_Fair_Chance_Housing_Act.pdf

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR SB0937

Landlords and Tenant - Residential Leases – Prospective Tenant Criminal History Records Check (Maryland Fair Chance in Housing Act)

Bill Sponsor: Senator Henson

Committee: Judicial Proceedings

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in strong support of SB0937 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

Maryland has had, and still has, too many people in prison for minor offenses. Those people walk away after serving their sentence and find that they cannot rebuild their lives due to an overabundance of discrimination in getting jobs and housing.

This bill, if enacted, would help make it easier for those former offenders to get housing by:

- Precluding a landlord from requiring a prospective tenant to take a drug test or disclose any criminal history on a lease application, except if they are a sex offender or have committed other major crimes, such as first-degree murder or sex trafficking
- Precluding a landlord from publishing any statement that would reasonably discourage a tenant with criminal history to apply for a lease
- Ensuring that the landlord provide a prospective tenant with a physical document stating any reason that they would have been denied a lease

These are reasonable measures that will help those persons who are trying to restart their lives get housing.

We support this bill and recommend a **FAVORABLE** report in committee.

SB 937 Testimony.pdf

Uploaded by: Chelsea Ortega

Position: FAV



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.>

LDF Fair Chance at Housing written testimony 3.9.2

Uploaded by: David Wheaton

Position: FAV



**Written Testimony of David Wheaton
Assistant Policy Counsel
NAACP Legal Defense and Educational Fund, Inc.**

**Submitted to the Judicial Proceedings Committee of
the Maryland State Senate
In Connection with the March 11, 2026 Hearing**

My name is David Wheaton, and I am an attorney with the Legal Defense Fund (LDF). LDF offers the following testimony in support of Maryland Senate Bill 937, which will ensure the hundreds of thousands of Marylanders with a history of involvement with the criminal legal system have fair access to housing. Everyone deserves a fair chance to find a safe, stable place to live. Right now, background checks can prevent people with criminal records from accessing housing even after they've served their time and are ready to be responsible tenants. Due to discriminatory policies and practices at every stage of the criminal legal system, Black people are disproportionately subject to arrest, prosecution, and incarceration.¹

While housing is essential to putting people on the path to stability, Marylanders who have contact with the criminal legal system face unjustified barriers to accessing safe and quality housing. A survey found nearly eight out of 10 formerly incarcerated individuals reported ineligibility or denial of housing because of their or a loved one's conviction history.² SB 937 can help Marylanders, including thousands of Black Marylanders, with a history of involvement with the criminal legal system find safe and affordable housing that will set them on the path of successful reentry into society. SB 937 ensures Maryland landlords will conduct an individualized assessment when screening potential applicants with prior criminal legal contact. The bill would prohibit Maryland landlords from requesting unnecessary information related to an applicant's criminal history prior to extending a conditional offer while permitting them to request information on certain convictions once a conditional offer is made; prohibit landlords from considering distant past convictions and arrests or charges which did not result in a

¹ Pew Research, *Racial Disparities Persist in Many U.S. Jails*, (May 16, 2023), <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2023/05/racial-disparities-persist-in-many-us-jails>

² Saneta deVuono-powell, et al., *Who Pays? The True Cost of Incarceration on Families*, Ella Baker Center, Forward Together, Research Action Design (Sept. 2015), <https://www.whopaysreport.org/wp-content/uploads/2015/09/Who-Pays-FINAL.pdf>

conviction; and allow tenants to correct inaccurate information found on their criminal history screening report. LDF urges the committee give SB 937 a favorable report out of committee on behalf of these Marylanders and their families.

Founded in 1940 by Thurgood Marshall, LDF is the nation's oldest civil rights law organization. Since its inception, LDF has worked to ensure fair housing opportunities for Black communities. Some of LDF's early victories in the Supreme Court stemmed from cases such as *Shelley v. Kramer*, 334 U.S. 1 (1948), and *McGhee v. Sipes*, 334 U.S. 1 (1948), which held the state enforcement of racially-restrictive covenants violated the Equal Protection Clause. In the decades since those victories, LDF has continued to challenge public and private policies and practices that deny Black people safe and quality housing and free from discrimination.

My testimony will highlight how criminal history restrictions in housing disproportionately exclude Black Maryland residents and have a limited bearing on a prospective tenant's housing success; how landlords frequently rely on inaccurate, incomplete, or outdated court records to deny housing to people with criminal records; how SB 937 can improve public safety by reducing recidivism; and, finally, how SB 937 pushes back against the actions of the Trump administration, which has made it more likely that landlords will unjustly people who have criminal records.

I. Criminal History Restrictions Disproportionately Exclude Black People from Housing and Have Limited Bearing on a Prospective Tenant's Housing Success

Criminal history restrictions disproportionately exclude Black people from housing, despite having a limited, if any, relationship with whether someone is or would be a good tenant. Nearly one in five adults in Maryland have an arrest or conviction record.³ This number is rapidly increasing, as at least 83,000 different people are booked into local jails in Maryland each year.⁴ Unfortunately, due to systemic disparities throughout the criminal legal system, a disproportionate percentage of the Black population have been arrested and incarcerated. Black people are arrested at higher rates than white people, and a significant number of those arrests do not result in convictions.⁵ Furthermore, Black Marylanders are incarcerated at a rate 5.3 times higher than white people.⁶ Black Marylanders also make up 31% of state residents, but 52% of people in jail and 69% of people in prison.⁷ One in five Black Marylanders born in 2001 is likely to be incarcerated in their lifetime compared to one in 29 white Marylanders.⁸

Importantly, the vast majority of these individuals will return home to their communities and will need access to safe and affordable places to live. In 2019, Maryland released 86,653

³ The Clean Slate Initiative, *Resource Guide: For Maryland Journalist* (2020), <https://www.cleanslateinitiative.org/maryland#:~:text=Right%20now%2C%201%20in%20every.an%20arrest%20or%20conviction%20record>.

⁴ Prison Policy Initiative, Maryland Profile, (2022), <https://www.prisonpolicy.org/profiles/MD.html>

⁵ Prison Policy Initiative, *Racial and ethnic disparities: Research and statistics on racial and ethnic disparities in the criminal legal system*, (February 21, 2026), https://www.prisonpolicy.org/research/racial_and_ethnic_disparities/

⁶ Leah Wang, Updated Data and Charts: Incarceration Stats by Race, Ethnicity, and Gender for All 50 States and D.C., Prison Policy Initiative (Sept. 27, 2023), https://www.prisonpolicy.org/blog/2023/09/27/updated_race_data/#compare

⁷ Vera Institute for Justice, *Incarceration Trends in Maryland*, (2018),

<https://www.vera.org/downloads/pdfdownloads/state-incarceration-trends-maryland.pdf>

⁸ Vera Institute for Justice, *Incarceration Trends in Maryland*, (2018),

<https://www.vera.org/downloads/pdfdownloads/state-incarceration-trends-maryland.pdf>

people from local jails and state prisons.⁹ As discussed further below, many housing providers exclude prospective tenants based on prior criminal legal contact—yet there is little evidence such contact is predictive of whether someone will pay rent or cause an actionable nuisance.¹⁰ As the Supreme Court has recognized:

[t]he mere fact that a man has been arrested has very little, if any, probative value in showing that he has engaged in any misconduct. An arrest shows nothing more than that someone probably suspected the person apprehended of an offense.¹¹

In 2016, the U.S. Department of Housing and Urban Development (HUD) similarly acknowledged “the fact of an arrest is not a reliable basis upon which to assess the potential risk to resident safety or property posed by a particular individual”¹² and exclusions based on prior arrests alone are impermissible in all circumstances.¹³ Research has repeatedly shown criminal convictions are not a good predictor of housing success.¹⁴ Most recently, in 2019, economist Cael Warren conducted a study of 10,500 households in Minnesota and Wisconsin and found that most types of criminal convictions had no significant effect on housing outcomes.¹⁵ As a result, as HUD explained in 2016, unreasonable criminal history exclusions can violate the federal Fair Housing Act because they disproportionately exclude Black and Latinx people and are not related to a legitimate purpose.¹⁶

II. Landlords Frequently Rely on Inaccurate, Incomplete, or Outdated Court Records to Deny Housing to People who Have Previous Criminal Records.

Landlords routinely rely on information regarding criminal legal contact from tenant screening companies which use algorithmically-generated recommendations to evaluate

¹⁰ Lauren Kirchner & Matthew Goldstein, *How Automated Background Checks Freeze Out Renters*, N.Y. TIMES (May 28, 2020), <https://www.nytimes.com/2020/05/28/business/renters-background-checks.html>.

¹¹ *Schwartz v. Bd of Bar Examiners*, 353 U.S. 232, 241 (1957); see also *United States v. Berry*, 553 F.3d 273, 282 (3d Cir. 2009) (“[A] bare arrest record – without more – does not justify an assumption that a defendant has committed other crimes and it therefore cannot support increasing his/her sentence in the absence of adequate proof of criminal activity.”); *United States v. Zapete-Garcia*, 447 F.3d 57, 60 (1st Cir. 2006) (“[A] mere arrest, especially a lone arrest, is not evidence that the person arrested actually committed any criminal conduct.”).

¹² U.S. Dep’t of Hous. & Urban Dev., *Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions*, Apr. 4, 2016, https://www.hud.gov/sites/documents/HUD_OGCGUIDAPPFHASTANDCR.PDF

¹³ *Id.* at 5.

¹⁴ Jack Tsai PhD & Robert A. Rosenheck, *Incarceration Among Chronically Homeless Adults: Clinical Correlates and Outcomes*, *Journal of Forensic Psychology Practice*, Vol. 12 Issue 4, (August 2, 2012),

<https://www.tandfonline.com/doi/abs/10.1080/15228932.2012.695653>; Seema L. Clifasefi, Daniel K. Malone, & Susan E. Collins, *Exposure to project-based Housing First is associated with reduced jail time and bookings: Author links open overlay panel*, *International Journal of Drug Policy*, Vol. 24 Issue 4, (July 2013),

<https://www.sciencedirect.com/science/article/abs/pii/S0955395912001533?via%3Dihub>; Daniel K. Malone, *Assessing Criminal History as a Predictor of Future Housing Success for Homeless Adults With Behavioral Health Disorders*, *Psychiatric Services* Vol. 60 No. 2, (Feb. 2009),

<https://psyciatryonline.org/doi/pdf/10.1176/ps.2009.60.2.224>

¹⁵ Cael Warren, *Success in Housing: How Much Does Criminal Background Matter?* 19–22 (2019),

https://www.wilder.org/sites/default/files/imports/AEON_HousingSuccess_CriminalBackground_Report_1-19.pdf.

The authors caution that their study likely overstates the increased risk to housing outcomes from the other four types of convictions, since they could not control for many other factors that could be contributing to housing outcomes.

¹⁶ U.S. Dep’t of Hous. & Urban Dev., *Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions*, Apr. 4, 2016, https://www.hud.gov/sites/documents/HUD_OGCGUIDAPPFHASTANDCR.PDF.

potential tenants. The information tenant screening companies provide on criminal records is often inaccurate and incomplete. According to a 2022 study by the Urban Institute, close to 90 percent of landlords reported they checked a prospective tenants' past history, including their criminal legal contact, when deciding on a prospective applicant.¹⁷

Unfortunately for tenants, criminal record information is often highly inaccurate, whether from public government sources or private databases.¹⁸ Frequent errors in criminal record data include outdated information (e.g., showing criminal charges which have since been dropped or expunged), mismatched records due to similar names, and missing outcome or disposition data.¹⁹ States vary in the rate at which arrest records are missing the outcome or disposition of the case; the national average is 69% of arrest records missing outcome data.²⁰ Tenant screening companies often rely on automatic web scraping technologies to pull criminal record information from a variety of sources and can introduce even more inaccuracy by patching together outdated information or mismatching information to the wrong people.²¹ An analysis of private criminal record information found 96-100% of the 101 people participating in the study had at least one error in their background check, and three-quarters of participants were falsely connected to a criminal record which did not appear in their official government record.²²

Inaccuracies in criminal records also disproportionately impact Black people. A 2020 U.S. Department of Labor study found 33% of Black participants had at least one inaccuracy in their criminal record compared to just 18% of white participants, meaning Black participants were almost twice as likely to have an inaccurate record.²³ Moreover, some tenant screening companies rely on “name-only” matches or “wildcard” searches, gathering information from people who share the same few letters of a name.²⁴ According to an investigation by *The Markup* and the *New York Times* and a report from the Consumer Financial Protection Bureau these reports can include criminal or eviction records from different people with similar names—a problem which occurs more frequently with Black or Latino applicants.²⁵

¹⁷ Abby Boshart, *How Tenant Screening Services Disproportionately Exclude Renters of Color from Housing*, URBAN INST. (Dec. 21, 2022), <https://housingmatters.urban.org/articles/how-tenant-screening-services-disproportionately-exclude-renters-color-housing>

¹⁸ Sarah Lageson, *Criminally Bad Data: Inaccurate Criminal Records, Data Broker, and Algorithmic Injustice*, University Illinois Law Review, Vol.5, (2023), <https://illinoislawreview.org/wp-content/uploads/2023/10/Lageson.pdf>

¹⁹ Id.

²⁰ Id.

²¹ Id.

²² Sarah Lageson, *The problem with criminal records: Discrepancies between state reports and private-sector background checks*, Criminology Vol. 62, Issue 1, (February 2024), <https://onlinelibrary.wiley.com/doi/10.1111/1745-9125.12359>

²³ U.S. Department of Labor, *Criminal Record Inaccuracies and the Impact of a Record Education Intervention on Employment-Related Outcomes*, (Jan. 2, 2020), https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/LRE_WellsFinalProjectReport_December2020.pdf

²⁴ CONSUMER FINANCIAL PROTECTION BUREAU, TENANT BACKGROUND CHECKS MARKET 19 (2022), https://files.consumerfinance.gov/f/documents/cfpb_tenant-background-checks-market_report_2022-11.pdf

²⁵ Lauren Kirchner & Matthew Goldstein, *How Automated Background Checks Freeze Out Renters*, N.Y. TIMES (May 28, 2020), <https://www.nytimes.com/2020/05/28/business/renters-background-checks.html>; Consumer Financial Protection Bureau, *Tenant Background Checks Market*, (November, 2022), https://files.consumerfinance.gov/f/documents/cfpb_tenant-background-checks-market_report_2022-11.pdf

III. Reducing Criminal History Screenings for Housing can Help Decrease Homelessness for Individuals and their Families and Improve Public Safety by Reducing Recidivism.

As a result of unnecessary housing restrictions, formerly incarcerated people are more than 10 times more likely to be unhoused than the general public.²⁶ Yet research shows stable housing can reduce recidivism and its associated social costs and improve public safety.²⁷ Alternatively, there is no evidence policies that restrict housing access for people with criminal records improve public safety, and evidence suggests denying housing access to formerly incarcerated people is associated with increased recidivism.²⁸ Because of laws which criminalize homelessness and poverty (e.g., vagrancy laws, trespassing laws, etc.), housing insecurity increases the risk someone will be rearrested for quality-of-life offenses and face future criminal legal contact, fueling a cycle of criminalization and housing insecurity.²⁹ People who are homeless are 11 times more likely to be arrested than people who are housed.³⁰ Housing insecurity and homelessness can also exacerbate other risk factors for recidivism. For example, homelessness makes it more difficult for formerly incarcerated people to secure and maintain work or educational opportunities.³¹ Proposed legislation like SB 937 can address these barriers, making communities in Maryland safer. Additionally, refusing housing opportunities to people with criminal records increases the risk of housing insecurity and homelessness for them and their families.³² Homelessness disproportionately affects Black Maryland residents: On a given night, 5,865 Marylanders experience homelessness and statewide, 54% of homeless households in Maryland are Black and other people of color.³³ Incarceration compounds these disparities, and Black formerly incarcerated people are about 1.6 times as likely to be homeless as white formerly incarcerated people.³⁴

IV. SB 937 Has the Opportunity to Help Marylanders with a Past History of Involvement with the Criminal Legal System have Fair Access to Housing and Improve Public Safety.

SB 937 would prevent Maryland landlords from imposing unreasonable criminal exclusions that discriminate against people with past involvement with the criminal legal system. The bill would require landlords to first give a prospective tenant a conditional offer

²⁶ John Bae, *Opening Doors to Affordable Housing: The Low-Income Housing Tax Credit Program and People with Conviction Histories*, VERA INST. OF JUSTICE (April 2023), <https://www.vera.org/downloads/publications/Opening-It-mDoors-to-Affordable-Housing-Report.pdf>

²⁷ BAZELON CENTER FOR MENTAL HEALTH LAW, *DIVERSION TO WHAT? EVIDENCE-BASED MENTAL HEALTH SERVICES THAT PREVENT NEEDLESS INCARCERATION* 5 (2019), http://www.bazelon.org/wp-content/uploads/2019/09/Bazelon-Diversion-to-WhatEssential-Services-Publication_September-2019.pdf.

²⁸ Thomas Søbirk Petersen & Sebastian Jon Holmen, *Not in My Neighborhood: The Ethics of Excluding Ex-offenders from Housing*, Department of Philosophy and Science Studies, Roskilde University, (January 12, 2024), <https://link.springer.com/content/pdf/10.1007/s11572-023-09712-5.pdf>

²⁹ Human Rights Watch, *No Second Chance: People with Criminal Records Denied Access to Public Housing*, (November 17, 2004), <https://www.hrw.org/report/2004/11/18/no-second-chance/people-criminal-records-denied-access-public-housing-o>

³⁰ Id.

