



# Democratic Socialists of America

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Montgomery County, Maryland

## Testimony in Favor of Bill 8-24 Human Rights And Civil Liberties-Fair Criminal History And Credit Screenings

### What Is Bill 8-24?

Bill 8-24 was introduced by Council Member At Large Laurie-Ann Sales and co-sponsored by Council Members Katz and Glass. Bill 8-24 was drafted to strengthen our County's previous Ban The Box legislation prohibiting landlords or their agents from inquiring about a potential tenant's criminal history during the initial application process. The 2021 Ban The Box law already on the books essentially stipulates that a landlord has to allow a prospective tenant to present their general qualifications to rent and have them approved before any questions are posed about engagement with the criminal justice system. Big 8-24 requires landlords to post a notice about restrictions on asking about criminal records. Housing providers are also required to include their records of criminal and credit history screening in the annual housing survey they present to the County and allow denied prospective tenants to see it upon request.

### Background

In 2021 the County passed the Housing Justice Act prohibiting a landlord or agent from conducting a criminal record check or credit history before making an offer to rent to a prospective tenant. The Housing Justice Act also requires housing providers to include any criminal background and credit history requirements on their rental applications, prohibits consideration of certain types of arrests and convictions as well as source of income or other discriminatory factors. While the HJA does not guarantee that housing or job providers will not withdraw an offer because of an applicant's criminal history it was drafted to ensure that every person's qualifications be fairly considered first. A problem with the HJA is it is 'complaint based'. To take advantage of the protections of the HJA applicants must be aware of their rights under the law and file a complaint with County Office Of Human Rights before any action is taken on their behalf.

### How Bill 8-24 Strengthens The Protections Of The Housing Justice Act

1. Housing providers are required to *post a notice* about an applicant's rights against improper criminal history screening,
2. Housing providers are required to prove compliance under 8-24 by mandates that they *report completed addendum information* in their annual reports to the County. In other words, if they deny housing to an otherwise qualified applicant they have to state why,

3. Improve the County's understanding of the barriers faced by folks with criminal justice histories in the housing market by requiring housing providers to report to the County disaggregated data on the number and reasons for denied applications.

#### **Proposed Amendments To Bill 8-24.**

1. Require housing providers to *retain competed addendums*.
2. Require annual randomized audits from the Office Of Human Rights to ensure landlords are *presenting criminal history and other background screening addendum\** to *prospective tenants*.

\*An addendum is something that has been added to a book, speech, or document. In the case of a rental application it usually spells out the reasons the prospective tenant was refused a lease, e.g. criminal or credit history.

#### **Why Is MoCo DSA Supporting Bill 8-24?**

Bill 8-24 is in perfect alignment with the racial justice and housing justice work our branch has been engaged in over the past 4+ years. During the pandemic our group lobbied relentlessly to extend eviction protections. In 2023 MoCo DSA was one of the most active partners in getting Rent Stabilization Bill 15-23 passed by the County Council and signed into law by County Executive Elrich. We phone banked, handed out fliers, confronted our elected officials when necessary and canvassed our renter neighbors to gather the necessary support to get this big win. The work goes on as our members continue to go from building to building engaging renters about their rights as tenants.

#### **Important Considerations Supporting The Passage Of Bill 8-24**

1. One in three adults in the USA has a criminal record according to The Department Of Housing And Urban Development.
2. Black people make up 37% of the overall prison population despite accounting for just 13% of the general population. Black inmates accounted for 72.4% of Maryland state prisoners in 2023 although black people make up less than a third of our state's population. *Yes, housing discrimination against those ensnared by our criminal justice system clearly has a strong and disparate racial component.*
3. In 2016 HUD issued guidance explicitly recognizing the disparate racial impact of housing policies that exclude people on the basis of a criminal background. It held that such policies likely violate the Fair Housing Act.
4. People who are formerly incarcerated are ten times more likely to be homeless than the general population.
5. Housing insecurity is a significant factor associated with criminal recidivism. The ability of the formerly incarcerated to access safe, secure and affordable housing is critical for their successful reentry to society.
6. A study of Maryland's MOVE program found that addressing housing insecurity among the formerly incarcerated is beneficial to public safety.
7. The information collected from Bill 8-24 will be critical for monitoring and tracking progress on how we are removing barriers for those seeking housing in our County.

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