

FAVORABLE: HB 1073 - Landlord and Tenant – Residential Leases – Prospective Tenant Criminal History Records Check (Maryland Fair Chance Housing Act)

Maryland Alliance for Justice Reform

Working together for a criminal justice system that better serves our communities



The Maryland Alliance for Justice Reform believes House Bill 1073 (HB 1073) is 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 HB 1073 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characteristic.³⁴ **On November 25, 2025, the Trump Administration’s Department of Housing and Urban Development rescinded both**

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

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>

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.

HB 1073 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 HB 1073 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.

HB 1073 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 HB 1073. 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 HB 1073 Fair Chance is a step in the right direction for all Marylanders.

The Maryland Alliance for Justice Reform urges a favorable report on HB 1073

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.>