³¹ Andrea Miller, Briana Paige, & Allison Trochesset, *Collateral Consequences of Criminal Records*, Court Statistics Project, (November 12, 2021), https://ncfsc-web.squiz.cloud/_data/assets/pdf_file/0031/70888/Collateral-Consequence-Caseload-Highlight-3.pdf

³² Kimberly Johnson, *Housing Access for People with Criminal Records*, National Low-Income Housing Coalition, (2020), https://nlihc.org/sites/default/files/AG-2020/6-07_Housing-Access-for-People-with-Criminal-Records.pdf

³³ Maryland Department of Housing and Community Development, *Just Communities: Separate and Unequal Neighborhoods*, (October 2024), <https://dhcd.maryland.gov/Just-Communities/Documents/Baseline-Report.pdf>

³⁴ Lucius Couloute, *Nowhere to Go: Homelessness among formerly incarcerated people*, Prison Policy Initiative, (August 2018), <https://www.prisonpolicy.org/reports/housing.html#appendixtable2>

before they can check someone's past criminal record. A landlord would be able to review income verifications and other screening criteria and then offer a prospective tenant a conditional offer. This is beneficial because landlords must first assess the tenant's other qualifications and decide whether the tenant is a good candidate before assessing a criminal background check. Most convictions would be restricted from the landlord to consider. The most serious convictions, like arson and kidnapping, would have a __-year lookback period, starting after the conviction, preventing landlords from relying on stale information to exclude people. SB 937 would also ensure prior arrests or charges without ultimate convictions will no longer be able to be considered by landlords. Finally, the bill would allow tenants to correct any inaccurate information found on their criminal history screening report. With the rate of inaccuracies found in criminal records as discussed above, especially for Black residents, this will allow tenants more opportunities to challenge any inaccurate information and help them secure housing.

The proposed legislation thus limits landlords' ability to impose overbroad criminal history restrictions which disproportionately harms Black Maryland residents and have no bearing on tenant success. Additionally, SB 937 can improve public safety in Maryland by reducing the rate of recidivism for returning citizens and reduce homelessness within the state, benefiting all Marylanders.

V. The Trump Administration withdrew critical guidance aimed at ensuring people with Prior Involvement with the Criminal Legal System are not discriminated against, SB 937 pushes back against the Trump Administration.

As the Trump administration rolls back fair housing protections, SB 937 is needed to provide clarity and consistency for landlords and tenants. In September 2025, HUD withdrew prior guidance documents outlining how unjustified criminal history exclusions can violate the federal Fair Housing Act. HUD's removal of this guidance signals the agency will not prioritize enforcing these vital fair housing protections, which will negatively impact Black communities in Maryland. HUD also withdrew a proposed rule which would have limited how housing providers could make decisions based on criminal history.³⁵ While these actions do not change landlords' obligations under the federal Fair Housing Act, they make it more likely that people with criminal records will face unjustified policies that violate that law.

SB 937 would codify the principles from HUD's prior guidance³⁶ into Maryland law. As previous HUD guidance recommended, SB 937 ensures Maryland landlords will conduct an individualized assessment when screening potential applicants with prior criminal legal contact. Similarly, the HUD guidance recommended landlords consider the age and severity of any prior convictions. SB 937 sets lookback periods for specific crimes so that landlords cannot consider certain crimes that happened decades ago and have no bearing on if a potential tent would be able to pay their rent today. Without a proper lookback period, this policy would allow owners and management companies the ability to deny someone housing for a nonviolent misdemeanor

³⁵ U.S. Dep't of Hous. & Urban Dev., Proposed Rule: Reducing Barriers to HUD-Assisted Housing, (Apr. 10, 2024), <https://www.federalregister.gov/documents/2024/04/10/2024-06218/reducing-barriers-to-hud-assisted-housing>

³⁶ U.S. Dep't of Hous. & Urban Dev., Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions, Apr. 4, 2016, https://www.hud.gov/sites/documents/HUD_OGCGUIDAPPFHASTANDCR.PDF

which occurred 20 years ago. Finally, the previous guidance stated landlord exclusions based on prior arrests alone are impermissible in all circumstances under the Fair Housing Act. Under SB 937 landlords would not be able to exclude an applicant based on prior arrest alone, which follows former HUD guidance. Passing SB 937 would be a significant step to push back against Trump administration actions which have made it more likely that people with prior criminal history will be unnecessarily excluded from housing.

VI. Conclusion

Every person in Maryland should have access to safe and affordable housing, including people who have prior involvement with the criminal legal system. Currently, landlords discriminate against hundreds of thousands of Marylanders based on histories which do not bear on their ability to be good tenants. This practice denies far too many of desperately needed safe and stable housing. Such discrimination disproportionately affects Black Marylanders, who face severely unequal treatment at every stage of the criminal justice process. SB 937 has the potential to help hundreds of thousands of Marylanders access housing opportunities. LDF urges its swift passage and asks the Judicial Proceedings Committee to give a favorable report on SB 937 out of committee.

Thank you for the opportunity to testify. If you have any questions, please contact David Wheaton, Assistant Policy Counsel, at dwheaton@naacpldf.org.

DRM Testimony - SB 937 - Favorable.pdf

Uploaded by: E.V. Yost

Position: FAV

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

Disability Rights Maryland (DRM) is the federally designated Protection & Advocacy agency in Maryland mandated to advance the civil rights of people with disabilities. One of DRM’s goals is to end the unnecessary segregation and institutionalization of Marylanders with disabilities. To achieve this goal, DRM’s Housing Unit works to expand opportunities for Marylanders with disabilities to be part of their communities and to live in affordable and accessible housing. This includes representing persons with disabilities in eviction proceedings to prevent unnecessary homelessness and institutionalization.

Senate Bill 937 is a critical measure to ensure that our returning Maryland residents are given an equitable opportunity to secure housing. As a member of the Renters United Maryland Coalition, DRM strongly urges the Committee to pass Senate Bill 937 because it would increase housing opportunities and decrease the potential for housing discrimination for all renters, but especially disabled renters with criminal histories who already face numerous barriers to accessing safe, affordable, accessible housing.¹ People with disabilities are overrepresented at all stages of the criminal legal system– while only 15% of the general U.S. population is estimated to be disabled, people with disabilities make up 40% of all people currently experiencing incarceration in the United States, and 23% of people on probation or parole.² The disparate impact of criminal record discrimination on Black disabled households is even more significant. It is estimated that more than half of all Black people with disabilities in the United States will be arrested before they reach age 28.³ Black

¹ EQUAL RIGHTS CENTER, DISCONNECTED: HOUSING DISCRIMINATION AGAINST THE DEAF AND HARD OF HEARING (2012), *available at* <https://deldhub.gacec.delaware.gov/pdf/Disconnected.pdf>; UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, OFFICE OF POLICY DEVELOPMENT AND RESEARCH, RENTAL HOUSING DISCRIMINATION ON THE BASIS OF MENTAL DISABILITIES: RESULTS

² PRISON POLICY INITIATIVE, CHRONIC PUNISHMENT: THE UNMET HEALTH NEEDS OF PEOPLE IN STATE PRISONS, (June 2022) *available at* <https://www.prisonpolicy.org/reports/chronicpunishment.html#disability>; PRISON POLICY INITIATIVE, MORTALITY, HEALTH, AND POVERTY: THE UNMET NEEDS OF PEOPLE ON PROBATION AND PAROLE (April 2023) *available at* https://www.prisonpolicy.org/blog/2023/04/03/nsduh_probation_parole/.

³ CENTER FOR AMERICAN PROGRESS, UNDERSTANDING THE POLICING OF BLACK, DISABLED BODIES (Feb. 10, 2021) *available at*: <https://www.americanprogress.org/article/understanding-policing-black-disabled-bodies/>.

Marylanders constitute only 32% of the state’s population, yet they make up nearly 71% of the state’s jail and prison population.⁴ By limiting landlords’ ability to require prospective renters to disclose past criminal legal system involvement prior to making a conditional offer of housing, SB 937 would promote housing opportunity and housing security for renters with disabilities who may have previous interactions with law enforcement.

In addition to eviction prevention work, DRM’s advocates assist clients with housing searches. The lack of housing options for low-income people is staggering; naturally, those with conviction histories are in no position to compete for such a limited resource. SB 937 would provide necessary protection to vulnerable renters, including tenants with disabilities, who are disproportionately forced into living in substandard conditions due to their lower-incomes and exclusion from the labor market.⁵ Increasing access to decent, safe and affordable housing for people with conviction histories will go a long way to ensuring that those with behavioral health or mental health disabilities have the opportunity to be fully integrated into all aspects of the community, and, thus, to enjoy a healthier and better quality of life.

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.⁶ 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.⁷ Therefore, it is crucial that those who have been through the criminal justice system have the opportunity to secure that housing.

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 legal system, criminal record discrimination has an enormous disparate

⁴ VERA INSTITUTE OF JUSTICE, INCARCERATION TRENDS BY STATE: MARYLAND (last updated October 14, 2024 11:16 am) available at: <https://trends.vera.org/state/MD>.

⁵ There is no jurisdiction in Maryland in which a person with a disability receiving SSI benefits can rent a one bedroom unit. Technical Assistance Collaborative, *Priced Out: The Housing Crisis for People with Disabilities* (2021), <http://www.tacinc.org/knowledge-resources/priced-out-v2/>. Maximum SSI payments increased to \$1,580/month in 2025.

⁶ 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>

⁷ 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>

impact on black households. 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 legal system.

SB 937 would limit 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 on a sexual offender registration list. Outside of these convictions, a landlord must FIRST evaluate a tenant on all other acceptance criteria for the landlord (employment, income verification, references, etc.). Then, if the tenant qualifies under these criteria, the landlord must make a conditional offer of tenancy before checking their criminal background and may not consider certain criminal records beyond a three-year lookback period. The landlord retains the option to withdraw their initial conditional offer of housing based on convictions such as first-degree murder, human trafficking, or 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 other states and jurisdictions, including Washington D.C. and Prince George's and Montgomery Counties, have passed Fair Chance bills similar to SB 937 and have reported success after implementation.⁸ Research has shown renters in these localities have been given wider access to housing and no landlords reported an increase in adverse incidents; nor had implementation of these laws resulted in significant capacity burdens for landlords.⁹ Passing SB 937 Fair Chance in Housing is a step in the right direction for all Marylanders.

Disability Rights Maryland urges a favorable report on SB 937. If you have any questions, please contact E.V. Yost, evy@DisabilityRightsMD.org.

⁸ See, e.g. VERA INSTITUTE OF JUSTICE, FAIR CHANCE HOUSING: LESSONS IN IMPLEMENTATION (Jan. 2025), available at: <https://vera-institute.files.svdcdn.com/production/downloads/publications/Fair-Chance-Housing-Lessons-in-Implementation.pdf> (analyzing the successful implementation of Fair Chance in Housing bills in Cook County Illinois, New Jersey, and Washington, D.C.).

⁹ *Id.* at 11.

SB 937_Baltimore Regional Housing Partnership_FAV.

Uploaded by: Emily Hovermale

Position: FAV



100 North Charles Street, 2nd floor
Baltimore, Maryland 21201

410-223-2222
www.brhp.org

March 11, 2026

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

RE: Baltimore Regional Housing Partnership SUPPORT for SB 937 Landlord and Tenant – Residential Leases – Prospective Tenant Criminal History Records Check (Maryland Fair Chance Housing Act)

Dear Chair Smith, Vice Chair Waldstreicher and Members of the Committee:

On behalf of the Baltimore Regional Housing Partnership (BRHP), I'm writing to express our support for SB 937, a critical measure to ensure that our returning Maryland residents are given an equitable opportunity to secure housing.

BRHP is a non-profit organization that expands housing choices for low-income families who have historically been excluded from housing in well-resourced neighborhoods by helping them access and transition successfully to safe, healthy, and economically vibrant communities. As the Regional Administrator for the Baltimore Housing Mobility Program, BRHP currently provides over 4,300 low-income families rental assistance in the form of Housing Choice Vouchers coupled with counseling support for families as they move from areas of concentrated poverty to areas of opportunity in Baltimore City and the five surrounding counties.

Safe and stable 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 Currently, individuals with criminal records often face significant and unnecessary barriers to securing safe and stable housing, putting their ability to be successful following incarceration at serious risk. People with criminal records are often denied housing, even for records that are years—even decades—old. A criminal

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>

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 Housing stability is a key factor in reducing recidivism and promoting long-term success for returning citizens.

These barriers disproportionately impact Black and low-income individuals, further exacerbating systemic inequities. 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.

Passage of SB 937 is important now more than ever due to the federal stripping of fair housing protections the Trump Administration has undertaken in the past year. The Obama and Biden Administrations, 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 memorandums 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.⁴⁵ On November 25, 2025, the Trump Administration's Department of Housing and Urban Development rescinded both of these memorandums, reverting to guidance from the early 1990s.⁶ Maryland needs to step up and provide ongoing protections for residents in the light of these federal rollbacks.

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>

³ <https://trends.vera.org/state/MD>

⁴ https://www.novoco.com/documents/97930/hud_ogc_guide_fha_040416.pdf

⁵ <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>

⁶ [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))

SB 937 is a critical step toward ensuring fair housing opportunities by (1) giving prospective tenants fair consideration when trying to find a home, (2) reducing recidivism rates in Maryland thereby increasing public safety, and (3) giving 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.

For these reasons, BRHP strongly urges a favorable report on SB 937. Thank you for your time and consideration.

Adria Crutchfield
Executive Director

Progressive Maryland. SB937. FAV.pdf

Uploaded by: Erica Puentes

Position: FAV



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

Position: Favorable (FAV)

To: Senate Judicial Proceedings Committee

From: Erica Puentes, Legislative Coordinator on behalf of Progressive Maryland

Date: March 9, 2026

My name is Erica Puentes, I am the Legislative Coordinator for Progressive Maryland, a statewide member led advocacy organization promoting racial, social, economic, and environmental justice. Progressive Maryland has over 120,000 individual members, supporters, and organizational affiliates statewide and works alongside hundreds of community, religious, labor and other grassroots allies to educate the public and build popular support for progressive victories. A robust part of our membership is organized into various tenant associations in apartment complexes across Prince George’s County and Montgomery County. **Progressive Maryland is in support of SB 937**, a critical measure to ensure that our returning Maryland residents are given an equitable opportunity to secure housing.

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. 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. Therefore, it is crucial that those who have been through the criminal justice system have the opportunity to secure that housing.

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 memorandums, in the desire to broaden housing accessibility for all, issuing 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 memorandums 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. **On November 25, 2025, the Trump Administration’s Department of Housing and Urban Development rescinded both of these memorandums, reverting to guidance from the early 1990s.** 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 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.** 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. Research has shown renters in these localities have been given wider access to housing. 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.

Progressive Maryland urges a favorable report on SB 937.

2026-03-11 SB 937 OPD (FAV).pdf

Uploaded by: Hannibal Kemerer

Position: FAV



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

HANNIBAL KEMERER
CHIEF OF STAFF

ELIZABETH HILLIARD
DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

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

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

FROM: Hannibal Kemerer, Chief of Staff, Maryland Office of the Public Defender

POSITION: Favorable

DATE: March 11, 2026

The Maryland Office of the Public Defender urges the Judicial Proceedings Committee to issue a favorable report on Senate Bill 937, Senator Henson’s bill to prohibit landlords from requiring criminal history information of prospective tenants before extending a conditional offer of a lease. In an era of significant housing shortages borne most harshly by individuals who are formerly justice-involved, it is incumbent upon policymakers like the Members of this Committee to provide some relief to our most vulnerable community members. Senate Bill 937 is a step in the right direction and, therefore, worthy of passage.

Senate Bill 937 prohibits a landlord from requiring or requesting from a prospective tenant information relating to criminal history and prohibiting a landlord from considering certain information when evaluating the prospective tenant prior to a conditional offer. In short, if passed, SB 937 would benefit OPD clients in the following ways:

- the restriction on landlords use of criminal history to automatically deny leasing will increase housing access;
- the reduction in the types of convictions that can serve as grounds for rental offer withdrawal can increase housing access; and
- each potential renter will be considered as an individual, with evaluation of their individual circumstances, their ability to submit evidence, and the increased transparency will lead to a “fairer” process.

There’s a marked consensus amongst scholars that “[p]eople who were formerly incarcerated are ‘ten times more likely to be homeless than the general public.’”¹ According to

¹ Ji Hyun Rhim, Left at the Gate: How Gate Money Could Help Prisoners Reintegrate Upon Release, 106 Cornell L. Rev. 783, 798 (March, 2021) (citing Formerly Incarcerated People Are Nearly 10 Times More Likely to Be Homeless, Nat’l Low Income Housing Coalition (Aug. 20, 2018), <https://nlihc.org.re-source/formerly-incarcerated-people-are-nearly-10-times-more-likely-be-homeless> [<https://perma.cc/QF6L-2BAW>]).

Rutgers Law Professor Norrinda Brown Hayat:

Research reveals that formerly incarcerated people are ten times more likely to be homeless than the general public. The rates of homelessness are highest among people who have been incarcerated more than once, recently released persons, persons of color, and women. Among recently incarcerated persons that are not actually on the street, significant numbers only have temporary housing and are living in hotels, motels, and transitional housing like shelters. We also know that homelessness increases the likelihood of the formerly incarcerated coming into additional contact with the criminal legal system: law enforcement punishes actions such as sleeping in public, panhandling, and public urination. Studies have found that the presence of state-sponsored resources to offset the symptoms of poverty, including homelessness, dramatically reduced the likelihood of formerly incarcerated persons reoffending.²

Landlords overwhelmingly utilize criminal background checks in determining whether to rent to prospective tenants. However, new studies reveal that “a criminal history is not statistically predictive of future risk posed by a tenant to safety and security.”³ Indeed, other scholars demonstrated that ex-offenders posed no greater danger than other tenants, challenging the principle of ‘foreseeability’ and the underlying assumption of the criminal screening regime.”⁴ If criminal background checks aren’t predictive of tenant risk, then landlords shouldn’t be able to utilize them without any guardrails. Senate Bill 937 provides just the type of guardrails necessary to ensure that people who have paid their debt to society are not unnecessarily and unfairly prevented from obtaining residential leases. This legislation provides a nuanced policy solution in an era of housing scarcity. For these reasons, the Maryland Office of the Public Defender urges this Committee to favorably report Senate Bill 937.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on Senate Bill 937.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

Authored by: Hannibal Kemerer, Chief of Staff, 6 St. Paul Street, Baltimore, MD 21202.

