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Attorney General Brown Co-Leads Coalition Supporting HUD Efforts to Remove Unnecessary Exclusions from Public Housing Based on Criminal Records

BALTIMORE, MD (June 10, 2024) –Attorney General Brown, along with the attorneys general of Massachusetts, New Jersey, and Pennsylvania, today led a coalition of 14 attorneys general advocating for U.S. Department of Housing and Urban Development (HUD) to standardize the federal rules on screening public housing applicants with criminal records.

The coalition’s [comment letter](#) responds to a HUD notice of proposed rulemaking. In the notice, HUD sought comments on a proposed amendment to its regulations concerning the use of criminal records in housing decisions. In its letter, the coalition of attorneys general expressed support for HUD’s proposed rule that would standardize practices of criminal history screenings across HUD programs and provide individuals with criminal records a fair chance at accessing housing.

“People living with criminal records must have fair and equitable access to housing so they can start rebuilding their lives,” **said Attorney General Brown**. “Common-sense standards for housing authorities who make these decisions will help eliminate discriminatory policies and practices. We must remove unfair barriers to this basic human need.”

In our nation, Black, Brown, and Native communities face higher rates of arrest and incarceration compared to other communities. Housing instability is a known driver of the likelihood of recidivism, or re-imprisonment, but securing safe, decent, and affordable housing continues to be an overwhelming and often unsuccessful process for those with criminal records. The proposed rule will improve access to housing, reduce the inequitable impact on access to housing based on race, and promote public safety.

HUD’s proposed rule creates a standard three-year lookback period for considering criminal history, ensuring that only recent and relevant criminal activity is considered. Additionally, the proposed rule would restrict the denial of housing solely based on an applicant’s arrest record. In cases where an applicant is denied due to criminal history screening, Public Housing Authorities

(PHAs) will now be required to do an individual assessment whereby the applicant may be permitted provide additional information to their application. The coalition supports these provisions but asks HUD to provide more clarity on several aspects. Specifically, the coalition requests that the proposed rule clarify and limit the extent to which evidence of criminal activity, without a conviction, may be considered at all in screening determinations without prompting serious concerns under the Fair Housing Act (FHA). The coalition recognizes many benefits that a reasonable lookback period would provide, and, therefore, supports HUD in exercising its statutory authority to create such a period. However, the coalition believes HUD could improve the regulations by providing more guidance to PHAs and HUD-assisted housing providers.

Joining Attorney General Brown and the attorneys general of Massachusetts, New Jersey, and Pennsylvania in submitting today's comments are the attorneys general of Colorado, Delaware, the District of Columbia, Illinois, Maine, Minnesota, Nevada, New York, Oregon, and Vermont.

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