



KNOW YOUR RIGHTS

Discrimination against Returning Citizens in Housing

Is it unlawful discrimination to deny housing to someone solely because of an arrest or conviction record?

In some cases, it may be considered unlawful discrimination to deny housing to someone solely because they have been arrested or convicted of a crime.

If a landlord's policy denies housing to people of one race more often than others, it may violate Maryland and federal civil rights laws. Since persons of color are more likely than White people to have been arrested or convicted, a ban that denies a person who has been arrested or convicted will more often exclude Persons of Color. This is sometimes called "disparate impact." A landlord's practice may violate the law even if the landlord did not intend to discriminate.

A landlord may refuse to rent to someone with an arrest or conviction if the crime suggests that the person poses a legitimate risk to the safety or property of others. In making this decision, the landlord must consider the nature of the crime for which the person was convicted and how long ago it occurred.

Can a landlord ask about a conviction on a housing application?

Generally, yes.

In Montgomery County specifically, landlords cannot ask about arrests, accusations of crime, or criminal convictions in the application process until a conditional offer is made.

Does the landlord have to consider rehabilitation?

Yes. If a landlord refuses to rent because of an arrest or conviction, the landlord must give the person applying to rent a chance to explain any special circumstances or offer evidence of rehabilitation.

Do these rules apply to all landlords

No. There are exceptions for some landlords. For example, landlords that have fewer than five units and the landlord lives on the property are exempt from certain provisions.

What are the signs that discrimination may be taking place?

The following may be signs of discrimination:

- A landlord automatically rejects any applications of potential renters who have marked "yes" to having a felony conviction.
- A landlord advertises "no felony convictions" or "clean criminal record only."
- A landlord refuses to accept a rental application after learning of an arrest or conviction record.
- A landlord refuses to rent to a tenant because they were in prison 25 years ago, even though they've had no legal issues since.

If you believe you have been discriminated against, you can:

Report it to the Civil Rights Division of the Attorney General:

- Online: <https://www.marylandattorneygeneral.gov/Pages/CivilRights/default.aspx>
- By phone: 410-576-6300





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If you believe you have been discriminated against, you may also:

File with the U.S. Equal Employment Opportunity Commission (EEOC):

- **Online:** <https://publicportal.eeoc.gov/Portal/Login.aspx>
- **By phone:** 1-800-669-4000

Seek assistance from:

- **Maryland Reentry Resource Center:** Provides a variety of reentry resources and support services. mdrrc.org; Phone: 410-429-0107
- **Legal Aid:** Provides a full range of free civil legal services to low-income individuals throughout the state. <https://www.mdlab.org/>; Phone: 888-465-2468

File with a Human Rights Agency

- **Maryland Commission on Civil Rights**
<https://mccr.maryland.gov/Pages/Intake.aspx>
- **Anne Arundel County Human Relations Commission**
<http://www.aacounty.org/human-relations-commission/fair-housing/complaint-form>
- **Baltimore City Office of Equity & Civil Rights**
<https://civilrights.baltimorecity.gov/>
- **Baltimore County Human Relations Commission**
<https://www.baltimorecountymd.gov/boards-commissions/human-relations-commission>
- **Calvert County Commission on Human Relations**
410-535-1600
- **Carroll County Human Relations Commission**
410-795-8521
- **Frederick County Human Relations Commission**
<https://frederickcountymd.gov/1515/Filing-Discrimination-Complaints>
- **Harford County Human Relations Commission**
<https://www.harfordcountymd.gov/465/Human-Relations-Commission>
- **Howard County Office of Human Rights & Equity**
https://services.howardcountymd.gov/hcportal?id=sc_cat_item_311&sys_id=36e2f5451b8eb090b24c8734604bcb0e
- **Montgomery County Office of Human Rights**
<https://montgomerycountymd.seamlessdocs.com/f/ud63zq3g23i9>
- **Prince George's County Human Relations Commission**
<https://www.princegeorgescountymd.gov/FormCenter/Human-Rights-31/Discrimination-InquiryConsulta-de-discri-172>
- **St. Mary's County Human Relations Commission**
<https://www.stmaryscountymd.gov/Boards/46/>

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