² Norrinda Brown Hayat, *Housing the Decarcerated: COVID-19, Abolition & The Right to Housing*, 110 Calif. L. Rev. 639, 656 (June, 2022) (internal citations omitted) (citing Lucius Couloute, *Prison Pol’y Initiative, Nowhere to Go: Homelessness Among Formerly Incarcerated People* (Aug. 2018), <https://prisonpolicy.org/reports/housing.html> [https://perma.cc/8USY-K3YQ], et al.).

³ Tom Sanley-Becker, *Breaking the Cycle of Homelessness and Incarceration: Prisoner Reentry, Racial Justice, and Fair Chance Housing Policy*, 7 U. Pa. J. L. & Pub. Aff. 257, 287 (May, 2022) (citing Merf Ehman and Anna Reosti, *Tenant Screening in an Era of Mass Incarceration: A Criminal Record is No Crystal Ball*, N.Y.U. J. Legis. And Pub. Pol’y Quorum 1, Mar 3, 2015).

⁴ *Id.* at 288.

SB0937_DHCD_SUPPORT.pdf

Uploaded by: Jake Day

Position: FAV



WES MOORE
Governor
ARUNA MILLER
Lt. Governor
JACOB R. DAY
Secretary
JULIA GLANZ
Deputy Secretary

DATE: March 11, 2026
BILL NO: Senate Bill 937
TITLE: Landlord and Tenant - Residential Leases - Prospective Tenant Criminal History Records Check (Maryland Fair Chance Housing Act)
COMMITTEE: Senate Judicial Proceedings Committee

Letter of Support

Description of Bill:

Senate Bill 937 establishes standards on how landlords may use criminal history information when evaluating prospective tenants. The bill prohibits landlords from requesting or considering most criminal history information before making an offer, with some exceptions with certain more serious offenses. Following a conditional offer, landlords may consider only specified convictions and conduct an assessment that allows applicants to provide evidence of rehabilitation, inaccuracies, or other mitigating circumstances. Additionally, the bill restricts discriminatory advertising, increases transparency in tenant screening process, and directs the Department of Housing and Community Development's Office of Tenant and Landlord Affairs to develop guidance materials, collect data and enforce compliance.

Background and Analysis:

There has been a substantial amount of research demonstrating a strong correlation between access to stable housing and reduced crime rates. Individuals returning to communities after involvement with crime often face significant barriers to securing housing, which can increase housing instability and negatively affect successful reentry outcomes. Since individuals with criminal records are subjected to screening barriers, these housing barriers contribute to unequal access to stable housing opportunities. Furthermore in 2020, the [Marshall Project](#) found that incarcerated individuals stated affordable housing and living wages as the primary factor that would prevent their return to prison. The countless cycle of housing uncertainty continues to create ongoing vulnerability for these communities.

SB 937 seeks to reduce these unnecessary housing barriers while maintaining landlord discretion through assessments. By promoting fair and transparent screening practices, the bill supports the broader effort in reducing homelessness across Maryland.

DHCD Position

The Maryland Department of Housing and Community Development respectfully requests a **favorable** report on SB 937.



SB937_FAV_EconAction.pdf

Uploaded by: Jennifer Bevan-Dangel

Position: FAV



**SB937: Landlord and Tenant - Residential Leases -
Prospective Tenant Criminal History Records Check (Maryland Fair Chance Housing Act)**

March 11, 2026

Position: FAVORABLE

The Honorable Will Smith, Chair
Senate Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, Maryland 21401
cc: Members, Judicial Proceedings Committee

Chair Smith and Members of the Committee:

Economic Action Maryland Fund requests a favorable report on SB937, as it is a critical measure to ensure that our returning Maryland residents are given an equitable opportunity to secure housing.

As an organization that engages in housing justice from numerous fronts, from direct services to advocacy, we believe this bill would help many of our clients and their family members.

Every Marylander deserves safe and habitable housing. People who lack adequate housing in the first year after they return from incarceration are more than twice as likely to commit another crime than those with adequate housing. Therefore it is crucial that those who have been through the criminal justice system have the opportunity to secure that housing.

SB937 would (1) give prospective tenants fair consideration when trying to find a home, (2) reduce recidivism rates in Maryland, 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.¹

¹ <https://trends.vera.org/state/MD>

Economic Action Maryland (formerly the Maryland Consumer Rights Coalition) is a statewide coalition of individuals and organizations that advances economic rights and equity for Maryland families through research, education, direct service, and advocacy. Our 12,500 supporters include consumer advocates, practitioners, and low-income and working families throughout Maryland.



SB937 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.

SB937 limits a landlord's review of an applicant's criminal record. This bill provides that if a tenant meets all other acceptance criteria for the landlord, the landlord should 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, and Washington D.C., have passed Fair Chance bills that are similar to SB937. A number of these jurisdictions have reported success after implementation.² Research has also shown renters in these localities have been given wider access to housing. And landlords have not seen an increase in adverse incidents; nor has implementation of these laws resulted in significant capacity burdens for landlords. Passing SB937 Fair Chance is a step in the right direction for all Marylanders.

For these reasons, Economic Action urges a favorable report on SB937.

Sincerely,
Jennifer Bevan-Dangel, Deputy Director

² 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>.

Economic Action Maryland (formerly the Maryland Consumer Rights Coalition) is a statewide coalition of individuals and organizations that advances economic rights and equity for Maryland families through research, education, direct service, and advocacy. Our 12,500 supporters include consumer advocates, practitioners, and low-income and working families throughout Maryland.

Health Care for the Homeless - SB 937 FAV - Fair C

Uploaded by: Joanna Diamond

Position: FAV



HEALTH CARE FOR THE HOMELESS TESTIMONY

FAVORABLE

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

**Senate Judicial Proceedings Committee
March 11, 2026**

Health Care for the Homeless (HCH) strongly supports SB 937, Maryland Fair Chance Housing Act, which would limit a landlord’s review of an applicant’s criminal record. SB 937 is a vital measure to ensure that our returning Maryland residents are given an equitable opportunity to secure housing.

As part of our integrated services, HCH has a supportive housing team made of therapists, peer advocates and case managers provide crucial support services to help people find and keep housing. As a result of our supportive housing program, 400 people now have stable housing. There is no greater tool for health care than stable housing. Our clinicians, providers and staff directly see that housing is the solution to many problems. Once a client gets stably housed, they find gainful employment, reunite with their families, start relationships and learn to trust again.

Conversely, we see firsthand that criminal records can have detrimental effects on a person’s life, but can particularly present insurmountable barriers to housing. This bill is an effective tool in reducing barriers to housing, which is key to ending homelessness. HCH Chief Behavioral Health Officer, Lawanda Williams, MPH, LCSW-C, who oversees our supportive housing work, speaks to the critical nature of this bill:

SB 937 directly benefits individuals experiencing homelessness by removing systemic barriers that have long excluded people with criminal records from accessing housing. Many individuals experiencing homelessness face criminalization due to survival behaviors, and for the merely living their private lives in public. These records become lasting obstacles to navigate in the pursuit of stable housing, which is the very thing that can actually change the trajectory of one’s life. From my work at Health Care for the Homeless, I know that the success of any intervention I provide is magnified when rooted in housing. Clients are able to begin to address chronic health conditions, restore important family and community relationships, and explore other important goals when they have a safe and stable place to live.

By limiting landlords’ ability to inquire about criminal history prior to conditional housing offers, this bill ensures that prospective tenants are judged based on their ability to pay rent, rather than past transgressions. Transgressions are not hoarded by those experiencing homelessness or those who experience housing instability. Anyone can make a mistake. Maryland, like much of the United States, has a painful history of housing segregation. The discriminatory practices then, including redlining and restrictive covenants, were policy decisions—policy decisions that have impacts today. This legislation takes important strides

towards righting the past, creating pathways to housing and stability for those who need it most.

This legislation is not only compassionate but fiscally responsible. Research consistently shows that investing in housing reduces public costs associated with emergency healthcare, criminal justice involvement, and shelter systems. This bill represents a critical step in addressing homelessness with dignity, efficiency, and fairness. I urge you to support Senate Bill 937.

Every Marylander deserves safe and habitable housing. This bill is an important step to ensure that this becomes a reality. We urge a favorable report on SB 937.

Health Care for the Homeless is Maryland's leading provider of integrated health services and supportive housing for individuals and families experiencing homelessness. We deliver medical care, mental health services, state-certified addiction treatment, dental care, social services, housing support services, and housing for over 11,000 Marylanders annually at sites in Baltimore City and Baltimore County.

Our Vision: Everyone is healthy and has a safe home in a just and respectful community.

Our Mission: We work to end homelessness through racially equitable health care, housing and advocacy in partnership with those of us who have experienced it.

For more information, visit www.hchmd.org.

SB937 FAV Vera Institute of Justice.pdf

Uploaded by: John Bae

Position: FAV

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)

SB 937_MD Center on Economic Policy_FAV.pdf

Uploaded by: Kali Schumitz

Position: FAV

Marylanders Deserve a Fair Chance to Access Housing

Position Statement in Favor of Senate Bill 937

Given before the Senate Judicial Proceedings Committee

Senate Bill 937 establishes clear, fair standards governing how landlords may use criminal history information in residential leasing decisions. The bill prohibits landlords from requesting or considering criminal history information before extending a conditional offer of housing, with limited exceptions for specific serious offenses. Access to stable housing is foundational to economic mobility, employment, health, and public safety. Yet Marylanders with criminal records—many of whom have completed their sentences and are working to rebuild their lives—are routinely denied housing based on broad, automatic screening policies. These blanket exclusions often prevent individuals from even being considered on their merits. Without stable housing, individuals face higher risks of homelessness, unemployment, and recidivism. Housing stability is one of the strongest predictors of successful reentry and safer communities. **For these reasons, the Maryland Center on Economic Policy respectfully requests that the Judicial Proceedings Committee issue a favorable report for SB 937.**

Many states and Washington, D.C. have passed similar “fair chance” housing laws. Research from these jurisdictions has shown that these policies successfully increase access to housing without leading to an increase in adverse incidents for landlords. Furthermore, implementation has not resulted in significant administrative burdens, proving that such policies are both feasible and effective. Maryland must follow suit to ensure fair access to housing for all its residents.

The inequitable impact of broad criminal history screening policies is particularly concerning. Due to longstanding disparities in policing and sentencing, Black Marylanders are disproportionately represented in arrest and conviction data. As a result, policies that automatically exclude applicants with criminal records operate as structural barriers that disproportionately harm Black and Brown communities. SB 937 does not eliminate landlords’ ability to consider serious safety concerns. Instead, it narrows consideration to serious offenses and requires an individualized review, striking an appropriate balance between community safety and fair access to housing.

Importantly, the bill also provides clarity and protection for landlords. It explicitly states that a landlord’s decision to lease to an individual with a criminal history, or not to conduct a criminal history check, cannot itself be the basis for a claim against the landlord. This provision ensures that landlords who choose to adopt fair and inclusive practices are not exposed to additional liability.

Maryland continues to face a severe affordable housing shortage and persistent racial disparities in housing access. Excluding large segments of our workforce and community members from rental housing only deepens instability and undermines economic growth. Fair chance housing policies recognize that people are more than their past mistakes and that housing stability strengthens families and communities.

For these reasons, the Maryland Center on Economic Policy respectfully urges a favorable report on Senate Bill 937.

Equity Impact Analysis: Senate Bill 937

Bill summary

Senate Bill 937, the *Maryland Fair Chance Housing Act*, establishes guardrails on how and when landlords may use criminal history information in residential leasing decisions. The bill prohibits landlords from inquiring into or requiring disclosure of criminal history before extending a conditional offer of housing, with limited exceptions for specific serious offenses. After a conditional offer, landlords may consider only a narrow set of convictions and must conduct an individualized assessment that accounts for rehabilitation, mitigating factors, and the age and severity of the offense.

Background

Access to stable housing is one of the strongest predictors of economic mobility, workforce participation, and public safety. Yet Marylanders with criminal records—many of whom have already served their sentences—face widespread, often automatic exclusion from rental housing. Blanket “no record” policies or early-stage screening practices frequently deny applicants housing before landlords consider rehabilitation, time elapsed, or the nature of the offense.

These practices undermine reentry efforts and increase the risk of homelessness. Research consistently shows that stable housing reduces recidivism and supports successful reintegration. By structuring when and how criminal history can be considered, SB 937 aligns Maryland’s housing policies with evidence-based reentry and public safety strategies.

Equity Implications

Criminal legal system involvement is not evenly distributed. Due to longstanding structural inequities in policing, prosecution, and sentencing, Black Marylanders are disproportionately represented in arrest and conviction data. As a result, blanket criminal history screening policies function as a racial barrier to housing opportunity, even when not explicitly framed as such. SB 937 does **not** prohibit landlords from considering serious safety concerns. Instead, it requires individualized assessment and limits automatic disqualification to a narrow set of serious offenses. This approach promotes safety while preventing overly broad exclusions that perpetuate racial disparities.

For families seeking stability after incarceration—particularly Black and Brown families already disproportionately burdened by eviction and housing instability—access to housing is foundational. Without it, employment, health, and child well-being are all compromised.

Impact

Senate Bill 937 will likely **improve racial, health and economic equity** in Maryland.

Testimony in Support of SB0937_Blaha_Sanctuary Mar

Uploaded by: Katherine Blaha

Position: FAV

Monday, March 9, 2026

Dear Members of the Judicial Proceedings Committee,

I am a resident of Baltimore City and District 41. I am submitting testimony as a member of Sanctuary Maryland. I am testifying in **support** of **SB0937: Landlord and Tenant - Residential Leases - Prospective Tenant Criminal History Records Check (Maryland Fair Chance Housing Act)**.

After completing their sentences and thus paying their debt to society, previously incarcerated individuals often struggle to find housing because of their criminal records. This makes them vulnerable to becoming unhoused or re-offending out of desperation due to their inability to meet the basic human need for shelter.

SB0937 would prohibit a landlord from requiring or requesting that prospective tenants provide information relating to criminal history, and would prohibit a landlord from considering certain information when evaluating prospective tenants. This bill would therefore reduce the barriers previously incarcerated people face in gaining housing and getting their lives back on track. This bill would therefore be instrumental in supporting previously incarcerated people in successfully reintegrating into society and becoming contributing members of their communities, making everyone safer.

It is for these reasons that I am encouraging you to **support SB0937: Landlord and Tenant - Residential Leases - Prospective Tenant Criminal History Records Check (Maryland Fair Chance Housing Act)**.

Thank you for your time, service, and consideration.

Sincerely,
Dr. Katherine Blaha
Baltimore, MD 21209

SB 937 - PBRC - FAV.pdf

Uploaded by: Katherine Davis

Position: FAV



**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

The Pro Bono Resource Center of Maryland (“PBRC”), an independent 501(c)(3) non-profit organization, is the statewide thought leader and clearinghouse for pro bono civil legal services in Maryland. As the designated pro bono arm of the MSBA, PBRC provides training, mentorship, and pro bono service opportunities to members of the private bar and offers direct legal services to over 5,000 clients annually.

In May 2017, with a grant from the Maryland Judiciary’s Access to Justice Department, PBRC launched the Tenant Volunteer Lawyer of the Day (TVLD) Program, now called the Tenant Justice Program (TJP), in Baltimore City Rent Court to provide day-of-court legal representation to tenants. Since then, this continually expanding Program has allowed PBRC staff and volunteer attorneys to represent thousands of tenants in both Baltimore City and Baltimore County in multiple types of legal actions that could result in eviction. An overarching goal of this Program is to promote and preserve stable housing for low-income tenants in Maryland.

In addition to providing legal representation for low-income tenants facing eviction, PBRC provides assistance to our clients after court to help ensure long-term housing stability. For clients who will be evicted or have dangerous conditions in their home that cannot be remedied, we often support clients in their search for alternate affordable housing. Through this process we have witnessed the excessive burdens placed on tenants, especially low-income tenants, as they search for housing. We understand how scarce truly affordable housing is in the Baltimore area. We know that people with criminal records face even tougher barriers as they are often denied housing based upon 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 housing to people with conviction histories 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 housing.

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. SB 937 balances the prospective tenant’s need for fair housing with the landlord’s ability

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>

to screen for certain potentially relevant considerations related to criminal records by putting reasonable limits on a landlord's review of an applicant's criminal record and allowing a prospective tenant to present mitigating evidence.

Many states, Washington D.C., as well as Prince Georges and Montgomery Counties have passed Fair Chance bills similar to SB 937. A number of these jurisdictions have reported success after implementation.³ Passing SB 937 is a step in the right direction for all Marylanders. For these reasons, PBRC, a member of Renters United Maryland, urges a favorable report on SB 937.

For the above reasons,

PBRC urges a FAVORABLE report on SB 937.

