

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2023 Legislative Session

Bill No. CB-097-2023

Chapter No. 73

Proposed and Presented by Council Members Burroughs, Oriadha, Hawkins and Blegay

Introduced by Council Members Burroughs, Oriadha, Hawkins, Blegay, Watson, Ivey,
Dernoga, Fisher, Olson and Franklin

Co-Sponsors _____

Date of Introduction October 17, 2023

BILL

1 AN ACT concerning

2 Returning Citizens Fair Chance to Housing

3 For the purpose of alleviating housing discrimination suffered by returning citizens and those with
4 criminal convictions is their quest for adequate and suitable housing by prohibiting landlords from
5 making inquiries into a prospective tenant’s criminal history.

6 BY adding:

7 SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.

8 Sections 13-150 through 13-150.06

9 The Prince George's County Code

10 (2019 Edition; 2022 Supplement).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George’s County,
12 Maryland, that Sections 13-150 through 13-150.06 of the Prince George’s County Code be and the
13 same is hereby added:

14 **SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.**

15 **DIVISION 3. LANDLORD-TENANT REGULATIONS.**

16 **Subdivision 1. General Provisions.**

17 **Sec. 13-150. Legislative findings [Reserved].**

18 The County Council finds that the County’s returning citizens and those with criminal
19 convictions have been and continue to be subjected to discrimination in their quest for
20 adequate housing and that the subject discrimination creates a hindrance to those citizens

1 meaningful participation in society.

2 **Sec. 13-150.01 Definitions.**

3 (a) In this Subdivision the following terms shall have the denoted meaning.

4 (1) **Applicant** means any person who applies or intends to apply to lease or rent
 5 housing in the County to include any person who resides or will reside with a person
 6 who applies to lease or rent housing in the County.

7 (2) **Arrest** means apprehended, detained, taken into custody, held for investigation, or
 8 otherwise restrained by a law enforcement agency or military authority due to an
 9 accusation or suspicion that the person committed a crime.

10 (3) **Arrest Record** means information indicating that a person has been apprehended,
 11 detained, taken into custody, held for investigation, or otherwise restrained by a law
 12 enforcement agency or military authority due to an accusation or suspicion that the
 13 person committed a crime.

14 (4) **Conditional Offer** means an offer to rent or lease a Rental Housing Unit to an
 15 Applicant that is contingent on a subsequent inquiry into the applicant's Arrest
 16 Record, Conviction Record, Pending Accusation, or any other eligibility criteria
 17 that the Housing Provider may lawfully utilize.

18 (5) **Conviction** means a sentence arising from a guilty verdict, plea of guilty, plea of
 19 nolo contendere, or Alford plea including a sentence of incarceration, a fine, a
 20 penalty, suspended sentence, or a sentence of probation. Conviction does not mean
 21 a probation before judgment.

22 (6) **Conviction Record** means information regarding a sentence arising from a guilty
 23 verdict, plea of guilty, plea of nolo contendere, or Alford plea including a sentence
 24 of incarceration, a fine, a penalty, suspended sentence, or a sentence of probation
 25 to include a finding of abuse pursuant to § 3-1505 of the Courts and Judicial
 26 Proceedings Article of the Maryland Code, § 4-506 of the Family Law Article of
 27 the Maryland Code, or extreme risk pursuant to § 5-605 Public Safety.

28 (7) **Housing Provider** means a landlord, an owner, lessor, sublessor, assignee, or their
 29 or its agent, or other person receiving or entitled to receive rents or benefits for the
 30 use or occupancy of any Rental Dwelling Unit. Housing Provider includes the
 31 County government, but not the United States, the State, or any other local

1 government.

2 (8) **Inquiry or Inquire** means any direct or indirect conduct intended to gather
 3 criminal history information from or about an Applicant using any method,
 4 including application forms, interviews, or criminal history checks.

5 (9) **Pending Accusation** means an existing written accusation that the Applicant has
 6 committed a crime, abused another, or is at risk of endangering another in the form
 7 of an indictment, information, petition for extreme risk protective order, petition
 8 for peace order, or petition for protective order.

