

Bill No. 8-24
Concerning: Human Rights and Civil
Liberties – Fair Criminal History and
Credit Screenings - Amendments
Revised: 7/25/2024 Draft No. 4
Introduced: March 5, 2024
Enacted: July 30, 2024
Executive: August 8, 2024
Effective: November 7, 2024
Sunset Date: None
Ch. 12, Laws of Mont. Co. 2024

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Sayles
Cosponsors: Councilmembers Glass and Katz

AN ACT to:

- (1) require posting a notice regarding the use of criminal arrest and conviction in rental housing decisions;
- (2) clarify a certain addendum or statement is required for rental applications;
- (3) require a landlord retain a rental application addendum for a certain period;
- (4) require a landlord [[provide to the County]] certify as part of the annual rental housing survey receipt of a completed criminal and credit screening addendum;
- (5) require annual reporting of certain disaggregated data related to rental applications; and
- (6) generally amend the law regarding discrimination in housing and landlord-tenant affairs.

By amending

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

Montgomery County Code
Chapter 29, Landlord-Tenant Affairs
Sections 29-27, 29-28 and 29-51

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>

Sec. 1. Sections 27-15A, 29-27, 29-28, and 29-51 are amended, as follows:

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

* * *

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

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

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

(B) requirements of the provider regarding an applicant's credit history and criminal record report.

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

(3) A housing provider must retain for one year from the date of the rental application a copy of each applicant's completed statement or addendum as required under Section 29-28(h)(2) that details the process under paragraph (1). Upon request, the addendum may be subject to inspection and review by the Director of the Office of Human Rights.

* * *

(m) [[Posting of notice. A housing provider must post a notice in a conspicuous place where details regarding an application for rental housing are customarily posted, whether in paper form or by electronic posting, that reads: “In accordance with Section 27-15A of the Montgomery County Code, a housing provider may not ask questions related to criminal arrest or a conviction before a conditional offer for rent is made to an applicant unless otherwise permitted by law.”]]

Posting of disclosure notice - required.

(1) A housing provider must post a disclosure statement regarding an application for rental housing:

(A) on a website operated and controlled by the housing provider; and

(B) in an obvious and conspicuous place of a leasing office available for tenants.

(2) The disclosure statement under this subsection must read: “In accordance with Section 27-15A of the Montgomery County Code, a housing provider may not ask questions related to criminal arrest or a conviction before a conditional offer for rent is made to an applicant unless otherwise permitted by law.”

(n) Inspection of rental application. Each quarter during a calendar year, the Director must randomly conduct an inspection of completed rental applications submitted by an applicant to a landlord for any licensed rental building that has 10 or more units to ensure compliance with this Chapter. Failure of an owner to provide the dated and signed rental application with its contents for review may be considered a violation of this Chapter.

(o) Annual reporting. By October 1 of each year, the Director of Office of Human Rights, [[may]] must coordinate with the Director of Department of Housing and Community Affairs, to provide an annual report to the County Council that includes disaggregated data on the following:

(1) the number of complaints received by the Office of Human Rights regarding the denial of a rental applications by a housing provider;

(2) the specific reason an application under paragraph (1) was denied;

- (3) the number of complaints filed with the Office of Human Rights for failure to comply with this Section;
- (4) the number of complaints filed under this Section compared to other types of discriminatory complaints received by the Office of Human Rights; [[and]]
- (5) summary findings of the inspections performed under subsection (n); and
- (6) any other related data pertinent to this Act.

29-27. Contents of lease.

* * *

- (a)(a) include the addendum under Section 29-28(h)(2) that was signed and dated by the occupying tenant.

29-28. Leasing requirements generally.

* * *

- (h) *Rental applications.* A rental application must:

- (1) comply with the requirements of Section 27-15A[.]; and
- (2) include a statement or addendum on a form prescribed by the Director of the Department that is signed and dated by the applicant, [[that]] which details the processes for screening criminal history and credit [[report]] history as required under Section 27-15A(b)(1).

* * *

29-51. Rental housing data collection.

* * *

- (e) The Director, at a minimum, must include in the survey a questionnaire for each landlord to certify whether the occupying tenant completed a criminal history and credit screening addendum as required under Section

29-28(h)(2). The survey form must request the date of the signed addendum.

~~[(e)]~~ (f) The housing data collected must be used to measure the supply and availability of rental housing, as well as other operating characteristics. Each landlord must provide the following to the County:

- (1) The location of each rental facility, including the zip code;
- (2) Structure type;
- (3) Year built;
- (4) Distribution of units by standard bedroom sizes;
- (5) The number of units by bedroom size that were re-rented during the month;
- (6) The number of vacant days applicable to those units;
- (7) The rent charged for each rental unit;
- (8) The rent charged for each re-rented unit before vacancy; and
- (9) The new turnover rent charged for each re-rented unit.~~[[; and~~
- (10) A copy of the addendum or statement provided under Section 29-28(h) only for the tenant currently renting the unit reported under this Section. If the rental housing is reported as vacant or not offered for rent, the landlord is required to specify that no rental application was provided within the last 12 months.]]

[(f)] <u>(g)</u>	*	*	*
[(g)] <u>(h)</u>	*	*	*
[(h)] <u>(i)</u>	*	*	*
[(i)] <u>(j)</u>	*	*	*
[(j)] <u>(k)</u>	*	*	*
[(k)] <u>(l)</u>	*	*	*

Approved:

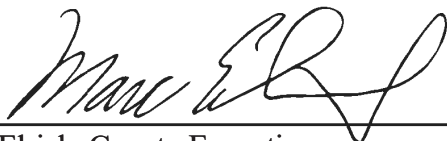


July 30, 2024

Andrew Friedson, President, County Council

Date

Approved:



August 8, 2024

Marc Elrich, County Executive

Date

This is a correct copy of Council action.



August 8, 2024

Sara R. Tenenbaum, Clerk of the Council

Date