Please contact Katherine Davis, Director of PBRC's Courtroom Advocacy Project, with any questions.

kdavis@probonomd.org • 443-703-3049

³ 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.>

Testimony FOR SB0937 Fair Chance -LG.pdf

Uploaded by: Linnie Girdner

Position: FAV

Dear Honorable Chair Smith, Vice Chair Waldstreicher and Members of the Committee,

My name is Linda Girdner and I live in Gambrills, MD. I urge you to **support SB0937** Landlord and Tenant - Residential Leases - Prospective Tenant Criminal History Records Check (**Maryland Fair Chance Housing Act**). This bill prohibits a landlord from requiring or requesting from a prospective tenant certain information relating to criminal history and prohibiting a landlord from considering certain information when evaluating the prospective tenant.

Housing access is one of the most significant challenges facing individuals returning to the community after incarceration. A stable living situation is essential for successful reentry, yet returning citizens face numerous legal and practical barriers to securing housing.

This bill, if enacted, would help make it harder for landlords to discriminate by:

- Precluding a landlord from requiring a prospective tenant to take a drug test or disclose any criminal history on a lease application, except if they are a sex offender or have committed other major crimes, such as first-degree murder or sex trafficking
- Precluding a landlord from publishing any statement that would reasonably discourage a tenant with criminal history to apply for a lease
- Ensuring that the landlord provide a prospective tenant with a physical document stating any reason that they would have been denied a lease

As Bryan Stevenson of the Equal Justice Initiative has said: "Each of us is more than the worst thing we've ever done." After a person has paid their dues to society that person's rental application, with a few exceptions, they should not be considered any differently than another's by the landlord in the initial stages.

I support "Ban the Box" for Housing, meaning that it would delay criminal history inquiries until later in the application process, require individualized assessments, and limit the lookback period for criminal records

These are reasonable measures that will help those persons who are trying to restart their lives get housing. Therefore, I urge you to **vote favorable on SB0937 – Maryland Fair Chance Housing Act**.

Thank you for your consideration.

Linda Girdner

SB937 MALMB Testimony.docx (1).pdf

Uploaded by: Lisa Kovacs

Position: FAV



**Local power, collective voice
for Maryland's children, youth and families**

March 11, 2026

SUPPORT – SB0937 - Landlord and Tenant - Residential Leases - Prospective Tenant Criminal History Records Check (Maryland Fair Chance Housing Act)

Dear Senators:

On behalf of the Maryland Association of Local Management Boards, I am writing in support of **SB0937 - Landlord and Tenant - Residential Leases - Prospective Tenant Criminal History Records Check (Maryland Fair Chance Housing Act)** to protect those looking for housing by prohibiting a landlord from requiring or requesting from a prospective tenant certain information relating to criminal history and prohibiting a landlord from considering certain information when evaluating the prospective tenant.

Local Management Boards in each county and jurisdiction in the State of Maryland work in low income neighborhoods to address the needs of children and families in their respective jurisdiction. We are in a housing crisis, and families are struggling to find affordable housing. With exceptions, this bill prohibits landlords from requesting certain information about their criminal history or even drug tests for housing.

We urge you to support SUPPORT – SB0937 - Landlord and Tenant - Residential Leases - Prospective Tenant Criminal History Records Check (Maryland Fair Chance Housing Act) to support more people to access housing and given them a fair chance.

Sincerely,

Pamela M. Brown, PhD
Chair

SB 937 - CLS Support - Fair Chance in Housing Act.

Uploaded by: Lisa Sarro

Position: FAV



Jessica A. Quincosa, Esq.
Executive Director

Kayla Williams-Campbell, Esq.
Deputy Director

Lisa Sarro, Esq.
Director of Litigation &
Advocacy

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

**Hearing Before the Judicial Proceedings Committee
March 11, 2026**

Position: FAVORABLE

To the Honorable Members of the Judicial Proceedings Committee:

[Community Legal Services](#) (CLS) is a nonprofit legal services organization providing free legal services to income-eligible Marylanders. CLS is a designated Access to Counsel in Evictions (ACE) provider, through which CLS has assisted thousands of tenants in housing matters, with a goal of helping our clients access and maintain housing stability. **We urge a favorable report on Senate Bill 937 to help remove some of the barriers to accessing stable housing.**

In addition to assisting thousands of households with landlord tenant matters, CLS also has a substantial family law and domestic violence practice, and we provide expungement services through clinics and in-house representation. We find that our clients, already in challenging situations, experience substantial housing instability. Often due to circumstances beyond their control, our clients often need a change in their housing situation to provide safer, more stable housing for their children, to move on from strained, unhealthy, or unsafe living situations, or they must move because their landlord has simply decided not to renew their lease without reason. When this happens, **even a minor, old criminal charge on a background check can be an insurmountable barrier to finding alternative housing.**

Although landlords have a legitimate interest in screening prospective tenants to ensure they will be reliable, paying tenants, **studies show that 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. Relying on this research, federal guidance was issued during the Obama and then Biden administrations, stating 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.

Unfortunately, however, despite the research and prior Department of Housing and Urban Development (HUD) guidance derived from that research, **the over the past year HUD has abruptly changed course, reverting to guidance from the early 1990s that relies on outdated stereotyping that makes housing more difficult, if not impossible** for individuals who were involved in the criminal justice system to find and maintain stable housing after they have served their time and moved on.

Historic institutionalized racism in the criminal justice system has had an enormous disparate impact on Black households. With SB 937, Maryland can address harm caused by institutionalized racism in the criminal justice system by ensuring that those who have already been discriminated against in the criminal justice system are not further harmed in their efforts to obtain stable housing to support their lives going forward.

SB 937 would support:

- **Fair consideration** of prospective tenants searching for a home,
- **Reduced harm** flowing from historic, institutional racism,
- **Reduced recidivism** rates in Maryland, and
- **Opportunities** to pursue career and educational programs that they might otherwise be limited in obtaining due to limited housing opportunities for people with a criminal history.

SB 937 **maintains landlords' ability to screen tenants** using criteria that is accurate, relevant, and consistent with the landlord's legitimate screening goals, while at the same time **puts in place safeguards that ensure prospective tenants who could in fact be excellent tenants are not summarily screened out** based on parts of their past that are unrelated to their likelihood of success as a good tenant. It will reduce unnecessary denials, shorten housing searches, and **help Maryland individuals and families obtain one of the most important – if not the most important - keys to success: safe, stable housing.**

We respectfully urge a favorable report on SB 937. Please feel free to reach out to Lisa Marie Sarro, Esq., at Sarro@clspgc.org with any questions.

3.09 - SB 937 - Landlord and Tenant - Residential

Uploaded by: Lonia Muckle

Position: FAV



**SB 937 - Landlord and Tenant - Residential Leases - Prospective Tenant Criminal History Records
Check (Maryland Fair Chance Housing Act)
Senate Judicial Proceedings Committee
March 11, 2026
SUPPORT**

Chair Smith, Vice-Chair, and members of the committee, thank you for the opportunity to submit testimony in support of Senate Bill 937.

The CASH Campaign of Maryland promotes economic advancement for low-to-moderate income individuals and families in Baltimore and across Maryland. CASH accomplishes its mission through operating a portfolio of direct service programs, building organizational and field capacity, and leading policy and advocacy initiatives to strengthen family economic stability. CASH and its partners across the state achieve this by providing free tax preparation services through the IRS program 'VITA', offering free financial education and coaching, and engaging in policy research and advocacy. **Almost 4,000 of CASH's tax preparation clients earn less than \$10,000 annually. More than half earn less than \$20,000.**

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 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 memorandums, in the desire to broaden housing accessibility for all, issuing 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 memorandums 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.^{[3][4]} **On November 25, 2025, the Trump Administration's Department of Housing and Urban Development rescinded both of these memorandums, reverting to guidance from the early 1990s.**^[5] 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 Marylanders the opportunity to pursue career and educational opportunities that they might otherwise be limited

Creating Assets, Savings and Hope



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.**^[6] 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.^[7] Research has shown renters in these localities have been given wider access to housing.^[8] 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.

Thus, we encourage you to return a favorable report for SB 937.

^[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>

^[3] https://www.novoco.com/documents97930/hud_ogc_guide_fha_040416.pdf

^[4] <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>



^[5] [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))

^[6] <https://trends.vera.org/state/MD>

^[7] 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>.

Creating Assets, Savings and Hope

Gaines, M. SB937FAV Testimony.pdf

Uploaded by: Martaze Gaines

Position: FAV

**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

My name is MarTaze Gaines. I am a community organizer on staff at the Legal Defense Fund. I am also a native Baltimorean who has witnessed and experienced the struggles it takes to find housing when a person has criminal history. After working with young people with legal-system involvement who have already reached the ‘age of majority’ or whose cases were waived to the adult courts. Senate Bill 937 (SB 937) is a critical measure to ensure that our returning Maryland residents are given an equitable opportunity not just to secure housing but also to secure housing back in our communities so that we can support their return journey.

Every Marylander deserves safe and habitable housing. However, people with criminal records are often denied housing, even 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 can secure that housing.

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 memorandums, in the desire to broaden housing accessibility for all, issuing 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 memorandums 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.³⁴ **On November 25, 2025, the Trump**

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>

³https://www.novoco.com/documents97930/hud_ogc_guide_fha_040416.pdf

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Administration's Department of Housing and Urban Development rescinded both of these memorandums, reverting to guidance from the early 1990s.⁵ 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 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.**⁶ 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., and Prince Georges and Montgomery Counties have passed Fair Chance bills similar to SB 937. A number of these jurisdictions have reported success after implementation.⁷ Research has shown renters in these localities have been given wider access to housing.⁸ 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.

⁵ [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))

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<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.>

I, respectfully, urge a favorable report on SB 937.

**Thank you,
MarTaze Gaines**

SB937 Testimony.pdf

Uploaded by: Matthew Losak

Position: FAV



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

Matt Losak, (888) 668-7717, info@rentersalliance.org
Executive Director, Renters Alliance, Inc.

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

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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.>

SB937_ShoreLegalAccess_FAVORABLE.pdf

Uploaded by: Meredith Girard

Position: FAV

**SB937 - Landlord and Tenant –
Residential Leases - Prospective Tenant Criminal History
Records Check (Maryland Fair Chance Housing Act)**

**HEARING BEFORE JUDICIAL PROCEEDINGS
3/11/26**

POSITION: FAVORABLE

Shore Legal Access respectfully requests your favorable report for SB937, the Maryland Fair Chance Housing Act. This legislation takes a significant and long-overdue step toward ensuring that Marylanders with criminal records are not categorically locked out of safe, stable housing. By establishing clear rules and safeguards around the use of criminal history in residential leasing decisions, SB937 advances fairness, public safety, and the dignity of all Maryland residents.

Shore Legal Access (SLA) connects people on the Eastern Shore with limited financial means to legal representation and essential community resources. Each year, SLA helps over 3,000 people in our community access the legal system when they would otherwise be shut out. Our small legal team and network of volunteer lawyers provide free legal services for eviction prevention, criminal record expungement, life and estate planning, family law, foreclosure, and consumer debt. These services help families gain financial and housing stability and give people hope and agency over their future.

We know from working extensively with Eastern Shore residents on housing and criminal record expungement that past criminal records are a substantial barrier. Some landlords have blanket company rental policies that prevent someone with any past criminal record from even being considered. Prospective tenants with criminal records tell us that they are asked to pay higher deposits and are scrutinized more rigorously than others. Many of our expungement clients are homeless because they are unable to secure housing due to their past record. Justice system involved people are ten times more likely to be homeless than the general public.

This bill establishes clear procedural safeguards and a process to allow landlords to conduct an individualized assessment of prospective tenants and gives tenants a fair opportunity to request reconsideration. When people have a fair chance at housing, community safety improves, families gain economic stability, and people who are working hard to repair their lives can move forward. That means better lives for families, more tax revenue, and stronger communities. We ask for your favorable report for SB937 to help Maryland families move forward now. For more information about our position, please feel free to reach out to Meredith Girard, Esq., Executive Director, at: mgirard@shorelegal.org, 410-690-8128.



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Favorable SB937.pdf

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Position: FAV

**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

My name is Michael Lent, I am a resident of Parkville, MD 21234 in District 08. I am writing to name my support of Senate Bill 937 (SB 937) as a critical measure to ensure that our returning Maryland residents are given an equitable opportunity to secure housing.

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 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 memorandums, in the desire to broaden housing accessibility for all, issuing 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 memorandums 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.³⁴ **On November 25, 2025, the Trump Administration’s Department of Housing and Urban Development rescinded both of these**

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memorandums, reverting to guidance from the early 1990s.⁵ Maryland needs to step up and fight against the Trump administration's failure to protect our residents.

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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.⁷ Research has shown renters in these localities have been given wider access to housing.⁸ 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.

I urge the Judicial Proceedings Committee to give SB 937 a favorable report.

5

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

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8

Thomas Anderson and Thibault Manekin 2026-3-11.pdf

Uploaded by: Minister Thomas Anderson and Thibault Manekin

Position: FAV



Testimony In Support of the Maryland Fair Chance Housing Act
HB 1073 / SB 937

Minister Thomas Anderson (BUILD) & Thibault Manekin (CEO of Seawall)

Minister Thomas Anderson:

My name is Minister Thomas Anderson and I am a leader with BUILD (Baltimoreans United In Leadership Development) and a minister at Zion Baptist Church in Baltimore City. BUILD is a coalition of almost 50 religious congregations and non-profits in Baltimore City and County and is strongly in support of the Fair Chance Housing Act.

As you will hear today in person -- over the last three years, BUILD and Turnaround Tuesday have listened to more than 1,000 returning citizens and others directly affected by the criminal justice system. We asked each of them what was the biggest roadblock for them coming home from incarceration. We heard story after story, but the #1 issue by far was housing.

We heard about landlords refusing to rent because of criminal background. People wasting money on 5 or 6 applications just to be denied. People not getting a response. And people having to lie or have another person submit an application for them to get an apartment. People going into depression or having to stay in shelters or unsafe locations because they could not find housing.

But I want to share my own story.

I am a former lifer, and I spent 22 and a half years behind prison bars.

When I was released in 2019, I believed I had fully paid my debt to society – only to find that although the prison gates were open, the doors of opportunity were still locked.

I was treated as if I was still expected to pay a debt that I no longer owed. I wore a scarlet letter that branded me, humiliated me, emasculated me, and mutilated my progress. And despite having worked hard to obtain a good job, good credit, and good standing in the community, I was repeatedly denied the dignity of fair and equitable housing.

So in an attempt to change that, I joined forces with BUILD and Turnaround Tuesday to address this issue that impacts me and the more than 1 million people with a record here in Maryland.

Thibault Manekin, Seawall

My name is Thibault Manekin. I'm a real estate developer in Baltimore and the CEO of Seawall, where we develop and operate multifamily housing across the city.

I'm writing in strong support of the Fair Chance Housing Act.

I've been fortunate to build a community of incredible friends in Baltimore. Some of the most inspiring people I know are men who have been impacted by the criminal justice system—men who have served long sentences, who came home, did the hard work, got educated, and are now artists, entrepreneurs, leaders, and advocates in our city.

One of those men is my friend Thomas Anderson, who you've heard testimony from above.

Recently, Thomas shared something with me that stopped me in my tracks.

Without telling me, he applied to rent an apartment in one of our Seawall buildings. He was in the process of looking for housing, but – more than that – he wanted to understand what the process felt like for someone with a record like his.

His application was denied.

When he told me, I was embarrassed.

Here is a man who is helping lead BUILD, one of the most impactful organizations in Baltimore, someone who is actively making our city safer, stronger, and more connected than I ever could—and he couldn't rent an apartment in a building that I helped create.

That can't be the system we stand behind.

If we truly believe in second chances, then our housing policies need to reflect that.

This bill is not just about fairness—it's about unlocking human potential, strengthening our communities, and aligning our practices with the values we say we hold.

I'm proud to stand in support of it, alongside many of my colleagues in the development community.

BUILD Seanate Testimony in Support of the Fair Cha

Uploaded by: Ramioka Robinson

Position: FAV



PREPARED TESTIMONY

**THE IMPORTANCE OF ENDING DISCRIMINATION RELATED TO
HOUSING FOR RETURNING CITIZENS IN MARYLAND (SB 937)**

Submitted by: Ramioka Robinson

Baltimoreans United In Leadership Development (BUILD)

Good evening, and thank you for the opportunity to speak today. My name is Ramioka Robinson.

BUILD (Baltimoreans United In Leadership Development) strongly supports the passage of SB 937 which would end discrimination in housing for most returning citizens in Maryland.

Over the last three years, BUILD and Turnaround Tuesday have listened to more than 1,000 returning citizens and others directly affected by the criminal justice system. This represents a small part of the more than one people with a record who live throughout Maryland.

We asked each of them what was the biggest roadblock for them coming home from incarceration. We heard story after story, but the #1 issue by far was housing.

This is not abstract for me. I am here not just as an advocate, and not just as a professional working in reentry and education—but as a formerly incarcerated woman whose life was put at risk because I could not access safe housing.

I served my sentence—but my punishment did not end when I was released.

As a native Washington, D.C., I was released into Baltimore with no family and no housing. Because of my record, housing options were closed off entirely.

Even though I had been released, I still felt trapped—this time by policy, stigma, and systemic barriers.

With nowhere else to go, I moved in with a former partner, and that situation became abusive. If Fair Chance Housing had been in place, I would have had a real chance to choose safety instead of survival.

Fair Chance Housing is not a reward or a handout—it is the foundation of safety.

Maslow's hierarchy of needs teaches us that before growth or stability, people must first have safety.

Without securing safe housing first, employment, education, recovery, and compliance all become unstable.

How can we expect people to rebuild their lives why simultaneously denying them the foundation needed

to do so?

When housing is denied based solely on a record, it pushes people toward harm, homelessness, or survival choices that undermine public safety.

That is not rehabilitation—it is a continuation of punishment.