9 (10) **Rental Housing Unit** means a dwelling unit offered for rent by a Housing Provider
 10 for residential purposes, other than a dwelling unit in an owner-occupied premises
 11 of not more than three (3) units.

12 **Sec. 13-150.02 Inquires into certain arrest, accusations, and convictions.**

13 (a) A Housing Provider may not make an inquiry into or consider a previous arrest of an
 14 Applicant if it did not result in a conviction.

15 (b) Before making a conditional offer, a Housing Provider shall not make an inquiry or
 16 inquire into or require an Applicant to disclose or reveal an Arrest, Conviction, or
 17 Pending Accusation.

18 (c) Before accepting an application fee, a Housing Provider must disclose, in writing, to the
 19 Applicant:

20 (1) The Housing Provider’s eligibility criteria that includes the financial, the
 21 employment, and the rental history utilized in deciding whether to rent or lease a
 22 Rental Housing Unit; and

23 (2) A statement that the Applicant may provide evidence demonstrating any
 24 inaccuracies in the Applicant’s Arrest Record, Conviction Record, or Pending
 25 Accusations and that the Applicant may provide evidence of rehabilitation or other
 26 mitigating factors.

27 **Sec. 13-150.03 Conditional offers.**

28 (a) After making a Conditional Offer, a Housing Provider may only consider an Applicant’s
 29 Conviction that has occurred within seven (7) years of the application date that is for one
 30 (1) or more of the following enumerated crimes that were committed in the State of
 31 Maryland, any other State in the United States, the District of Columbia, the United

1 States, or any United States territory:

- 2 (1) Arson in the first or second degree under §§ 6-102 or 6-103 of the Criminal Law
3 Article of the Maryland Code;
- 4 (2) Adult sexual displays under §§ 11-102, 11-103, 11-104, 11-104.01, or 11-105 of
5 the Criminal Law Article of the Maryland Code;
- 6 (3) Indecent Exposure under § 11-107 of the Criminal Law Article of the Maryland
7 Code;
- 8 (4) House of Prostitution under § 11- 303 of the Criminal Law Article of the Maryland
9 Code;
- 10 (5) Receiving earnings of prostitute under § 11-304 of the Criminal Law Article of the
11 Maryland Code;
- 12 (6) Using building, structure, or conveyance for prostitution or assignation under § 11-
13 307 of the Criminal Law Article of the Maryland Code;
- 14 (7) Abduction of child under 16 under § 11-305 of the Criminal Law Article of the
15 Maryland Code;
- 16 (8) Injury to or interference with property - Acting with intent to hinder defense-related
17 activity under § 9-702 of the Criminal Law Article of the Maryland Code;
- 18 (9) Child pornography under § 11-207 of the Criminal Law Article of the Maryland
19 Code;
- 20 (10) Sale or display of obscene item to minor under § 11-203 of the Criminal Law
21 Article of the Maryland Code;
- 22 (11) Criminal organization activity under § 9-802 of the Criminal Law Article of the
23 Maryland Code;
- 24 (12) Participation in criminal organization under § 9-804 of the Criminal Law Article of
25 the Maryland Code;
- 26 (13) Criminal organization under § 9-805 of the Criminal Law Article of the Maryland
27 Code;
- 28 (14) Representation of destructive device under § 9-505 of the Criminal Law Article of
29 the Maryland Code;
- 30 (15) Escape in the second degree device under § 9-405 of the Criminal Law Article of
31 the Maryland Code;

