

Worksheet for Requesting and Considering an Individualized Assessment under Maryland's Fair Chance Housing Act When Assessing Applicants for Housing Who Have Criminal Convictions

Applicant's Name: _____

Applicant Contact Information: _____

Property Name and Address: _____

Date: _____

Reviewer's Name: _____

Reviewer's Title: _____

Reviewer Contact Information: _____

Instructions

This worksheet was developed by the Maryland Department of Housing and Community Development to provide a guide for prospective tenants and housing providers requesting and considering an individualized assessment under Maryland's Fair Chance Housing Act.

For Prospective Tenants: The first section guides prospective tenants through requesting an individualized assessment. You should complete the first section of the worksheet and submit it to the housing provider along with any supporting documentation. You can use this worksheet to guide your request even if the housing provider did not give it to you to use. If the housing provider requires you to use a different form or format for making an individualized assessment request, we recommend reviewing this worksheet to better understand what the housing provider is required to review and what information and documentation you should consider providing.

For Housing Providers: The second section guides housing providers through the factors you must or can take into consideration during an individualized assessment. You can use the worksheet to guide your assessments in compliance with Maryland's Fair Chance Housing Act.

As a reminder:

- Arrests and criminal charges that were resolved without conviction may not be considered.

- Juvenile records, arrests, misdemeanors, or any expunged, vacated, or sealed records may not be considered.
- Convictions for crimes that are no longer illegal in the state of Maryland may not be considered.
- Under the Fair Chance Housing Act, housing providers cannot require applicants to submit to drug or alcohol testing or consent to releasing information about their participation in treatment for substance use disorders. However, an applicant can voluntarily disclose their participation in treatment or prevention programs as evidence of their rehabilitation.

Third party documentation is not required under the Fair Chance Housing Act. However, providing it may improve the strength of your individualized assessment request. Third party documentation could include:

- Certificates from programs that have supported your rehabilitation, including programs you participated in while in prison
- Letters of support from:
 - Past housing providers
 - Previous neighbors
 - Employers
 - Probation officers
 - Religious community leaders
 - Community organizations you participate in or volunteer with
 - Social service providers, caseworkers, counselors, etc.
 - Past legal counsel
- Proof of employment and/or participation in job readiness programs
- Educational progress, including coursework, grades, attendance, etc.
- Department of Corrections (DOC) records
- Court documents

For the Applicant: Individualized Assessment and Evidence of Rehabilitation

You are not required to provide an answer to every question. Please note when you feel a question is not applicable to you or your situation.

The information contained in the criminal history records check that you relied on and shared with me contains inaccurate convictions.

- ☐ Yes
☐ No

1) How old were you at the time of the crime? _____

2) What year did the criminal offense(s) that you were convicted of occur? _____

3) Where did the criminal offense occur? Did the criminal offense occur on a property where you were living? _____

4) Did the crime[s] you were convicted of have a direct impact on the property where you were living or the safety of other tenants living at the property?

5) What family and community supports are available to support your rehabilitation?

6) If programs to support your rehabilitation were available at your prison, what programs did you participate in while incarcerated?

7) What other steps have you taken for rehabilitation since your release from prison?

8) If you are subject to probation requirements, have you remained in compliance with those requirements?

9) If you have a disability and your criminal conviction was related to your disability, will a reasonable accommodation reduce or eliminate risk?

10) Are there any other mitigating factors that should be considered?

I affirm, under penalty of perjury, that the statements and documentation provided for my individualized assessment are true and correct.

Signature: _____

Print Name: _____

Date: _____

Housing Provider Review

1) Were you able to confirm that there were inaccuracies in their criminal history record you used to make your initial determination not to rent to the applicant?

2) What is the nature and severity of the criminal conviction?

3) Using the questions below to guide your analysis, has the applicant shown evidence of rehabilitation and good conduct?

A. If applicable, has the applicant participated in drug or alcohol rehab?

(A lack of response cannot be used against the applicant.)

☐ Yes

☐ No

B. Has the applicant participated in and completed other types of rehabilitative programming? What type?

☐ Yes

☐ No

C. Does the applicant have any letters of recommendation from members of the community? If so, please note who the writers are and their relationship to the applicant.

☐ Yes

☐ No

D. Has the applicant sought and maintained employment after their conviction or release from incarceration?

☐ Yes

☐ No

E. Has the applicant participated in and/or completed a job readiness course or program?

☐ Yes

☐ No

F. If the applicant has had difficulty finding employment, have they been spending their time productively? Examples include community engagement or volunteer work.

- ☐ Yes
☐ No

G. Has the applicant's parole officer or a member of law enforcement shared a statement on whether the applicant is rehabilitated?

- ☐ Yes
☐ No

H. Are there any other factors that relate to the applicant's rehabilitative efforts and current lifestyle that may be relevant to their application for housing?

- ☐ Yes
☐ No

1) Would a recurrence of the same criminal activity would negatively impact the safety of other tenants or the property?

2) Are other household members adversely impacted if housing is denied?

Determination

Based upon consideration of all the factors discussed in previous sections, is this applicant eligible for housing in your property?

As a reminder, under the Fair Chance Housing Act, a housing provider's decision to rent units to applicants with criminal histories may not be the basis for a civil claim against a housing provider.

You are required to provide a specific reason for withdrawing a conditional offer. Housing providers can only deny an application because of a felony conviction that occurred within the last five years if it is necessary to fulfil a substantial, legitimate, and nondiscriminatory interest.