Today, I stand before you as someone who survived—and someone who works every day to make reentry safer for others.

I strongly urge you to pass the Fair Chance Housing Act so that release in Maryland means safety, dignity, and a real opportunity to succeed.

Thank you for your time and consideration.

BUILD's History and Track Record on this issue

BUILD – Baltimoreans United In Leadership Development – is a broad-based, non-partisan coalition of more than 35 religious congregations, non-profits, and schools in Baltimore. Founded in 1977, BUILD has a long, productive track record acting on issues related to housing, jobs, schools, safety, and more. This has included the creation of the nation's first living wage ordinance in Baltimore City and working with the state legislature to invest \$1 billion in rebuilding Baltimore City's aging school infrastructure in recent years. We are part of the Industrial Areas Foundation (IAF), the nation's oldest and largest multi-faith organizing network in the United States.

In 2014, BUILD leaders in East Baltimore worked together to launch Turnaround Tuesday, a workforce development movement that connects returning citizens to living wage jobs through direct relationships with employers like Johns Hopkins, the University of Maryland, and more. To date, Turnaround Tuesday has connected more than 2,000 people – mostly returning citizens – to living wage jobs at employers and anchor institutions across Baltimore. Of those, 71% stay for at least two years.

In 2024, BUILD and Turnaround Tuesday led the successful fight to end parole fees for returning citizens in Maryland. This bill was supported by a broad coalition of local and national allies. Following the bill's passage, Gov. Wes Moore announced that he would eliminate \$13 million in debt from parole fees that were past due.

During the 2026 legislative session, we gathered nearly 300 people – mostly people with a record – here in Annapolis to express support for two bills: Clean Slate and Fair Chance Housing.

SB 937 Ray Nosbaum, LBHAT FAV.pdf

Uploaded by: Ray Nosbaum

Position: FAV

**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

My name is Ray Nosbaum. I am a member of the Long Branch Housing Action Team (LBHAT), which is a member of Renters United MD (RUM)

I believe Senate Bill 937 (SB 937) is a critical measure to ensure that returning citizens to Long Branch and all of Maryland are given an equitable opportunity to secure housing.

This is important to residents of Long Branch which is a working-class community made up of many immigrants. Already residents are under threat from Federal agencies and landlords are scrutinizing people submitting tenant applications. Federal agencies are confronting residents who end up having no or minor infractions. Landlords could then also use minor infractions as a reason to deny a housing application

Every resident or future resident of Long Branch and Maryland 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 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 memorandums, in the desire to broaden housing accessibility for all, issuing 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 memorandums outlined that denying an applicant for their criminal history may

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>

be a pretext for unequal treatment of individuals because of their race, color, national origin, disability, or another protected characteristic.³⁴ **On November 25, 2025, the Trump Administration's Department of Housing and Urban Development rescinded both of these memorandums, reverting to guidance from the early 1990s.**⁵ 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 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.**⁶ 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.⁷ Research has shown renters in these localities have been given wider

³https://www.novoco.com/documents97930/hud_ogc_guide_fha_040416.pdf

⁴<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>

⁵[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))

⁶<https://trends.vera.org/state/MD>

⁷ 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.>

access to housing.⁸ 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.

I urge a favorable report on SB 937

Testimony in support of SB0937 - Maryland Fair Cha

Uploaded by: Richard KAP Kaplowitz

Position: FAV

SB0937_RichardKaplowitz_FAV

03/11/2026

Richard Keith Kaplowitz Frederick,
MD 21703

TESTIMONY ON SB#0937- POSITION: FAVORABLE

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

TO: Chair Smith, Jr., Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee
FROM: Richard Keith Kaplowitz

My name is Richard Keith Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of SB#0937, **Landlord and Tenant - Residential Leases - Prospective Tenant Criminal History Records Check (Maryland Fair Chance Housing Act)**

[Fair Chance Housing acts](#) (or "Ban the Box" for housing) are local and state laws that restrict landlords from inquiring about or using an applicant's criminal history during the initial screening process. These laws ... require a conditional offer before a background check is conducted, allowing for an individualized assessment of criminal records.¹

Key Aspects of Fair Chance Housing Laws:

- **"Ban the Box"**
- **Conditional Offer First**
- **Lookback Limitations**
- **Individualized Review**
- **Exceptions**

Specific Regional Examples (As of early 2026):

- **New York City**
- **Maryland**
- **Other**

This bill will assist in securing housing for people whose criminal history has created roadblocks to their reintegration in society.

The bill will prohibit a landlord from requiring or requesting from a prospective tenant certain information relating to criminal history and prohibiting a landlord from considering certain information when evaluating the prospective tenant; permitting a landlord to consider certain criminal history information prior to extending a conditional offer to a prospective tenant and requiring the landlord to consider certain information provided by a prospective tenant relating to a criminal history records check; etc.

I respectfully urge this committee to return a favorable report on SB#0937.

¹ Google AI Search "Fair chance housing act"

SB0937sponsor testimony3.11final.pdf

Uploaded by: Senator Shaneka Henson

Position: FAV

SHANEKA HENSON
Legislative District 30
Anne Arundel County

Judicial Proceedings Committee

Joint Committee on Children,
Youth, and Families



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

SPONSOR TESTIMONY

Senate Bill 937 – Maryland Fair Chance Housing Act

Chair Smith and Members of the Judicial Proceedings Committee,

For the record, I am Shaneka Henson, representing District 30 in Anne Arundel County and member of the JPR Committee. It is my privilege to present Senate Bill 937, the Maryland Fair Chance Housing Act. This legislation strengthens Maryland’s housing framework by establishing clear statutory standards, enhancing procedural fairness, reducing litigation exposure, and supporting consistent, transparent decision-making across the rental market.

Establishing Clear and Predictable Legal Standards

A core strength of SB0937 is its replacement of informal or inconsistent practices with precise statutory rules governing how and when criminal history may be considered in residential leasing. The bill defines key terms—such as conditional offer—and specifies exactly which serious convictions may be considered and at what stage in the process.

For example -- Under current law, two landlords reviewing the same applicant could apply entirely different criteria—one using a decade-old misdemeanor to deny housing, another ignoring it. Such inconsistencies create unnecessary legal risk and undermine fairness. SB0937 replaces this uncertainty with uniform statewide rules.

Embedding Due Process and Procedural Protections

SB0937 builds procedural fairness directly into the leasing process. If a landlord withdraws a conditional offer based on permitted criminal history, the bill requires written notice stating the reason, disclosure of the information relied upon, and advising the applicant of their right to request reassessment.

For example -- An applicant may be flagged for a conviction that was dismissed or expunged in another state. SB0937 ensures they have an opportunity to correct that error before losing a housing opportunity.

Prohibiting Blanket Bans While Allowing Individualized Assessment

The bill eliminates blanket exclusions based solely on the presence of a criminal record. Instead, it requires an individualized assessment considering the nature of the offense, the time elapsed,

rehabilitation, and safety considerations—all consistent with constitutional and civil-rights principles.

SB0937 places enforcement within the Maryland Consumer Protection Act, providing clear civil penalties, rulemaking authority, structured complaint procedures, and protections for landlords acting in good faith.

SB0937 reflects thoughtful legislative drafting that advances the Judicial Proceedings Committee's priorities: legal clarity, fairness, due process, and predictable enforcement.

After hearing from John Bae with the Vera Research Institute and Ramieka Robinson, affected tenant, and for the reasons stated above, I respectfully urge the Committee to issue a favorable report on Senate Bill 937.

SB0937_OFJ_FAV_TrevericSpeaks.pdf

Uploaded by: Terry Speaks

Position: FAV



OUT FOR JUSTICE

TESTIMONY IN SUPPORT OF SB0937:

Maryland Fair Chance Housing Act

March 11, 2026

From: Treveric Speaks

To: Members of the Judicial Proceedings Committee

Dear Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

My name is Terry Speaks, and I serve as a Leadership Development Organizer with Out For Justice. At Out For Justice, Inc. (OFJ), we work with families navigating complex systems every day, a grassroots organization whose mission is to engage, educate, and empower individuals impacted by the legal system.

I am in strong support of SB 937, the Fair Chance Housing Act, which would provide access to housing, a basic need for all humans, despite the mistakes or past records. My support for this bill is not just as an advocate, but as someone who has lived this reality.

I spent ten years of my life incarcerated. During that time, I worked on myself. I prepared for reentry. I made a commitment that when I came home, I would live differently and contribute positively to my community. And I have done exactly that. I am employed, earn enough income to afford housing, and my credit meets the standards required for an apartment. Yet the hardest barrier I continue to face is housing.

I have completed applications, paid non-refundable fees, and met every financial qualification; only to be denied because of my record. Not because I cannot pay. Not because I am irresponsible. Not because I am unqualified. But simply because of a past conviction.

That rejection sends a message that no matter how much you grow, no matter how hard you work, no matter how much you contribute, you will never be fully accepted. Housing is not a luxury, it is a human right. It is stability. It is dignity. It is the foundation that allows someone to maintain employment, reconnect with family, and truly reintegrate into society.

Senate Bill 937 would create a fairer process. It would prevent landlords from asking about criminal history at the beginning of the application process and require them to first evaluate whether someone qualifies as a tenant. Only after a conditional offer could a limited set of serious convictions be considered, and even then landlords must conduct an individualized assessment that allows the applicant to present evidence of rehabilitation and mitigating circumstances.



This approach recognizes that people are more than the worst moment of their lives. It ensures that someone who has worked to rebuild their life has a real chance to secure stable housing, while still allowing landlords to consider serious safety concerns.

Stable housing is one of the most important factors in successful reentry. When people have a safe place to live, they are more likely to maintain employment, support their families, and contribute to their communities. When housing is denied, the risk of instability and recidivism increases, not because people want to fail, but because the system leaves them with fewer options.

This bill gives people like me a fair chance to move forward.

For these reasons, Out For Justice respectfully urges a favorable report on Senate Bill 937.

Respectfully,
Terry Speaks, He/him
Leadership Development Organizer
Out For Justice Inc.

SB 937 - SWASC - Fair Chance Housing - FAV.pdf

Uploaded by: UM SWASC

Position: FAV

TESTIMONY IN SUPPORT OF SENATE BILL 937
Landlord and Tenant - Residential Leases - Prospective Tenant Criminal
History Records Check (Maryland Fair Chance Housing Act)
Senate Judicial Proceedings Committee
March 11, 2026

Social Work Advocates for Social Change strongly supports SB 937, which would standardize how and when criminal history may be considered by landlords, require fairer and more transparent screening practices, and strengthen landlord oversight and accountability - **increasing access to housing for those with prior legal contact and creating a safer and healthier Maryland for all.**

Standardizing and narrowing the scope of tenant screenings is imperative to prevent suitable rental applicants from being denied housing. Numerous widely used screening practices in Maryland present major barriers to housing for individuals with *any* prior contact with the legal system – no matter how trivial or long ago.¹ These include practices such as prolonged lookback periods (i.e., the window of time a landlord may search an applicant’s past), conflation of arrests with convictions, and frequent reliance on incomplete, outdated, and inaccurate information – increasingly provided by “artificial intelligence” tools.

As social work students, we believe **housing is a fundamental human right – and access to housing should not be summarily denied because of a person’s history with the legal system.** Current Maryland law permitting extensive criminal background checks of rental applicants is incompatible with the social work profession’s core value of human dignity. One in three adults in the U.S. has a criminal history.² Due largely to barriers to housing, formerly incarcerated people are almost 13 times more likely to experience homelessness than the general public.³

The inability of many people with a criminal history to obtain housing – together with enormous gaps in access to social services – has meant law enforcement is often the first and last line strategy for dealing with unhoused individuals and many other vulnerable populations.⁴ These systemic failures fuel cycles of incarceration and housing insecurity that not only undermine the health, wealth, and safety of those in the most desperate circumstances – they also make our communities less safe for everyone.⁵ More than 200,000 unhoused adults are arrested each year nationwide.⁶

Discriminatory housing practices disproportionately impact people of color. Historical, structural, and systemic forces perpetuate extensive ongoing racial and ethnic disparities in the U.S. prison population and in housing access. In Maryland specifically, Black people comprise 71% of the prison population and 59% of the homeless population, despite making up only 29% of the general population.⁷ In addition, Black households are currently twice as likely to be renters compared with White households.⁸ Without laws like SB 937, which help ensure people and populations disproportionately targeted by law enforcement and the carceral system have access to safe and affordable housing, these disparities will continue to increase.

Research consistently shows that prior justice system contact does not determine whether someone is a good tenant, and broad criminal background searches do not improve resident safety.⁹ Multiple jurisdictions nationwide have developed laws over the last decade geared to decreasing discriminatory housing practices. Researchers in Cook County, IL, New Jersey, and Washington, DC, found no indication that landlords have reported more frequent incidents with tenants since enacting Fair Chance Housing laws there between 2017 and 2022. The researchers also found that each of these laws increased access to housing for individuals returning to their communities from incarceration.¹⁰

SB 937 will yield cost-savings to the state and taxpayers beyond those identified in the fiscal note.¹¹ The prison revolving door is expensive. The average annual cost to incarcerate a person in Maryland is roughly \$60,000.¹² The estimated cost of future prison time for people released from Maryland prisons in 2022 – and expected to return to prison based on Maryland recidivism data – is \$98 million.¹³ That’s future incarceration for just the individuals who leave our prisons in a single year. Based on these costs, even small reductions in incarceration driven by improved housing access could generate substantial savings.¹⁴ Further savings could come from reduced emergency room visits and psychiatric hospitalizations for unhoused adults as well as decreased spending on law enforcement.¹⁵

By reducing housing discrimination and enabling employment, SB 937 could decrease reliance on public assistance while generating new earnings and tax revenue that would not otherwise exist. Nearly three-quarters of formerly incarcerated Marylanders are unemployed one year after release.¹⁶ When people with records are able to secure stable housing, they are better positioned to obtain and maintain work, pursue education or training, and build financial stability.¹⁷ As employment and income rise, reliance on state-funded assistance programs declines while economic activity and sales-tax contributions increase.¹⁸ These employment-driven fiscal gains – combined with reduced recidivism and incarceration costs associated with housing stability – have the potential to produce meaningful net savings and broader economic benefits for the state.¹⁹

Those with criminal history have received the appropriate legal consequences according to the court of law. Continuing to punish them by limiting their access to housing is unjust and harmful to everyone. Safe and stable housing is essential to every individual’s physical and emotional well-being and is a precursor to the ability to contribute to one’s community and society. For the reasons discussed above, **Social Work Advocates for Social Change urges a favorable report on SB 937.**

Social Work Advocates for Social Change is a coalition of MSW students at the University of Maryland School of Social Work that seeks to promote equity and justice through public policy, and to engage the communities impacted by public policy in the policymaking process.

¹ Kajeepeta, S. (2025). *Barred from housing: The discriminatory impacts of criminal history restrictions in tenant screening*. Thurgood Marshall Institute. <https://tminstituteldf.org/criminal-background-checks-housing-barrier/>

² Nat’l. Conference of State Legislatures. (2025). *Criminal records and reentry toolkit*. www.ncsl.org/civil-and-criminal-justice/criminal-records-and-reentry-toolkit

³ Couloute, L. (2018). *Nowhere to go: Homelessness among formerly incarcerated people*. Prison Policy Initiative. <https://www.prisonpolicy.org/reports/housing.html>

⁴ See, re: national trends, The Brookings-AEI Working Group on Criminal Justice Reforms. (2021). *A better path forward for criminal justice*. https://www.brookings.edu/wp-content/uploads/2021/04/Better-Path-Forward_Brookings-AEI-report.pdf

⁵ Kajeepeta, S. (2025).

⁶ Wang, L. (2025). *Jailing the homeless: New data shed light on unhoused people in local jails*. Prison Policy Initiative. www.prisonpolicy.org/reports/housing.html

⁷ Prison Policy Initiative. *Maryland profile*. <https://www.prisonpolicy.org/profiles/MD.html>; The Maryland Interagency Council on Homelessness. (2021).

2020/2021 report on homelessness. <https://dhcd.maryland.gov/HomelessServices/Documents/2021AnnualReport.pdf>

⁸ Kajeepeta, S. (2024). *Spatial and racialized disparities in evictions: Case studies from New York and Maryland*. NAACP Legal Defense and Education Fund.

<http://dx.doi.org/10.2139/ssrn.4919121>

⁹ Kajeepeta, S. (2025).

¹⁰ Chesnut, K., et al. (2025). *Fair chance housing: Lessons in implementation*. Vera Institute of Justice. <https://vera-institute.files.svcdn.com/production/downloads/publications/Fair-Chance-Housing-Lessons-in-Implementation.pdf>

¹¹ See Maryland General Assembly. (2025). *Fiscal and policy note for House Bill 1077: Landlord and Tenant - Residential Leases - Prospective Tenant Criminal History Records Check (Maryland Fair Chance Housing Act)*. (estimated annual costs for 2026 through 2030 ranging from \$251,000 and \$285,400)

¹² Maryland General Assembly. (2024). *Fiscal and policy note: Department of Public Safety and Correctional Services—Operating budget*.

¹³ The Council of State Governments Justice Center. (Apr. 2024). *50 states, 1 goal: Examining state-level recidivism trends in the Second Chance Act era*. https://csgjusticecenter.org/wp-content/uploads/2024/04/50-States-1-Goal_For-PDF_with508report.pdf

¹⁴ A reduction in the state’s prison population of 1 to 5% (approximately 145 to 725 people) could translate to roughly \$9 million to \$43 million in annual correctional savings, with larger long-term reductions possible as housing stability lowers recidivism.