- 1 (16) Exploitation of vulnerable adults under § 8-801 of the Criminal Law Article of the
- 2 Maryland Code;
- 3 (17) Counterfeiting United States currency with intent to defraud under § 8-604 of the
- 4 Criminal Law Article of the Maryland Code;
- 5 (18) Possessing or issuing counterfeit United States currency under § 8-604.1 of the
- 6 Criminal Law Article of the Maryland Code;
- 7 (19) Malicious destruction under § 6-301 of the Criminal Law Article of the Maryland
- 8 Code;
- 9 (20) Disarming a law enforcement officer under § 4-103 of the Criminal Law Article of
- 10 the Maryland Code;
- 11 (21) Manufacture or possession of destructive device § 4-503 of the Criminal Law
- 12 Article of the Maryland Code;
- 13 (22) Rape in the first or second degree under §§ 3-303 or 3-304 of the Criminal Law
- 14 Article of the Maryland Code;
- 15 (23) Attempted rape in the first or second degree under §§ 3-309 or 3-310 of the
- 16 Criminal Law Article of the Maryland Code;
- 17 (24) Sexual offense in the third or fourth degree under §§ 3-307 or 3-308 of the Criminal
- 18 Law Article of the Maryland Code;
- 19 (25) Murder in the first or second degree under §§ 2-201 or 2-202 of the Criminal Law
- 20 Article of the Maryland Code;
- 21 (26) Attempt murder in the first or second degree under §§ 3-205 or 3-206 of the
- 22 Criminal Law Article of the Maryland Code; or
- 23 (27) Manslaughter under § 3-207 of the Criminal Law Article of the Maryland Code.

24 **Sec. 13-150.04 Rescission of conditional offer.**

- 25 (a) A Housing Provider may withdraw a Conditional Offer based on an Applicant's
- 26 Conviction Record only if the housing provider determines, on balance, that the
- 27 withdrawal achieves a substantial, legitimate, nondiscriminatory interest.
- 28 (b) The Housing Provider's determination of a nondiscriminatory interest shall be
- 29 reasonable in light of the following factors:
- 30 (1) The nature and severity of the criminal offense;
- 31 (2) The age of the applicant at the time of the occurrence of the criminal offense;

- 1 (3) The time which has elapsed since the occurrence of the criminal offense;
- 2 (4) Any information produced by the applicant, or produced on the applicant's behalf,
- 3 in regard to the applicant’s rehabilitation and good conduct since the occurrence
- 4 of the criminal offense;
- 5 (5) The degree to which the criminal offense, if it reoccurred, would negatively
- 6 impact the safety of the housing provider’s other tenants or property; and
- 7 (6) Whether the criminal offense occurred on or was connected to property that was
- 8 rented or leased by the applicant.

9 (c) If a Housing Provider withdraws a Conditional Offer, the Housing Provider shall provide
 10 the applicant with written notification that includes, with specificity, the reason or
 11 reasons for the withdrawal of the Conditional Offer and a notice that advises the
 12 Applicant of the Applicant’s right to file a complaint with the Office of Human Rights.

13 (d) The Applicant may request, within 20 days after the housing provider’s notice of the
 14 recession, that the Housing Provider provide the applicant a copy of all information that
 15 the Housing Provider relied upon in considering the Applicant, including the Conviction
 16 Record(s). The Housing Provider shall provide the requested information at no charge
 17 to the Applicant, within ten (10) days after a timely request.

18 **Sec. 13-150.05 Exclusions.**

19 (a) This Subdivision shall not apply:

- 20 (1) To a Housing Provider that owns and occupies a premise the includes no more than
- 21 three (3) rental units;
- 22 (2) A Rental Housing Unit by any religious corporation, association, or society to a
- 23 person of a particular religion whose rental or leasing therein is connected with the
- 24 carrying on by such corporation, association, or society of its religious activities; or
- 25 (3) Where a federal law or regulation or law of this State otherwise allows for denial
- 26 of an Applicant due to certain criminal conviction(s).

27 **Sec. 13-150.06 Enforcement, penalties.**

28 (a) Filing a complaint with the Office of Human Rights shall be an Applicant’s only and
 29 exclusive remedy, and an Applicant aggrieved by any Section of this Subdivision shall
 30 have no private cause of action in any court based on a violation of this subdivision.

31 (b) The Office of Human Rights shall have the authority to award damages to an aggrieved

Applicant pursuant to Section 2-195.01, Subdivision 3, Division 12, Subtitle 2 of the Prince Georges County Code.

SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the same would have been enacted without the incorporation in this Act of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection, or section.

SECTION 3. BE IT FURTHER ENACTED that a previously existing obligation or contract right may not be impaired by this Act.

SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect on forty-five (45) calendar days after it becomes law.

Adopted this 14th day of November, 2023.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

BY: _____
Thomas E. Dernoga
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks

County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

* * * * *