¹⁵ National Alliance to End Homelessness. (2017). *Ending chronic homelessness saves taxpayers money*. <https://endhomelessness.org/resources/research-and-analysis/ending-chronic-homelessness-saves-taxpayers-money-2/>

¹⁶ MD Dept. of Labor. (2023, April). *Benchmarks of success: Recognizing nat’l second chance month*. <https://content.govdelivery.com/accounts/MDLLR/bulletins/358b398>

¹⁷ Urban Institute. (2012).

¹⁸ Council of Economic Advisers. (2016). *Economic perspectives on incarceration and the criminal justice system*. Washington, DC: Executive Office of the President. <https://obamawhitehouse.archives.gov/sites/whitehouse.gov/files/documents/CEA%2BCriminal%2BJustice%2BReport.pdf>

If SB 937 enabled even a modest 5 to 10% increase in the share of recently incarcerated Marylanders who secured employment (about 1,000 to 2,000 additional workers annually), the resulting earnings could generate about \$0.8 million to \$2.5 million/year in new Maryland income-tax revenue alone, based on typical wages in the reentry labor market.

¹⁹ Duran, L., Plotkin, M., Potter, P. & Rosen, H. (2013, Sept.). *Integrated reentry and employment strategies*. Council of State Governments Justice Center. <https://bia.ojp.gov/sites/g/files/xyckuh186/files/Publications/CSG-Reentry-and-Employment.pdf>

SB0937 - FAV - RR.pdf

Uploaded by: Victoria Rodriguez

Position: FAV

Monday, March 9, 2026

Dear Members of the Judicial Proceedings Committee,

I am a resident of Baltimore City and District 40. I am submitting testimony as a member of Sanctuary Maryland. I am testifying in **support of SB0937: Landlord and Tenant - Residential Leases - Prospective Tenant Criminal History Records Check (Maryland Fair Chance Housing Act)**.

After completing their sentences and thus paying their debt to society, previously incarcerated individuals often struggle to find housing because of their criminal records. This makes them vulnerable to becoming unhoused or re-offending out of desperation due to being barred from meeting their basic human need for shelter.

SB0937 would prohibit a landlord from requiring or requesting that prospective tenants provide information relating to criminal history, and would prohibit a landlord from considering certain information when evaluating prospective tenants. This bill would therefore reduce the barriers previously incarcerated people face in gaining housing and getting their lives back on track. SB0937 would therefore be instrumental in supporting previously incarcerated people in successfully reintegrating into society and becoming contributing members of their communities, making everyone safer.

It is for these reasons that I am encouraging you to **support SB0937: Landlord and Tenant - Residential Leases - Prospective Tenant Criminal History Records Check (Maryland Fair Chance Housing Act)**.

Thank you for your time, service, and consideration.

Sincerely,
Rice Rodriguez
Baltimore, MD 21223

Waunita Scott - March 2026 HB 1073_SB 937 testimon

Uploaded by: Waunita Scott

Position: FAV

RE: Maryland Fair Chance Housing Act
HB 1073
SB 937

Good afternoon, Chair, Ranking Member, and Members of the Committee,

Thank you for the opportunity to testify.

My name is Waunita Scott. I have been a housing provider in Baltimore City since 2023, and I am the founder of Mavrik Village, a low-barrier, community-based housing model serving returning citizens. I am here in strong support of the Maryland Fair Chance Housing Act (HB 1073/SB 937).

I have housed tenants with and without criminal records, and I can say clearly: people with records are no different than any other tenants. In my experience, they are not dangerous, they pay their rent on time, and they do not disturb the community. What they face are automatic denials that ignore who they are today and the progress they've made.

I have worked with justice-impacted individuals for over 25 years in community settings, public education, and corrections. In 2024, while exploring opening a halfway house and having used the traditional high-barrier screening process for rentals, I saw firsthand how difficult it is for someone with a record to secure housing, no matter how stable or qualified they are. I had a vacant two-bedroom apartment, furnished it, and decided to start with what I had. That decision evolved into Mavrik Village.

What I have seen since then is simple: when people have stable housing, they work, they reconnect with their families, and they rebuild their lives. Housing is not a reward—it is the foundation for public safety and successful reentry.

This bill is not burdensome for landlords. A conditional offer followed by a background check is a reasonable, structured process. It preserves the landlord's discretion while ensuring applicants are evaluated individually rather than automatically denied.

The Maryland Fair Chance Housing Act is a balanced, practical step toward safer communities and stronger families. I respectfully urge a favorable report. Thank you for your time and consideration.

SB0937 - Maryland Legal Aid - FAV.pdf

Uploaded by: Zafar Shah

Position: FAV



Senate Bill 937

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

Hearing in the Senate Judicial Proceedings Committee
On March 11, 2025

Position: FAVORABLE

Maryland Legal Aid submits its written and oral testimony on SB 937 at the request of bill sponsor Senator Shaneka Henson.

Maryland Legal Aid (MLA) is a non-profit law firm that provides free legal services to the State’s low-income and vulnerable residents. Our offices serve residents in each of Maryland’s 24 jurisdictions and handle a range of civil legal matters, the most prominent of which is housing. Because we know that our clients face a tight rental market in which housing opportunities are continually out of reach, Maryland Legal Aid urges a **favorable** report on SB 937, the Fair Chance in Housing Act.

SB 937 will curtail the denial of rental housing opportunities based on applicants’ criminal history and prohibit advertising that discourages individuals with a criminal history from applying. The bill prohibits the use of criminal background checks in the initial application phase and permits the use of certain conviction history only after an applicant has been deemed qualified and given a conditional offer to lease. This balanced approach is already in effect in New Jersey, Washington, D.C., New York City, and Chicago. In Maryland, Montgomery County and Prince George’s County have enacted “Ban the Box” style policies similar but weaker than SB 937. A statewide Fair Chance in Housing law will dramatically improve access to rentals for many formerly incarcerated renters.

One million Marylanders impacted

As of 2022, the number of U.S. residents who have a criminal record of some kind reached 116.4 million,¹ up from an estimated 100 million in 2016.² The Clean Slate Initiative reports that in 2019 more than one million Marylanders, or approximately 22 percent of the state population, had some type of

¹ Bureau of Justice Statics, U.S. Dep’t of Justice, *Survey of State Criminal History Information Systems*, 2022, 3 (Sept. 2024), available at <https://www.ojp.gov/pdffiles1/bjs/grants/309360.pdf>.

² US. Department of Housing and Urban Development, *Office of General Counsel Guidance on Application of Fair Housing Act Standards on the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions*, (Apr. 16, 2026) (“HUD Guidance”), available at <https://www.fairhousingnc.org/document/hud-guidance-on-criminal-records-and-fair-housing-act-april-4-2016/> citing, Bureau of Justice Statistics, U.S. Dep’t of Justice, *Survey of State Criminal History Information Systems*, 2012, 3 (Jan. 2014), available at <https://www.ncjrs.gov/pdffiles1/bjs/grants/244563.pdf>.

criminal legal system involvement.³ In Maryland, “incarcerated people... are disproportionately from Baltimore City” while “some areas of the state — like the southern Eastern Shore and Hagerstown — are also disproportionately affected by incarceration.”⁴

When individuals are released from prisons and jails, their access to safe, secure, and affordable housing is critical to successful reentry to society.⁵ Housing serves as a foundation for gaining employment and family reunification.⁶ When individuals attain stable housing after incarceration, they “are more likely to reintegrate into their communities and less likely to end up back in prison than their formerly incarcerated peers in more precarious housing situations.”⁷ Yet “[r]esearchers have found that formerly incarcerated individuals are far more likely to be homeless than the general public”⁸ and that “formerly incarcerated people are most likely to be homeless in the period shortly after their release.”⁹

One study has found that in the first two years after release from incarceration, a person is more than twice as likely to be homeless compared to year four and beyond.”¹⁰ In other words, the time just after release is pivotal. By making housing opportunities more available, the Fair Chance in Housing Act supports the social and economic rehabilitation of reentering individuals. Longer look-back periods, such as 5-year or 7-year windows, defeat the most high-impact potential of this bill.

SB 937 eliminates the use of charges, arrests, and low-level offenses to deny rental applications. **The bill would have aided Marylanders like our client Ms. Brown** in Frederick. She had a criminal record consisting of a single instance, a 2019 conviction for misdemeanor theft, with a sentence of six months

³ The Clean Slate Initiative, “Clean Slate Initiative Data Dashboard,” accessed Feb. 3, 2025, <https://www.cleanslateinitiative.org/data>.

⁴ Justice Policy Institute, *WHERE PEOPLE IN PRISON COME FROM: THE GEOGRAPHY OF MASS INCARCERATION IN MARYLAND* (June 2022), available at <https://www.justicepolicy.org/research/where-people-in-prison-come-from-the-geography-of-mass-incarceration-in-maryland>.

⁵ See, e.g., S. Metraux, et al., “Incarceration and Homelessness,” *Toward Understanding Homelessness: The 2007 National Symposium on Homelessness Research*, #9 (D. Dennis, et al. eds., 2007), available at, <https://www.huduser.gov/portal/publications/pdf/p9.pdf> (explaining “how the increasing numbers of people leaving carceral institutions face an increased risk of homelessness and, conversely, how persons experiencing homelessness are vulnerable to incarceration.”).

⁶ 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>

⁷ *Supra* n.1.

⁸ Rachel M. Cohen, “Will limiting criminal background checks make rental housing fairer?” *Vox*, 14 June 2023, available at <https://www.vox.com/policy/23750632/housing-landlords-renter-fair-chance-criminal-record-background-check>.

⁹ Prison Policy Initiative, “Nowhere to Go: Homelessness among formerly incarcerated people,” 23 Feb. 2024, available at <https://www.prisonpolicy.org/reports/housing.html>.

¹⁰ *Supra* n.2.

in jail, all of which was suspended. She served 18 months of supervised probation. Yet, when she applied for an apartment in the summer of 2024, more than five years after that conviction, Ms. Brown's application was denied because she had a criminal record. Maryland Legal Aid attempted to appeal this denial. We raised mitigating factors, such as the minor severity of the offense, its misdemeanor status, and the fact that Ms. Brown had reformed. In response, the prospective landlord reasoned simply that those factors did not matter. "Our policy," they told us, "is if you have a criminal record within the last seven years, your application will be denied and there is nothing we can do about it."

For a misdemeanor, from five years ago, Ms. Brown was denied housing. SB 937 will ensure that cannot happen again.

Tenant screening under SB 937

The Fair Chance in Housing Act does not completely ban the use of criminal records in tenant screening. Instead, the bill provides a three-stage process for tenant screening:

1. Initial screening

The landlord may conduct an initial screening based on non-criminal factors, such as consumer history and references, as well as:

- Convictions for sex offenses, including sexual assault, rape, attempted rape, solicitation of a minor convictions related to sexual assault (Crim. Law Art., Title 3, Subtitle 3);
- Convictions for child pornography (Crim. Law Art. § 11-207);
- Convictions for human trafficking (Crim. Law Art. § 3-1102);
- Convictions for first- and second-degree murder within the past 10 years;
- Convictions for methamphetamine manufacturing on the premises of federally assisted housing (if application is for tenancy in such housing);
- Lifetime registration requirement under a state sex offender registration program.

The landlord must consider the following information, if provided by the applicant, evidence of inaccuracies in the applicant's criminal history, evidence of rehabilitation, and other mitigation factors.

2. Conditional offer and second screening

If the landlord makes a conditional offer of a lease to the applicant, the landlord may then assess the following additional information about the applicant's conviction history:

- Murder in the first degree (Crim. Law Art. § 2-201)
- Human trafficking (Crim. Law Art. § 3-1102);
- Sexual offenses, including sexual assault, rape, attempted rape, and solicitation of a minor (Crim. Law Art., Title 3, Subtitle 3);
- Child pornography (Crim. Law Art. § 11-207);

- Any crime resulting in lifetime registration in a state sex offender registry;
- Within the 3 years preceding the offer:
 - Kidnapping (Crim. Law Art. § 3-502)
 - Arson (Crim. Law Art. §§ 6-102 and 6-103)
 - Assault in the first degree (Crim. Law Art. § 3-202)
 - Burglary in the first degree (Crim. Law Art. §6-202)
 - Manufacturing a controlled dangerous substance (Crim. Law Art. § 5-612); and
 - Felony fraud

3. **Withdrawal of conditional offer and notice**

Based on this conviction history information, the landlord may withdraw the conditional offer if it is “necessary to fulfill a substantial, legitimate, and non-discriminatory interest.” SB 937 will require the landlord to notify the applicant of the specific reason for withdrawal and notify the applicant that they may request a reassessment based on evidence of mitigating factors.

4. **Reassessment**

The reassessment stage is especially important to the second-chance objective of this legislation. Within 30 days after notice of withdrawal of the offer, the applicant may request the landlord to provide, within 10 days, a copy of all information that factored into the landlord’s withdrawal of the offer and may appeal the withdrawal by providing the landlord evidence of mitigating factors, rehabilitation, or inaccuracies in the conviction history.

The landlord’s reassessment of the withdrawal must take into account six factors:

- The nature and severity of the criminal offense;
- The age of the applicant at the time that the criminal offense occurred;
- The amount of time that has elapsed since the criminal offense occurred;
- Information regarding rehabilitation and good conduct since the criminal offense occurred;
- The degree to which the criminal offense, if it were to reoccur, would negatively impact the safety of the property and other tenants; and
- Whether the criminal offense occurred on or was connected to a property leased to the applicant.

Notably, SB 937 does not prescribe a time for completion of the reassessment phase, nor does the bill require the landlord to keep a unit available to the applicant during the reassessment.

SB 937 operationalizes HUD guidance

While the Department of Housing and Urban Development (HUD) has issued guidance about the non-discriminatory use of criminal history in the tenant screening process, those guidance documents do

not provide an enforceable procedure. Worse, on November 25, 2025, HUD rescinded its memoranda, reverting to guidance from the early 1990s.¹¹

Nonetheless, SB 937 adopts the framework of HUD’s contemporary Fair Chance guidance and, importantly, adds specific procedures to that framework.

HUD’s November 2015 Notice PIH 2015-19 cautions public housing agencies (PHAs) and federally assisted housing owners against the use of arrest records as the sole basis for denying housing and reminds those housing providers that HUD does not require “one strike” screening policies. The guidance suggests best practices for criminal history screening, such as

- Allowing applicants to present mitigating circumstances
- Adopting “lookback” periods of 12 to 24 months for certain criminal offenses
- Adopting assessment factors, such as the length of the conviction, recovery or rehabilitations, and whether the applicant’s offense relates to the safety of other residents.

These best practices are included in SB 937.

Additionally, HUD’s Office of General Counsel issued guidance in April 2016 on how the Fair Housing Act applies to the use of criminal history by providers or operators of housing and real estate related transactions. The guidance also “addresses how the discriminatory effects and disparate treatment methods of proof apply in Fair Housing Act cases in which a housing provider justifies an adverse housing action – such as a refusal to rent or renew a lease – based on an individual’s criminal history.”¹²

While some landlords may have responded to HUD guidance by proactively establishing internal business procedures to avoid the risk of discrimination claims related to criminal history screening, applicants have no statutory means to ensure fair enforcement of those internal procedures.

Preventative and enforceable approach to fair housing

At present, only the Fair Housing Act and its state law analog restrict the use of criminal background in the tenant screening process. Those antidiscrimination laws prohibit the use of criminal history in so far as that use is proxy for discrimination against a protected class.¹³ However, antidiscrimination laws offer relief *after* the discrimination has occurred, and their remedies are encumbered by the substantial

¹¹ U.S. Dep’t of Housing and Community Development, “SOHUD Letter to PHAs and Owners re. Public Safety,” (Nov. 25, 2025) [https://www.novoco.com/public-media/documents/hud-criminal-screening-](https://www.novoco.com/public-media/documents/hud-criminal-screening-11262025.pdf?utm_source=NLHC+All+Subscribers&utm_campaign=a783ddb168-Memo_120825&utm_medium=email&utm_term=0_-41cf60b129-&ct=t(Memo_120825))

11262025.pdf?utm_source=NLHC+All+Subscribers&utm_campaign=a783ddb168-Memo_120825&utm_medium=email&utm_term=0_-41cf60b129-&ct=t(Memo_120825)

¹² National Reentry Resource Center, “Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions,” April 4, 2016,

<https://nationalreentryresourcecenter.org/resources/office-general-counsel-guidance-application-fair-housing-act-standards-use-criminal>.

¹³ *See id.*

time and resources necessary to bring civil rights claims. To pursue a claim under Maryland’s Fair Housing Act, an applicant must first go through an administrative review process before they can file their case in court.¹⁴ Then the applicant must demonstrate not only that the landlord denied the housing opportunity based on criminal history, but also that this use of the criminal history had a discriminatory impact on a protected class.¹⁵

By contrast, SB 937 offers a preventative approach to limiting the use of criminal history and preventing the discriminatory harm of blanket “no criminal record” policies. The Fair Chance approach restricts the use of criminal history from the outset of the lease application process, ensuring that potential applicants have, from the start, a fair chance to be evaluated.

Additionally, SB 937 includes two critical enforcement mechanisms: the complaint process via the Maryland Office of the Attorney General as well as the court complaints for violations of the Consumer Protection Act. These tools will prove invaluable to giving the Fair Chance policy teeth in the rental housing market.

Protections for landlords against liability

SB 937 will also protect prospective landlords who give an applicant a second chance from liability for having done so. The bill precludes findings of liability against a landlord for having rented a unit to a person with a criminal record or their decision not to obtain a criminal history record check. SB 937 also mandates that the Maryland Attorney General develop a “Model Notice” that landlords would use to notify prospective tenants of their rights regarding the use of their criminal background checks. This Model Notice will help ensure uniformity across the state.

The Fair Chance in Housing Act provides a fair, transparent process for rental screening and decision-making based on conviction information. This bill is streamlined, structured around only two look-back periods: a “forever” look-back for major convictions and a 3-year look-back for other serious convictions. Maryland Legal Aid believes SB 937 will help to reduce homelessness and recidivism among the reentering population. We urge the Committee to report **FAVORABLE** on Senate Bill 937.

If you have any questions, please contact:

Zafar Shah, Advocacy Director for Human Right to Housing
(443) 202-4478
zshah@mdlab.org

¹⁴ *Connoly v. Lanham*, 685 F.Supp.3d 312, 334-336 (D. Maryland, 2023), interpreting Md. State Gov. §§20-705, 20-707, and 20-1013 (concluding that “[i]n combination with the administrative exhaustion doctrine, the state legislature’s editorial changes indicate a requirement to first exhaust administrative remedies” before seeking judicial relief).

¹⁵ See *supra* note 11.

SB937.pdf

Uploaded by: Ashley Clark

Position: FWA



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

Committee: Judicial Proceedings Committee

Date: March 11, 2026

Position: Favorable with Amendments

This testimony is offered on behalf of the Maryland Multi-Housing Association (MMHA). MMHA is a professional trade association established in 1996, whose members consist of owners and managers of more than 214,000 rental housing homes in over 1015 apartment communities. Our members house over 571,000 residents of the State of Maryland. MMHA also represents over 270 associate member companies who supply goods and services to the multi-housing industry.

Senate Bill 937 (“SB 937”) prohibits a landlord from requiring or requesting certain criminal history from a prospective tenant when evaluating their rental application. In addition, it not only limits the look back periods, but also enumerates which offenses may be considered after extending a conditional offer. Lastly, the bill establishes that violations of this new process are actionable under Maryland’s unfair and deceptive trade practices law.

MMHA understands the intent of the bill and with that in mind, offer several amendments. The first is the removal of the conditional offer. We believe that this group of prospective tenants should not have to go through multiple steps to gain access to housing. Instead, a list of convictions that could subject a prospective tenant to a denial of their application could be outlined in the written notice. As such, the prospective tenant will be able to make an informed decision about whether they would like to apply for housing at a desired property. Thus, the removal of the conditional offer would eliminate the need for a two-step process.

Secondly, we believe that there should be a tiered system related to convictions. We have attached a matrix below which outlines our proposal for recommended convictions and their requisite look back periods. This list fairly depicts what landlords should be able to assess when evaluating applications for all prospective tenants. While it is true that a landlord cannot guarantee someone’s safety, we do have a duty to mitigate risks, particularly if they are known, for the safety of all tenants.

Lastly, we are open to the Office of Tenant and Landlord Affairs office collecting data related to compliance complaints but have concerns about the publishing of that data. Specifically, the legislation is silent in terms of the duration of the published information. It also does not define what is considered “good faith compliance” to ensure there is a tangible justification for a landlord’s identifying information being published on their website.



It is for these reasons that MMHA respectfully requests a favorable report with amendments on SB 937. We welcome the opportunity to engage further on this bill with the Sponsor to expand the list of convictions. Please contact Ashley Clark at ashley.clark@mdlobbyist.com with any questions or concerns. Thank you.

Criminal Records Matrix	3-Year Look Back	7-Year Look Back	Denial Optional
Abduction		X	
Accessory to Crime		X	
Aiding and Abetting	X		
Arson		X	
Assault 1st Degree		X	
Assault 2nd Degree	X		
Assault with Intent to Commit any Crime		X	
Attempt to Engage in Organized Crimes		X	
Battery - Non Domestic		X	
Blackmail		X	
Breaking & Entering		X	
Bribery		X	
Bribery/Embezzlement: Felony		X	
Bribery/Embezzlement: Misdemeanor		X	
Burglary		X	
Carjacking		X	
CDS: Conspiracy to manufacture/distribute/dispense		X	
CDS: Hiring/Soliciting/Engaging/Using a minor for the purpose of Manufacturing/Distributing/Delivering		X	
CDS: Manufacture/Distribute/Dispense		X	
CDS: Possession with intent to manufacture/distribute/dispense		X	
Child Abuse		X	
Child Neglect		X	
Child Selling			X
Confinement of an Unattended Child	X		
Conspiracy		X	
Conspiracy: crime of violence or destruction		X	
Conspiracy: related to drugs or crimes of violence or destruction		X	
Contributing to Certain Conditions of a Minor (Delinquency, In need of Supervision or Assistance)	X		
Counterfeiting		X	



MARYLAND MULTI-HOUSING ASSOCIATION, INC.

Credit Card Abuse	X		
Destruction of Property	X		
Discharging Firearm		X	
Disorderly Conduct	X		
Distribute to Minor		X	
Domestic Abuse/Violence (Assault, Battery, Harass, Telephone)	X		
Drug Trafficking or Smuggling		X	
Embezzlement		X	
Exploitation of a Minor		X	
Extortion		X	
Extortion/Blackmail: Felony		X	
Extortion/Blackmail: Misdemeanor		X	
Felon Possessing Firearm		X	
Forgery		X	
Forgery: Felony		X	
Forgery: Misdemeanor		X	
Fraud		X	
Fraud: Felony		X	
Fraud: Misdemeanor		X	
Gang Participation		X	
Handgun/Weapons Violations		X	
Harboring a Runaway Child		X	
Incest			X
Indecent Exposure		X	
Kidnapping			X
Larceny		X	
Malicious Destruction of Property: Felony		X	
Manslaughter		X	
Manufacture/Sale/Distribute Drugs		X	
Manufacturing Destructive Device		X	
Murder/Homicide			X
Negligent Use of Firearm		X	
No Gun Permit	X		
Obscene Material		X	
Perverted practice		X	
Pornography		X	
Illegal Possession of CDS Schedule 1 and 2		X	
Possession of Deadly Weapon		X	
Possession/Use of a weapon during commission of a crime		X	
Prostitution/Pandering/Bawdyhouse		X	
Rape			X



MARYLAND MULTI-HOUSING ASSOCIATION, INC.

Receiving Stolen Property	X		
Robbery		X	
Sex Offender - Failure to Register			X
Sex Offender - Registered			X
Sex Offenses			X
Theft		X	
Theft: (not NSF Check Related) Felony		X	
Theft: (Not NSF Check Related) Misdemeanor		X	
Theft: NSF check related, over \$300 value	X		
Unnatural or perverted practices			X
Vandalism	X		
Wire Tapping	X		

Declaration of Dr Karl Hanson.pdf

Uploaded by: Brenda Jones

Position: FWA

Declaration of Dr. R. Karl Hanson.
United States District Court for the Northern District of California.
Civil Case No. C 12 5713. Filed 11-7-12

Selection:

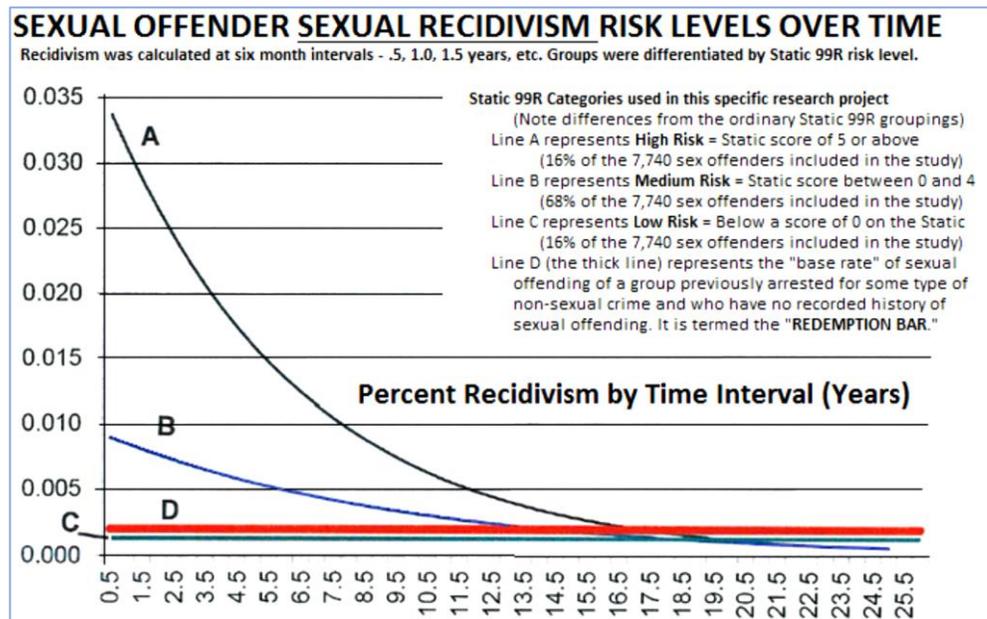
I, R. Karl Hanson, declare as follows:

I am a Senior Research Scientist at Public Safety Canada. Throughout my career, I have studied recidivism, with a focus on sex offenders. I discuss in this declaration key findings and conclusions of research scientists, including myself, regarding recidivism rates of the general offender population and sex offenders in particular. The information in this declaration is based upon my personal knowledge and on sources of the type which researchers in my field would rely upon in their work. If called upon to testify, I could and would competently testify thereto.

Summary of Declaration:

My research on recidivism shows the following:

- 1) Recidivism rates are not uniform across all sex offenders. Risk of re-offending varies based on well-known factors and can be reliably predicted by widely used risk assessment tools such as the Static-99 and Static-99R, which are used to classify offenders into various risk levels.
- 2) Once convicted, most sexual offenders are never re-convicted of another sexual offence.
- 3) First-time sexual offenders are significantly less likely to sexually re-offend than are those with previous sexual convictions.
- 4) Contrary to the popular notion that sexual offenders remain at risk of reoffending through their lifespan, the longer offenders remain offence-free in the community, the less likely they are to re-offend sexually. Eventually, they are less likely to re-offend than a non-sexual offender is to commit an "out of the blue" sexual offence.
 - a) Offenders who are classified as low-risk by Static-99R pose no more risk of recidivism than do individuals who have never been arrested for a sex-related offense but have been arrested for some other crime.
 - b) After 10 - 14 years in the community without committing a sex offense, medium-risk offenders pose no more risk of recidivism than individuals who have never been arrested for a sex-related offense but have been arrested for some other crime.
 - c) After 17 years without a new arrest for a sex-related offense, high-risk offenders pose no more risk of committing a new sex offense than do individuals who have never been arrested for a sex related offense but have been arrested for some other crime.
- 5) Based on my research, my colleagues and I recommend that rather than considering all sexual offenders as continuous, lifelong threats, society will be better served when legislation and policies consider the cost/benefit break point after which resources spent tracking and supervising low-risk sexual offenders are better re-directed toward the management of high-risk sexual offenders, crime prevention, and victim services.



SB937 FAIR FWA.pdf

Uploaded by: Brenda Jones

Position: FWA

Favorable with Amendments Response to SB937 Landlord and Tenant–Residential Leases–Prospective Tenant Criminal History Records Check

Families Advocating Intelligent Registries (FAIR) seeks rational and constitutional sexual offense laws and policies for persons accused and convicted of sexual offenses. We strongly support efforts to facilitate reintegration of individuals who have paid their debt to society and seek only the opportunity to lead productive and lawful lives. FAIR supports SB937, with two amendments:

- (1) would eliminate a disparity of treatment for certain offenses for which a Landlord is allowed to request information before issuing a conditional offer, and
- (2) to clarify that a landlord may inquire before extending a conditional offer and withdraw a conditional offer **only** with respect to the individual's lifetime sex offense registration status under **Maryland** law – not the laws of other states.

Arbitrary Difference in Lookback Period for Certain Offenses Prior to Conditional Offer

Under the bill, a landlord may ask about certain offenses prior to issuing a conditional offer. In the case of murder, the lookback is limited to 10 years. In the case of sexual offenses and child pornography, there is no limit to how far back the review goes. Therefore, an individual previously convicted of a sexual offense or a child pornography offense 30 years ago (or an offense the individual committed as a juvenile – such as sexting between juveniles) could be effectively eliminated from lease consideration **without an individual consideration of their case (as required once a conditional offer is made)**. The bill should be amended to impose a 10-year lookback period for the enumerated sexual offenses prior to conditional approval.

We are assuming that the 10-year look back provision for murder is written into the bill because it is well-established that murder is the category of offense with the lowest recidivism rate nationwide, and, further, that recidivism reduces dramatically with time. Please note that sexual offenses are well-established as being the category with the second lowest recidivism rates, as demonstrated in the graph on page 2. Nationwide, for individuals under lifetime sex offender Registration requirements, it is well-established that recidivism risk falls very rapidly within just the first few years post-conviction.

In the case of sexual offenses, stable housing is a strong predictor of reduced recidivism. With the policy goal of the bill being public safety, housing stability for individuals known to be at the lowest recidivism rates to begin with should be encouraged, not discouraged as would occur under the pre-screening provision of this bill.

The Bill's Registry Provision is Inconsistent

Maryland's 3-tier registration scheme, while somewhat aligned with the federal framework, disproportionately puts far more people (roughly 70%) in Tier 3 (lifetime registration) than recommended by federal guidelines. Many of these registered individuals could benefit from this bill with no risk to public safety, if a viable path forward is established. Many long-time, law-abiding Marylanders who committed a Registerable offense 20, 30 or more years ago – or who committed their offense when they, themselves, were children – will be adversely affected by this bill. But rather than attempt to tackle this huge issue in the context

of this bill, we are recommending one modest amendment (page three) to assist registered individuals with housing opportunities, aligned with existing Maryland law and without risk to public safety.

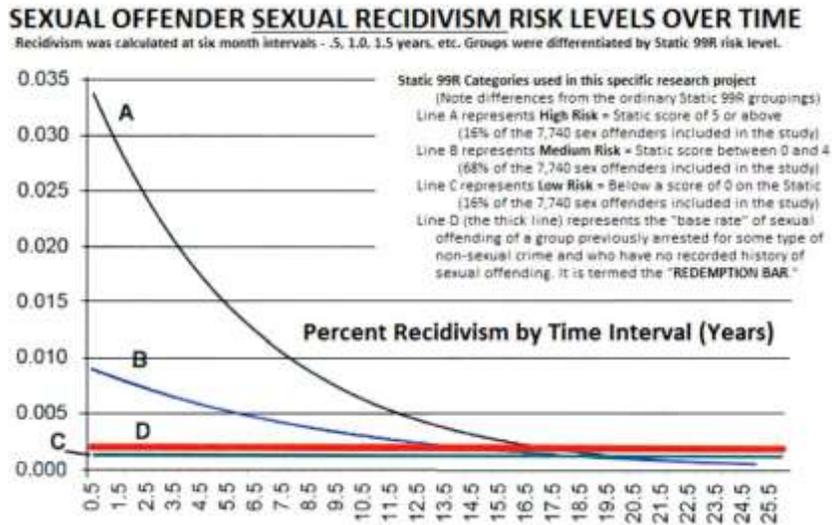
Many states arbitrarily impose lifetime registration, regardless of tier classification or risk of re-offense.¹ When a registered individual moves to Maryland, the state conducts a review and assigns a tier level designation, which should be the sole relevant factor in a landlord's evaluation of the individual's criminal history concerning the registry. FAIR is aware of multiple cases in which Maryland registrants have been assigned Tier 1 status (registration for 15 years) for their out-of-state offense but had the lifetime registration requirement in their former state, despite that state having no jurisdiction over Maryland law.²

Should this bill be approved to move forward, we propose amendments to SB937, also outlined on page 3, before its passage.

Sincerely,



Brenda V. Jones, Executive Director
Families Advocating Intelligent Registries



From Declaration of Dr. R. Karl Hanson, included separately with this testimony.

¹ For example, Texas authorities acknowledge that Tier 1 individuals do not pose any risk yet they subject them to blanket lifetime registration. "Level one (low): indicates that the person poses a low danger to the community and will not likely engage in criminal sexual conduct." Texas Department of Public Safety, <https://www.dps.texas.gov/section/crime-records/faq/criminal-history-records-and-texas-sex-offender-registration-program-faq#Sex-offender>

² Registration is a civil requirement applied by each state. It is not part of a person's actual sentence or supervision.

Proposed changes to SB937

8-2A-04 (A)(2)(II)

IS **OR WILL BE** SUBJECT TO A LIFETIME REGISTRATION REQUIREMENT UNDER **MARYLAND'S A**
~~STATE~~ SEX OFFENDER REGISTRATION PROGRAM.

8-2A-05 (A)(3)

ANY CRIME **REQUIRING** ~~RESULTING IN~~ LIFETIME REGISTRATION IN **MARYLAND'S A STATE** SEX
OFFENDER REGISTRY;

8-2A-04 (A)(2)

(2) A LANDLORD MAY REQUIRE INFORMATION REGARDING WHETHER A PROSPECTIVE TENANT:

(I) HAS BEEN CONVICTED OF:

1. FOR A POTENTIAL TENANCY IN FEDERALLY ASSISTED HOUSING, MANUFACTURING
METHAMPHETAMINE ON THE PREMISES OF FEDERALLY ASSISTED HOUSING;

~~2. SEXUAL OFFENSE UNDER TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE;~~

~~3. CHILD PORNOGRAPHY UNDER §11-207 OF THE CRIMINAL LAW ARTICLE;~~

~~4.~~ **2.** IF THE CONVICTION OCCURRED WITHIN 10 YEARS IMMEDIATELY PRECEDING THE
RENTAL APPLICATION:

A. MURDER IN THE FIRST DEGREE UNDER §2-201 OF THE CRIMINAL LAW ARTICLE; OR

B. MURDER IN THE SECOND DEGREE UNDER §2-204 OF THE CRIMINAL LAW ARTICLE;

OR

C. A SEXUAL OFFENSE UNDER TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE; OR

D. CHILD PORNOGRAPHY UNDER §11-207 OF THE CRIMINAL LAW ARTICLE; OR

~~5- 3.~~ **3.** HUMAN TRAFFICKING UNDER §3-1102 OF THE CRIMINAL LAW ARTICLE.

AOBA SB937 FWA.pdf

Uploaded by: Brian Anleu

Position: FWA



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

Committee: **Judicial Proceedings**

Date: **March 11, 2026**

Position: **Favorable with amendments**

The Apartment and Office Building Association (AOBA) of Metropolitan Washington is a nonprofit trade association representing the owners and managers of more than 23 million square feet of commercial office space and 167,000 apartment rental units in Montgomery and Prince George's counties. AOBA submits this testimony in support of Senate Bill 937 with amendments.

SB 937 establishes a statewide fair chance housing framework that restricts when and how landlords may consider criminal history in residential leasing. It prohibits inquiry into criminal history before a conditional offer, limits the specific convictions that may be considered, requires individualized assessments before withdrawing an offer, and makes violations enforceable under the Maryland Consumer Protection Act.

Many AOBA members are proud to offer second chance housing to returning citizens. To that end, AOBA supports the disclosure, individualized assessment, some of the limitations on convictions that may be considered, and the collection of compliance data. However, AOBA urges the Committee to amend the bill to align with Montgomery County's Housing Justice Act (attached) rather than enacting a stricter statewide standard.

Montgomery County's law:

- Prohibits inquiry into arrests that did not result in conviction;
- Limits consideration of low-level misdemeanors;
- Permits consideration of certain serious sex crimes and pending accusations;
- Preserves individualized assessment standards; and
- Provides enforcement through the Office of Human Rights.

This balanced approach increases access to housing for returning citizens without being overly prescriptive.



SB 937 goes significantly further by limiting the list of convictions that may be considered and reducing the lookback period to 3 years for certain serious felonies. It also creates a more rigid framework that limits landlord discretion, which will only serve to increase compliance and legal costs for landlords.

AOBA respectfully requests that the Committee:

1. Replace the enumerated conviction limitations in SB 937 with the Montgomery County framework;
2. Maintain the prohibition on consideration of arrests not resulting in conviction;
3. Allow consideration of serious convictions within a reasonable lookback period;
4. Preserve the individualized assessment requirement; and
5. Remove the Consumer Protection Act enforcement.

Aligning with Montgomery County would ensure consistency across jurisdictions and avoid creating a stricter standard than the state's most progressive county.

For more information, please contact Brian Anleu at banleu@aoba-metro.org.

Bill No. 49-20
Concerning: Human Rights and Civil Liberties – Discrimination in Rental Housing – Fair Criminal History and Credit Screenings
Revised: 4/20/2021 Draft No. 7
Introduced: December 8, 2020
Enacted: April 20, 2021
Executive: April 30, 2021
Effective: July 20, 2021
Sunset Date: None
Ch. 9, Laws of Mont. Co. 2021

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Councilmembers Glass and Katz
Co-Sponsors: Councilmembers Jawando, Rice, Navarro and Riemer

AN ACT to:

- (1) prohibit a landlord from raising a stated rent in certain circumstances;
- (2) require a rental application to contain certain information about record checks conducted by a housing provider;
- (3) prohibit certain inquiries regarding criminal histories in rental housing applications;
- (4) prohibit consideration of certain arrests and convictions in rental housing decisions; and
- (5) generally amend the law regarding discrimination in housing and landlord-tenant affairs.

By amending

Montgomery County Code
Chapter 27, Human Rights and Civil Liberties
Sections 27-14

By adding

Montgomery County Code
Chapter 27, Human Rights and Civil Liberties
Section 27-15A

By amending

Montgomery County Code
Chapter 29, Landlord-Tenant Affairs
Section 29-28

The County Council for Montgomery County, Maryland approves the following Act:

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

27 (B) the refusal to consider income derived from any criminal
 28 activity.

29 * * *

30 **27-15A. Fair criminal history and credit screenings in rental housing.**

31 (a) Definitions. As used in this Section:

32 Applicant means a person who applies to lease or rent housing in the
 33 County. Applicant includes any person who resides or will reside with a
 34 person who applies to lease or rent housing in the County.

35 Arrest record means information indicating that a person has been
 36 apprehended, detained, taken into custody, held for investigation, or
 37 otherwise restrained by a law enforcement agency or military authority
 38 due to an accusation or suspicion that the person committed a crime.

39 Conditional offer means an offer of housing conditioned solely on:

- 40 (1) the results of an inquiry into the applicant's criminal record; or
- 41 (2) another contingency expressly communicated to the applicant at
 42 the time of the offer.

43 Conviction record means information regarding a sentence arising from
 44 a verdict or plea of guilty or nolo contendere, including a sentence of
 45 incarceration, a fine, a suspended sentence, and a sentence of probation.

46 Criminal record report means a record of a person's arrest and
 47 conviction history obtained from any source.

48 Housing provider means any person, individual, proprietorship,
 49 partnership, joint venture, corporation, limited liability company, trust,
 50 association, or other entity offering to sell, rent, or provide housing in
 51 the County. Housing provider includes the County government, but
 52 does not include the United States, any State, or any other local

53 government. *Housing provider* does not include a lessor of property
 54 under Section 27-14(a) or a lessor of an accessory dwelling unit.

55 *Inquiry* or *inquire* means any direct or indirect conduct intended to
 56 gather information, using any mode of communication. *Inquiry* or
 57 *inquire* does not include a question about an applicant's conviction
 58 record or arrest record when the existence of the record is disclosed by
 59 the applicant voluntarily and not in response to a question.

60 *Pending criminal accusation* means an existing written accusation that
 61 an individual has committed a crime, in the form of an indictment or
 62 information under the Criminal Procedure Article of the Maryland
 63 Code.

64 (b) *Transparency of criminal history and credit requirements in rental*
 65 *applications.*

66 (1) A housing provider must disclose in any rental application:

67 (A) the processes the provider uses to inquire into the criminal
 68 history and credit history of an applicant; and

69 (B) requirements of the provider regarding an applicant's
 70 credit history[[, arrest history,]] and [[conviction history]]
 71 criminal record report.

72 (2) The housing provider must not alter the processes and
 73 requirements under paragraph (1) for an applicant whose
 74 application is pending.

75 (c) *Criminal records inquiry on application.* A housing provider must not
 76 require an applicant to disclose on a rental application the existence or
 77 details of the applicant's arrest record or conviction record.

78 (d) *Preliminary inquiry into criminal record.* A housing provider must not,
 79 at any time before the extension of a conditional offer to the applicant:

80 (1) require the applicant to disclose whether the applicant has an
81 arrest record or conviction record, or otherwise has been accused
82 of a crime;

83 (2) conduct a criminal record check regarding the applicant; or

84 (3) inquire of the applicant or others about whether the applicant has
85 an arrest record or conviction record or otherwise has been
86 accused of a crime.

87 (e) *Prohibition against inquiry into certain criminal records.* A housing
88 provider must not at any time require an applicant to disclose, conduct a
89 criminal record check solely to determine, or otherwise inquire of the
90 applicant or others, whether:

91 (1) the applicant has been arrested for, or has an arrest record for, a
92 matter that did not result in a conviction; or

93 (2) the applicant has an arrest record or a conviction record for, or
94 otherwise has been accused of:

95 (A) trespass under §§ 6-402 or 6-403 of the Criminal Law
96 Article of the Maryland Code;

97 (B) theft as a misdemeanor under § 7-104 of the Criminal Law
98 Article of the Maryland Code;

99 (C) a refusal or failure to leave public buildings or grounds
100 under § 6-409 of the Criminal Article of the Maryland
101 Code;

102 (D) indecent exposure under § 11-107 of the Criminal Article
103 of the Maryland Code;

104 (E) public urination under § 32-17-A of this Code;

105 (F) an open container violation under § 10-125 of the Criminal
106 Law Article of the Maryland Code;

- 107 (G) possession of marijuana as a misdemeanor or civil
 108 violation under Title 5 of the Criminal Article of the
 109 Maryland Code;
- 110 (H) a first conviction of disturbance of the peace or disorderly
 111 conduct under § 10-201 of the Criminal Law Article of the
 112 Maryland Code;
- 113 (I) a vehicle law violation under the Transportation Article of
 114 the Maryland Code;
- 115 (J) except as provided in subsection (g), a conviction of a
 116 misdemeanor if at least 2 years have passed since:
- 117 (i) the date of the conviction; and
 118 (ii) the date that any period of incarceration for the
 119 misdemeanor ended; or
- 120 (K) a matter for which records:
- 121 (i) are confidential under § 3-8A-27 of the Courts and
 122 Judicial Proceedings Article of the Maryland Code;
 123 or
- 124 (ii) have been expunged under §§ 10-101 – 10-110 of
 125 the Criminal Procedure Article of the Maryland
 126 Code.
- 127 (f) Consideration of Certain Records Prohibited. Except as provided in
 128 subsection (g), a housing provider must not base a rental decision upon
 129 any item in an arrest record or a conviction record described under
 130 subsection (e).
- 131 (g) Consideration of Sex Crimes Permitted. A landlord may:
- 132 (1) inquire into [[an arrest record]] a pending criminal accusation or a
 133 conviction record for:

- 134 (A) a crime of a sexual nature under Title 3 of the Criminal
 135 Law Article of the Maryland Code; or
- 136 (B) a violation of Sections 11-102, 11-103, 11-104, 11-305, or
 137 of Title [[2]] 11, Subtitle 3, of the Criminal Law Article of
 138 the Maryland Code;
- 139 (2) inquire into an applicant's presence on a sex offender registry;
 140 and
- 141 (3) base a rental decision upon [[an arrest record]] a pending criminal
 142 accusation or a conviction record under paragraph (1) of this
 143 subsection, or upon an applicant's presence on a sex offender
 144 registry.
- 145 (h) *Rescission of a conditional offer based on criminal record.*
- 146 (1) If a housing provider intends to rescind a conditional offer based
 147 on an item or items in the applicant's [[arrest record or conviction
 148 record]] criminal record report, before rescinding the conditional
 149 offer the provider must:
- 150 (A) provide the applicant with a copy of any criminal record
 151 report;
- 152 (B) notify the applicant of the intention to rescind the
 153 conditional offer and the items that are the basis for the
 154 intention to rescind the conditional offer; and
- 155 (C) delay rescinding the conditional offer for 7 days to permit
 156 the applicant to give the housing provider notice of
 157 inaccuracy of an item or items on which the intention to
 158 rescind the conditional offer is based.
- 159 (2) If a housing provider decides to rescind a conditional offer based
 160 upon the [[arrest record or conviction record]] criminal record

161 report of an applicant, the provider must notify the applicant of
162 the rescission of the conditional offer in writing.

163 (i) Retaliation. A housing provider must not:

164 (1) retaliate against any person for:

165 (A) lawfully opposing any violation of this Section; or

166 (B) filing a complaint, testifying, assisting, or participating in
167 any manner in an investigation, proceeding, or hearing
168 under this Section; or

169 (2) obstruct or prevent enforcement or compliance with this Section.

170 (j) A person aggrieved by an alleged violation of this Section may file a
171 complaint with the Director of the Officer of Human Rights under
172 Section 27-7.

173 (k) The County Executive:

174 (1) may adopt Method (2) regulations to implement the provisions of
175 this Section; and

176 (2) must endeavor to inform prospective applicants and housing
177 providers of their rights and responsibilities under this Section.

178 (l) Exemption. The prohibitions and requirements of this Section do not
179 apply if the inquiries prohibited by this Article are expressly required by
180 an applicable federal or State law or regulation.

181 **Sec. 29-28. Leasing requirements generally.**

182 * * *

183 (h) Rental applications. A rental application must comply with the
184 requirements of Section 27-15A.

185 (i) A landlord must not increase the rent included on a completed rental
186 application:

187 (1) within 7 calendar days of the application; or

188 (2) based upon any discriminatory purpose prohibited under Chapter
189 27, including the source of income of the prospective tenant.

190 **Sec. 2. Short Title.** This Act may be referred to as the Housing Justice Act.

Approved:

 _____ 4/20/2021

Tom Hucker, President, County Council

Date

Approved:

 _____ 4/30/2021

Marc Elrich, County Executive

Date

This is a correct copy of Council action.

 _____ 4/30/2021

Selena Mendy Singleton, Esq., Clerk of the Council

Date

SB 937_realtors_unf.pdf

Uploaded by: William Castelli

Position: UNF



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.

For more information contact lisa.may@mdrealtor.org or christa.mcgee@mdrealtor.org

SB 937-JPC-LOI.pdf

Uploaded by: ARLISA ANDERSON

Position: INFO

Robin Truiett-Theodorsen
Chairperson | Board of Commissioners

Janet Abrahams
President | Chief Executive Officer



March 11, 2026

TO: Members of the Economic Matters Committee
FROM: Janet Abrahams, HABC President & CEO 
RE: Bill SB 937 – Landlord and Tenant - Residential Leases – Prospective Tenant Criminal History Records Check (Maryland Fair Chance Housing Act)
POSITION: Letter of Information/Request for Clarifying Language

Chair Valderrama, Vice Chair Charkoudian, and Members of the Economic Matters Committee, please be advised that the Housing Authority of Baltimore City (HABC) wishes to submit testimony on SB 937 Landlord and Tenant – Residential Leases – Prospective Tenant Criminal History Records Check (Maryland Fair Chance Housing Act).

SB 937 Landlord and Tenant – Residential Leases – Prospective Tenant Criminal History Records Check (Maryland Fair Chance Housing Act) proposes to prohibit a landlord from requiring or requesting from a prospective tenant certain information relating to criminal history and prohibiting a landlord from considering certain information when evaluating the prospective tenant; permitting a landlord to consider certain criminal history information prior to extending a conditional offer to a prospective tenant and requiring the landlord to consider certain information provided by a prospective tenant relating to a criminal history records check; authorizing a landlord to consider certain criminal convictions only after extending a conditional offer to a prospective tenant and authorizing a landlord to withdraw a conditional offer under certain circumstances; prohibiting a landlord from publishing certain housing advertisements; establishing that the lease of residential property to an individual with a criminal record or the decision of a landlord not to conduct a criminal history records check is not the basis of a claim against a landlord; requiring the Office of Tenant and Landlord Affairs in the Department of Housing and Community Development to develop and publish a certain model document; requiring the Attorney General to collect and maintain certain data and publish certain information relating to collected data annually on the Attorney General’s website; making a violation of this Act an unfair, abusive, or deceptive trade practice subject to enforcement and certain penalties under the Maryland Consumer Protection Act; and generally relating to the use of criminal history records checks in residential leasing.

Housing Authority of Baltimore City | 417 East Fayette Street, Baltimore, MD 21202

 410.396.3232  www.HABC.org     @BmoreHabc 

The Housing Authority of Baltimore City (HABC) is one of the country's largest public housing authorities (PHAs) and Baltimore City's largest provider of affordable housing opportunities. HABC serves over 46,000 individuals in Baltimore City through its Public Housing and Housing Choice Voucher (HCVP) programs. HABC is federally funded by the U.S. Department of Housing and Urban Development (HUD) and is subject to federal regulations that pertain to the operation of its housing programs.

HABC already follows a three-year criminal history lookback period, and our current policies and procedures for admission to our Public Housing and Housing Choice Voucher programs are consistent with those contained within in the bill. However, HUD requirements mandate that all Public Housing Authorities (PHAs) establish lifetime bans on the admission to the Public Housing and Housing Choice Voucher (Tenant-Based Section 8) programs for:

- Individuals found to have manufactured or produced methamphetamine on the premises of federally assisted housing (24 CFR 960.204, 24 CFR 982-553); and
- Sex offenders subject to a lifetime registration requirement under a state sex offender registration program (24 CFR 960.204, 24 CFR 982.553)

We request that the language be consistent with this requirement be added to the bill.

Additionally, HABC requests clarifying language in Section 8-2A-06 of the bill that prohibits a landlord from publishing any oral or written statement that would reasonably discourage a prospective tenant with a criminal history from applying for a lease.

Federal statutes and regulations require PHAs to adopt certain governing and operating policies for their housing assistance programs. PHAs communicate those policies, rules and requirements concerning their operations, programs, and services through the Public Housing Admissions and Continued Occupancy Policy (ACOP) and the Housing Choice Voucher Program Administrative Plan. These documents describe in detail the PHA's policies with respect to key topics such as eligibility, tenant selection, admissions preferences, waitlist procedures, rent determination, utilities, transfers, occupancy guidelines, grievance procedures, pet ownership, and the community service and self-sufficiency requirement. Both documents are updated annually and published on our website, and they both contain information regarding ineligibility due to criminal history. Therefore, we request that it be made clear in the bill that a landlord does not violate SECTION 8-2A-06 by publishing its admission policies that comply with applicable laws.

In sum, HABC is in support of SB 937, but requests the addition of clarifying language as discussed above.

Respectfully submitted.

SB 937_Consumer Protection Division_Information_FI

Uploaded by: Kira Wilpone-Welborn

Position: INFO

CAROLYN A. QUATTROCKI
Chief Deputy Attorney General

LEONARD J. HOWIE III
Deputy Attorney General

CARRIE J. WILLIAMS
Deputy Attorney General

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Deputy Attorney General

ZENITA WICKHAM HURLEY
Deputy Attorney General



**STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL
CONSUMER PROTECTION DIVISION
HOUSING UNIT**

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Deputy Division Chief

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General Counsel

CHRISTIAN E. BARRERA
Chief of Staff

KIRA WILPONE-WELBORN
Unit Chief

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